



**INFORMUS**

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SERVICE EXCELLENCE

FOR PSA MEMBERS: **CAPE NATURE**

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## Update: PSA Cape Nature Court Case

### Labour Court Ruling: Review application regarding Arbitration Award, WECT1862-21, concerning interpretation and application of collective agreement after unilateral reduction of members' vacation leave accrual from 30 days to 24 days

Members will recall that in the previous *Informus* the above-mentioned matter was referred as a dispute to the CCMA. The employer's conduct in the reduction of leave days from 30 to 24 days per annum does not only concern the issue of leave, but also the long-service recognition agreement that was reached between the PSA and Cape Nature in 2012. The PSA's mandate was that members want their leave accrual to be returned to 30 days leave per annum.

At the arbitration hearing, the Commissioner found in favour of Cape Nature, viz that the collective agreement regarding long-service recognition, which was concluded in 2012, was only valid for three years and thus lapsed in 2015. The PSA did not agree with the Commissioner's finding and the arbitration award was taken on review to the Labour Court.

Approval for legal assistance was granted and the attorneys, *Malcolm Lyons and Brivik Incorporated*, were appointed to represent PSA members at the Labour Court. Case C340/2022 was set down and heard on 1 February 2024.

Judge Rabin-Naicker J ruled on 4 June 2024 that:

- The Award under case no WECT 1862-21 is reviewed and set aside.
- The dispute is remitted to the second respondent (CCMA) for a re-hearing before a Commissioner other than the third respondent (Commissioner Willen Connan).
- There was no order to costs.

As per the judgement, the matter will be referred for arbitration. Members will be kept informed of the date for arbitration as well as any developments in this regard.

Reuben Maleka  
GENERAL MANAGER