



UPDATE ON THE ARBITRATION PROCEEDINGS: IMPLEMENTATION OF PSCBC RESOLUTION 1 OF 2018

JUNE 2020

Comrades, this bulletin serves to update members on the Arbitration proceedings in relation to the Implementation of PSCBC Resolution 1 of 2018.

The Arbitration commenced on Monday, 22nd June 2020 chaired by Commissioner Molotsi, who established the readiness of all parties for the hearing. The national union made a proposal to deal with pre-arbitration minutes which were consolidated and agreed to by all unions involved in the dispute.

Representatives from the Department of Public Service and Administration (DPSA) and National Treasury requested an interval to look at the minutes and came back with a proposal for a settlement for consideration thereafter. The proposed settlement by the employer was the same proposal made in the conciliation process which we outrightly rejected and viewed such as delay tactics by DPSA.

The employer then tabled a request to postpone the matter pending a labour court process filled by another union that is not a signatory to the agreement. Again, we vehemently rejected the request by the employer. The employer indicated that nevertheless it will continue with the application to fill on Friday, the 26th June 2020. We objected to their postponement application and the Commissioner ruled that:

The arbitration must be reconvened in the afternoon of Monday, 22 June 2020 for the presentation of the minutes to the Commissioner. The arbitration resumed in the afternoon as per the ruling of the Commissioner and received presentations of the minutes which pointed to the following areas:

(a) Preliminary points

- DPSA is intending to file a written application for postponement of the matter in terms of rule 28 of the PSCBC dispute resolution rules.
- DPSA reserves its right to raise any necessary jurisdictional points in their application that will be filed on the 26th June 2020.

(b) On issues in dispute:

- the union's contention that the employer is obliged to implement clause 3.3 of the PSCBC Resolution 1 of 2018
- The employer argues that the wage bill has become unaffordable and they contend that the enforcement of clause 3.3 is against the public policy and it is impossible.



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(c) Issues to be decided by the Arbitrator

- The issue is to enforce the Employer to comply with the terms of the collective agreement and implement clause 3.3 as is.

(d) Dates for the Arbitration

- The arbitration will be convened for 2 days in the second week of July 2020 on the 07th and 08th July 2020.

The Commissioner stated that should DPSA wish to stay the proceedings in the PSCBC pending the finalisation of the Labour Court matter, they would have to approach the Labour Court on an urgent basis as the PSCBC would not have powers to stay the arbitration based on a pending Labour Court matter.

In dealing with the application for postponement of the matter by the DPSA, they will file a detailed application on the 26th June 2020, whilst respondents will answer by the 1st July 2020 and DPSA will in turn file their reply (if necessary) on the 03rd July 2020 and the Commissioner will issue a ruling in writing by the 06th July 2020.

Clearly, the employer is using delay tactics on this matter given the fact that the employer has never attempted to postpone the matter during the conciliation process and this confirms their refusal and arrogance to resolve the dispute.

The national union shall continue updating members on the developments of the arbitration process.

END.

Tel:- 011 833 2902 | Email:- info@nehawu.org.za | Website:- www.nehawu.org.za

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