



FOR PSA MEMBERS: DEPARTMENT OF BASIC EDUCATION (DBE)

13-02-2025

Feedback: ESC section-71 hearings, Elementary Education and Pre-Schools - 11 February 2025

The PSA wishes to inform members employed by the Department of Basic Education in the Elementary Education and Pre-School Sector that the Essential Services Committee (ESC) has initiated hearings to determine whether services provided in this sector should be designated as essential.

Section 71 of the *Labour Relations Act (LRA)* mandates that the ESC must publish a notice in the *Government Gazette* before conducting an investigation into whether a service is essential. This process allows interested parties the opportunity to make oral representations.

As an interested party, the PSA participated in the initial hearings held at the CCMA Head Office in Johannesburg on 11 February 2025. During these proceedings, the PSA presented arguments based on section 213 of the *LRA*, which defines an essential service as one whose interruption would: “Endanger the life, personal safety or health of the whole or any part of the population”. The PSA emphasised that for a service to be deemed essential, there must be a clear and imminent threat to life, personal safety, or health. Furthermore, the PSA argued that the temporary interruption of Elementary Education and Pre-School services owing to planned protected strikes would not pose such a risk. Parents would have sufficient notice to arrange alternative childcare, ensuring no immediate threat to the safety or well-being of children attending these institutions.

The Department of Basic Education attended the hearing but did not present oral arguments. The PSA remains actively involved and will continue to participate in hearings scheduled for other provinces, as outlined in the *attached* schedule. The PSA is confident that the ESC, in alignment with section 64 of the *LRA*, which guarantees employees’ right to strike, will not classify Elementary Education and Pre-School services as essential.

Employees interested in joining the PSA can visit the PSA’s website, send an email to ask@psa.co.za, or contact their nearest PSA Provincial Office.

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GENERAL MANAGER