



NEWSLETTER

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PSCBC STRATEGIC PLANNING SESSION

Council successfully convened its highly anticipated three-day strategic planning session from 3rd to 5th March 2026 at the Radisson Hotel and Convention Centre in Johannesburg. The session was held under the theme “Collective Bargaining in the Digital Era: Building Trust, Managing Disputes, and Ensuring Good Governance,” the session brought together key stakeholders from the Department of Public Service and Administration, trade unions, Federations and sector bargaining councils, and other council stakeholders to reflect, plan, and strengthen the public service in the labour relations realm.

The primary objective of the strategic planning session was to embed the principles of good governance, transparency, accountability, and inclusivity across all PSCBC structures and processes. It also aimed to explore the effective use of technology and innovation to modernise labour relations, improve access to information, and enhance overall structure of the public service.

The session commenced with opening remarks delivered by the general secretary of the PSCBC, Mr Frikkie De Bruin. In his address, he emphasised that the theme underscores the importance of safeguarding the institution of collective bargaining, while simultaneously modernising dispute resolution and governance processes through the responsible use of technology.

The session was also honoured by the presence of the Minister for the Department of Public Service and Administration, Honourable Inkosi Mzamo Buthelezi, who delivered a keynote address. In his address, the Minister highlighted that protecting collective bargaining does not mean keeping it static, but rather ensuring that it evolves to withstand the pressures of a modern economy and a digitally enabled workforce.

He emphasised that dispute management mechanisms must be beyond reproach, emphasizing that they must be timely, fair, and sustainable in their outcomes. The Minister also underscored the importance of leveraging innovation to improve operational efficiency, while preserving the human element that remains essential to mediation, conciliation, and negotiation processes. He called on the Council to adopt technology in a thoughtful and responsible manner, ensuring that its integration strengthens, rather than compromises, the integrity of labour relations systems.

As day two continued, the focus was on key themes, including embedding good governance, strengthening professionalism, and advancing workplace wellbeing and transformation within the public service. Special attention was given to mental health and wellness, with presentations underscoring the increasing need to support employees in maintaining their overall wellbeing.





During the session, presentations were delivered by PSCBC General Secretary Mr Frikkie De Bruin on challenges in enforcing collective agreements, trade union membership trends, and bargaining approaches. The Labour representative, Mr Thobja Monyai, highlighted the need to train negotiators for better outcomes, while the Employer representative, Ms Mmapitso Mashele, proposed a centralised “clubhouse” system to track and audit decisions, enhancing transparency and accountability.

Day three of the Strategic Planning Session commenced with a special session on “Modernisation and the Future of Work.” The session featured the CEO of PSETA, Ms Bontle Lerumo, who delivered a detailed and insightful presentation on skills development and the future of work. In her presentation, she emphasised the need to prepare public service employees for a rapidly evolving digital environment.

She also highlighted the importance of capacitating young people and meaningfully integrating them into workplace activities and processes to promote sustainability and long-term career growth.

The programme continued with plenary sessions covering key topics, including “The Future of Work,” “Technology and Digital Transformation in the Workplace,” and “A Sustainable Public Service, Fiscal Framework and Wage Policy.” These discussions underscored the importance of equipping employees with the necessary skills to remain relevant and competitive in a changing world of work.

As the strategic planning session concluded, it was regarded as a resounding success, marked by insightful and constructive engagements. Members of the Council emphasised that government must ensure that digital transformation initiative within the public service aligned with the realities of workplace environments, so that innovation supports and strengthens service delivery across the public sector.



PSCBC Convenes **Trilateral Planning Meetings** Ahead of **Strategic Planning Session**



The PSCBC convened a series of 3 strategic planning engagements to kickstart the 2026 calendar as part of preparations for its recently hosted Strategic Planning Conference from 3–5 March 2026. These trilateral meetings brought together Council leadership, including the Chairpersons, the General Secretary, the Executive Committee (EXCO), and the Management Committee (MANCO), to deliberate on priority areas that will shape the Council's strategic direction for the 2026–2031 period. The engagements were aimed at strengthening alignment among leadership structures while ensuring a coordinated and impactful planning process.

