



Default Award

Case Number: ECEL4138-25
Commissioner: Elizabeth Tom
Date of Award: 19 Feb-2026

In the **ARBITRATION** between

PSA obo Kannemeyer, X

(Union/Applicant)

and

SASSA

(Respondent)

Details of hearing and representation

1. This is an award in respect of a matter that was before me on 9 February 2026 in Qonce, Elshaddai Lodge under the auspices of the CCMA. The dispute related to section 191(5)(a) of the LRA.
2. The applicant attended and was represented by Simphiwe Kula the union official from PSA. The respondent did not attend, and I was satisfied that they were sufficiently notified of proceedings.
3. The arbitration was scheduled to start at 9h00. I waited for the respondent until 9h30 and they still did not attend. The matter was heard in default. At 10 45 Mr. Ngcawuzela arrived at the arbitration. At the time, the applicant's representative was to submit closing arguments. He stated that the parties spoke earlier to propose postponement. At 11h14 I released him because I was done hearing evidence. At the commencement of arbitration, no one from the respondent arrived to apply for postponement.

Issue to be decided.

4. I am required to determine whether the applicant's dismissal was unfair, if unfair will determine an appropriate remedy in terms of section 193 and 194 of the LRA.

Only signed awards that contain the CCMA approved watermark are authorised.

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Background to the dispute

5. The Applicant Kannermeyer Xolisa worked 20 years for the respondent as a Grant Administrator. At the time of her dismissal on 27 August 2025, he earned a salary of R24723.00 per month.
6. She was dismissed for the following allegations:

Allegation :1

5.1 Gross Dishonesty:

“During the period of May 2024 at or around King William’s Town Local Office it is alleged that you committed an act of misconduct by contravening Annexure A of the PSCBC Resolution 2 of 1999 as amended by Resolution 1 of 2003, in that you were grossly dishonest in execution of your duties by capturing bank consent forms of Mr. Xolile Selani 5810125946084, thereby effectively changing his bank details on Socpen without his consent and acknowledged, an act you ought to have known was wrong.

(NB: The conduct is tantamount to gross dishonesty and found guilty of this conduct, you may be dismissed from the employment of the Agency”

Allegation :2

5.2 Negligence:

During the period of May 2024, at or around the King Williamstown Local Office it is alleged that you committed an act of misconduct by contravening Annexure A of the PSCBC, Resolution 2 of 1999 as amended by Resolution 1 of 2003, in that you were negligent in the execution of your duties by changing a method of payment in respect of Mr. Xolile Selani (5810125946084, thereby failing to carry out lawful order or routine instruction without just or reasonable cause. It is alleged that you approved all method of payment for all the above-mentioned beneficiaries without their consented to change their method of payment.

You have prejudiced the administration, discipline and efficiency of the Agency, because your actions as stated above have prejudiced the administration discipline and efficiency of the Agency.”

Survey of evidence

Evidence of the applicant

7. The applicant Xolisa Kannemeyer testified under oath that, as a grant administrator, she is responsible for capturing the grants.
8. In May 2025 it was a Tuesday and normally Tuesdays are very busy at the Agency, because it is a day on which doctors assess those applicants who apply for disability grants.
9. On such days they are normally instructed to assist the Express queue which is the queue that deals with the disability applicants.
10. There are some easy tasks that they capture and those do not take too much of their time. The Express queue does not take too much of their time to capture. It is normally, the normal applications that take longer.
11. The procedure of dealing with Express queue, after being captured, they get approved by the approver.
12. On the day she captured the documents and they were approved by Sonwabiso Madlingisa who a Level 7 employee and he is the supervisor that approved these.
13. For such process to be done, the client brings the necessary documents. In this case Mr. Selani brought the documents he signed for his details to be changed.
14. She testified that, when she was assisting Selani, she had to phone Grindrod which is Selani's bank and Grindrod said that they partner with African Bank. Grindrod is another method of grant payments. Both Grindrod and Capitec are Selani's bank accounts. Selani's money was deposited. The witness stated that, she became aware of the money having been deposited into Capitec account of Selani through. When Selani came to the Agency said that the money was deposited into an account he did not want the money to be deposited into. Both accounts are owned by Selani.
15. When Selani said this, he reported that to the Team leader Mr. Mrwetyana Ncedile.
16. The witness stated that the reason that Selani changed his bank was that he avoided that the money paid into Capitec account because he had a loan that was debiting n Capitec account.

