

## Victory for PSA members

### Department of Agriculture and Rural Development

Members are aware that the employer contemplated commencing with a process to reverse OSD translations for scientists during 2022. Subsequently, the processes commenced where an employee who is a PSA member saw himself translated from Scientific Manager to Deputy Director with no OSD. The member approached the PSA and was assisted to lodge a grievance, which could not be resolved. Subsequently, the PSA declared a dispute of unfair labour practice and argued that the reversal of the member's translation to OSD as Scientific Manager constituted demotion for him. The arbitrator found in favour of the PSA and ordered the employer to reinstate the OSD translation of the member and move him from the current post of Deputy Director to the post of Scientific Manager by not later than 31 October 2023. The employer was also ordered to pay the member arrear salary of R117 549 and to continue remunerating him at the appropriate annual salary in the position of Scientific Manager. This outcome stops the employer from continuing with the ill-advised process of stealing from workers who were correctly translated to the OSD positions. An award was certified by the CCMA in terms of section 143 of the *LRA*. The PSA is in a process of enforcement thereof since the employer failed to fully implement the award.

### Department of Correctional Services

A PSA member was accused of reckless driving after a video was taken by another driver who posted this on social media, prompting the employer to charge the employee. The employee who is a PSA member approached the PSA for assistance. The PSA represented the member who was charged with allegations of endangering the lives of himself and others by disregarding safety rules by driving recklessly. The employer believed that it had a compelling case against the employee as it relied on the video clip of a Correctional Services vehicle that allegedly blocked the road at Magoebaskloof road. The PSA meticulously studied the video and proved during cross-examination that the driver of the vehicle from which the video clip was captured was in fact the culprit as he was driving recklessly and negligently. It was his recklessness and driving at a high speed at a sharp curve and overtaking two vehicles, including that of the member on a barrier line and a painted island and suddenly slowing down that prompted the member to apply brakes to avoid a collision, thereby causing the car to swerve to the right line of oncoming traffic. The PSA not only proved on balance of probabilities that the member is innocent but also did so beyond reasonable doubt that the employer had no reason charging the employee. The member was not found guilty as the employer evidence was dismantled by the diligent work of the PSA. The chairperson had no choice but to correctly find the member not guilty.

## National Prosecuting Authority

An employee was charged with three allegations of gross dishonesty in that he misled the court when he fixed the admission of guilt without consulting the Control Prosecutor or his delegate. Before the hearing, a plea bargaining was agreed upon with the initiator to change the allegations from gross dishonesty to dishonesty, however, the PSA could not convince the initiator to change the allegations. The member pleaded guilty to all allegations as per engagement and the advice of the PSA, noting the seriousness of the charges and the role of the member. The chairperson of the hearing pronounced a sanction of dismissal. The PSA did not agree that this sanction was the correct as it had argued strongly for the chairperson to at least consider a lesser sanction to that of dismissal. Subsequently, the PSA appealed the sanction, highlighting to the Minister that the chairperson did not consider a critical submission by the PSA on behalf of the member. The appeal was upheld, and the sanction of dismissal was replaced by two months' suspension and a final written warning, which was accepted by the member.

## Department of Health: EMS

A member in Emergency Medical Services approached the PSA after a failed engagement with the employer and the HPCSA pertaining to his annual registration for qualifying health workers as he was omitted and thus could not practice as an EMS employee. He was informed that the registration process was concluded and that there was inaccuracy in his personal information, including his ID number. The PSA intervened to the point of engaging the college principal to assist the member in preparing him for the board examination as it was indicated that the only way the member could be registered was to write the HPCSA Board examination. Through the PSA's intervention, which led to the assistance/preparation by the principal, the member was able to sit for examination and passed, paving the way for him to register. The member is currently registered with the HPCSA as an Ambulance Emergency Assistant/Immediate Life Support and can practice. The member is no longer facing uncertainty of employment in terms of his role and future.

The PSA will do everything in its power to protect members' rights and promote their interests as practicing service excellence is an important value of the PSA. Members needing assistance with their cases can contact the PSA Provincial Manager at [john.teffo@psa.co.za](mailto:john.teffo@psa.co.za) or WhatsApp 079 513 9856.

Employees who wish to join the PSA can contact Lawrence Muvhango on 082 880 8995 / [lawrence.muvhango@psa.co.za](mailto:lawrence.muvhango@psa.co.za) or Paulina Moloto on 082 880 8957 / [paulina.moloto@psa.co.za](mailto:paulina.moloto@psa.co.za).

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