The planning cycle commenced with a 2-day Council Management strategic session held from 14 to 15 January 2026, where the management team focused on developing forward-looking strategies and actionable insights for the future of public service labour relations. Discussions centred on outlining key agenda items, defining stakeholder roles, and embedding structured goal-setting methodologies.

This was followed by a strategic meeting of PSCBC Chairpersons, together with the general secretary and MANCO, on 19 and 20 January 2026, which emphasised strategic alignment,

priority setting, and strengthening leadership continuity across Council structures.

Building on these engagements, the PSCBC Executive Committee convened an operational Planning Session on 29 January 2026 to deliberate on critical organisational priorities and operational matters ahead of the strategic planning conference. Key thematic considerations across the trilateral meetings included reinforcing collective bargaining as the cornerstone of labour relations, modernising dispute resolution mechanisms through innovation and digitalisation, embedding good governance principles such as transparency and accountability, and promoting workforce wellbeing, transformation, and skills development within the public service.

Overall, the trilateral planning process reflects the council's commitment to proactive governance, institutional resilience, and collaborative leadership in advancing effective labour relations. By ensuring strategic coherence across its leadership structures and focusing on emerging challenges in a rapidly evolving public service environment, the Council continues to position itself as a central pillar in safeguarding social dialogue, managing disputes, and shaping a more equitable and responsive public service landscape.



PSCBC Labour Parties Caucus Ahead of **Strategic Planning Session**

Labour parties within the PSCBC convened a 3-day Labour Caucus in Gauteng from 11 to 13 February 2026 as part of preparatory engagements ahead of the recently hosted Strategic Planning session. The caucus brought together labour representatives to deliberate on priority issues shaping the future of public service labour relations. The session kicked off with the Opening and Welcome by PSCBC General Secretary, Mr Frikkie De Bruin, setting the tone for robust and forward-looking discussions.

Proceedings were thereafter chaired by the PSCBC Vice Chairperson: Labour, Mr David Phala, whose leadership guided engagements aimed at laying a strong strategic foundation for the planning processes.

Overall, the Labour Caucus served as a critical platform for consolidating labour's strategic priorities ahead of the Strategic Planning Conference scheduled for early March 2026, where parties to Council collectively charted a roadmap for the period 2026–2031. The engagements underscored the importance of proactive planning, collaboration, and innovation in strengthening the resilience and credibility of the PSCBC as a central institution in public service collective bargaining.





PSCBC Employer Caucus Ahead of the **Planned Strategic Planning Session**

Employer parties held a three-day preparatory employer caucus from 11–13 February 2026 ahead of the upcoming Strategic Planning Session. The caucus brought together key employer delegates to discuss strategic priorities and ensure a coordinated approach for the year ahead.

The first day opened with a welcoming address by the Acting DDG, Mr. Dumisani Hlophe. He highlighted the employer's achievements during the current strategic period and emphasized the critical importance of robust planning for the upcoming cycle. His address was followed by the employer's Chief Negotiator and PSCBC Vice Chairperson Employer, Mr. Mompoti Galorale, who provided the formal contextualization for the caucus, setting the tone for the three-day session.

On the second day, Mr. Modise Letsatsi facilitated a recap of day 1, during which delegates expressed their appreciation for the depth of discussions and the valuable insights shared. Mr. Galorale then presented the proposed roadmap for the 2028/29 public service wage negotiations, providing a detailed overview for consideration by all participants.

The caucus also included a comprehensive workshop on the Personnel Expenditure Review which generated active dialogue and engagement among delegates. In addition, presentations and feedback from the Strategic Planning Thematic Area breakaway groups were discussed.

Day 3 of the preparatory employer caucus commenced with a recap of day 2, with featured engagements on the proposed roadmap for the 2028/29 Public Service wage negotiations, the National Labour Relations Conference and preparations for the GEMS Strategic Workshop. The caucus concluded successfully, having provided a platform for meaningful engagement, reflection, and strategic alignment among employer representatives for the upcoming PSCBC Strategic Planning Session.



