

FOR PSA MEMBERS: PUBLIC SERVICE COORDINATING BARGAINING COUNCIL
(PSCBC)

03-06-2021

UPDATE: Public Service wage dispute

Members are aware that the PSA declared a dispute in respect of Public Service wage negotiations for the 2021/22-financial year. The conciliation hearing was held in 3 June 2021.

At commencement of the conciliation, the employer raised a point *in limine* that the Commissioner does not have the jurisdiction to hear the matter as the referral is premature. In short, the employer argued that the majority parties were still engaged in negotiations whilst the PSA had declared a dispute. The employer requested ten days to submit its arguments (jurisdictional point) in writing. The PSA strongly objected to the time required by the employer to submit its arguments. The PSA indicated that two days were sufficient for the employer to submit arguments whereafter the PSA will be allowed two days to respond. Parties eventually agreed to allow the employer three days to submit its written arguments whereafter the PSA will be allowed two days to respond. The employer will then be given two days to respond to the PSA's reply.

In terms of the Dispute Resolution Procedure of Council and the *Labour Relations Act*, once the PSA has filed its dispute, the conciliation process must take place within 30 days. If the matter remains unresolved within this 30-day period, the PSA is issued with a certificate, stating that the matter is unresolved.

It must be stated clearly that the PSA did not agree to the extension of the life span of the conciliation. The 30 days are therefore still applicable. If no jurisdictional ruling is received on or before 11 June 2021, the PSA will have the right to embark on the process of industrial action.

This is once again a strategy by the employer to unduly delay the process and deprive the PSA of its Constitutional right to strike. Despite having declared a dispute, the PSA made every attempt during the conciliation process to engage the employer on the offer tabled to other unions but without success. The employer solely concentrated on the jurisdictional issues, thereby frustrating the process.

Members will be informed of developments.

GENERAL MANAGER