

FOR PSA MEMBERS: **BORDER MANAGEMENT AUTHORITY (BMA)**

19-08-2024

Update: CCMA Essential Services Committee (ESC) section-71 investigation

The previous *Informus* edition refers (copy can be obtained at www.psa.co.za or PSA Provincial Offices).

In the previous *Informus*, members were informed that on 25 April 2024, the Border Management Authority (BMA) filed an application with the Commission for Conciliation, Mediation, and Arbitration (CCMA) Essential Services Committee (ESC), requesting that various services in the BMA be designated as essential services. These services include Immigration, Environmental Affairs, Agriculture, and others.

On 3 July 2024, the ESC issued a notice of investigation in terms of section 71 of the *Labour Relations Act of 1995* (as amended), inviting interested parties to participate in the investigation process. In response, the PSA submitted its notice on 31 July 2024, declaring its intent to participate as an interested party with the purpose of opposing the BMA's application.

Subsequently, the ESC scheduled investigation hearings on 6, 7, 8, and 13 August 2024 for interested parties to present their representations. The PSA attended these hearings and delivered oral submissions, firmly opposing the BMA's request to designate the identified functions as essential services. The PSA argued that the interruption of these functions/services does not meet the threshold of endangering the life, personal safety, or health of the population. The PSA strongly urged the ESC to consider its representation and reject the BMA's request for designation.

Following the representations from all parties, it was agreed that an inspection *in loco* would be conducted.

Reuben Maleka
GENERAL MANAGER