

Termination: Contracts - Field Rangers

Members will recall that the employer terminated employment contracts of Field Rangers in 2019. Subsequently, members approached the PSA and they were assisted members to lodge grievances upon receiving notices that their contracts will not be renewed. Subsequently, their contracts lapsed before the grievances could be resolved. The PSA was left with no choice but to declare disputes of unfair dismissal. The matter was conciliated, and a certificate of no resolution was issued.

The PSA referred the matter for arbitration but owing to the number of COVID-19 infections, the matter was postponed on numerous occasions. Finally, the matter was set down for arbitration on 25 March 2021 during which the Commissioner had to determine whether the GPSSBC has jurisdiction to hear the matter as the employer raised a point *in-limine* in this regard. The employer argued that that the applicants were not employed as employees of the Department as they were paid through EPWP, hence the GPSSBC lacks jurisdiction to entertain the matter.

The PSA argued that the applicants were sent to the Wild Life College and upon completion, were offered fixed-term contracts, which were renewed on numerous occasions. Further, the PSA referred to the definition of employee as per section 213 of the *LRA* and different tests that courts have developed for drawing distinctions between an employee and independent contractor.

The Commissioner ruled that a matter must be set down for an *in-limine* hearing for parties to submit evidence on jurisdiction. The PSA is thus waiting for a hearing date from Council. Members will be informed of developments.

GENERAL MANAGER