

MEDIA RELEASE **Labour Court interdicts Public Protector from victimising PSA members**

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EMBARGO None

ENQUIRIES communication@psa.co.za

The Public Servants Association (PSA) has achieved a major victory over the Public Protector at the Labour Court with the Court on 28 May 2021 interdicting the Public Protector from invoking a secondary disciplinary process against two of the Union's members in an attempt to dismiss them.

Two PSA members who are senior employees at the Office of the Public Protector (OPP), were ill-treated and victimised for unscrupulous reasons. The Labour Court, in its judgement, granted the PSA an interdict to prevent the Public Protector from invoking a secondary, and effectively, new disciplinary process after an independent Chairperson earlier found that there was no basis to dismiss the Union's members for alleged misconduct.

Formal allegations of misconduct were made against the members in November 2019 and revised in February 2020. The disciplinary hearing commenced in September 2020 and was concluded in March 2021. The Chairperson, based on evidence before him, did not support a sanction of dismissal. The OPP wanted to overrule the Chairperson and act as final arbiter in the matter. Instead of implementing the Chairperson's decision, it hatched a second disciplinary hearing, which the Labour Court now interdicted. The third disciplinary hearing of another PSA member who has also been suspended, has not been concluded. The PSA is adamant that his victimisation is also unwarranted.

The PSA has stated on many occasions that the OPP needs to rid itself of maladministration and refrain from victimising the Union's elected shop stewards and members owing to them speaking out against wrongs in the OPP. This institution should be protected as a bastion of democracy, especially for the poor and vulnerable. The PSA, as a major societal stakeholder seeking the advancement of the interests of employees and citizens, regards it as critical for the OPP to be exposed as an entity that opposes freedom of association and fair labour practices - in stark contrast of affected persons' constitutional rights.

The Public Protector's conduct has underlined the critical need for employees of this institution to be supported by the PSA to ensure the protection of their collective and individual rights against a ruthless employer. The PSA calls on all OPP employees to, together with the Union, continue exposing wrongs at the OPP to ultimately clean out the organisation and restore public confidence. The PSA further repeats its call for the process to remove the Public Protector from office to be expedited as the Public Protector is a major stumbling block preventing the OPP from salvaging its reputation and discharging its constitutional duties.

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