



ARBITRATION AWARD

Case Number: GPBC495-2021
Commissioner: Solomzi Mpiko
Date of Award: 30 September 2021

In the **ARBITRATION** between

PSA obo Zukile Mpumzi Titus
(Union/Applicant)

And

Department of Roads and Transport
(Respondent)

Union/Applicant's representative: *Gilbert Seakamela (Union Official from PSA)*
Union/Applicant's address: _____

Telephone: _____
Telefax: _____
E-mail: _____

Respondent's representative: *Lindile Nomvete (LR Officer)*
Respondent's address: _____

Telephone: _____
Telefax: _____
E-mail: _____

Details of the hearing and representation

1. The arbitration of the dispute between the Applicant (**Zukile Mpumzi Titusi**) and the Respondent (**the Department of Roads and Transport**) in regard to the **Interpretation and Application** of Resolution 4 of 2014 of the General Public Sector Bargaining Council (“the GPSSBC”) was held virtually, on 5 July 2021. The parties requested to exchange their submissions between themselves and submit their final submissions to me on or before 2 August 2021.
2. The Applicant was represented by **Gilbert Seakamela**, a union official from the PSA. The Respondent was represented by **Lindile Nomvete**, the Respondent’s Labour Relations Officer.
3. The proceedings were manually and electronically recorded.

Issues to be decided

4. I have to decide whether or not Resolution 5 of 2014 (Agreement on recognition of improved qualification) is applicable to the Applicant, and if so whether or not the Applicant is entitled to cash payment as relief sought.

Background to the Issues in dispute

5. The Applicant was employed by the Department of Public Works as an Artisan, before he was transferred to the Department of Transport on 4 April 2012. At the time of his appointment he had a Matric qualification. He studied part time and obtained a further qualification. He submitted an application to the Respondent for him to be paid for the qualification he obtained. It is alleged that the Respondent, without providing reasons, failed to effect such payment. He then referred a dispute to the General Public Service Sector Bargaining Council. He sought to be paid R16 109.40 (sixteen thousand one hundred and nine rand forty cent), as relief.

Survey of evidence and argument

The Applicant’s case

6. The Applicant submitted a written stated case and stated that while he was employed by the Department of Public Works before it was merged to the Department of Transport to form a new Department of Roads and Transport, he had a Matric qualification. He improved his qualification by studying, without the Respondent funding him or, financially assisting him for his studies. He obtained a Trade Test Certificate in 2011. He continued studying and obtained a Diploma in Mechanical Engineering in 2015.

7. In 2016 he requested the Respondent to evaluate his qualification and pay him in terms of Resolution 5 of 2014. There was no co-operation from the Respondent until 2018 when it required him to provide proof of the documents submitted in 2016. Again, the Respondent was silent thereafter.
8. He contended that he met all the requirements of the Resolution in regard to him being entitled to a payment of R16 109.40 (sixteen thousand one hundred and nine rand forty cent), which was the amount due to him in 2016. He believed that he had given the Respondent ample time to effect the payment but it was dragging the process for no apparent reason.

The Respondent's case

9. **Lindile Nomvete**, The Respondent's representative neither filed written representations disputing the applicant's case, nor did he do so in oral submissions.

Analysis of evidence and argument

10. I have considered the undisputed evidence of the Applicant and find no reason not to believe his version.
11. In the light of the evidence before me, I am satisfied that the Applicant has proved his case on the balance of probability.

Award

12. I find that Resolution 5 of 2014 of the GPSSBC is applicable to the Applicant and that the Applicant is entitled to the payment of R16 109.40 (sixteen thousand one hundred and nine rand forty cent which was due to him after he improved his qualification in 2015. to the Respondent.
13. I order that the Respondent (**the Department of Roads and Transport**) remunerates that Applicant (**Zukile Mpumzi Titus**) the amount of money stated in Paragraph 12 (twelve) above. The Respondent is to pay the said amount in the Applicant's bank account on or before 30 November 2021.

Signed at Gqeberha on this 30 September 2021



Signature:

Arbitrator: Solomzi Mpiko