

PSERA APPLICATIONS UNDER CODE

On 1 September 1994, the *Labour Boards Amalgamation Act* (SA 1994, c.19) was enacted. The act amended the [Public Service Employee Relations Act](#) (PSERA) and the [Labour Relations Code](#) to bring [PSERA](#) under the jurisdiction of the Labour Relations Board. As a result of these amendments, a number of sections of PSERA were deleted and portions of the Code are used in their place. This means some PSERA applications are now made under the Code, while others continue to be made under PSERA. This was further complicated by the renumbering of the Code and PSERA which occurred in January 2002.

A table is set out below which details the areas where PSERA and the Code interact. The first column shows the PSERA section number (using the RSA 2000 numbers). The second column describes the section in question. The third column identifies the section of the Code that is related to these applications.

The fourth column identifies the section (or [PSERA](#) or the [Code](#)) that is used to code the applications in the database. Column four indicates that, for some applications, the appropriate section for tracking in the database will be a section in PSERA. For other types of applications, the appropriate reference will be to a section of the Code. The reason for this discrepancy is that some PSERA-based applications are still made under a specific section of PSERA, even though that Act may make reference to the Code for some of the processes underlying the application. In such cases, the reference in the database continues to be based on the PSERA section.

Other provisions under the amended PSERA provide that the application is made under the Code itself. In these cases, the database reference will be to the Code provision. Because the Board still wants to distinguish between Code-based applications and PSERA-based applications for tracking purposes, all PSERA applications (whether started under the [Code](#) or [PSERA](#)) will be given a special symbol to indicate that the application at issue is a PSERA application.

PSERA Section	Description of Section	Code Section	Database Reference
3(1)	Votes	12(2) and 15	n/a. Section 3(1) of PSERA gives Board same powers as Sections 12(2) and 15 of the Code.
3(1)	Reconsideration	12(4)	Code 12(4)

3(1)	Service	12(2)(g)	n/a. Section 3(1) of PSERA gives the Board the same powers as Section 12(2)(g).
16	Certification	32-41 (explains process)	PSERA 16
18	EE revocation	50-54 (explains process)	PSERA 18
18	ER revocation	50-54 (explains process)	PSERA 18
18	Voluntary recognition / revocation declaration	50-54 (explains process)	PSERA 18
3(1)	Waiver of three month filing limit	57	Code 57. Section 3(1) of PSERA gives the Board the same powers as Section 57.
44	Appointment of arbitration member	138(1)(a). Provides that Sections 134-146 of the Code applies under PSERA.	Code 138(1)(a)
44	Appointment of arbitration chair	138(1)(b). 138(1)(a). Provides that Sections 134-146 of the Code applies under PSERA.	Code 138(1)(b)
44	Appointment of single arbitrator	137(1). 138(1)(a). Provides that Sections 134-146 of the Code applies under PSERA.	Code 137(1)
44	Speeding up decision	140(1). 138(1)(a). Provides that Sections 134-146 of the Code applies under PSERA.	Code 140(1)
3(1)	Attendance of Witness	14(2)	Code 14(2). Section 3(1) of PSERA gives the Board the same powers as Section 14(2).