



GENERAL PUBLIC SERVICE
SECTOR BARGAINING COUNCIL



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ARBITRATION AWARD

Panellist/s: KW Schoeman
Case No.: GPBC 877/2021
Date of Award: 23 September 2021

In the ARBITRATION between:

Ms T Snyman
(Union / Applicant)

and

Department of Correctional Services
(Respondent)

Union/Applicant's representative: Deneal Johnson - PSA

Union/Applicant's address:

Telephone:

Telefax:

Respondent's representative: Marilie Berry

Respondent's address:

Telephone:

Telefax:

ARBITRATION AWARD

DETAILS OF HEARING AND REPRESENTATION:

1. The arbitration took place under the auspices of GPSSBC via the virtual platform on 31 August 2021. The attendees were the applicant Ms. T Snyman, her representative, Mr. D Johnson and Ms. M Berry who represented the respondent.

ISSUE TO BE DECIDED:

2. I am required to determine whether the Collective Agreement based on resolution 5 of 2014 dated 19th August 2014 `Resolution 5 of 2014` was correctly interpreted and applied.

BACKGROUND TO THE MATTER:

3. The applicant is employed by the respondent as a Supervisor Fleet Management and is based at Pollsmoor Correctional Services Centre.

4. She obtained an M Tech in Public Management in 2019.

5. After obtaining her qualification, the applicant applied for a 10% cash bonus based on Resolution 5 of 2014, which was refused.

6. The parties agreed that written closing arguments will be submitted by no later than 10 September 2021. Only bundles and closing arguments were received from the applicant, which forms part of the record.

7. This is an arbitration award with brief reasons for the finding as contemplated in section 138(7)(a) of the Labour Relations Act, 66 of 1995.

SURVEY OF EVIDENCE AND ARGUMENT:

8. Ms Snyman testified under oath.

9. She explained that she is employed by Correctional Services as a Supervisor Fleet Management and is based at Pollsmoor Correctional Services Centre

10. Ms Snyman testified that part of her responsibilities within Correctional Services in the Fleet Management Section as Supervisor is the following:

Administration of Fleet Management

Asset Management

Financial Management and;

Human Resource Management

11. She testified that she is on a yearly salary of R 285 801.00

12. The applicant testified that she started her studies in 2013 and completed the M Tech Degree in Public Management in 2019, which contributed to her further development and enhanced service delivery.

13. The applicant further testified that the respondent granted her permission to do the research for her degree at the Drakenstein Correctional Service Centre. She was granted special leave in this regard.

14. During cross examination the respondent asked the question whether the applicant was ever previously granted a 10% cash bonus for any qualification she obtained.

15. The applicant explained that the current application was her first application for a 10% cash bonus and that she has never applied before.

16. In conclusion, she pointed out that her qualification was in line with her current duties.

17. The respondent Ms Berry did not oppose the content of the applicant's testimony and closed the respondent's case without presenting/leading any evidence.

ANALYSIS OF EVIDENCE AND ARGUMENT:

18. Resolution no 5 of 2014 dated 19th August 2014 sets out the requirements that must be complied with to qualify for recognition of an improved qualification in the Public Service.

19. Clause 4 of the Resolution deals with what was agreed to in the following manner:

20. In terms of clause 4.1.1 each department must recognise an improved qualification which is related to an employee's scope of work and enhance the employee's performance and service delivery by the employee.

21. Clause 4.1.2 states, upon attainment of an approved qualification, an employee will receive a once-off cash bonus of 10% of the employee's annual salary notch, provided that it does not exceed 10% of the minimum notch of salary level 8.

22. Clause 5 of the resolution 5 of 2014 deals with the conditions/criteria for recognition of improved qualifications, which inter alia, states the following:

23. Clause 5.1: It must be related to the employee's scope of work and enhance the employee's performance and service delivery.

24. Clause 5.2: It must be a higher level of qualification on the National Qualification framework than the minimum qualification required for appointment in the employee's specific post.

25. Clause 5.3: The qualification must be successfully and fully completed.

26. Clause 5.4: It must be a national qualification registered on the NQF by SAQA.

27. Clause 5.6 It must be a qualification completed and attained from 1 January 2013.

28. Clause 6.4 An employee who intends to register for an improved qualification, upon completion of which he/she wishes to be considered for a cash bonus referred to in resolution 5 of 2014, must inform the Department which qualification he/she intends to register.

29. According to me, the fact that the respondent did not oppose the version of the applicant, was an indication that it was accepted by them.

30. There was also no dispute around the qualification obtained by the applicant.

31 The respondent granted the applicant permission to do her research for her M Tech Degree at the Drakenstein Correctional Services Centre and gave her special leave in that regard. (Page 24 Bundle A).

32. The qualification is in line with the scope of work of the applicant.

33. The applicant stated that the qualification enhanced her performance and service delivery which was not disputed by the respondent.

34. The qualification was completed.

35. I am satisfied that the applicant satisfied the requirements set out in clauses 5.1 ,5.2 ,5.3,5.4,5.6 and 6.4 of Resolution 5 of 2014 dated 19th August 2014.

AWARD:

36. Clause 4 and 5 of resolution 5 of 2014 dated 19th August 2014 is interpreted in favour of the applicant.

37. The applicant is entitled to a once-of cash bonus of 10% of her annual salary.

38. The respondent is ordered to pay the monies into the applicant's existing bank account into which she receives her salary by no later than 31 November 2021.



K W Schoeman

Name:

(Council name) Arbitrator