



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

14-05-2026

Victory for PSA members

Department of Correctional Services (DCS)

The PSA assisted a member in arbitration who alleged unfair labour practice against the DCS for a benefit. The member was employed by the DCS from 1 March 2016 as a Human Resource Clerk and held a National Diploma in Management. The member obtained a postgraduate diploma in Human Resource Management in 2022. The member submitted that she qualified for the 10% once-off payment bonus in terms of GPSSBC Resolution 5/2014. In terms of the Resolution, an employee who intends to study must apply in advance and inform the employer. The member had not applied, however, there was a grace period during which the employer compiled a list of eleven employees who should be paid. The member was not paid. After strong representations by the PSA, the Commissioner had to determine whether the failure to pay the member constituted an unfair labour practice. The Commissioner found and awarded that the DCS committed an unfair labour practice and ordered it to pay the member the 10% cash bonus calculated at her notch as from 2022.

Department of Tourism

The PSA successfully represented a Senior Management Service member during a section 188A hearing. A section 188A hearing is an arbitration-style process where a commissioner presides over a disciplinary hearing instead of the employer conducting its own internal hearing. The employee was charged with allegations of misconduct that occurred six and ten years previously. In this case, the PSA raised a point *in limine* (preliminary point), namely, a waiver of the right to discipline, arguing that the employer waived its right to discipline the member owing to excessive delay. The Commissioner upheld this point, finding that the Department had effectively waived its right to discipline the employee because of the excessive delay. By upholding the waiver argument, the Commissioner found that the employer had effectively abandoned its right to pursue disciplinary action. The ruling stopped the process, with no disciplinary hearing to continue as the employer cannot discipline the same facts once a waiver is established.

Gauteng Department of Health

- The PSA assisted and represented a member who was compelled by her supervisor to perform additional duties that fell outside her scope of work and were the responsibility of another unit. The instruction amounted to a unilateral change to the member's job description, which the PSA strongly challenged. The PSA assisted the member to lodge a formal grievance and represented her

throughout grievance proceedings. During the grievance meeting, the PSA clearly demonstrated that the additional duties did not form part of the member's approved scope of work and that these duties properly belonged to another unit. Through documentary evidence and argument, the PSA showed that the supervisor acted outside acceptable labour practices by reallocating duties without consultation or agreement. This conduct constituted a unilateral change to the member's job description. The grievance outcome confirmed the PSA's position. It was found that the additional duties did not form part of the member's scope of work and that responsibility for those duties' rests with the relevant unit. It was further directed that the duties must be performed by that unit going forward. This outcome reinforces the principle that employers may not unilaterally change employees' job descriptions or compel employees to perform duties outside their scope of work without proper consultation and agreement. Such actions undermine fair labour practices and expose employees to unreasonable and unfair demands.

- In another matter the PSA assisted a member who was issued with a final written warning for misconduct. The PSA referred the matter to the PHSDSBC for arbitration. The PSA was prepared to present a formidable case when the employer decided to settle the matter. The matter was settled wherein an agreement was made to revoke the final written warning with immediate effect. This means that the warning will not form part of the member's disciplinary record.

Department of Justice and Constitutional Development

The PSA represented a member in a dispute referred to arbitration at the GPSSBC, relating to unfair labour practice and promotion. On behalf of the member, the PSA challenged the procedural and substantive fairness of the member's non-appointment. The PSA presented the case meticulously by leading evidence of unfairness relating to the recruitment process and heavily cross-examined the employer's witnesses. At the conclusion of the arbitration, the Commissioner was convinced by the PSA that the employer committed unfair labour practice. The Commissioner awarded compensation.

Department of Military Veterans

The PSA assisted a member who in March 2026 received a letter signed by the acting Director-General, terminating her employment without notice. The PSA approached the Labour Court on an urgent basis as there was no compliance by the employer with prescripts, policies, and/or the contract of employment whatsoever. After hearing compelling submissions from the PSA, the Judge was convinced that arguments advanced by the employer were not persuasive. The Judge ordered that the application was urgent, that the termination of the member was in breach of her contract, and that the employer was directed to restore the member's position in terms of her contract. The Department appealed the order, but the appeal Judge was also not convinced by the Department's argument and still agreed with the PSA. The appeal Judge ordered and confirmed that the member's application was urgent and that the initial order by the court is not suspended, pending the application for leave to appeal or any subsequent application or appeals.

The members expressed gratitude with the PSA's support and successful resolution to 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 PSA Provincial Offices.

Reuben Maleka
GENERAL MANAGER