



NATIONAL ECONOMIC DEVELOPMENT AND LABOUR COUNCIL

**NEDLAC CERTIFICATE ON THE SECTION 77 (1) (B) NOTICE
FILED BY THE INFORMATION COMMUNICATION TECHNOLOGY UNION, NATIONAL
UNION OF PUBLIC SERVICE AND ALLIED WORKERS; AND SOUTH AFRICAN
LIBERATED PUBLIC SERVICE WORKERS UNION
IN RESPECT OF
THE SECTION 77 (1) (B) NOTICE ON NATIONAL MINIMUM WAGE, ECONOMIC POLICY
AND FREE EDUCATION**

1. INTRODUCTION

- 1.1. NEDLAC received a joint notice of possible protest action, dated 09 December 2016, in terms of Section 77 (1) (b) of the Labour Relations Act 66 of 1995. The notice was received from the Information Communication Technology Union (ICTU), South African Liberated Public Service Workers Union (SALIPSWU) and National Union of Public Service and Allied Workers (NUPSAW).
- 1.2. The notice outlined the Applicants' demands on the challenges relating to the National Minimum Wage, Economic Policy and the inability of government to provide free, effective and appropriate education at all levels.
- 1.3. It cited the following Respondents:
 - 1.3.1. The Presidency
 - 1.3.2. Ministry of Finance
 - 1.3.3. Department of Trade and Industry
 - 1.3.4. Department of Basic Education

1.3.5. Department of Higher Education and Training

2. PROCESS AT NEDLAC

2.1. The Section 77 Standing Committee scheduled meetings with the Applicants and Respondents on the following dates:

- 2.1.1. 20 January 2017
- 2.1.2. 21 February 2017
- 2.1.3. 06 March 2017
- 2.1.4. 06 April 2017
- 2.1.5. 24 May 2017
- 2.1.6. 03 July 2017
- 2.1.7. 29 September 2017

2.2. Summary of engagements:

2.2.1. The Section 77 Standing Committee convened a meeting with the Applicants on 20 January 2017 to obtain clarity on the listed demands. Having obtained clarity on the demands, the Committee deemed the notice as compliant with the administrative requirements of the Labour Relations Act. It also resolved to convene a plenary meeting with the Applicants and Respondents in order to address the issues raised on the notice.

2.2.2. A date for the meeting with the Standing Committee, Respondents and the Applicants was proposed for 01 February 2017; however, the Applicants were not available. The meeting was subsequently convened on 21 February 2017. At the meeting, the Applicants raised concerns that the delegation had no mandate to engage on the issues. The meeting resolved that the Respondents would consult their principals and seek a mandate to engage.

2.2.3. The next meeting was held on 06 March 2017. The Respondents presented detailed input in response to Applicants' demands. The Applicants undertook to consider and consult on the responses and revert to the Standing Committee.

- 2.2.4. At the meeting held on 06 April 2017, a deadlock was reached on the issues of National Minimum Wage and Economic Policy.
- 2.2.5. The Applicants requested to consult their principals and revert to the Standing Committee on whether they would retain the issue of education in their notice. The Applicants subsequently reported at the meeting held on 24 May 2017, that they would engage further with the Respondents on education.
- 2.2.6. It was therefore agreed that the Department of Higher Education and Training would present at the next meeting on item 3 (a) of the notice, which related to the functions of National Student Financial Aid Scheme (NSFAS).
- 2.2.7. The Respondent presented on the issue at the meeting held on 03 July 2017. The Applicants stated that the presentation did not address their demand for free education for all, as the Respondent was only addressing the issue of free education for the poor and “missing middle” students.
- 2.2.8. It was agreed that the Applicants would further consult their principals to consider whether they would await the finalisation of the report by the Presidential Commission for Higher Education and determine whether the report addressed the challenges outlined in the notice. The Applicants would also decide on whether there was a room for further engagements.
- 2.2.9. The Applicants undertook to respond to the Standing Committee on 10 July 2017 with regards to the way forward. The Applicants then requested for an extension of the engagement process as they were still formulating their response.
- 2.2.10. The Applicants reverted to the Standing Committee with their response and requested a plenary session.
- 2.2.11. A plenary session was held on 29 September 2017. The Applicants in their response acknowledged that some of the issues raised in their

notice were addressed; however, the proposed mechanisms by the Respondent remained inadequate to solve challenges in the education system.

3. DECLARATION

Given these circumstances, the Standing Committee declared that the issues that gave rise to the Section 77 (1) (b) notice filed by ICTU, SALIPSWU and NUPSAW could not be resolved. The Standing Committee therefore deemed this Section 77 (1) (b) notice as having been considered in terms of the Labour Relations Act.

Signed at ROSEBANK on this 05 day of OCTOBER 2017.



**MADODA VILAKAZI
EXECUTIVE DIRECTOR**