

FOR PSA MEMBERS: DEPARTMENT OF DEFENCE (DOD)

02-03-2020

Feedback: Labour Court Case - Demilitarisation of then Finance Division

After the handing down of the Labour Court judgement in that the special plea of prescription relating to claims before the period of October 2011 being upheld; and special plea of prescription relating to claims after October 2011 dismissed; as well as the plea of the employer that failure to comply with section 3 of the *Institution of Legal Proceedings Against the Organs of State Act* is condoned; the Department, on 8 January 2020 filed a notice of application for leave to appeal.

In terms of the Labour Court Rule 30(3A), read with paragraph 15 of the Practice Manual, the employer submitted further presentation in substantiating its notice of application. The PSA's Advocate submitted the Respondent's Heads of Argument in opposing the leave of appeal.

The PSA received numerous correspondence from retired and/or demilitarised members who were affected by the successful employer plea, where it was ordered that claims relating to the period before October 2011 were upheld. They submitted written representation that was submitted to the PSA's Advocate. The attorneys confirmed receipts of the retired demilitarised PSA members document couched as "**UNRESOLVED LABOUR COURT CASE: FINANCIAL LOSSES BY DEMILITARISED FINANCE MEMBERS IN THE DEPARTMENT OF DEFENCE**". The document was also submitted to the PSA Advocate to be included during his arguments.

Members will be updated on developments.

GENERAL MANAGER