



FOR PSA MEMBERS: LIMPOPO

29-10-2025

Victory for PSA member

Arbitration award in favour of member following procedural and substantive unfairness in recruitment and selection process

The PSA is pleased to report another significant victory for a member, a dedicated Departmental Head of Languages and Social Sciences, concerning unfair recruitment and selection processes. The member, represented and supported throughout by the committed shop steward, Sibusiso Magagula, lodged a grievance after being unfairly excluded from consideration for a Deputy Principal position. Despite meeting all the stipulated requirements, the member was not shortlisted following an irregular re-shortlisting process.

Initially, the member was shortlisted for interviews, however, after a grievance was lodged by another applicant, the employer decided to redo the shortlisting. In the subsequent process, the member was inexplicably excluded. Her grievance regarding this unfair treatment was dismissed at Circuit and District level without meaningful engagement, with the employer claiming compliance with Collective Agreement 2/2020. As a result, the PSA declared an unfair labour practice dispute in terms of section 186(2)(a) of the *Labour Relations Act 66 of 1995*, contesting the procedural and substantive fairness of the employer's conduct. During extensive pre-arbitration deliberations, evidence emerged showing that the shortlisting panel had unjustly omitted nine marks from the member's score, a clear act of prejudice intended to exclude her from further participation in the process. The employer's subsequent refusal by the Circuit and District Offices to properly address the grievance reinforced the PSA's position that the process had been manipulated.

A settlement agreement was successfully reached in which the employer agreed to re-advertise the post and appoint a new shortlisting panel at District level, thereby rectifying the unfairness and ensuring a fair and transparent process moving forward. The PSA extends sincere appreciation to Mr Magagula for his unwavering commitment, professionalism, and persistence in pursuing justice on behalf of the member. His exemplary advocacy reflects the PSA's core values of fairness, integrity, and service to members. The PSA will do everything in the Union's power to protect members' rights and promote their interests as practicing service excellence is an important value of the PSA.

Members needing assistance with their cases can contact the acting PSA Provincial Manager at phillip.maponya@psa.co.za. Employees who wish to join the PSA can contact Lawrence Muvhango on

082 880 8995 / lawrence.muvhango@psa.co.za or Paulina Moloto on 082 880 8957 / paulina.moloto@psa.co.za.

Reuben Maleka
GENERAL MANAGER