

FOR PSA MEMBERS: **WESTERN CAPE**

12-04-2022

## PSA assists member in rights matter

The PSA has been shocked by the Department of Employment and Labour's treatment of one of the Department's Deputy Directors in the Western Cape. In September 2015, the member was subjected to a disciplinary hearing, regarding an incident in December 2013. The member was found guilty and given a sanction of one month's suspension without pay, as well as a demotion from Deputy Director to Assistant Director.

The PSA referred a dispute, and the Commissioner found that the Department had committed an unfair labour practice. He ordered that the member should return to the Deputy Director position by 31 October 2017, the salary be corrected, and the monies deducted for the unpaid suspension be repaid. In addition, he ordered a solatium of two months' salary to be paid to the member.

The Department took the award on review to the Labour Court in 2018 but failed to properly pursue the matter. The PSA requested the Court to dismiss the matter owing to non-compliance, whereafter the Department applied to have the matter revived. The application was dismissed with costs. The Department refused to implement the Court Order and in 2021 the PSA filed an application for Contempt of Court against the Department.

Judgement has now been handed down and the Court found the Department guilty of Contempt of Court, handing down a fine of R50 000, as well as a cost order. It is shocking that the custodian of the *Labour Relations Act*, the very *Act* that protects employees from unfair labour practices, has made itself guilty of mistreating its employee in this draconian fashion. It has not only shown disrespect to its employee, but also to the *Act* it is required to enforce, as well as to the bargaining council and the Labour Court.

GENERAL MANAGER