



FOR PSA MEMBERS: **GAUTENG - PRETORIA AREA**

10-09-2026

Victory for PSA members

Department of Higher Education and Training

The PSA achieved a significant arbitration victory on behalf of a member against the Department. The dispute arose after the member was removed from an Artisan Recognition of Prior Learning (ARPL) assessment at Indlela Training Centre based on an internal circular that prohibited employees from being assessed at the centre where they work. The Commissioner found that the circular unlawfully restricted rights granted by the applicable trade-testing policy, which allows candidates to apply at any accredited trade-test centre. The Commissioner ruled that the employer's actions were beyond its authority and constituted an unfair labour practice relating to training. The Commissioner ordered that the member must be allowed to undergo the ARPL process at Indlela Training Centre without paying any additional fees and that the employer must pay compensation equivalent to five months' salary for the unfair labour practice. This award reaffirms the principle that employers cannot use internal circulars to take away rights that are granted by policy and legislation.

Statistics South Africa

The PSA assisted a member in an arbitration, which was victorious against the Department. The member challenged his dismissal after being found guilty of misconduct relating to writs of execution that were served on the employer. Following arbitration proceedings, the Commissioner found that the employer failed to prove that the member committed the misconduct for which he had been charged and dismissed. The Commissioner further found that the disciplinary process was procedurally unfair owing to excessive delays and serious irregularities in the handling of the appeal process. The Commissioner concluded that the dismissal was substantively and procedurally unfair and ordered that the member be reinstated on the same terms and conditions of employment that existed before his dismissal. The employer must pay the member compensation equivalent to nine months' salary. This award reaffirms the principle that employers must prove misconduct fairly and conclusively, whilst also ensuring that disciplinary and appeal processes are conducted promptly and in accordance with the requirements of procedural fairness.

Department of Correctional Services (DCS)

The PSA assisted eleven members in a landmark arbitration victory against the DCS. The dispute concerned continued remuneration of Employee Relations Managers (ERMs) at salary level 9, despite evidence that their duties and responsibilities were equal to, and in many respects broader than, those

performed by officials in Code Enforcement and the Departmental Investigation Unit (DIU), who are remunerated at salary level 10. After hearing extensive evidence presented by the PSA, the Arbitrator found that the DCS committed an unfair labour practice relating to benefits by failing to properly recognise the job weight and responsibilities of ERMs. The Arbitrator accepted that ERMs perform a broader range of labour-relations functions, including investigations, disciplinary processes, grievance management, collective bargaining, dispute resolution, labour unrest management, and training. The Arbitrator ordered that all eleven affected PSA members be upgraded from salary level 9 to salary level 10 with effect from the date of the award and that the DCS must pay substantial compensation to the affected members, ranging from two to ten months' remuneration. This award confirms that employers cannot unfairly undervalue employees who perform work of greater responsibility and job weight than similarly remunerated counterparts.

Department of Electricity and Energy

The PSA achieved a successful outcome for a member, following an investigation by the Public Service Commission (the PSC). The PSA referred on behalf of the member a grievance to the PSC alleging ongoing harassment, victimisation, intimidation, and unfair treatment by a supervisor. Following its investigation, the PSC found that the grievance was substantiated and confirmed that the member had indeed experienced unfair treatment through the actions of the supervisor. The PSC found that the working relationship between the member and the supervisor had completely broken down, that her authority was undermined through the direct allocation of work to her subordinates without her involvement, and that the conduct created a hostile working environment that negatively affected her dignity and wellbeing. The PSC recommended that the supervisor be subjected to a disciplinary process for violating constitutional principles, Public Service Regulations, and other applicable prescripts, that management be sensitised to ensure a workplace free from discrimination, harassment, and unreasonable conduct, and that the Director-General must engage with the member regarding future utilisation and the possibility of a transfer, given the breakdown in the working relationship. The outcome affirms the right of employees to be treated with dignity and fairness and highlights the importance of maintaining a workplace free from harassment, victimisation, and abuse of authority.

The members expressed gratitude for the PSA's support and successful resolution of their matters. The PSA is committed to providing strong representation in all matters.

Employees who want to join the PSA can visit the PSA's website or contact the following PSA Organising/Marketing Officers:

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