FEDUSA-Affiliated Public Service Trade Unions and SAPU March to GEMS to Submit a Memorandum on the 9,8% Increase

On 15th of February 2026, PSCBC-affiliated trade unions under FEDUSA and SAPU held a media briefing at the PSCBC offices in Centurion to address the ongoing increases in medical aid contributions imposed by the Government Employees Medical Scheme. The briefing was followed by a march on 21st of February 2026 to GEMS offices in Menlyn to table and submit a memorandum of demands regarding the proposed 9.8% increase in medical aid contributions.

The President of FEDUSA, Godfrey Selematsila, noted that the unions have the intention to review PSCBC Resolution 1 of 2026 while exploring alternative medical aid options to provide greater financial relief and improved affordability for public servants.

During the reading of the memorandum, the President of FEDUSA outlined the unions' key demands, which included the immediate withdrawal of the 9.8% increase implemented in January 2026 and the 9.5% adjustment effective from 1 April 2026. The unions further called for a forensic audit into governance, finances, procurement practices, and administrative expenditure, as well as full transparency on operational budgets and specific line items.

Additional demands included a comprehensive review of outsourcing arrangements and administrative cost drivers, the implementation of labour-proposed anti-fraud and cost-containment measures, and a review of the funding model, particularly the statutory 25% reserve ratio requirement.

The memorandum also emphasised the need for structured and meaningful engagement with organised labour at the PSCBC, alongside appropriate governance interventions at the executive level. The memorandum was signed and acknowledged by the Principal Officer, Dr Stan Moloabi, with GEMS given a seven-day deadline to respond to the memorandum.



COSATU-Affiliated Public Service Trade Unions Escalate Action Against **GEMS** Contribution Increases

On 23 February 2026, COSATU-affiliated public service trade unions, namely DENOSA, NEHAWU, SADTU, POPCRU, SAMATU, PAWUSA and SAEPU, convened a media briefing at the COSATU House in Johannesburg to formally outline their rejection of the 9.8% medical scheme contribution increase for 2026 implemented by the Government Employees Medical Scheme. The briefing was led by DENOSA President Cde Simon Hlungwani, who addressed union members and the media on behalf of COSATU-affiliated trade unions admitted at the PSCBC. The engagement aimed to communicate growing dissatisfaction with escalating healthcare costs and to mobilise their members ahead of the planned protest action.

During the briefing, union leaders emphasised that the latest increase follows a significant 13.4% contribution adjustment implemented in 2025, resulting in a cumulative increase of approximately 23.3% over a two-year period. They argued that these escalations have occurred without corresponding improvements in benefits, placing additional financial strain on public servants already facing rising living costs.

This concern was further compounded by relatively modest public service wage adjustments of 5.5% in 2025/26 and a projected 4% in 2026/27, while inflation remains around 3.5% and medical aid subsidy increases are capped at roughly 4.5%. Beyond affordability concerns, unions also highlighted broader governance and operational challenges within the scheme. These included dissatisfaction with contribution determination processes, allegations of governance shortcomings, and concerns that GEMS is deviating from its founding purpose of providing affordable, solidarity-based healthcare for government employees. Trade Union representatives outlined a multi-pronged strategy to address these issues, including exploring legal avenues, intensifying workplace mobilisation, and coordinating a structured programme of advocacy across provinces.



This mobilisation culminated in a protest march on 26 February 2026, where COSATU-affiliated unions gathered at the GEMS headquarters to formally submit a memorandum outlining their demands.

The memorandum called for the immediate withdrawal and reversal of the 9.8% contribution increase, the commissioning of a full forensic audit into governance, finances, and procurement practices, and the removal of the current Principal Officer and implicated executives. Furthermore, unions demanded the full implementation of PSCBC Resolution 4 of 2017 (Clause 5) to ensure 50% labour representation on the scheme's board, reflecting the collective bargaining nature of the medical aid structure.

Additional proposals included the redesign of benefit structures to better protect lower-income members, the restoration of full benefits for beneficiaries on the Tanzanite option, and a

review of executive remuneration and outsourcing contracts to ensure alignment with public service norms. Union leaders stressed that these reforms are necessary to restore trust among members and to ensure that the scheme operates in a manner consistent with its mandate and the financial realities faced by public servants.

