



Panellist/s: Leanne Alexander
Case No.: GPBC960/2022
Date of Award: 7 December 2022

In the ARBITRATION between:

PSA obo AR Mathebula

(Union / Applicant)

and

Department of Water and Sanitation

(Respondent)

ARBITRATION AWARD

Details of hearing and representation:

1. This is an arbitration award in terms of section 138(7) of the Labour Relations Act 66 of 1995 ("the LRA"), as amended. The Applicant, Mr AR Mathebula, referred an interpretation and application of Resolution 3 of 2009 dispute to the General Public Service Sector Bargaining Council ("the Council") on 22 June 2022. The matter was postponed on 20 September 2022 and 24 October 2022. The dispute was then scheduled for arbitration before me virtually (via Zoom) on 17 November 2022. The Applicant, Mr Chokoe Koen, a Union Official, represented the Applicant. The Applicant, Mr AR Mathebula, was also present in the proceedings. Ms Japile Songo, represented the Respondent.
2. The proceedings were digitally recorded from the beginning of the process until such time that the parties reached an agreement due to connectivity challenges, that the matter be disposed of by way of filing of written heads of arguments setting forth the facts agreed upon, the questions of law in dispute between the parties and their contentions. The agreement was that both parties would submit written heads of argument

by 24 November 2022. The Applicant submitted their heads of argument on the 24 November 2022, and the Respondent submitted their heads of argument on 25 November 2022. I must place on record, that I only received the Respondent's heads of argument on 30 November 2022.

Issue to be decided:

2. The issue in dispute is about the interpretation and/or application of Resolution 3 of 2009. I am required to determine whether the respondent correctly applied clauses 5.1, 2.1, 3.1.4 and 3.1.4.6 of Resolution 3 of 2009. Furthermore, whether or not the Applicant should be translated to the role of a Scientist Manager as per Resolution 3 of 2009.

Survey of evidence and argument:

3. There is a common understanding between the parties regarding the meaning and the factual contents of the clause, what the parties differ on is the application.
4. The Applicant was previously employed as a Scientist Production Grade C before his current appointment of a Deputy Director: Drinking Water Quality Regulation from 1 April 2021.
5. The Applicant's contention was that although he was appointed as Deputy Director: Drinking Water Quality Regulation, whilst his work was scientific in nature, as such he should be recognised as a Scientific Manager.

Applicant's submissions

Whilst I have duly considered all of the submissions that have been submitted what follows is a summary of the material and relevant issues I must determine.

Mr Chokoe Koena made the following submissions:

6. **Section 62 of the Water Services Act (108) of 1997** gives the Minister of Water and Sanitation responsibility to monitor the performance of water services Institutions (water services authorities and water service providers).
7. The Applicant's had addressed his concerns with the Directorates: Human Resource and Organisational Development in relation to his position not being recognised as a Scientific Manager but as a Deputy Director, however they failed to provide a sound explanation.
8. The only post that was established following the implementation of Resolution 3 of 2009 which was as a result of the Agreement on the Drinking Water Regulation where the Applicant was working as a Scientist Manager, rather than Deputy Director/Control Environmental Officer.

9. The Occupation Specific Dispensation (OSD) – Scientists and related Professions provides that career progression or career pathing as an appointment to a higher work level within a stream, as and when the employee complies to a stipulated criteria and is dependent on the vacancy or subject to the principle of open competition, read together with Circular 5 of 2009. The Applicant's responsibilities are aligned with the scientific stream as prescribed.
10. The employer cannot deviate from the DPSA Circular 5 of 2009 issued together with Resolution 3 of 2009 as both documents binds the employer to act according to the prescripts of the documents.
11. The Deputy Director Drinking Water Quality Regulation job description and duties are aligned with the Scientific Manager post which was occupied by the Applicant's predecessor and submitted the Performance Agreement OSD Template 1.
12. The position above Scientist Production Position which is an OSD under Resolution 3 of 2009 would be Scientific Manager according to Resolution 3 of 2009 clause 3.1 the agreement binds the employer and they cannot deviate from it and appoint employees as Deputy Director or Control Environmental Officer. Scientists are under Annexure B with its own related professions and Control Environmental Officers have its Annexure D under DPSA Circular 5 of 2009, therefore both professions are not applied interchangeably.
13. The Applicant's duties are scientific in nature and the Respondent did not dispute the material content of the Applicant's current position to be non-scientific, the Respondent replaced the job title with Deputy Director hence the Applicant's contention that the work content remained scientific, therefore the post should be Scientific Manager rather than Deputy Director: Drinking Water Quality Regulation or Control Environmental Officer.
14. The Applicant's role with reference to the post that was advertised for Deputy Director: Drinking Water Quality Regulation was exactly the same role as Scientific Manager. Therefore, the positions perform the same work with the intention to achieve the same outcome.
15. The post structure submitted by the Respondent was not fully implemented in terms of the filling of positions, however it has been in existence in the Applicant's Directorate, hence his Supervisor was appointed as Scientific Manager.
16. The Respondent indicated on an email dated 12 April 2022, from Mr Marius Wessel, that Management requested that the post be changed from an OSD post to Deputy Director post, therefore the decision contradicts Resolution 3 of 2009.
17. The Applicant lodged a formal grievance on 6 June 2022, and the Respondent failed to respond thereto.
18. The DPSA Circular 5 of 2009 paragraph 3 (xi) stated that "the departments must align their post establishments with the post structures contained in the OSD. All existing posts with all new posts to be created at all levels in future, shall only be created on the basis of the post designations and post class codes reflected in the OSD". The Respondent failed to comply with this paragraph as a guiding principle on the implementation of Resolution 3 of 2009.

