



**PHSDSBC**

PUBLIC HEALTH AND SOCIAL DEVELOPMENT  
SECTORAL BARGAINING COUNCIL

# SETTLEMENT AGREEMENT

IN THE PUBLIC HEALTH AND SOCIAL DEVELOPMENT SECTORAL BARGAINING COUNCIL

PHS 121-19/20  
Case Number: \_\_\_\_\_

In the dispute between:

PSA do Phakele P.A.

(Applicant)

and

DoH North West

(Respondent)

The undersigned parties record the settlement of their dispute in the following terms. By signing this agreement, the parties acknowledge that the agreement was read to them and interpreted (where necessary) and that they understand the content hereof. This agreement is in full and final settlement of the dispute referred to the PHSDSBC as well as in full settlement of all statutory payments due to the applicant unless specifically excluded in paragraph 4 of this agreement.

1. ☐ **REINSTATEMENT**

- 1.1 The respondent agrees to reinstate the applicant on the same terms and conditions of employment which governed the employment relationship prior to the dismissal dated..... (date)
- 1.2 The said reinstatement is to operate retrospectively with effect from..... (date)
- 1.3 As a result of the retrospective effect of the reinstatement, the respondent agrees to pay remuneration due to the applicant in the amount of R..... by no later than..... (date)
- 1.4 The applicant must report for duty on..... (date) at..... (time) at..... (place)

☐ **RE-EMPLOYMENT**

- 2.1 The respondent agrees to re-employ the applicant with effect from..... (date)
- 2.2 The applicant must report for duty on..... (date) at..... (time) at..... (place)
- 2.3 The re-employment will be on the same terms and conditions of employment which governed the employment relationship prior to the dismissal unless specifically set out hereunder .....

3. ☒ **MONETARY SETTLEMENT**

- 3.1 The respondent agrees to pay the applicant the total amount of R 183 761-00 by no later than 17-12-2019 (date)
- 3.2 The amount in paragraph 3.1 is inclusive of statutory payments due to the applicant unless specifically excluded in terms of paragraph 4 below.
- 3.3 In the event that the parties agree to settle the amount in instalments, the following plan is agreed with the specific understanding that the entire amount will become due and payable to the applicant on the first payment date if the respondent fails to meet its obligations to pay the applicant the specified amount on any date set out hereunder:

R	on	R	on
R	on	R	on

PSHS/21-19/20

Case Number: \_\_\_\_\_

3.4 Method of payment

☐ Cash / cheque(s) will be collected by the applicant at the respondent's premises.

☐ Payment(s) will be deposited by the respondent into the applicant's bank account:

Branch code: \_\_\_\_\_

Bank: Standard Bank

Account number: As per payroll

4. ☒ **EXCLUSION OF STATUTORY PAYMENTS**

The parties have failed to reach agreement in respect of the following statutory payments and the applicant may pursue his / her claim in this regard with the Department of labour.

☐ Wages

☒ Notice Pay

☐ Leave Pay

☐ Severance Pay

☐ All statutory payments

☒ Other (specify): \_\_\_\_\_

5. ☐ **WITHDRAWAL OF DISPUTE**

The applicant voluntarily withdraws the referral and abandons the dispute against the respondent in settlement of his / her case at the PHSDSBC with the full knowledge that he / she will not be able to proceed with this dispute at a later stage.

6. ☒ **OTHER**

- ① The applicant is to be translated from a grade 3 Shift leader to a grade 4 in line with position 3 of 2009.
- ② The respondent will pay her R183761-00 on or before 17 December 2019 subject to all statutory deductions.

7. No variation of this agreement shall be legally binding unless reduced to writing and signed by the parties.

8. The parties consent to this agreement being made an arbitration award in terms of s142A(1) of the Labour Relations Act.

The parties agree that in the event of non-compliance of this agreement, the party defaulting will pay the full costs incurred by the other party in enforcing this agreement.

Done and signed at Zeemst

On this 3rd Day of December 2019

APPLICANT

RESPONDENT

WITNESS

WITNESS

This agreement was interpreted by:

SIGNATURE

This agreement was conciliated by:

SIGNATURE

