

Magistrates go on strike today

For the first time in South Africa's judicial history, magistrates will go on strike today (18 March).

Throughout the country, judicial officers in the lower courts will postpone the criminal and civil cases before them.

The first phase of the magistrates' strike over salaries will begin today (18 March) and is expected to intensify next week. Two years ago, magistrates threatened similar action but decided against it.

"It's like a game of chess. We are now waiting for the next move. We are giving [the Department of Justice] a week to reconsider its offer before we intensify [a] strike that could bring courts to a standstill," said Judicial Officers' Association of SA president Nazeem Joemath on Sunday (17 March).

"Everybody said 'let's engage more' but now everyone can see that we haven't moved forward in the past two years,"

Justice Department spokesman Mthunzi Mhaga said acting magistrates would be called on to preside over cases this week.

"As part of contingency measures, regional court presidents, chief magistrates and other heads of the magistracy, assisted by court managers, will monitor the courts and will make necessary arrangements for acting appointments where necessary to augment the [shortfalls] that might arise due to the participation of the association's members in the strike," he said.

Warning

Mhaga warned that striking magistrates ran the risk of disciplinary action being taken against them, or impeachment.

"If they deliberately postpone matters that really should go ahead, that is misconduct. They know what they are doing is unlawful and they will face the consequences," he added.

Mhaga said the Department of Justice would continue to negotiate with the association in an attempt to find an amicable solution.

However, until such time that the matter was resolved, the department - in conjunction with the State Information Technology Agency - is putting "extraordinary measures" in place to ensure that the 5.5% salary adjustments for magistrates are implemented by 15 April and backdated to 1 April last year.

The percentage adjustment was recommended by the Independent Commission for the Remuneration of Public Office

Bearers, headed by Judge Willie Seriti.

Last week, parliament approved the adjustment to the salaries of 1,912 magistrates despite the threat of strike action, saying it was "in no position, nor did it feel it would be appropriate, for it to interrogate recommendations of the independent commission".

Magistrates say the 5.5% increase is too little and they are demanding that they be placed on the same remuneration structure as judges, which could lead to their salaries doubling .

The Association of Regional Court Magistrates has argued that it was not adequately consulted by the commission before it made its recommendation to President Jacob Zuma.

The dispute is the subject of a Constitutional Court case brought by the magistrates' association.

Source: *The Times* via I-Net Bridge

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