19. The Respondent should recognise that the Applicant's role was scientific in nature and the Respondent should recognise the Applicant as a Scientist Manager which is aligned in Resolution 3 of 2009 of Annexure D. Together with the directive issued by the Department of Public Services and Administration (DPSA) Circular 5 of 2009 to all Heads of Departments titled as "Implementation of the Occupation Specific Dispensation for Engineers and Related Professions and Occupations".
20. Cited the award with case reference number GPBC655/2019 wherein in this matter the particular Applicant proved that he was performing scientific work and the Performance Agreement signed between that particular Applicant and the Supervisor were declared as being scientific in nature.
21. The Applicant's contention that his occupational category remained within the scientific streams as stated in clause 3.1.4 and 3.1.4.6 of Resolution 3 of 2009, such that it states that employees within that occupational category of scientists must remain registered with an appropriate professional council.
22. In the award with case number GPBC655/2019 the Commissioner emphasised that DPSA Circular 5 of 2009 continues to state that the grading and structure should be based on the job description as contained in the OSD. However, the Respondent undermined Circular 5 of 2009 and advertised the Deputy Director position which is equivalent to Scientist Manager as non-OSD.
23. Resolution 3 of 2009 clause 5.1 states "appointments will be subject to:
 - 5.1.1 An employee meeting the appointment requirements, inclusive of but not limited to, possessing the relevant qualification(s), prescribed years of experience, registration with an appropriate professional council;
 - 5.1.2 Availability of posts; and
 - 5.1.3 After appointment the employee must perform the functions of the new post (job)".
24. Resolution 3 of 2009 clause 2.1 states "to introduce an OSD for Quantity Surveyors, Professional Surveyors, Architects, Town and Regional Planner, GISc Professional and Scientists, which provide for –
 - 2.1.2 career pathing opportunities based on the competencies, experience, performance, and scope of work
 - 2.1.5 recognition of appropriate experience;
 - 2.1.6 increased competencies".
25. Resolution 3 of 2009 clause 7.3 states that "OSD provides for career paths that facilitate progression through appointment to higher posts subject to the requirements and conditions for such progression being met".
26. Cited the award with case reference number GPBC3060/2019 wherein in that matter those particular Applicants' who were promoted to higher positions whilst performing scientific duties, the Respondent failed to comply to clauses 3.1.4.6 and 5.11 of Resolution 3 of 2009.
27. The Applicant cited clause 13, 17, 18 with reference to the translation measures and the provisions of the agreement that shall take precedence.