Overall, the coordinated media briefing and subsequent protest action signalled a significant escalation in organised labour's response to rising healthcare contribution costs and governance concerns within GEMS. COSATU-affiliated unions reiterated their commitment to sustained engagement, structured mass action, and continued advocacy in pursuit of equitable healthcare access and transparent scheme management. The developments reflect ongoing tensions between organised labour and medical scheme leadership, while also highlighting the importance of constructive dialogue to achieve sustainable solutions for public servants.



Botswana Hosts 7TH African Labour Law Society Conference

The PSCBC had the privilege of attending the 7th African Labour Law Society Conference in Gaborone, Botswana. This important gathering brought together leading scholars, practitioners, and policymakers to engage on critical developments in labour law across the African continent.

Attending the Conference from council was the General Secretary of the PSCBC Mr Frikkie De Bruin, parties to council and the Management Committee of the PSCBC. Mr Oomang Parag expertly facilitated and chaired the breakaway sessions for the Conference, fostering engaging dialogue and insightful exchange among delegates on key labour law developments and contemporary challenges.

Dr. Christopher Phiri delivered a thought-provoking and insightful paper titled "30 Years of Labour Relations: From Struggle to Structure," providing a comprehensive reflection on the evolution, challenges, and key milestones of labour relations in South Africa over the past three decades.

The council's participation underscores the PSCBC's ongoing commitment to strengthening labour relations, promoting fair and equitable collective bargaining, and contributing meaningfully to the development of progressive labour law discourse within the public service sector.





Management of Trade Union Follow-Up Workshop

On the 11th of February 2026, the PSCBC hosted a Management of Trade Union Membership Follow-Up Workshop. The session focused on recapping system processes, enhancing stakeholder engagement, and strengthening trade union membership procedures within the public service.

The workshop was attended by representatives from the Labour parties, trade union membership teams, and IT personnel. The workshop aimed to facilitate discussion on the proposed trade union management system and to provide a platform for stakeholders to consult, share inputs, and seek clarity on technical, operational, and policy considerations.

Labour representatives raised concerns regarding challenges with membership verification, noting that some members decline PSCBC confirmation. They emphasized the administrative burden and financial implications associated with re-verifying members. Additionally, concerns were expressed about the sensitivity of union affiliations and the extent of HR involvement.

Discussions also highlighted discrepancies between union and council data requirements, as well as the need to ensure alignment with the Labour Relations Act and the Consumer Protection Act to prevent misuse of information.

During the workshop stakeholders proposed several recommendations to the Executive Committee, including the establishment of a dedicated Task Team to co-design the trade union management system implementation plan.

Stakeholders stated that the role of dedicated Task Team will be to:

- Defining phased implementation milestones
- Agreeing on realistic and achievable timelines
- Identifying dependencies, risks, and organisational readiness requirements
- Ensuring sufficient planning and budgeting time for trade unions
- Developing a Service Level Agreement (SLA) with PERSAL
- Enabling the PSCBC Secretariat to provide regular progress updates to Council
- Facilitating the participation of trade union principals through PSCBC Vice-Chairpersons
- Ensuring implementation proceeds only once system readiness has been confirmed by all parties

It was further proposed that implementation of timelines be developed collaboratively, considering the variations in union systems and levels of operational maturity, budget cycles, internal approval processes, and system integration and change management requirements, including training and communication needs.

Overall, the workshop was successful and insightful, with stakeholders actively engaging in discussions and providing valuable recommendations to enhance the effectiveness of the trade union management system.





NAPTOSA Hosts Staff Training Programme at Emperors Palace Convention Centre

The National Professional Teachers' Organisation of South Africa hosted a staff training programme from 22 to 23 January 2026 at the Emperors Palace Convention Centre. The training initiative was aimed at strengthening internal staff capacity and enhancing organisational knowledge on key labour relations frameworks impacting the education sector and the broader public service. The programme brought together NAPTOSA staff and stakeholders to engage on critical themes relating to collective bargaining, dispute resolution, and access to labour justice.

