



FOR PSA MEMBERS: **BORDER MANAGEMENT AUTHORITY (BMA)**

04-02-2026

Feedback: NCBF Dispute Resolution Meeting

During the last National Consultative Bargaining Forum, held on 2 and 3 December 2025, organised labour had declared three disputes on:

Circular on the vetting of BMA Officials

The dispute concerns the lawfulness, fairness, and procedural compliance of the vetting process imposed by the new Circular, and the prejudicial impact on employees transferred under *Section 197*. Labour contended that the BMA cannot conduct vetting in the absence of a comprehensive and jointly developed Vetting Policy that regulates:

- What will be vetted.
- Who will be vetted.
- The purpose and scope of the vetting.
- The consequences for failing to meet vetting requirements.
- Rehabilitation measures for employees who may be found indebted or unable to meet certain risk thresholds.

It was argued that the BMA Regulations do not supersede the PSCBC Resolution, and cannot be implemented in a manner that results in:

- Disciplinary action against employees transferred under *Section 197*; or
- Prejudicial outcomes such as displacement, rejection, or being held “additional to the establishment”.

Without the MoU ensuring secure reabsorption, employees are placed in a state of insecurity, at risk of unfair consequences given that the original departments no longer retain the funding for their posts.

Parties agreed that the circular on Vetting will be placed in abeyance until a proper policy is developed. It was also agreed that a settlement agreement be signed on the settling of the dispute.

Outstanding issues on collective agreement

At the last NCBF meeting, the employer reported on outstanding matters and the progress made thus far. Labour has noted that despite progress being reported on some of the outstanding issues, the progress is slow. The task team which was established did not meet at the set date with no alternative date provided. Labour views the slow progress as a delaying tactic to avoid fully implementing the agreement. It was

also noted that the timeframes in the agreement have lapsed with no indication of additional time required or a proposal for extension.

Parties agreed that a draft agreement will be tabled at the next NCBF meeting to adjust the timeframes in the Resolution to ensure speedy implementation. The employer will table a draft report to be attached to the Resolution, indicating the status of each of the matters in the estimated timeframe for completion of the work from the various task teams.

Dispute dealing with resumption of ranking of officials in the BMA (Circular 17 of 2025/26)

The dispute was referred in terms of Section 24 of the *Labour Relations Act, 66 of 1995 (LRA)*, arising from the employer's unilateral decision to resume the ranking process as communicated through *Circular 17 of 2025/26*, in direct contradiction to the *CCMA Settlement Agreement (HO 32-25)* and the NCBF resolutions.

Labour declared this dispute because the employer acted outside the scope of agreed processes, violated binding dispute-resolution outcomes, and undermined collective bargaining by proceeding with ranking while substantive issues remain unresolved. In the *CCMA Settlement Agreement HO 32-25*, the CCMA issued a directive that:

- The employer and labour must first conclude discussions at the NCBF regarding the Training Manual and the Implementation Plan governing the ranking process.
- Ranking may not resume until these discussions are concluded and an agreed framework is in place.

NCBF resolutions reinforced this requirement, expressly stating that:

- Drafts of the Training Manual and Implementation Plan must be jointly considered, refined, and finalised at the NCBF before any Operationalisation of ranking.
- The ranking process remains suspended pending the conclusion of these processes.

Despite these binding obligations, the employer issued *Circular 17 of 2025/26*, unilaterally announcing the resumption of ranking across the BMA. This unilateral action is procedurally flawed, unlawful, and constitutes a breach of the CCMA settlement, a breach of NCBF resolutions, and an undermining of collective bargaining.

The employer requested time to look into the dispute and indicated that they have unfortunately not seen the item. Parties agreed to reconvene the dispute meeting before the next NCBF meeting for finalisation.

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GENERAL MANAGER