

## PSA ensures victory for members

### DCS promotion dispute

The Department of Correctional Services (DCS) failed to shortlist a member after she applied for a vacant position that was advertised. The member met all the requirements for the position and had acted in the same position for 12 months. The commissioner found that the reason advanced by the employer not to shortlist the member was reckless in that the member was denied the opportunity to be considered for shortlisting, which affected her chances of promotion. The Department's conduct was found to be unfair towards the member and it was ordered to pay the member compensation of R172 163 by 30 May 2023.

### DARD unfair suspension dispute

The Department of Agriculture and Rural Development (DARD) was found to have committed an unfair labour practice against a PSA member after failing to uplift a precautionary suspension. This is after the DARD failed to comply with the provisions of clause 2.7(2)(c) of the SMS handbook, stating that if an employee is suspended as a precautionary measure, the employer must hold a disciplinary hearing within 60 days. The commissioner found the suspension of the member unfair. The DARD was ordered to uplift the member's suspension and pay compensation of R187 476.44 by 30 May 2023.

### SASSA promotion dispute

The PSA referred an unfair labour practice matter on behalf of a member after the South African Social Security Agency (SASSA) failed to promote her to a position of Senior Manager at a branch in the Free State. The member was not promoted even though she was certified competent and recommended as the preferred candidate for the position by the independent panel. The PSA referred the matter to the CCMA. The commissioner found that SASSA committed an unfair labour practice against the member. SASSA was ordered to unconditionally place the member into the Senior Manager position that she was recommended for, and pay her compensation of R212 698.50

### Unfair dismissal dispute

A member was unfairly dismissed on 22 March 2018. Arbitration proceedings started on 22 July 2019. After many postponements owing to delaying tactics by the employer, arbitration proceedings were finally completed. The arbitration award was issued on 18 May 2023. This Department only responded to the member's appeal after two years and the member was not paid pending the outcome of the appeal process, which is a violation of clause 7.3(c) of Resolution 1/2003. The commissioner found that the member's dismissal was procedurally and substantively unfair. The Department was ordered to reinstate

the member immediately. The reinstatement is retrospective, and the member must receive backpay of R4 485 789 by 30 June 2023.

Employees who want to join the PSA can visit the PSA's website ([www.psa.co.za](http://www.psa.co.za)), send an email to [ask@psa.co.za](mailto:ask@psa.co.za) or contact PSA Provincial Offices.

GENERAL MANAGER