A key highlight of the training was a presentation delivered by the ICT Senior Manager of the PSCBC, Mr Oomang Parag, titled "Enhancing Access to Labour Law: The Role of Bargaining Councils." The session provided participants with a comprehensive overview of the statutory role of bargaining councils as established under the Labour Relations Act, 66 of 1995, emphasising their importance in institutionalising social dialogue, regulating collective bargaining, and providing accessible mechanisms for dispute prevention and resolution. The presentation further unpacked the two-tier public service bargaining architecture, highlighting the coordinating function of the PSCBC at the central level and the specialised role played by sector councils in addressing sector-specific labour matters.

The training underscored the value of structured negotiation processes, democratic representation through weighted voting systems, and governance mechanisms that ensure accountability and compliance within council operations.

These insights reinforced the importance of effective utilisation of bargaining structures in promoting labour stability, reducing industrial conflict, and improving public service delivery outcomes.

Overall, the training programme reflected NAPTOSA's continued commitment to professional development, policy influence within the education sector, and strengthening access to labour law for educators. By equipping staff with deeper institutional knowledge of bargaining frameworks and dispute resolution systems, the initiative contributes to building a more informed and capable union leadership that can effectively represent members and advance fair labour practices. The engagement also highlighted the critical role of collaboration between unions and bargaining institutions in sustaining orderly labour relations across the public service.



DPSA **NATIONAL LABOUR RELATIONS** FORUM

The PSCBC attended the National Labour Relations Forum in KwaZulu-Natal, hosted by the Department of Public Service and Administration on the 19th of February 2026. The Council's General Secretary, Mr. Frikkie De Bruin, delivered a presentation on the implementation and enforcement of collective agreements, highlighting the critical role of compliance in maintaining fair and effective labour relations within the public service.

During his presentation, Mr. Frikkie De Bruin also examined a prominent case involving the Department of Correctional Services and Nxele, providing delegates with valuable insights into the practical and legal implications of enforcing collective agreements. Council's participation was noted to reflect its ongoing commitment to promoting compliance and contributing to meaningful engagement platforms within the public service.

Key discussions at the forum included the Constitutional Court judgement on parental leave, the cost implications of legal representation and precautionary suspension in disciplinary processes, and emerging post-COVID trends regarding how employers have responded to remote work, including whether it has been embraced or resisted.

The forum concluded successfully, providing a platform for constructive dialogue, knowledge sharing, and collaboration among public service stakeholders. The PSCBC reaffirmed its commitment to fostering compliance, enhancing labour relations, and supporting initiatives that strengthen fairness, accountability, and efficiency within the public service sector.

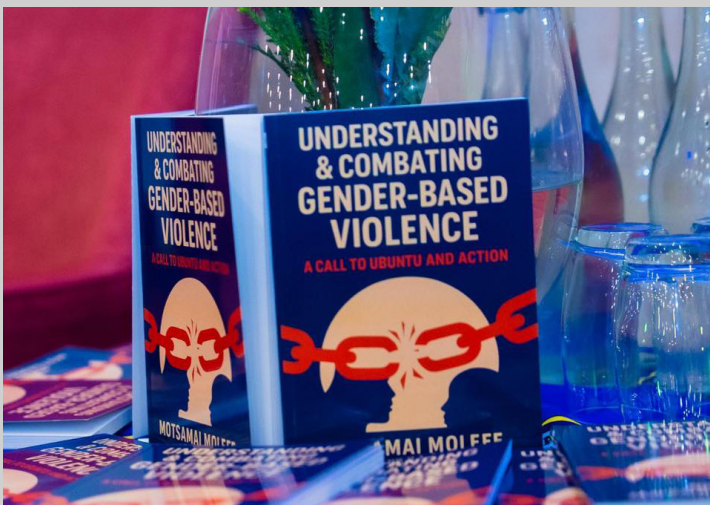


SAPU Book Launch on Gender-Based Violence

The PSCBC proudly attended the South African Police Union book launch on 19 February 2026 at the Irene Hotel in Centurion. The event marked the launch of a book addressing the critical issue of Gender-Based Violence.