28. Circular 5 of 2009 paragraph 1(b) states that “this required change in the State’s policies toward remuneration and culminated in a collective agreement with organised labour (PSCBC Resolution 1 of 2007) for the introduction of new salary scales per identified occupation to attract and retain employees and conclusion of collective agreements in the sectoral councils of the PSCBC”. These dispensations will, amongst others, include -
- (v) career pathing;
 - (vi) required levels of performance; and
 - (vii) translation measures to the OSD”.
29. Circular 5 of 2009 paragraph 2 (a) states that “in giving effect to the determination in PSCBC Resolution 1 of 2007, on the implementation of OSD’s, GPSSBC Resolutions 3, 4 5, 6, 7, 8 and 9 of 2009 were concluded in the GPSSBC for an OSD for the following occupations with implementation effective 1 July 2009:
- (ii) Professionals Surveyors, Quantity Surveyors, Architects, Town and Regional Planners, GISc Professionals and Scientists”.
- Paragraph 2 (b) states that “The OSD for Engineers and related professions is only applicable in posts where it is an inherent requirement of the post that the incumbent of the post must maintain registration with the relevant Council as a professional”.
- Paragraph 2 (c) states that “the OSD for Engineers and related professions and occupations are characterised and underpinned by the following:
- (i) Centrally determined grading structure (work, grading levels and job descriptions)
 - (ii) Scope/description of each occupation.
 - (iii) Centrally determined competency requirements per post/grade level.
 - (vii) Career pathing by means of grade progression at production and certain supervisory levels will be, based on experience and performance”.
30. The Applicant was promoted to a higher position therefore the post should be aligned with the occupations of the OSD provided it met the above-mentioned requirements. The Applicant still performed scientific duties that are within scientific occupations, therefore the appropriate post should be aligned with the OSD specifications.
31. Circular 5 of 2009 paragraph 3 (xi) states that “departments must align their post establishments with the post structures contained in the OSD. All existing posts and all new posts to be created at all levels in future, **shall** only be created on the basis of the post designations and post class codes reflected in the OSD”.
32. “Occupation Specific Dispensation (OSD) – Scientists and related Professions” states that the role of a Professional Scientist the next rank should be that of a Scientific Manager.
33. The Applicant is furthermore registered with the South African Council for Natural Scientific Professions (“SACNASP”) as a “registered scientist”, holds a Bachelor of Science in Community Water Services, Sanitation and a Bachelors of Science (Honours) and a Master of Science in Water Resource Management.

34. The Key Performance Areas ("KPA's") which is stated under the Scientist Manager role, the Applicant performs those functions in line with the Applicant's performance agreement.
35. The Applicant met all of the requirements of the OSD which include Annexure D and F2, however the Respondent decided to advertise the post as Deputy Director: Drinking Water Quality Regulation rather than Scientist Manager which undermines the occupational growth of the Applicant and thus breaches the agreements of PSBC Resolution 1 of 2007, Resolution 3 of 2009 and DPSA Circular 5 of 2009.
36. Following the Applicant's appointment on 1 April 2021 as Deputy Director: Drinking Water Quality Regulation, the Applicant's qualifications are consistent with the minimum requirements for Scientific Manager as stated with reference to Resolution 3 of 2009.
37. If the Respondent had advertised the post as Scientific Manager, the Applicant would still be eligible to apply and competent to apply as his highest qualification is that of a MSc degree in Water Resource Management, which is one of the requirements for Scientific Manager, therefore the Applicant is not trying to circumvent the process by challenging the position.
38. The requirements in the advertisement of the Director: Drinking Water Quality Regulation indicate that the successful individual must have knowledge and understanding of the of the blue drop certification programme including SANS 241, as such the SANS 241 standard defines drinking water quality based on microbiological, physical, aesthetic, and chemical determinants in drinking water. Therefore, it is common knowledge that this stream falls within the scientific field and recognised by OSD as specialisation that requires a person to have a scientific background. The Applicant also contends that the water quality is captured on Integrated Regulatory Information Systems ("IRIS"), as such the Applicant has to ensure compliance with the drinking water quality standard.
39. The Applicant is furthermore monitoring 2 (two) scientific graduates that were placed by the Department's Learning Academy until both students become registered with SACNASP as Professional Scientists.
40. The Applicant is currently performing the Scientific Manager role profile responsibilities with reference to 2 (two) – 4 (four). Therefore, all of the Applicant's duties as stated in his job description of the advertisement, read together with his Performance Agreements ("PA") signed 2021/2022 and 2022/2023 still meet the requirements of Resolution 3 of 2009. The PA's reflect the related KPA's which are aligned to the Scientist Manager job profile in line with "Occupation Specific Dispensation (OSD) – Scientists and related Professionals" read together with DPSA Circular 5 of 2009.
41. In closing, the Applicant's current position was previously established as a Scientist Manager, but after it had been vacated by the Supervisor of the Applicant, the post had been changed from Scientist Manager to Deputy Director. The Respondent indicated that they had an option to change the position to Control Environmental Officer while the Resolution 3 of 2009 states that the Resolution binds the employer and the employee to comply with Resolution 3 of 2009. The Applicant performed scientific work after his appointment

as Deputy Director: Drinking Water Quality Regulation on 1 April 2021, therefore the Applicant prays that the Arbitrator rules in his favour to reinstate the Applicant's post to its correct designation of a Scientist Manager.

