



MEDIA RELEASE

PSA welcomes Labour Court ruling for DCS administrative staff and calls for consequence management against decision makers

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The Public Servants Association (PSA) welcomes the recent Labour Court judgement as a victory for administrative employees of the Department of Correctional Services.

The DCS directed these employees to submit leave applications for public holidays, which the PSA challenged as an unfair labour practice. Engagement with the DCS failed to yield results as the DCS was adamant that these employees should take annual leave on public holidays. Owing to the lack of progress to resolve the matter, the PSA declared a dispute, which was arbitrated in March 2018. The PSA obtained a favourable award, with the arbitrator ruling that the DCS cannot expect administrative staff who were performing ordinary administrative duties during normal office hours to submit leave for public holidays. It is standard practice in all government departments that administrative staff members enjoy public holidays without having to use or apply for annual leave.

The DCS, however, remained adamant that these employees must submit leave for public holidays and applied to the Labour Court to review the arbitration award. The Labour Court subsequently ruled in favour of the PSA by indicating that it is incorrect for the DCS to expect staff members who are performing administrative duties during office hours to submit leave for public holidays. The PSA has already served the Court Order on the DCS and directed it to reinstate such leave days taken by administrative employees owing to the illegal practice by the DCS.

Whilst the PSA is relieved that the matter was brought to finality and eliminated an unfair labour practice, the Union is concerned about the tendency of many government departments to refer frivolous matters to Court, despite logic clearly dictating otherwise. In view of this, the PSA calls for consequence management against those who took a decision to approach the Labour Court in this matter when it was clear that the DCS was in the wrong. Until Ministers and Directors-General ensure that those who abuse their power by defending the indefensible and thus wasting taxpayers' money are personally held financially accountable, this behaviour will continue.

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