The book, titled "Understanding and Combating Gender-Based Violence" and written by Professor Motsamai Molefe, a key South African figure in discussions on gender-based violence, encouraged all attendees to speak out against GBV and take a firm stand in ending violence in our society. The message underscored the urgent call to Stop GBV, Stop Femicide, Stop Rape, and Stop Murder. In support of this initiative, SAPU encouraged its members to wear black t-shirts on the last Friday of every month as a symbolic action in the fight against GBV.

The PSCBC fully supports SAPU's initiative and the launch of this important book and calls on all citizens to unite in fighting against any form of violence, particularly violence directed at women and children. Together, we can achieve the call to end Gender-Based Violence and make a tangible impact in eradicating this crisis from our society.



POPCRU Potchefstroom Hosts **First Annual Wellness Day** in North West

On 27 February 2026, the Police and Prisons Civil Rights Union (POPCRU) in the North West Province hosted its first Annual Wellness Day at the Potchefstroom Correctional Centre. The event brought together union members and public service employees for a focused initiative to promote employee wellness, unity, and resilience within the correctional services environment. The wellness day formed part of POPCRU's broader efforts to strengthen the well-being of its members while enhancing workplace morale and productivity.

The programme placed particular emphasis on health awareness and financial literacy, recognising the critical role these elements play in supporting a motivated and service-oriented workforce. Through informative engagements and wellness-focused activities, participants were encouraged to prioritise both their physical wellbeing and financial sustainability. Such initiatives highlight the importance of proactive interventions that address the holistic needs of employees operating in demanding public service environments.



Representatives from the PSCBC were also in attendance and actively participated in the event through an exhibition stand where they engaged directly with attendees. Present from the PSCBC were Senior Officer: Trade Union Management, Tseke Mphahlele, Officer: Trade Union Management, Shriya Budhram, and PSCBC Mental Health Coach, Priyanka Kisten, who facilitated meaningful discussions with members on the importance of mental health awareness in the workplace. These engagements provided an opportunity to gather insights from employees on what mental wellness means to them and how improved psychosocial support can contribute to healthier and more productive work environments.

Overall, the successful hosting of the wellness day reflects POPCRU's continued commitment to advancing programmes that foster a supportive and empowering workplace culture. The PSCBC welcomed and supported the initiative, recognising employee wellness as a key pillar in sustaining a productive, engaged, and resilient public service workforce.



PSCBC Visits Cothoza Primary School in Mpumalanga for its ongoing School Uniform Drive

The PSCBC, as part of its Corporate Social Responsibility programme, embarked on a School Uniform Drive on the 11th March 2026 at Cothoza Primary School in Standerton, Mpumalanga. The initiative aimed to support learners from underprivileged communities by donating essential school uniforms, ensuring that learners are able to attend school with dignity, confidence, and a renewed sense of pride.

Present at the drive was the General Secretary of the PSCBC, Mr Frikkie De Bruin, who officially handed over the school uniforms to the school's principal. In his remarks, he expressed appreciation to the teachers for the remarkable work they do in educating learners and imparting foundational knowledge that shapes their future.

Learner Amahle Dlamini spoke on behalf of the learners, expressing heartfelt gratitude and appreciation. She noted that the donation from the PSCBC would bring hope and help restore a sense of dignity and confidence among the learners.

The PSCBC is proud to have played a meaningful role in supporting school learners, particularly those in underprivileged and underserved communities. This initiative ensured that children in these areas had access to appropriate school uniforms, enabling them to attend school with dignity, confidence, and a strong sense of belonging. Initiatives such as these not only promote equality but also empower learners to focus on their education without the burden of social stigma. As Nelson Mandela once said, "It is through education that the daughter of a peasant can become a doctor, that a child of farm workers can become the president of a great nation."



Bringing PSCBC Closer to the People: **Stakeholder Engagement at Steve Biko Academic Hospital**

On 27 March 2026, the PSCBC joined personnel at Steve Biko Academic Hospital as part of its ongoing stakeholder engagement workshops. The purpose of the visit was to exhibit and engage directly with staff members, creating awareness about the role and services of the Council.

