



MEDIA RELEASE **PSA: Financially sound and strong with clean financial audits over 100 years of service excellence**

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For over 30 years, the PSA has been a duly registered trade union, and the Registrar of Labour Relations (Registrar) has been satisfied that the PSA meets the requirements for a trade union, until now. Since 2021, the PSA has noted with grave concern that the Registrar, together with the Secretary General of PSCU, Mr Tahir Maepa, have made significantly detrimental allegations in respect of, and against, the PSA, and have taken several steps in an effort to harm the PSA and its members.

The PSA will not stand for this. The PSA is a genuine trade union, that is financially sound, and has and continues to act in the best interests of its members. The PSA will accordingly fight all attempts made by the Registrar of Labour Relations to seek to de-register the PSA or place it under administration. In this regard, the PSA draws your attention to the following:

At the Annual General Meeting held on 16 June 2021 and 20 September 2021, respectively, the PSA resolved to amend its *Statute*. On or about 1 December 2021, the PSA applied to the Registrar to approve and register the amendments to its *Statute*, and to send the PSA a copy of the resolution endorsed by the Registrar certifying that the amendments have been registered in accordance with Section 101 of the *Labour Relations Act (LRA)*. On 31 March 2022, the Registrar declined the PSA's request to amend its *Statute*, stating that the PSA is not a genuine trade union and is not independent because of its "dual registration" under the *LRA* and the *Companies Act*. The PSA appealed the Registrar's decision in the Labour Court, seeking to have the decision set aside.

In parallel, the Secretary General of PSCU (a previous DGM of the PSA) addressed a letter to the Registrar on 14 September 2023, in which it is alleged *inter alia* that the PSA was not a genuine trade union, and the Board of the "PSA NPC" was deliberately and unlawfully squandering the money of the PSA. In these circumstances, it requested the Registrar to place the PSA under administration. The grounds upon which PSCU requested the Registrar to place the PSA under administration were identical to the grounds submitted by the Registrar in refusing the PSA's application to amend its *Statute*.

Notwithstanding the matching allegations made by the Registrar and PSCU, on or about 2 May 2024, the Labour Court handed down judgment in favour of the PSA and ordered the Registrar to approve the amendments to the *PSA Statute* and to deliver a certified copy of the amended *Statute* within fourteen days of the judgment. Further, the Labour Court was scathing in respect of the Registrar's conduct and, as a result, ordered the Registrar and the Department of Employment and Labour to pay the costs of the application. The Registrar has since filed notice of application for leave to appeal the Labour Court judgment.

As you may be aware, the Registrar has now subsequently instituted an application in the Labour Court to seek to place the PSA under administration. The PSA has opposed the Registrar's application and believes there are no grounds upon which to place the PSA under administration. The conduct and stance of the Registrar and PSCU as set out above is concerning to the PSA, particularly in so far as the Registrar's perceived or potential partiality may

adversely affect his ability to carry out his duties and obligations under the provisions of the LRA. This is evident from, amongst other things:

- The Registrar's failure to comply with the provisions of the *LRA* and the Guidelines in refusing to register the PSA's amendments to its *Constitution (PSA Statute)*, and to properly conduct an assessment as to whether the PSA is a genuine trade union in accordance with the correct legal principles.
- The Registrar's failure to provide the PSA with PSCU's complaint and the documents submitted in support of the complaint, or to further engage with the PSA on the matter.
- The Registrar's statements made in its letter to the PSA concerning Ms Silinyana's complaint, all of which statements pertained to the issue of the PSA not being deemed a "*genuine labour organisation*" in circumstances where the complaint did not remotely concern the issue of whether the PSA was a genuine trade union; and
- The Registrar's ongoing threats to cancel the PSA's registration as a trade union and its recent application to seek to place the PSA under administration.

The PSA has financial reserves enough to sustain the organisation even during a budgeted deficit. The PSA accordingly remains financially sound and is an independent and genuine trade union. There are thus no grounds upon which to place the PSA under administration. The PSA has opposed the Registrar's application at the Labour Court and believes that it has good grounds upon which to oppose the application. The PSA continues to operate normally and will serve its membership with distinction and passion.

Meanwhile the PSA through its federation, Fedusa has proposed an amendment through NEDLAC that the *Labour Relations Act* provisions that allow Minister to appoint a Registrar be amended and an appointment of a Registrar be from retired court officials to ensure independence of the Office of the Registrar.

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