

MEDIA RELEASE	PSA alarmed by refusal of <i>Hoërskool Oos-Moot</i> to allow union representation in employee's disciplinary hearing
DATE	23 June 2023
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The Public Servants Association (PSA) is alarmed by the refusal by *Hoërskool Oos-Moot* in Pretoria to allow an employee to be represented by a union representative in a disciplinary hearing, thereby infringing on the employee's constitutional rights to a fair hearing and just administration.

The employee in question was appointed by the School Governing Body (SGB) and is thus not a public servant but is still covered by the provision of all labour legislation. The School, however, maintains that union representation is not allowed owing to collective agreements not being applicable to employees appointed by the SGB.

The PSA, however, has the right to represent the Union's members in any individual matter in terms of the *Labour Relations Act (LRA)*. In terms of the *LRA*, all employees have the right to join a trade union of their choice and to be represented by that trade union in workplace-related matters. This fundamental right ensures that employees are afforded fair and equitable treatment and guarantees that their voice is heard in decision-making processes that affect their employment. *Hoërskool Oos-Moot's* refusal to allow the PSA to represent the employee undermines the principles of fairness, transparency, and constitutional rights as enshrined in South African labour legislation. By denying the employee the opportunity to be assisted by a trade union representative, the School is not only violating employees' rights but also sets a troubling precedent for the treatment of employees.

The PSA condemns *Hoërskool Oos-Moot's* actions and urges it to recognise the employee's entitlement to representation and right to a fair hearing. The PSA is ready to provide the necessary support and guidance to ensure that the employee's rights are upheld and protected. The PSA furthermore calls on the relevant authorities, including the Department of Employment and Labour and other oversight bodies, to investigate this matter thoroughly and intervene, if necessary. It is essential that employers across South Africa adhere to the principles and regulations outlined in the *LRA*, respecting the rights of employees, and enabling a just and equitable working environment.

The PSA remains committed to advocating for the rights of workers and will take all necessary steps to ensure that employees are treated fairly, without prejudice, and in accordance with the law.

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