



NEHAWU WELCOMES LABOUR COURT RULING IN THE MATTER BETWEEN THE UNION AND IEC ON THE IMPLEMENTATION OF RESTRUCTURING PROCESSES

MEDIA STATEMENT FOR IMMEDIATE RELEASE

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The National Education, Health and Allied Workers' Union [NEHAWU] welcomes the Labour Court ruling in the matter between the union and the Independent Electoral Commission in relation to the implementation of restructuring processes.

In 2016, the union demanded an organisational review on the basis that our members and workers were underpaid by the Independent Electoral Commission [IEC]. This process was done through in 2018 through the Peterson Job Grading System, the net effect was that posts occupied by our members had to be upgraded but also those occupied by senior managers.

During November 2018, the IEC CEO announced through written communication the implementation of the new organogram with the effect of upgrading posts in the IEC. This culminated into an agreement between NEHAWU and IEC in May 2019 to implement by September 2019.

The IEC reneged on the agreement, prompting the union to refer unfair labour practice dispute under the auspice of the Commission for Conciliation Mediation and Arbitration [CCMA] which was concluded in 2020 in favour of the union for the IEC to implement the restructuring agreement.

In 2020, the IEC filed a review application in the Labour Court contesting the reasonableness of the award. Two key areas of argument were raised by the IEC on 19 September 2025 when the matter proceeded before the Labour Court. The first argument related to the misguided assertion that the dispute involves a new policy which is not in place therefore does not constitute unfair labour practice. The second argument was basically a backup in the event the first argument collapsed, because it related to unaffordability to honour the agreement if the courts were to find that it is binding upon them.

On 16 March 2026 the Labour Court delivered judgment in favour of NEHAWU and dismissing the two points raised by the IEC. In the main the court exposed the IEC's first argument to be a misguided jurisdictional point and the Labour Court confirmed that the agreement on the organisational review is an existing agreement that was already binding at that time. Therefore, the IEC is expected to comply with the court judgment.

END

Issued by NEHAWU Secretariat.

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