

FOR PSA MEMBERS: SOUTH AFRICAN REVENUE SERVICE (SARS)

01-08-2022

## Update: Hay Grade dispute

Members are aware of the 20-year-battle regarding the implementation of the Hay Grade System, which led to the PSA referring the matter to High Court that ordered that the matter be heard afresh by the CCMA.

Subsequently, the arbitrator was appointed, and the matter was set down for arbitration. During the first day of the arbitration the employer raised a special plea for prescription, meaning that the claim for the members has prescribed in terms of the *Prescription Act No 68 of 1969*. The special plea was then argued numerous times before the arbitrator and various sets of arguments were handed in by the PSA and the employer. The arbitrator was then asked to make a ruling on the special plea of prescription by the employer.

The CCMA arbitrator unfortunately ruled in favour of the employer and upheld the special plea for prescription. The ruling in favour of employer meant that the claimants are not entitled to any relief since their debt was prescribed as the arbitrator ruled that the claim constituted a debt. Despite the PSA vehemently arguing that at time of the dispute this was not the case as there was no ruling indicating that members were owed any money nor entitled to be upgraded. Unfortunately, the Arbitrator ruled against the PSA's argument.

Employees who want to join the PSA can visit the PSA's website ([www.psa.co.za](http://www.psa.co.za)), send an email to [ask@psa.co.za](mailto:ask@psa.co.za), or contact PSA Provincial Offices.

GENERAL MANAGER