



S142A AWARD

Panelist/s: A BEVAN

Case No.: PSCB321-17/18

Date of Ruling: 1 JULY 2019

In the **ARBITRATION** between:

PSA obo MORAO, N M

(Union / Applicant)

and

DEPARTMENT OF EDUCATION, NWP

(Respondent)

Union/Applicant's representative:

Mr A Moribe (PSA)

19 Moloopo Road, Mahikeng

Union/Applicant's address:

Telephone: 018-381 9600

Telefax:

018-381 9611

Respondent's representative:

Mr P Meje

Private Bag X 2068, Mafikeng, 2745

Respondent's address:

Telephone: 083 630 2354

Telefax :

PMeje@nwpg.gov.za

DETAILS OF HEARING AND REPRESENTATION

1. This is the award issued in terms of section 142A of the Labour Relations Act, No 66 of 1995 (the LRA) between N M Morao, the Applicant and the Department of Education, North West Province, the Respondent.
2. This section 142A application in terms of the LRA was served on the Council on 28 May 2019. The Respondent did not oppose the application.
3. The Applicant was represented by Mr A. Moribi of the PSA and the Respondent's representative is Mr P. Meje, a labour relations official.

ISSUE TO BE DETERMINED

4. I am required to determine whether the settlement agreement concluded between the Applicant and the Respondent on 8 April 2019 be made an arbitration award in terms of section 142A of the LRA.

BACKGROUND

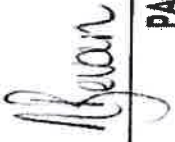
5. The Applicant referred a dispute in relation to the interpretation and application of PSCBC Resolution 14 of 2002 to the Council on 25 July 2017. The dispute was unsuccessfully conciliated and the dispute was eventually scheduled for arbitration on 8 April 2019.
6. At the arbitration, the Applicant was represented by Mrs H Mahlatsi of the PSA and the Respondent was represented by Mr P Meje.
7. During the course of arbitration, the parties agreed to revert back to conciliation. The parties then concluded an agreement in settlement of the dispute in terms of which the Respondent agreed to provide the Applicant on/before 30 April 2019 with a comprehensive report in response to the grievance filed by the Applicant. Both representatives affirmed that they had authority to conclude an agreement on behalf of the parties.

ARGUMENTS RELATING TO APPLICATION IN TERMS OF SECTION 142

8. As per the uncontested evidence of the Applicant in the affidavit filed in support of this Section 142A application, it is clear that the Respondent did not comply with the settlement agreement.
9. The settlement agreement was concluded in respect of a dispute that the Applicants have the right to refer to arbitration and I know of no grounds why the settlement agreement should not be made an arbitration award.
10. If the Respondent wanted to oppose the application, it had to do so within 14 days from the date of service of the application on the Respondent. The Application was not opposed by the Respondent.

RULING

11. The settlement agreement concluded between the parties on 8 April 2019 is hereby made an arbitration award of the PSCBC and may be enforceable as if it was an order of the Labour Court.



PANNELIST: ANNELIE BEVAN