Respondent's submissions

Ms Japile Songo made the following submissions:

42. The Applicant was appointed as a Scientist Production Grade C which is an OSD position. The Applicant later applied for the position of Deputy Director: Drinking Water Quality, which is a non-OSD position as per the advertisement.
43. The Applicant is alleging that the position that he is placed in is a wrong position; these allegations are not true the Applicant is the one who applied for the position that is outside the OSD and he cannot be taken back to OSD. The translation was a once off allowance for the jobholder to be translated to OSD. This allowance had condition whereby the jobholder had to be appointed to the job as at 30 June 2009, in terms of paragraph 13.1 and 13.2.2 (i), any event after this date would mean that translation cannot be applied.
44. The Applicant's post did not fall under the Resolution 3 of 2009. The Resolution 3 of 2009 was introducing OSD for Quantity Surveyors, Professional Surveyors, Architects, Town and Regional planners, GISc Professionals and Scientist of which the Applicant currently does not fall under these career streams. The translation of the Applicant would be illegal because the clause that he is referring to, clause 13.1 and 13.2.2 (i) its not suggesting that the Applicant should be translated to a Scientist Manager.
45. The analysis of the duties contained in the Applicant's performance agreement was done by the Directorate Organisation Development. This unit is charged amongst others the responsibility to design and develop jobs. Their advice was that the duties contained within the Performance Agreement are not compelling Scientist Management roles and are consistent with the requirements for Deputy Director: Drinking Water Quality.
46. The Departments Organizational Structure is currently being reviewed. One of the principle decisions taken here is that the developmental research roles should be National Office functions whilst the monitoring roles should move to the Provincial Offices of the Department. This is a significant change from the previous structural approach in that the monitoring was driven from National Office. This opens the scope for the expansion of the role of Scientist resulting in many of the previous deputy director posts being abolished in favour of establishing Scientist Manager roles. This does not mean that previous Deputy Directors will be absorbed into these new positions. The OSD requires that after 30 June 2009 new appointments must meet the requirements of the specific job. These new posts will need to be advertised and then appropriately filled. Some of these Deputy Directors like the applicant could apply for the positions where they meet the requirements. Failing this the job holders will be redeployed to similar non OSD posts that are available elsewhere.

47. The Respondent in closing therefore, submits that the Applicant failed to prove the unfairness in the application and interpretation of the collective agreement and the relevance of clause 13.1 and 13.2.2 (i) to this case. Therefore, when one reads the clause, it has nothing to do with the translation or suggests that he should be translated, as such the Applicant cannot be translated to a Scientist Manager, he would have to apply for this position when it will be advertised.

Analysis of evidence and argument:

48. Section 138(7) of the LRA provides that the commissioner must issue an award with brief reasons. It is therefore not my intention to provide a detailed record of all the submissions that was placed before me. Even though all submissions were considered, I have only referred to the salient points that I found to be the most pertinent when deciding upon this matter.

49. In the case of **Northern Cape Forests v SA Agricultural & Allied Workers & others (1997) 18 ILJ 971 (LAC)** the Court held that “...the interpreter of a collective agreement should in addition to applying the ordinary principles of interpretation of contracts ask the question whether the interpretation yielded by these principles accords with the objectives of the Labour Relations Act”.

50. In the case of **National Joint Municipal Pension Fund v Endumeni Municipality 2012 (4) SA 593 (SCA)** the Court held that “interpretation is the process of attributing meaning to the words used in a document, be it legislation or some other statutory instrument, or contract, having regard to the context provided by the reading the particular provision or provisions in light of the document as a whole and the circumstances attendant upon its coming existence. Whatever the nature of the document, consideration must be given to the language used in the light of the ordinary rules of grammar and syntax; the context in which the provisions appears; the apparent purpose to which it is directed, and the material known to those responsible for its production. Where more than one meaning is possible, each possibility must be weighed in the light of all these factors. The process is objective and not subjective. A sensible meaning is to be preferred to one that leads to insensible or unbusiness like results or undermines the apparent purpose of the document. The inevitable point of departure is the language of the provision itself, read in context and having regard to the purpose of the provision and the background to the preparation and production of the document.”

