

FOR PSA MEMBERS: **MPUMALANGA**

28-01-2022

Victory for PSA members: Mpumalanga Province

Department of Home Affairs

A member at the Department of Home Affairs was charged and dismissed for gross negligence. The PSA intervened and referred the matter for conciliation and arbitration. At the arbitration, the Commissioner ordered the Department to reinstate the member with immediate effect and replace the dismissal sanction with a final written warning. The employer, however, indicated to the member verbally that it is considering taking the matter on review but failed to do anything. The arbitration award was then certified at the CCMA to have the same status as an order of the court. After numerous attempts to implement the award, the PSA took the matter to the Labour Court. An *ex-parte* application for contempt of court was heard by the Labour Court on 30 July 2021. The Court allocated a return date of 29 October 2021 where the employer would have to explain why the arbitration award was not implemented. Shortly before the Court sitting, the employer indicated that the member would be reinstated and back paid. A settlement in the form of a draft order was placed before the Court to be made an order of court. It was then ordered by the Court that the member be reinstated and paid the outstanding backpay to the amount of R809 984.93 on or before 15 December 2021. The PSA is pleased to report that the member was paid.

Department of Public Works, Roads, and Transport

The PSA intervened in a matter at the Department of Public Works, Roads, and Transport where a member was not paid a salary from 1 November 2021. The PSA wrote a letter to the Head of Department and within one week, the member's salary was paid and backdated. The member appreciated the good work done by the PSA.

Department of Justice and Constitutional Development

The PSA assisted a member at the Department of Justice and Constitutional Development whose employment was not confirmed after completing a probation since 2016 till to date. The PSA, after a formal grievance remained unresolved, intervened and declared a dispute of an unfair labour practice for conciliation and subsequently arbitration. At arbitration, a settlement agreement was signed by both parties that compel the employer to confirm employment. The member was satisfied.

GENERAL MANAGER