



FOR PSA MEMBERS: **MPUMALANGA**

27-08-2026

## Victory for PSA member - Department of Home Affairs

### PSA secures victory for Home Affairs official after seven-year legal battle

The PSA is pleased to announce another significant victory secured on behalf of a member at the Department of Home Affairs. The member, who was employed as an Immigration Officer, was dismissed by the Department in 2019 following allegations that he had irregularly processed travelers entering the Country. Following his dismissal, the PSA assisted the member in pursuing the matter through the applicable dispute-resolution processes. A dispute was subsequently declared at the relevant Bargaining Council, where the member was represented by the PSA Full-Time Shop Steward, Kobus Heyneke. After considering the matter, the arbitrator found in favour of the member and ordered his return to employment, together with compensation for the loss of income suffered as a result of his dismissal. When the member sought to return to work in accordance with the arbitration award, the Department instead proceeded to challenge the award on review at the Labour Court.

Importantly, the review application was instituted approximately three months after the Department had received the arbitration award, whereas section 145 of the *Labour Relations Act, 66 of 1995*, requires a review application to be brought within six weeks of an arbitration award being served. The Department therefore also had to seek condonation for the late filing of its review application.

Unfortunately, despite the member having obtained a favourable arbitration award, the matter remained unresolved for several years before it could be heard by the Labour Court. The delay in the final determination of the matter was, amongst other factors, attributed to the non-operation of courts during the Covid-19 pandemic, as well as the Labour Court's administrative processes.

The matter was eventually heard before the Labour Court in July 2026, ending a lengthy legal battle that had continued for several years. The judgement has now been handed down, and the outcome is once again in favour of the PSA member. The Labour Court dismissed the Department's review application, meaning that the arbitration award in the member's favour remains valid and stands. Even more significantly, the Court also dismissed the Department's condonation application relating to the late filing of its review application. The arbitration order therefore remains in force, including the member's entitlement to the relief granted by the arbitrator.

This victory demonstrates the PSA's unwavering commitment to defending the rights and interests of members, even where matters require prolonged litigation and perseverance through the various dispute-resolution processes. The matter is a further reminder that a favourable arbitration award should not simply be disregarded or frustrated through delayed legal processes. The PSA will continue to pursue matters to finality and hold employers accountable where members' rights have been infringed.

### **Join the PSA**

Employees interested in joining the PSA can contact: Sylvia Watkins - [Sylvia.Watkins@psa.co.za](mailto:Sylvia.Watkins@psa.co.za) / 082 880 8941 or Thandiwe Mziyako - [Thandiwe.Mziyako@psa.co.za](mailto:Thandiwe.Mziyako@psa.co.za) / 060 962 8512. Alternatively, contact the PSA Provincial Office in Mpumalanga on (013) 741 7500.

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GENERAL SECRETARY