



GENERAL PUBLIC SERVICE
SECTOR BARGAINING COUNCIL



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JURISDICTIONAL RULING

Panellist/s: JR MOPP _____

Case No.: GPBC 1904 - 2024

Date of Ruling: 08 May 2025 _____

In the ARBITRATION between:

PSA obo N THETHI & 47 others

(Union / Applicant)

And

DEPARTMENT OF HIGHER EDUCATION AND TRAINING

(Respondent)

Malebo Silthodi

Union/Applicant's representative:

Sifiso Hadebe

Respondent's representative: _____

JURISDICTIONAL RULING



DETAILS OF HEARING AND REPRESENTATION:

- 1) The Applicant represented by her shop steward from PSA Mr Malebo Sithodi. The Respondent was represented by Mr. Sifiso Hadebe from the Labour Relations section of the Department.
- 2) The proceedings were conducted on the premises of the Respondent under the auspices of the General Public Service Sector Bargaining Council. Prior to the commencement of the Arbitration Proceedings, the Respondent raised a preliminary issue, which is the basis for this ruling.

ISSUE TO BE DECIDED:

- 3) I have to determine whether the Council has jurisdiction to Arbitrate this matter

BACKGROUND TO THE MATTER:

- 4) A ***Point in Lamine*** was raised by the Respondent, in that they argue that the Council lacks jurisdiction to arbitrate this dispute because the Applicants in question are lectures appointed by the Department of Higher Education and Training but yet want the Department to implement benefits that fall under the Education Labour Relations Councils who is not part of that Bargaining Council.
- 5) I have stood the matter down and instructed both parties to make written representations and the submissions were to be sent no later than 7 days from the date of sat down,



ANALYSIS OF EVIDENCE AND ARGUMENT:

APPLICANT

- 6) The Applicant Representative argues that their members have translated from the Education Department as far back in 2008 to the Department of Higher Education and Training in September 2021 and is claiming a salary adjustment in terms of the Personnel Administrative Measures document of September 2022 and this Bargaining Council has the jurisdiction to grant them that benefit from this document

RESPONDENT

- 7) The Respondent submits that the PAM document does not apply to CET Lecturers and only apply to teachers of schools who works for the Basic Education Department and furthermore the job descriptions is clearly defined as to who is affected in terms of the document relied and so the general Public Service lacks jurisdiction to arbitrate this matter.

Decision

- 8) In my analysis of evidence and arguments from the written submissions and documents attached when I see the scope and application of the PAM document relied upon by the Applicants it makes no mention of Lectures and expressly states Educators under auspices of the Basic Education department and therefore lecturers employed un the Department of Higher Education is excluded.



- 9) The issue that some of these educators has been translated from Basic to Higher education is neither here nor there because the time frames as to when this collective agreement came into effect is clear and in no uncertain terms show that in September 2022 and the Applicants in this matter was migrated to the Department on September 2021 a full year before so they no basis to their claim and furthermore this tribunal cannot enforce a collective agreement forged from another Bargaining Council.

RULING

- 10) I hereby make the following ruling:

The Respondent's Point in Lamine is upheld

The GPSSBC has NO jurisdiction to Arbitrate this dispute.



Name: *JR. Mopp*

(GPSSBC) Arbitrator