

## Victory for PSA members: Eastern Cape

### Department of Health

- Two members were refused leave owing to operational requirements. The employer also refused to pay them for the leave days. A dispute was declared at the Public Service Coordinating Bargaining Council as an interpretation and application of Resolution 7/2000-dispute after an official grievance did not yield positive results. During arbitration in both cases. The PSA was successful and the employer was ordered to compensate the members R6 024.64 and R5 166 respectively.
- In another matter in the same Department, a member was not paid his home-allowance savings after purchasing a house in 2019. After failure to resolve the grievance, the matter was referred as an unfair labour practice in terms of benefits where the employer, during the arbitration, agreed to pay the member the outstanding savings of R11 000.
- At the same Department, nine members complained about the employer refusing to upgrade them after they had completed the required 15 years' service in accordance with PSCBC Resolution 3/2009. During arbitration, the Commissioner ruled that the members were eligible to be upgraded and ordered the employer to upgrade them.

### Department of Transport

A two months' suspension without pay and final written warning were unilaterally imposed on a member without any disciplinary hearing being held. Following an unsuccessful appeal, a dispute relating to an unfair labour practice (disciplinary action short of dismissal) was declared at the General Public Service Sectoral Bargaining Council. During arbitration, the Department could not dispute that it flaunted the disciplinary code and procedure whereby in an informal disciplinary process, the employer cannot impose a more serious sanction than a final written warning or else the matter must be handled in accordance with the formal discipline procedure. A settlement agreement was entered into whereby the suspension was declared null and void and the member be paid back all that was deducted from him, with only a final warning remaining. The member was paid back R51 805.70.

GENERAL MANAGER