

What's happening at IPID?

Implementation: Section 23 of IPID Act, 2011

Investigators are familiar with the provisions of clause 23 of the *IPID Act* that states: “*The conditions of service, including the salary and allowances payable to an investigator appointed under this Act, must be on par with members appointed as detectives in terms of the South African Police Service Act.*”

The employer failed to comply with this *Act* and members employed as Investigators instituted legal proceedings. The Labour Court, under case *J 1424/18 of 7 August 2018*, ordered as follows:

- 1) The First Respondent (IPID) is to implement the provisions of section 23 of the *IPID Act 1 of 2011*, pertaining to the conditions of service, including salary allowance payable to all investigators up to level 14, to be on par with members appointed as detectives in terms of the *South African Police Act*.
- 2) The implementation of the provisions of section 23 of the *IPID Act 1 of 2011* will apply retrospectively from 1 April 2012.

However, IPID wilfully failed and/or refused to implement the terms of the Court order with **retrospective** effect and as members are aware, the it instead pleaded poverty and opted to implement with effect from 1 April 2018. The PSA therefore instructed its attorneys to demand compliance. A letter was issued to the employer on 3 May 2019, giving it seven days to respond, failing which a declaratory order would be instituted that may include a contempt of court.

The employer failed to respond. The PSA has now approached the Labour Court for a declaratory order, directing and compelling the employer to implement and comply with the Court order of 7 August 2018 and the provisions of section 23 of the *IPID Act*. Members will be informed of developments.

Ivan Fredericks
GENERAL MANAGER