

FOR PSA MEMBERS: DEPARTMENT OF HOME AFFAIRS (DHA)

30-03-2023

What is happening at Department of Home Affairs?

Department utilising lawyers in disciplinary hearings

The PSA received complaints from members that the Department was utilising lawyers to preside over and initiate disciplinary hearing of employees at salary level 1 to 12. A tender was issued to appoint 18 lawyers on contract to facilitate and conduct disciplinary hearings for the Department. The hearings are held at private office spaces in some instances. The decision disadvantaged employees during such proceedings, as they are overpowered in terms of capacity and legal experience by the lawyers. The costs paid to the lawyers for their services are high, whereas government is implementing austerity measures. The PSA raised a serious objection to the use of lawyers during disciplinary hearings. The decision is against the provisions of the collective agreement Resolution 1/2003 (disciplinary code). The disciplinary code is clear as to who qualifies to initiate or preside over the disciplinary cases for employees in the bargaining scope. A letter of complaint was written to the Director-General to stop the process. After a number of queries being lodged, the PSA decided to lodge a dispute of application and interpretation of the resolution at the PSCBC. The PSA will continue to challenge the Department regarding the matter.

Outstanding HR issues: BMA employees

It was previously reported that 1 225 Immigration Officers will be transferred to the newly established entity, called BMA. It was expected that the employer will issue transfer letters in February 2023 to those staff who are to be transferred w.e.f. 1 April 2023. The HR component failed to convene a consultation session to clarify all HR-related aspects in the contract of employment. The PSA raised a concern that the process was frustrating to employees owing to poor communication. The employer acknowledged the delay to issue the transfer letters and placement letters. It committed to issue the letters on 30 March 2023. The employer further requested that the HR consultation session be convened in the coming week to outline all HR implications to the transfer process. A communication will be issued on 31 March 2023 regarding logistical arrangement for the HR consultation sessions in various provinces.

Closure: Warehouse at Brits storage facility

It was previously reported that Labour Inspectors closed one of the storage facilities at Brits owing to non-compliance with the *OHS Act*. A prohibition notice was issued, and employees were vacated. The PSA further reported that the second warehouse, which accommodated archives and Logistics employees, was in a bad condition and did not comply with health and safety regulations. The matter was reported to the Labour Inspectors and a contravention notice (*attached*) was issued and the facility was closed. The employer was instructed to construct temporary park houses to accommodate employees until the

building assessment is conducted by the structural engineer. Members are urged to be vigilant and observe the signage on the walls for safety awareness. Members are requested to report any high-risk aspects in the workplace to peter.mngomezulu@psa.co.za for the matter to be reported to the relevant authorities.

Employees who want to join the PSA can visit the PSA's website (www.psa.co.za), send an email to ask@psa.co.za or contact PSA Provincial Offices.

GENERAL MANAGER