



Council Name

ARBITRATION RULING

Panellist/s: M.I. RAMALATSO
Case No.: GPBC1220/2018
Date of Award: 31/05/2019

In the ARBITRATION between:

PSA obo S. RATLOU

(Union / Applicant)

and

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT AND LAND ADMINISTRATION

(Respondent)

Union/Applicant's representative: Mr Roelofss
Union/Applicant's address: PSA

Telephone: 0810165063
Telefax:

Respondent's representative: Mr Gasa
Respondent's address:

Telephone: 013 76606003
Telefax: 013 766 8297

RULING ON POINT IN LIMINE (JURISDICTION)

DETAILS OF HEARING AND REPRESENTATION

- [1] The arbitration hearing was held on 30th May 2019 at Kwamhlanga offices.
- [2] The applicant was represented by Mr Roelofss from PSA and the respondent was represented by Mr. Gasa.
- [3] The proceedings were electronically recorded.

ISSUE TO BE DETERMINED

- [4] The Respondent raised a point in limine on jurisdiction based on the opening statement by the applicant, I am therefore required to determine whether the council has jurisdiction to deal with the matter or not.

BACKGROUND TO THE ISSUE

- [5] The applicant is the employee of the Respondent. The applicant referred the matter before the council for collective agreement- interpretation or application on the 24 August 2018. The respondent raised a point in limine that the council does not have jurisdiction to deal with the matter in that the referral is erroneous or incorrect, the respondent has complied with the collective agreement to other employees but the applicant was excluded due to certain reasons, therefore the referral was supposed to be unfair labour practice.

OPENING STATEMENTS

FOR THE APPLICANT

- [6] It was his opening statement that it is true that respondent has complied with the collective agreement in relation to the other employees and the applicant was

excluded therefore the referral was supposed to be unfair labour practice and not the collective agreement. That proper referral will be lodged with the council.

Respondent

- [7] That the applicant's referral is definitely in correct in that the referral was supposed to be unfair labour practice and not collective agreement.
- [8] That the other employees in the department benefited from the collective agreement and the applicant did not benefit. That the referral was supposed to say unfair labour practice and not collective agreement.

ANALYSIS OF EVEDENCE AND ARGUMENTS

- [9] Both parties agreed that the matter is erroneous on the roll in that the referral was supposed to be unfair labour practice and not collective agreement.
- [10] The respondent further indicated that the collective agreement was complied with in relation to other employees in the department, the applicant want to be included in the benefits which is her dispute.

AWARD

- [16] I therefore find that, the council has jurisdiction to adjudicate on the matter;
- [17] That no costs order.

A handwritten signature in black ink, consisting of a large, loopy initial 'M' followed by a long horizontal stroke and a small flourish at the end. The signature is written on a set of horizontal lines.

(SGD) _____

MATSOBANE ISAAC RAMALATSO
GPSSBC -PANELLIST

