PSA The Union Of Choice

informus

FOR PSA MEMBERS: NATIONAL PROSECUTING AUTHORITY (NPA)

26 July 2012

Labour appeal court matter: NPA Job Evaluations

- **State Attorney's Office brought an application for special leave to appeal which was dismissed with costs**

Victory for PSA members

- Members will recall that in July 1999 the Minister responsible for the Department of Public Service and Administration directed that job evaluations should be undertaken in all departments of national government and provincial administration.
- The NPA took its first step to give effect to the directive on 1 January 2002 when it was announced that all NPA posts would be re-evaluated and graded.
- Further delays occurred and only in February 2004 (nearly five years after the directive was issued by the DPSA) did the NPA appoint external consultants to commence investigations.
- The evaluation was completed six months thereafter and a number of posts were upgraded.
- Funding was a problem and NPA applied for additional funding from Treasury in July 2004, which was rejected.
- The employer subsequently implemented a phased-in approach of the results.
- The PSA was opposed to this manner of implementation and referred a dispute to the GPSSBC on 1 April 2005 for the employer to fully implement the results with effect from 1 April 2005 and not phased in.
- At arbitration an award was issued in favour of the PSA and the NPA was ordered to pay NPA employees an amount equivalent to the amount they would have received if they had the re-graded structure implemented with effect from the middle of 2005.
- This award was then referred to Labour Court by the employer for review.The Judge of the Labour Court made an order reviewing and setting aside the award on the basis that the arbitrator took into account irrelevant considerations and also exceeded his powers, thus rendering the award one that a reasonable decision-maker would not have made.
- Subsequently, the PSA lodged an appeal at the Labour Appeal Court (LAC) and the matter was heard on 25 August 2010.
- Judgment was handed down on 20 April 2012 and the Judge ruled in favour of the PSA and granted the following order:
  - The appeal succeeds;
  - The order of the Labour Court is set aside;
  - In its stead, an order is granted that;
  - The application for review is dismissed;
  - There is no order as to costs.
- The PSA was informed that the State Attorney's Office (acting on behalf of the employer) brought an application for special leave to appeal the Labour Appeal Court's judgment, to the Supreme Court of Appeal.
- The PSA instructed its attorneys to oppose the matter and are pleased to report that the NPA's leave to appeal was dismissed with costs.
- The PSA is consulting its attorneys on the next steps, i.e. in relation to the execution of the award.

Members will be kept informed.

Danny Adonis
GENERAL MANAGER

Any Questions?

General enquiries to the PSA can be addressed to ask@psa.co.za

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The PSA, in the interest of effective communication, recognises the official languages of the Republic of South Africa. For assistance with the interpretation of this newsletter in any of the official languages, contact your nearest PSA Provincial Office.

Die PSA erken, in belang van effektiewe kommunikasie, die amptelike tale van die Republiek van Suid-Afrika. Vir hulp met die vertolking van hierdie nuusbrief in enige van die amptelike tale, kontak u naaste PSA-Provinsiale Kantoor.

Ngekareko yokukhulumisana nokuthintana ngefanelo, i-PSA ihlonipha woke amalimi wangokomthetho eSewula Afrika. Nawufuna irhelebho ngokuzwisisa lomtlolo ngelinye lamalimi wangokomthetho eSewula Afrika, thintana ne-ofisi lephrovinsi le-PSA eliseduze nawe.

Kha u ita uri hu vhe na vhudavhidzani havhudi, dzangano la Vhashumeli Vha Muvhuso(PSA), li dzhiela ntha nyambo dzothe dza tshiofisi dza Riphabuliki ya Afurika Tshipembe. U wana thuso ngaha vhupinduleli ha bammbiri ? a mafhungo kha nyambo dzo ? he dza tshiofisi, (kha) vha kwame ofisi (ya) tsini ya dzangano ? avho ? a vha shumeli vha muvhuso.

Ngenhloso yekuchumana ngendlela lekahle, i-PSA iyatemukela tonkhe tilwimi letisemtsetfweni teRiphabhliki yeNingizimu Afrika. Uma ufuna kutfola lusito ngekuhunyushwa kwalencwadzitindzaba kunobe nguliphi kuletilwimi letisemtsetfweni, chumana neliHhovisi lesiFundza lelisedvute le-PSA

I-PSA inothando lokuxhumana ngempumelelo, futhi iyazivuma izilimi ezisemthethweni zaseNingizimu Afrika. Uma ufuna usizo lokuhunyushelwa le ncwadi yezindaba nganoma yiluphi ulimi olusemthethweni, xhumana Nehhovisi Yesifunda ye-PSA eseduzane nawe.

PSA ka kgahlego ya kgokagano yeo e kgonegago, e gopola maleme a mmušo a Repabliki ya Afrika Borwa. Go hwetša thušo ka phetolelo ya lengwalo la ditaba ka leleme lefe goba lefe la mmušo, ikopanye le Kantoro ya PSA ya Profense.

Molemong wa ho ba le dikgokahano tse tsamayang hantle haholo, PSA e ananela dipuo tsa semmuso tsa Rephaboliki ya Afrika Borwa. Ha o batla thuso mabapi le ho fetolelwa ha koranta ena puong efe kapa efe ya semmuso, o ka iteanya le ba Ofisi ya Provinse ya PSA.

PSA hi ku lava ku fikelela ku vulavurisana ka kahle, yi amukela tindzimi ta ximfumo ta Riphabuliki ra Afrika-Dzonga. Loko u lava ku pfuniwa hi nhlamuselo ya phepha-hungu leyi hi rin'wana ni rin'wana ra tindzimi ta ximfumo, u nga tihlanganisa na Hofisi ya Xifundzankulu ya PSA ya le kusuhi.

PSA, ka maitlhomo a yona a go tsweletsa tlhaeletsano, ba amogela tiriso ya dipuo tsa semmuso tsa Repaboliki ya Aforika Borwa. Fa o batla thuso ya thanolo ya lokwalodikgang ka nngwe le nngwe ya dipuo tsa semmuso, o ka ikgolaganya le ofisi ya porofentshe ya PSA.

IPSA, ngenxa yomdla wayo kunxibelelwano oluncomekayo, iyazibalula iilwimi zaseburhulumenteni zeRiphablikhi yaseMzantsi Afrika. Ngoncedo loguqulelo lwale leta yeendaba nakweziphi iilwimi zaseburhulumenteni, qhagamshelana neyona Ofisi yeNqila yakho ekufutshane yePSA.