



FOR PSA MEMBERS: **NORTHERN CAPE**

30-07-2026

Victory for PSA member in Northern Cape

A member at the Department of Education was appointed on a fixed-term contract against an approved substantive vacant post. When the contract ended, he was asked to complete conversion forms for a permanent appointment. After submitting the forms, he asked when to report for duty but was instead removed from the school's *WhatsApp* group.

The member approached the PSA, and a dispute was declared based on the legitimate expectation created by the employer. This was strengthened by the fact that the member had declined another post in reliance on the anticipated permanent appointment. The PSA pursued the matter as an unfair dismissal under section 186(1)(b) of the *Labour Relations Act*, read with the *Employment of Educators Act*.

At arbitration, the employer argued that the Bargaining Council lacked jurisdiction because the fixed-term contract had automatically ended. The PSA opposed this, arguing that the dispute was properly characterised as an unfair dismissal based on a reasonable expectation of continued employment. The PSA submitted that the conversion documentation, the available substantive post, and the member's declined alternative opportunity all supported this expectation. The ruling confirmed that the Bargaining Council had jurisdiction to hear the matter.

At the next arbitration sitting, the employer agreed to settle the matter in that the member will be permanently appointed with effect from 1 August 2026.

The PSA is committed to protecting members' rights and interests. Employees who wish to join the PSA can visit the PSA website or contact the PSA Provincial Office in Kimberley.

Reuben Maleka
GENERAL MANAGER