



FOR PSA MEMBERS: **MPUMALANGA**

12-10-2026

Victory for PSA member

Department of Employment and Labour

The PSA successfully defended the rights of a member employed by the Department of Employment and Labour, following the dismissal of disciplinary charges against the member. The member was facing allegations of misconduct arising from incidents, which allegedly occurred in September 2021. The employer commenced its investigation in November 2021, with statements from relevant people being obtained in December 2021.

During the disciplinary proceedings, the PSA raised a preliminary point challenging the employer's continued pursuit of disciplinary charges. It was argued that the employer had been aware of the allegations since 2021 and had already undertaken an investigation and obtained statements during that period. Despite this knowledge, the disciplinary process was only pursued five years later. The PSA argued that the employer's conduct was inconsistent with the principles governing fair and expeditious disciplinary action in the Public Service. The PSA submitted that the significant and unexplained delay prejudiced the member and demonstrated that the employer had effectively waived its right to discipline the member. In support of the preliminary point, reference was made to case law, which cautions against employers failing to take disciplinary action timeously, as the alleged misconduct undermines the corrective purpose of discipline, as the value of correction is lost when action is not taken within a reasonable period. The PSA further argued that the employer had failed to provide a proper response to the preliminary point, nor had it furnished the member with reasons explaining the extraordinary delay in pursuing the charges.

The Chairperson upheld the PSA's preliminary point and found that the application was appropriate in the circumstances and also determined that the employer had waived its right to discipline the member and consequently ordered that the charges against the member fall away. The member was therefore acquitted of all allegations of misconduct.

The PSA welcomes this outcome as an important affirmation of the principle that disciplinary processes must be pursued fairly, consistently, and without undue delay. The PSA will continue to defend members against unfair disciplinary action and ensure that employers adhere to the applicable disciplinary framework and principles of procedural and substantive fairness.

Join the PSA

Employees who wish to join the PSA can contact: Sylvia Watkins at Sylvia.watkins@psa.co.za / 082 880 8941 or Thandiwe Mziyako at Thandiwe.mziyaki@psa.co.za / 060 962 8512. Alternatively, contact the PSA Provincial Office in Mpumalanga on (013) 741 7500.

Reuben Maleka

GENERAL SECRETARY