51. **According to the learned Grogan, Workplace Law, pg 361:**

“Disputes over the interpretation of collective agreements may be referred for arbitration in terms of the dispute-resolution provisions of the collective agreement itself, or to the CCMA in terms of section 24(5) of the LRA. A dispute over the application of a collective agreement arises when the parties disagree whether the agreement applies to a particular set of facts or circumstances. However, the dividing line is not always clear. Furthermore, “the fact that a collective agreement is a written memorandum which is meant to reflect the terms and conditions to which the parties have agreed at the time they concluded the agreement. The

courts and arbitrators must therefore strive to give effect to that intention. Thus, the Courts frequently apply the 'parole-evidence' rule – i.e. that evidence outside the written agreement itself is not generally admissible if the words are clear when interpreting collective agreements".

52. In the absence of ambiguity, the words contained in the collective agreement must be given their plain, ordinary, and literal meaning.
53. Resolution 3 of 2009 clause 2.1 states "to introduce an OSD for Quantity Surveyors, Professional Surveyors, Architects, Town and Regional Planner, GISc Professional and Scientists, which provide for –
 - 2.1.2 career pathing opportunities based on the competencies, experience, performance, and scope of work
 - 2.1.5 recognition of appropriate experience;
 - 2.1.6 increased competencies".
54. Resolution 3 of 2009 clause 3.1.4 states that "employees who fall within the following categories, and are required to be registered with an appropriate professional council:
 - 3.1.4.6 Scientists".
55. Resolution 3 of 2009 clause 5.1 states that "appointments will be subjected to:
 - 5.1.1 An employee meeting the appointment requirements, inclusive but not limited to, possessing the relevant qualification(s), prescribed years of experience, registration with an appropriate professional council;
 - 5.1.2 Availability of posts;
 - 5.1.3 After the appointment the employee must perform the functions of the new post (job)".
56. Resolution 3 of 2009 clause 13.1 states that "employees will translate to appropriate posts and salary grades in accordance with the posts that they occupy at the time of the translation". Clause 13.2 states that "measures to facilitate translation from the existing dispensation to appropriate salary scales attached to the OSD based on the following principles:
 - 13.2.1. No person will receive a salary (notch or package) that is less than what he/she received on 30 June 2009, i.e. prior to the implementation of the OSD.
 - 13.2.2 Translation will be done in three phases..."
57. A table is then provided under clause 4.1.3 with the "different career streams":

NO	WORK STREAM	OSD BAND	OCCUPATIONAL GROUPS INCLUDED
	<ul style="list-style-type: none"> • GISc Professional; and Scientific Manager 		<ul style="list-style-type: none"> • Scientific Manager

58. It was common cause that the Applicant was previously appointed as a Scientist Production Grade C before his current appointment of a Deputy Director: Drinking Water Quality Regulation from 1 April 2021, wherein he applied for the said role.
59. The Applicant's contention was that although he was appointed as Deputy Director: Drinking Water Quality Regulation, whilst his work was scientific in nature as such he should be recognised as a Scientist Manager. Furthermore, that that his current position was previously established as a Scientist Manager but after it had been vacated by the Supervisor of the Applicant, the post had been changed from Scientist Manager to Deputy Director. The Respondent indicated that they had an option to change the position to Control Environmental Officer while Resolution 3 of 2009 states that the Resolution binds the employer and the employee to comply with Resolution 3 of 2009. The Applicant performed scientific work after his appointment as Deputy Director: Drinking Water Quality Regulation on 1 April 2021.
60. The Respondent's contention was that the Applicant failed to prove the unfairness in the application and interpretation of the collective agreement and the relevance of clause 13.1 and 13.2.2 (i) to this case. Therefore, when one reads the clause, it has nothing to do with the translation or suggests that he should be translated, as such the Applicant cannot be translated to a Scientist Manager, he would have to apply for this position when it will be advertised.
61. It was not disputed that the Applicant was indeed a highly educated and learned individual who possessed several qualifications including a Bachelor of Science in Community Water Services Sanitation, Bachelor of Science (Honours) and a Master of Science in Water Resource Management.
62. Further to that it was not disputed that the Applicant was a "registered Scientist" registered with the South African Council for Natural Scientific Professions ("SACNASP").
63. It was also not disputed that the Applicant was performing "scientific work" in his new role of Deputy Director: Drinking Water Quality Regulation. Further to that, it was evident that the Applicant's role Deputy Director Drinking Water Quality Regulation job description and duties were aligned with the Scientific Manager post which was occupied by the Applicant's predecessor with reference to the Applicant's Performance Agreement OSD Template 1.
64. The scope of an arbitrator in an interpretation/application dispute is to determine whether the Respondent failed to apply or interpret the provisions of a particular Collective Agreement. A dispute over the interpretation of a collective agreement arises only when the parties disagree over the meaning of a particular provision of an agreement, whilst a dispute about the application of the agreement pertains to disagreement over whether the agreement applies to a particular set of facts or circumstances, or whether it should be applied in a particular way. **(See J. Grogan: Workplace Law 2009 at pp361 to 362).** In the present case, it has already been established that there is an agreement insofar as Resolution 3 of 2009, therefore, the only issue in dispute is its application.

