

MEDIA RELEASE Labour Appeal Court confirms rural allowance for Enrolled Nursing Assistants and Enrolled Nurses

DATE 12 October 2026

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The Public Servants Association (PSA) welcomes the Labour Appeal Court's judgement in *Department of Health, KwaZulu-Natal v Dalton Dladla & Others* (Case No. DA12/2017), handed down on 29 September 2026.

The ruling dismissed the KwaZulu-Natal Department of Health's appeal concerning the interpretation and application of the collective agreement regulating rural allowances for qualifying healthcare employees. This is a significant development for Enrolled Nurses and Enrolled Nursing Assistants who have been excluded from, or denied, rural allowance payments despite working in qualifying rural health facilities. It reinforces the principle that entitlement must be determined in accordance with the applicable collective agreement and its wording, rather than being restricted solely based on an employee's occupational rank.

The Labour Appeal Court considered the interpretation of Resolution 2/2004, specifically the provision addressing professional nurses, which states, "*Professional nurses generally refers to nurses registered with SANC and not to rank.*" The Court emphasised that the Commissioner's responsibility was to interpret and apply the collective agreement. The central question was therefore what parties to the agreement had agreed, and whether the Department had correctly interpreted and applied its provisions.

The PSA regards this judgement as an important affirmation that the Department cannot rely on an unduly restrictive interpretation of occupational categories to deny rural allowance to qualifying nursing employees covered by the agreement. The PSA calls on the KwaZulu-Natal Department of Health to act without delay by commencing implementation of the judgement and processing all outstanding retrospective rural allowance payments due to qualifying Enrolled Nurses and Enrolled Nursing Assistants. The Department must urgently identify all affected employees who meet applicable eligibility requirements, including employees who previously applied for the allowance but were declined based on their occupational rank. The Department must conduct a province-wide audit of qualifying rural health facilities and affected nursing personnel and calculate and verify all outstanding retrospective payments in accordance with the applicable collective agreement, relevant eligibility periods, and individual employment records. The Department must communicate a clear implementation plan and payment schedule to organised labour and affected employees and commence payment of verified arrears without unnecessary administrative delays.

The Department must further engage organised labour through the appropriate bargaining-council structures to resolve outstanding implementation disputes and ensure consistent application of the agreement.



The PSA calls on the Department to ensure that the judgement is not implemented narrowly in a manner that benefits only employees involved in the original litigation whilst similarly situated employees continue to be denied their contractual entitlements.

Enrolled Nurses and Enrolled Nursing Assistants provide essential frontline healthcare services, often under demanding conditions in rural and underserved communities. Their contribution to the public healthcare system must be recognised through fair and consistent application of the conditions of service negotiated by parties. Employees who meet the applicable requirements should not be disadvantaged by an interpretation that places undue emphasis on occupational rank at the expense of the wording and purpose of the collective agreement. The judgement provides an important basis for addressing these longstanding concerns. The Department must now demonstrate its commitment to collective bargaining, fairness, and compliance with binding labour-law processes by implementing the applicable entitlements.

The PSA will monitor the Department's response and engage the relevant authorities and bargaining-council structures to ensure that qualifying employees receive the rural allowances and retrospective payments due to them. Should the Department fail to implement the applicable obligations within a reasonable period, the PSA will consider appropriate steps through the relevant labour-relations and dispute-resolution mechanisms to protect the Union's members' interests. The PSA advises all affected employees to retain their appointment letters, proof of service at qualifying facilities, previous rural-allowance applications, payslips, and any correspondence relating to rejected claims to facilitate the verification of outstanding entitlements.

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