The communications team, led by Senior Manager: ICT, Mr Oomag Parag, actively engaged with hospital personnel on Council processes and the mandate of the PSCBC within the public service. These engagements provided an opportunity for staff to better understand how the Council supports fair labour practices and dispute resolution.

Delegates were also encouraged to follow the PSCBC's social media platforms as an interactive way to stay informed on labour relations matters. In addition, they were guided on when and how to engage the Council, particularly in referring disputes and utilising the e-referral system effectively.

This engagement reaffirmed the PSCBC's commitment to empowering public servants with knowledge, improving access to its services, and strengthening effective labour relations within the public service.



Case law Summary

The National Commissioner: Department of Correctional Service and VS Regional Commissioner of Correctional Services Mr. Mnikelwa Nxele a Regional Commissioner in the Department of Correctional Services for KwaZulu-Natal

The applicant Mnikelwa Nxele, who is Employed as a Regional Commissioner in the Department of Correctional Services for KwaZulu-Natal, was placed on precautionary suspension on 9 May 2025 following allegations of corruption, misrepresentation, and procurement irregularities. Department of Correctional Service justified the suspension on the basis of the seriousness of the allegations and the concern that the Applicant's continued presence at the workplace could interfere with ongoing investigations and potentially compromise witnesses.

Mr Mnikelwa's employment is governed by the SMS Handbook, specifically clause 2.7(2)(c), which provides that when an employee is placed on precautionary suspension, the employer must hold a disciplinary hearing within 60 days, failing which the continuation of the suspension may be called into question.

The Applicant contended that the 60-day period expired on 8 July 2025, calculated as calendar days from the date of suspension, and that no valid disciplinary hearing had been held within that timeframe. On this basis, he reported back to work on 9 July 2025, asserting that his suspension



had lapsed. However, the Respondent maintained that the suspension remained valid, arguing that the disciplinary process had commenced on 8 July 2025 and that the 60-day period had not yet expired. According to the Respondent, the correct calculation of the 60-day period excludes weekends and public holidays, meaning that the period would only lapse on 4 August 2025. The Respondent further argued that the proceedings on 8 July 2025, during which preliminary issues and objections in limine were raised before the chairperson, constituted the commencement of the disciplinary hearing.

The central issue before the Court was therefore the proper interpretation of the term “60 days” in clause 2.7(2)(c) of the SMS Handbook—specifically, whether it refers to calendar days or only to working days. In resolving this issue, the Court considered relevant case law, including Constitutional Court and Labour Appeal Court decisions, which have consistently held that where legislation or contractual provisions refer simply to “days” without qualification, the term should be interpreted as referring to days on which the employee is required to work, unless the context indicates otherwise. These authorities emphasise that including weekends and public holidays in such calculations could lead to unfair and irrational outcomes, particularly where employees are not contractually obliged to work on those days.

Applying these principles, the Court found no reason to deviate from the established interpretation.

It noted that the Applicant was contractually required to work only from Monday to Friday, excluding weekends and public holidays, unless otherwise instructed. Accordingly, the 60-day period in clause 2.7(2)(c) had to be calculated using working days only. On this basis, the Court determined that the 60-day period had not expired by 8 July 2025 but would instead expire on 4 August 2025. As a result, the Applicant remained lawfully suspended at the time he sought to return to work.

In relation to the relief sought, the Court reiterated that an applicant seeking declaratory relief must establish an existing, future, or contingent right. In this case, the Applicant failed to demonstrate that he had a right to return to work before the expiry of the 60-day period. Consequently, the application was found to be premature and lacking merit. The Court therefore dismissed the application.

The Court further emphasised that the purpose of clause 2.7(2)(c) is to prevent the abuse of precautionary suspension and to protect employees from unnecessarily prolonged suspensions that may harm their reputation, job security, and professional standing. However, it held that this protective purpose does not justify intervening where the prescribed period has not yet expired or where there is no evidence of abuse by the employer.





VISION

A bargaining council positioned to advance and influence change in the labour market environment

MISSION

Promoting sound labour relations through collective bargaining and dispute management both locally and internationally.

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