

Victory for PSA members: Department of Justice and Constitutional Development

- The PSA welcomes the arbitration award handed down in favour of a member employed at the Department of Justice and Constitutional Development, following an unfair dismissal dispute that arose from workplace conflict and allegations of misconduct. Throughout arbitration proceedings, the PSA argued that the dismissal was unjustified and that the charges against the member were not supported by credible, consistent evidence. It was further demonstrated that there had been a long-standing breakdown in the working relationship in the unit, which management failed to address appropriately before escalating the matter into disciplinary action. It was found that the employer failed to prove the allegations against the member on a balance of probability. The arbitration award confirmed that the dismissal was substantively unfair and highlighted contradictions and inconsistencies in the employer's case. As a result, the member was retrospectively reinstated to his position with full back pay amounting to R176 000, subject to taxation. This outcome reflects the PSA's continued commitment to protecting members against unfair labour practices and ensuring that disciplinary processes are conducted fairly, consistently, and in accordance with labour law principles.
- 1. In another matter, an arbitration award was issued in favour of a member regarding an unfair labour practice dispute. The arbitration ruling found that the sanction of a two-month suspension without pay, together with a final written warning, was unfair and could not be justified by the employer. The Commissioner concluded that the employer failed to provide any evidence to substantiate the allegations made against the member and therefore failed to prove misconduct. The PSA successfully demonstrated that the disciplinary process was procedurally flawed and marked by unreasonable delays, including an appeal process that took nearly two years to finalise. The Commissioner further noted that the employer repeatedly caused delays during arbitration proceedings and failed to properly present witnesses or evidence in support of its case. As a result, the arbitration award ordered the employer to: (1) Pay compensation equivalent to three months' remuneration amounting to R237 864.06; and (2) Set aside the final written warning; and ensure payment is made by 15 June 2026.

This outcome reaffirms the PSA's commitment to defending members against unfair labour practices and ensuring that disciplinary processes are conducted fairly, lawfully, and in accordance with collective agreements and labour legislation. The PSA is dedicated to protecting the rights and dignity of public-sector employees.

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