



FOR PSA MEMBERS: **KWAZULU-NATAL DEPARTMENT OF EDUCATION
(PIETERMARITZBURG AREA)**

27-03-2025

Victory for PSA member: KwaZulu-Natal Department of Education

The PSA's Provincial Office in Pietermaritzburg successfully represented a member in disciplinary proceedings as well as ensuring the member's instatement in a promotional post for which he applied in 2022. While the member was waiting for the outcome of interviews for a post that he applied for in 2022, he was notified by the Department that he was being investigated for sexual assault of a learner. The member was immediately suspended by the employer because of the allegations levelled against him in terms of ELRC Collective Agreement 3/2018 in 2022. Since the allegations related to sexual misconduct concerning a learner, it was regarded as an offence in terms of section 17(l)(b) of the *Educators Act no 76 of 1998*, which requires the Department to initiate a compulsory inquiry by an arbitrator into the incident. The PSA represented the member in the inquiry by an arbitrator where the member pleaded not guilty to the charges levelled against him. Following successful representation of the member by the PSA, the arbitrator found the member not guilty on both charges and handed out the arbitration award in October 2024.

The PSA subsequently served the employer with the arbitration award and requested it to lift the suspension and reinstate the member as he was found not guilty on all charges levelled against him. While the member was waiting for the upliftment of his suspension, he enquired about the outcome of the post that he applied for in 2022 for which he was shortlisted and interviewed. The employer verbally informed the member that the interview panel recommended him for the post, however, the Department could not proceed with his appointment as it was awaiting the outcome of the disciplinary hearing/inquiry by the arbitrator in the disciplinary matter.

The PSA, demonstrating commitment in protecting members' rights, addressed an urgent letter to the Department demanding the following:

- Immediate upliftment of the suspension as the member was found not guilty of the offence by the arbitrator.
- Actioning of the recommendations as issued by the panel members to fill a vacant post at the school in 2022.
- Retrospective appointment letter to be given to the member withing five working days.

In January 2025, the member received an instruction from the Department to report for duty. The member complied and reported for duty. He then received an appointment letter the following week appointing him to the post he applied for with a retrospective effect from 1 November 2022.

This matter demonstrates the PSA's commitment to ensuring the fair treatment of members. Members of the Department of Education, educators and non-educators are encouraged to join PSA in numbers to support the Union of Choice in promoting their rights and protecting their interests. To join the PSA, please contact Zweli Msane on 082 880 8944 / Zweli.Msane@psa.co.za.

Make the PSA your labour Union TODAY!

Reuben Maleka
GENERAL MANAGER