FOR PSA MEMBERS: **KWAZULU-NATAL - DURBAN/ULUNDI AREA**

16-11-2026

Members cautioned to report workplace problems to PSA without delay

Delayed reporting can cost you your labour dispute, regardless of how strong your case may be

The PSA urges members to report workplace problems, unfair treatment, disciplinary action, grievances, and decisions affecting their employment immediately. Members often keep disciplinary notices, grievance forms, correspondence, and other important documents without informing the PSA. Some only approach the Union weeks or months later, when statutory referral periods have expired. This places labour rights at risk and may require a condonation application before the merits of the dispute can even be considered.

Importance of timeous reporting

Labour disputes are subject to strict statutory and procedural timeframes. Failure to refer a dispute within the prescribed period may result in condonation proceedings, which are not automatically granted. A member must provide a satisfactory explanation for the entire period of delay and demonstrate why the late referral should be accepted. The employer may oppose the application, and the commissioner may refuse condonation without considering the merits of the case.

Important labour-law timeframes

Members must familiarise themselves with the following:

Type of dispute	Applicable timeframe
Unfair labour practice (ULP)	90 days from alleged act or when the employee became aware of it.
Unfair dismissal	Generally, 30 days from dismissal or applicable final decision.
Unfair discrimination	Generally, six months from alleged discriminatory act.
Public service grievances	Generally, 90 days from becoming aware of prejudicial act or omission, subject to applicable procedures.
Departmental grievance resolution	Generally, 30 days, subject to applicable rules and agreed extensions.

Arbitration of unresolved ULP	Generally, 90 days from expiry of conciliation period or issue of certificate of non-resolution, whichever occurs first.

Examples of unfair labour practices include unfair conduct relating to promotion, appointment, demotion, suspension, disciplinary action short of dismissal, and employee benefits.

IMPORTANT: Grievance does not stop ULP clock

Lodging an internal departmental grievance does not automatically suspend the statutory 90-day period for referring an unfair labour practice dispute to the bargaining council or CCMA. For example, an employee overlooked for promotion may lodge a grievance and wait several months for the department's response. By the time the employee approaches the PSA, the 90-day referral period may have expired. Do not wait for the grievance outcome before consulting the PSA. The Union must assess whether a protective referral is necessary whilst the internal process continues.

Disciplinary matters must be reported immediately

Members must notify the PSA as soon as they receive any of the following:

- Notice of intention to institute disciplinary action.
- Notice to attend a disciplinary hearing or formal charges.
- Precautionary suspension letter.
- Notice of a misconduct investigation.
- Disciplinary finding or sanction.
- Dismissal or termination letter.
- Decision refusing an appeal.

Early notification enables the PSA to assess the matter, obtain relevant documents, advise the member, and prepare appropriate representations.

What must PSA members do?

To protect your employment rights:

- Report any workplace incident or unfair treatment to your PSA representative immediately.
- Submit copies of all relevant documents and correspondence.
- Keep records of dates, meetings, telephone calls, and employer decisions.
- Obtain written acknowledgement of submitted grievances.
- Keep the PSA informed of all employer responses and developments.
- Do not wait for internal investigations, grievances or appeals to conclude before seeking Union advice.
- Seek advice immediately if you are uncertain about applicable timeframes.
- Keeping documents is not enough. The PSA must be informed!

Condonation not substitute for late reporting

Condonation is not guaranteed. It requires an explanation for the delay, consideration of the prospects of success, prejudice to parties, and the interests of justice. Even a strong case may fail if the referral is late and condonation is refused.

The PSA can only assist if you communicate

The PSA exists to protect and advance members' employment interests. Effective representation requires cooperation, communication, and timeous reporting. Do not wait until an unfavourable outcome is received or referral periods have expired before approaching the PSA. Your silence can prejudice your case. Your delay can compromise your rights.

Report early, submit your document, seek advice, and protect your rights

Do not keep workplace disputes in a drawer until it is too late. The PSA would rather be informed on the day an incident occurs than be approached months later when referral periods have expired.

Not a PSA member yet?

Call the following PSA representatives or submit a completed membership application form (*attached*):

Nkosinathi Thwala: *Nkosinathi.Thwala@psa.co.za* / 082 880 8953
Xolani Dhlamini: *Xolani.Dhlamini@psa.co.za* / 073 813 9646
Zinhle Manyoni: *Zinhle.Manyoni@psa.co.za* / 063 400 1036

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