65. The Respondent's contention was that the Applicant did not fall under the streams for OSD for Quantity Surveyors, Professional Surveyors, Architects, Town and Regional planners, GISc Professionals and Scientist under Resolution 3 of 2009. Therefore, the translation of the Applicant would be illegal because the clause that he is referring to, clause 13.1 and 13.2.2 (i) it is not suggesting that Applicant should be translated as a Scientist Manager.
66. I am cognisant of the fact that the Applicant **on his own accord applied** for the current role that he was occupying being Deputy Director: Drinking Water Quality Regulation.
67. Circular 5 of 2009 paragraph 3 (xi) states that **"departments must align their post establishments with the post structures contained in the OSD. All existing posts and all new posts to be created at all levels in future, shall only be created on the basis of the post designations and post class codes reflected in the OSD"**.
68. With reference to the above the "Occupation Specific Dispensation (OSD) – Scientists and related Professions" provide the post and organisational establishment arrangements in that the progression of a scientist from "Candidate Scientist, Professional Scientist Grade A, B and C, Scientific Manager Grade A and B followed by Specialist Scientist".
69. Circular 5 of 2009 paragraph 2 (a) states that "in giving effect to the determination in PSCBC Resolution 1 of 2007, on the implementation of OSD's, GPSSBC Resolutions 3, 4 5, 6, 7, 8 and 9 of 2009 were concluded in the GPSSBC for an OSD for the following occupations with implementation effective 1 July 2009:
- (ii) Professionals Surveyors, Quantity Surveyors, Architects, Town and Regional Planners, GISc Professionals and Scientists".
- Paragraph 2 (b) states that "The OSD for Engineers and **related professions is only applicable in posts where it is an inherent requirement of the post that the incumbent of the post must maintain registration with the relevant Council as a professional"**.
70. It was not disputed that the Applicant's current role and the requirements thereof required "knowledge and understanding of the blue drop certification programme including SANS 241" which required a person to have a scientific background with an in depth understanding from a scientific perspective.
71. Whilst I considered the evidence submitted in its totality, and the Applicant's contention that he ought to be translated to a Scientific Manager post, the Applicant met the requirements in terms of Resolution 3 of 2009 with reference to clause 5.1.1, 5.1.2 and 5.1.3. However, in terms of Circular 5 of 2009 paragraph 3 (xi) the Respondent failed to "align their post establishments with the post structures contained in the OSD. **All existing posts and all new posts to be created at all levels in future, shall only be created on the basis of the post designations and post class codes reflected in the OSD"**".
72. The natural progression from the Applicant's prior role as a Scientist Production Grade C before his current appointment of a Deputy Director: Drinking Water Quality Regulation, was that of a Scientific Manager.

73. After considering the submission of both parties, in terms of Resolution 3 of 2009, the Respondent failed to translate/appoint the Applicant in the role of a Scientific Manager read together with of Circular 5 of 2009.


Award:

74. The Respondent failed to comply with Resolution 3 of 2009 in terms of clauses 5.1, 2.1, 3.1.4, 3.1.4.6 and 13. Furthermore, the Respondent failed to comply with Circular 5 of 2009 in terms of clauses 3 (xi).

75. The Respondent, Department of Water and Sanitation, is hereby ordered to translate the Applicant, Mr AR Mathebula, to the position of Scientific Manager retrospectively with effect from 1 April 2021.

76. The Respondent, Department of Water and Sanitation, must comply with this award on or before 15 January 2023.

Thus signed and dated at Bedfordview on the 7th day of December 2022.



Name: Leanne Joy Alexander
GPSSBC Arbitrator