

## Update: Individual Assistance to Members

### Department of Health

A member from the Department of Health was dismissed by operation of law in terms of *section 17* of the *Public Service Act* due to his alleged abscondment. Whilst representations to the MEC were tendered on reasons why the deeming provision does not suffice, the PSA referred the matter to the appropriate Bargaining Council for resolution and after the jurisdictional hurdle was overcome an award reinstating the member was obtained.

### Office of the Chief Justice

A member at the Office of the Chief Justice raised concerns on the declination of her vacation leave, resulting in the cancellation of a planned holiday and the forfeiture of the deposit paid in advance for the holiday. After conciliation failed, the PSA consequently lodged a dispute of Unfair Labour Practice related to benefits. The Commissioner ruled in favour of the member granting her one week's salary in compensation for unfair conduct by the employer.

### Department of Transport, Safety and Liaison

Three members submitted grievances regarding the non-approval of housing allowances. The PSA referred a dispute to the appropriate Council on the interpretation and application of Collective Agreement 7/2015. The matter was settled at arbitration with the DPSA joined as a party. A settlement was concluded determining that all members must receive the full amount for housing allowance.

Twenty five members at the Department of Transport, Safety and Liaison lodged individual grievances regarding their contractual appointments. The PSA referred a dispute to the appropriate Council and the arbitrator was called on to decide whether all members should be permanently appointed. Following lengthy arbitration processes, the PSA emerged victorious on behalf of members and the arbitrator ruled in favour of the employees, ordering the employer to absorb all members permanently.

### Department of Correctional Services

A member at the Department of Correctional Services was subjected to suspension and unfair labour practices. The PSA referred two matters related to demotion and one related to suspension to the GPSSBC for resolution. These matters were dealt with over a period of 18 months and all three awards by three different arbitrators were in favour of the member. The first award rendered a monetary compensation of **R76 000,00**, the second award compensation of **R106 000,00** and the third award

amounts to compensation equaling **R160 000,00**.

### **Northern Cape Department of Social Development**

The Department, had on 17 February 2021 opted to renege on their commitments to the Chamber of the PHSDSBC in the province, in paying the respective qualifying employees their well-earned incentives for the 2019/2020 Financial-Year. The PSA declared a collective dispute and the matter was set down for Arbitration on 3 and 4 August 2021. The matter was settled on the following terms:

- That the employer undertakes to compensate qualifying employees for requisite cash bonuses.
- The payment of 5% for salary levels 1 to 10 resulting in a quantum of R 1, 367, 790.00 being paid out to those members exceeding the norm.
- The payment of 4% for salary levels 11 to 12 resulting in a quantum of R 597, 387.00 being paid directly to members who duly qualify.

GENERAL MANAGER