17. The changing of bank details by the Agency clients is a norm, when they avoid debit orders from cash loans. Sometimes they change their banking details just after the cut off date
18. It was not the first time that Selani changed bank detail. On another day he came to the Agency and asked to see Mr. Mrwetyana. He said that he wanted to change detail. He wanted to speak to Mr. Mrwetyana as a team leader, when such is requested, administrators get instructed to assist the Agency client on that.
19. On this day Selani came asking the team leader, he ended up assisted by Mrs Mandoyi. They normally do not ask the supervisors when instructed to assist clients, as to why such was done.
20. The applicant stated that he did not benefit anything from the changing of Selani's bank details. It was not the first time that she captured changes made in the absence of a client. This thing always happens. This is always an instruction from the supervisor.
21. At times, at SASSA the places get full of clients, then there will be capturers and approvers that would focus on the Express queue.
22. Documents often get collected from the clients on a day, get captured the next day and the approver will approve. Then an approval letter would be given to the applicant or client.
23. She stated that when they were dismissed, they were five employees. There were two disciplinary inquiries held. One group was represented by PSA and another by NEHAWU. From the group, one person was represented by PSA, and four applicants were represented by NEHAWU. There were two different chairpersons that chaired the hearings. Nombifuthi was represented by PSA and the other four applicants namely her (Xolisa Kannermeyer, Miss Ngesi, Mrs Tomsana, Mr. Mazingisa. The employee Mr. Ntombini was the approver in this case. The allegations that they are all charged of are the same as well as those of Mr. Ntombini.
24. The applicant stated that Mr. Ntombini was not dismissed but given three months suspension and counselling. This verdict is on pages 50-of the bundle. She has 20 years' service with clean record.
25. The respondent has a rule, which is Resolution 1 of 2003 where issues of conduct are regulated at.

26. She stated that the consent to change the details was requested by the client Mr. Selani. He brought copy of his ID, bank statement. He had these documents because he knew there were documents required when such is done.

27. On the date that this was done, Mazingisa Sonwabo was the approver.

28. The applicant prayed for reinstatement with back pay.

Closing Arguments: Applicants

29. The applicant's representative argued that the applicant was dismissed for "dishonesty and Negligence. She was a capturer. Selani submitted his documents such as ID, bank statement and consent form to change from Grindrod to Capitec bank.

30. On days when disability grants are assessed, there are doctors that comes to SASSA to attend to the applicants of such grants.

31. The Team leader collects documents of these applicants and handed same to the capturer to capture. When capturing is done, the client or applicant is not there. The documents would be captured, and the applicant would return to SASSA after three days and get an approval letter. The applicant did not change the details but captured what was given to her by the client or applicant.

32. The person who approved Mr. Ntombini, has been given a lesser sanction of three months suspension without pay and counselling, while the applicant is dismissed while it is him who instructed and approved thereafter.

33. Mr. Selani was avoiding cash loans debit orders, and it was not the first time him doing such. The representative cited DeBeers Consolidated Mines case Ltd v CCMA & Others case Law

