



FOR PSA MEMBERS: **FREE STATE**

03-02-2026

PSA Fights for Members' Rights in the Free State

An employee was dismissed following allegations of misconduct related to the issuing of learner driver licences. After the disciplinary process and an unsuccessful internal appeal, the matter was referred to the General Public Service Sectoral Bargaining Council (GPSSBC) for arbitration to determine whether the dismissal was fair. The GPSSBC issued an arbitration award on 19 January 2026 regarding a dispute between the PSA and the provincial department:

- The employer failed to present credible and convincing evidence linking the employee to wrongdoing.
- Allegations against the employee were not supported by reliable proof, including the absence of relevant video evidence that was claimed to exist.
- The arrangements for the alleged misconduct were made with another individual and not with the employee.
- The employer did not discharge its burden of proof.
- The discipline applied was inconsistent, as other employees accused of similar misconduct were not dismissed.
- The dismissal was found to be both procedurally and substantively unfair.

The Council ruled that:

- The dismissal was unfair.
- The employee must be reinstated retrospectively to the same or a similar position.
- The employer must pay compensation equivalent to 28 months' salary, including service bonus, subject to statutory deductions.
- The amount must be paid by 15 February 2026, with interest applicable if payment is delayed.
- The employee must report for duty on 1 February 2026.
- The employer must also pay the arbitrator's costs for a postponed hearing.

This award reinforces the principle that employers must prove misconduct with credible evidence and apply discipline consistently. Dismissals without sufficient proof and fair processes will not withstand scrutiny at arbitration.

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