



FOR PSA MEMBERS: **SOUTH AFRICAN POLICE SERVICE (SAPS)**

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SAPS update: Status of SSSBC, CCMA referrals and right to representation

Members should note that for the past few years, the Safety and Security Sectoral Bargaining Council (SSSBC) has failed to secure the required accreditation of its Commissioners from the Commission for Conciliation, Mediation, and Arbitration (CCMA). As a result, the SSSBC is not fully functional in respect of dispute resolution. Owing to the lack of accreditation, all labour disputes involving SAPS employees must be referred to the CCMA, and not the SSSBC. The SSSBC currently only processes matters of mutual interest. This situation is the result of the failure by parties currently admitted to the SSSBC to exercise due diligence and ensure the Council's continued functionality.

Members are further advised that although the PSA is not yet admitted to the SSSBC and is therefore unable to table members' issues for collective bargaining, it nevertheless retains the full legal right to represent members at the CCMA in all labour disputes. This right is firmly grounded in legislation in section 138(4) of the *Labour Relations Act, 66 of 1995 (LRA)* providing that parties to a dispute at the CCMA may be represented by:

- A legal practitioner (subject to limitations),
- A director or employee of a party, or
- A trade-union official.

Section 200 of the *LRA* confirms that a registered trade union may act in its own interest and on behalf of its members in any dispute to which its members are a party. In terms of CCMA Rules, union officials are expressly recognised as authorised representatives during conciliation and arbitration proceedings.

"In NUMSA v CCMA and Others (1999) 20 ILJ 1379 (LC), the Labour Court confirmed that employees have the right to be represented by a trade union official of their choice in CCMA proceedings."

In Hamata and Another v Chairperson, Peninsula Technikon Internal Disciplinary Committee (2002) 23 ILJ 1531 (CC), the Constitutional Court emphasised the importance of fair representation as part of procedural fairness, reinforcing the role of representatives in labour processes."

These judgements affirm that denying union representation undermines employees' constitutional and statutory labour rights. Accordingly, PSA members are fully entitled to PSA representation at the CCMA, and members are encouraged to utilise this protection when referring disputes. SAPS employees are strongly encouraged to join the PSA to strengthen the Union's organisational presence in the SAPS. Increased membership will enable the PSA to secure admission to the SSSBC, which is critical for addressing the serious workplace challenges faced by members daily.

Members are reminded that whilst the integrity of the SAPS has recently been placed under scrutiny through the Madlanga Commission, there has been insufficient focus on the protection, advancement, and fair labour treatment of SAPS employees. Employees continue to be exposed to systemic failures without adequate collective bargaining representation. The PSA is committed to defending and advancing the rights and interests of the Union's members and will continue to pursue all lawful avenues to ensure accountability, representation, and fairness in the SAPS.

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Join today by visiting the website or the nearest PSA Provincial Office.

Reuben Maleka
GENERAL MANAGER