Analysis of evidence and argument

34. Section 185 of the Act provides the following: Every employee has a right not to be Unfairly dismissed...

35. Section 188 of the Act provides: A dismissal that is not automatically unfair, is unfair if the employer failed to prove
- a) That the reason for dismissal is a fair reason-
 - i) related to the employee's conduct or capacity; or
 - i) based on the employer's operational requirements; and
 - ii) that the dismissal was affected in accordance with a fair procedure.
36. In this case, the applicant was dismissed for a misconduct, and the allegation appear under paragraph 5.1 and 5.2 of this award.
37. It was common cause that there were no procedural issues raised, and I will only deal with the substantive part of the case.
38. Gross Dishonesty is a very serious allegation that can lead to dismissal at the first instance, because it undermines the trust relationship between the employee and the employer. However, in this case I find that the applicant as a capturer was given documents by her team leader to capture. Part of those documents were Mr. Selani's documents he brought to SASSA to change his details with SASSA. Looking at this evidence, I find that as a junior person being instructed by your superior to do work especially work that falls within your line of duty was not a wrong thing to do.
39. With all the documents presented by Mr. Selani, I find that there was no Gross dishonesty in this because the applicant had no access to Selani's ID, bank statement to bring to SASSA and do such changes. It is probable that Mr. Selani got the statement from his bank, brought his ID to SASSA to have his desire fulfilled. I say this because no bank can issue a bank statement of another person to the other.
40. The applicant stated that when there are disability applications done, SASSA has an influx of people, as a result team leaders collect documents from the applicants and give them over to capturers to capture. During this time, the client is not before the capturer. This way of doing work is allowed by the team leader.
41. The applicant state that she did not benefit anything from the change of details. I find it unfair that the applicant be found to be Grossly dishonest in the circumstances on duties that were given and instructed to do by her team leader. *In Absa Bank Ltd v Naidu and others (2015) 36 ILJ 602 (LAC), the court held that the parity principle should be applied with caution. Each case should be decided on its own facts and circumstances, and the parity principle is not intended to profit or benefit Employees who commit serious acts of misconduct.*

42. My reasoning is because the applicant was instructed by the team leader, documents to change were brought by Selani, handed same to the team leader and finally landed to her. The applicant has no access to Selani's information at the bank as he came with a bank statement and ID to change. That the team leader was issued with a lesser sanction. The applicant did not gain or benefit anything from this and did not commit gross dishonesty misconduct.

43. She has a clean record and long service. It was further stated that the team leader who gave instructions and approved the changes was suspended for three months and counselled, while the applicant was dismissed. I find that the respondent was inconsistent on his part. The Act encourages employers to treat the workers the same way.

44. Regarding negligence, the applicant denied having been negligent in carrying her duties. She carried the duties she was instructed to do. Changing details, documents were submitted by Selani because SASSA did not have such document. They were given to her by the team leader who approved the changes in the end.

45. In the circumstances I find that the dismissal of the applicant is substantively unfair in that In *Department of Home Affairs and another v Ndlovu and others (DA 11/2012 [2014] ZALAC 11; 2-14] 9 BLLR 851 (LAC) (2014 35 ILJ (LAC) handed down on 27 March 2014* the court held that in order to prove that the sanction of dismissal was appropriate the Employer must present evidence to prove breakdown in the employment relationship. Such evidence is not necessary where the breakdown is apparent from the nature of the offence and or circumstances.

46. In weighing all the evidence, I find that the applicant is not guilty of gross dishonesty and negligence. That she has a long service with a clean record. That the respondent was inconsistent in not dismissing the team leader but dismiss the applicant. I find that if the trust relationship is not broken with the team leader, then with the applicant it too is not broken, a lesser sanction can be imposed and reinforce rules to correct the behaviour to her as well.

47. In the circumstances the sanction imposed against the applicant is inappropriate because she is absolved from this misconduct.

48. The applicant prayed for reinstatement. I find no reason not granting her what she prayed for. Reinstatement at CCMA is a primary remedy

49. She was dismissed on 27 August 2025 earning R24723.00 per month. The back pay she would get from date of dismissal till the date of this award is R140 744.00 calculated as follows [R24723.00 X5 +R17129.00 for of 3 weeks in February (R24723.00/4.33X 3)].

50. In the circumstances I issue the following award

Award

51. The dismissal of the applicant Xolisa Kannermeier is substantively unfair.

52. The applicant is reinstated retrospectively on her job and she must report for work on 25 February 2026.

53. The respondent SASA must pay the applicant Xolisa Kannermeier back pay she would have earned from the date of dismissal to the amount of R140 744.00 by no later than 28 February 2026.



Signature: _____

Commissioner: **Elizabeth Tom**

Sector: **Parastatals**

APPROVED