



FOR PSA MEMBERS: **NORTHERN CAPE**

18-08-2026

Victory for PSA member

The PSA supported a member at the Department of Correctional Services in the Northern Cape in a matter that extended over more than three years. The arbitration award, which dealt with the fairness of the member's dismissal, was delivered on 4 August 2026.

Nature of dispute and legal framework

The dispute concerned the fairness of the PSA member's dismissal for alleged misconduct under the *Labour Relations Act*. The arbitration considered procedural and substantive fairness, including whether disciplinary rules were properly applied and whether the hearing process was fair.

Evidence and conduct during disciplinary process

The respondent's witnesses alleged that the applicant was disrespectful and insolent during a meeting on 10 February 2022. The applicant and his witness maintained that he acted professionally and argued that the respondent had not proved misconduct on a balance of probabilities. The arbitrator found that the respondent had not established that the applicant's conduct justified dismissal.

Procedural fairness and hearing conduct

The chairperson concluded that the applicant had abandoned his case after union representatives left the hearing. The arbitrator found this conclusion to be a misdirection. The applicant remained present throughout the proceedings and did not waive his right to be heard. The arbitrator emphasised that a party does not automatically abandon a case by walking out unless there is clear evidence of such waiver.

Disciplinary sanction and fairness

The arbitrator noted inconsistencies in the application of discipline, as some employees received suspensions whilst others were dismissed for similar conduct. The respondent failed to prove that dismissal was a fair and appropriate sanction on the evidence presented.

Award and remedies

The arbitrator found the dismissal to be unfair and ordered the respondent to reinstate the PSA member with effect from 1 November 2023. The respondent was ordered to pay a substantial amount of backpay

within 14 days. The applicant is required to report for duty by 17 August 2026 in accordance with the award.

This outcome marks another victory for a PSA member and demonstrates the PSA's loyalty, tenacity, and persistence in ensuring that members are fully represented until matters are concluded. Members are encouraged to contact the PSA whenever they require assistance.

Reuben Maleka
GENERAL MANAGER