

## Wage dispute and leave encashment dispute

### Wage dispute

Members are aware that the employer failed to implement the final leg of the three-year wage agreement. Members were previously informed that the PSA filed an application to the High Court in Pretoria to enforce the dispute. Members should take note that the PSA filed a founding affidavit after which SARS and the Minister filled their answering affidavit. On 8 October 2021, the PSA filled its replying affidavit and therefore the matter is ready to be set down by the High Court to be argued. The employer made a counter application, alleging that the three-year, multi-term agreement was unlawful and that it is seeking the Court to declare that the agreement is unlawful. This part of the dispute is not yet ready to be set down by the High Court and unfortunately the counter application must be heard together with the PSA's main application to enforce the agreement. It will, however, only slightly delay court proceedings and the PSA's attorneys are working hard to ensure that the matters are heard as soon as possible.

The PSA was approached by numerous members, enquiring why it did not declare a dispute at the CCMA for the interpretation and application of the collective agreement. The PSA's view in this regard is simply that parties are well aware of the terms of the agreement and that the CCMA will lack jurisdiction to hear such a case and therefore the only option is to enforce the collective agreement through the courts. Such an enforcement dispute takes longer than a CCMA arbitration, but it is the correct manner to deal with the dispute and will ultimately be the quickest to be resolved. The CCMA recently ruled against unions that decided to refer such disputes to the CCMA and confirmed the PSA's position that the CCMA will lack jurisdiction to arbitrate over disputes in which one party failed to implement the collective agreement.

Members are requested to bring the above information to the attention of all SARS employees as the refusal to implement the last leg of the wage agreement affects all SARS employees in the bargaining unit. Members can also provide their friends and colleagues with the *attached* PSA application form to join the PSA, which will assist greatly in efforts to ensure that the 6.2%-salary increase with effect from 1 April 2021 is implemented for all PSA members when the Court rules on the matter. Completed application forms can be sent to the respective PSA Provincial Offices or provincial FTSS. The electronic application form can be completed by workers even whilst they are working from home.

### Leave encashment dispute

Members are aware that the employer failed to pay the unused leave to qualifying employees. The employer also indicated that it does not intend to continue with this practice. The PSA declared a dispute

at the CCMA. An application was made to the CCMA to join Nehawu to the PSA dispute since the PSA dispute was already at arbitration stage. The CCMA ruled that this should happen and set down the matter to be arbitrated on 29 October 2021. Further updates will be provided once the arbitration started.

The PSA wants to take this opportunity to wish all employees who are unwell owing to COVID-19 a safe and speedy recovery.

GENERAL MANAGER