

MEDIA RELEASE	PSA concerned about misleading statement by Minister of Justice and Constitutional Development
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The Public Servants Association (PSA), representing the majority of employees at the Department of Justice and Constitutional Development, has noted with concern a recent media statement issued by the Minister of Justice and Constitutional Development.

The statement, whilst purporting to highlight action taken against alleged misconduct by employees, fails to provide the full context and does not present an accurate or complete picture of the situation. The Department has long struggled with delays and inefficiencies in processing and finalising misconduct cases referred for appeal. Over the years, the PSA has raised concerns about the significant backlog in appeal cases, with the Department routinely failing to adhere to prescribed timeframes for finalisation. The current announcement regarding the finalisation of 54 cases, many of which were part of the long-standing backlog, gives the misleading impression of swift and decisive action. In reality, these delays have compromised the fairness of the process as justice delayed, is justice denied.

The PSA has, in several instances, successfully challenged the Department's decisions, particularly dismissals, through arbitration and the Labour Court. These cases have revealed a troubling pattern, the use of inexperienced and, at times, biased chairpersons to preside over disciplinary hearings. The decisions of such chairpersons were often legally flawed, lacking impartiality, and resulting in an overturn by independent bodies.

The PSA also objects to the Department's tendency to characterise internal misconduct allegations in criminal terms such as "fraud" and "corruption," despite lacking sufficient evidence to support such serious claims. This practice inflates the severity of allegations and undermines due process when the Department fails to prove such charges in arbitration proceedings. In many of these cases, the framing has not resulted in harsher sanctions but instead in failed prosecutions and reinstated employees.

Whilst the PSA firmly supports the principle of good corporate governance, this must never come at the expense of employees' rights and fair labour practices. Governance must be balanced with the fundamental principles of fairness, transparency, and due process. The PSA is engaging with the Union's members who may be amongst the 54 dismissed employees to assess the fairness and legality of these dismissals. Where appropriate, the PSA will not hesitate to challenge these decisions through the relevant legal forums to ensure justice for the Union's members.

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