

FOR PSA MEMBERS: LIMPOPO - DEPARTMENT OF HOME AFFAIRS

16-10-2023

Victory for PSA members in Limpopo

Two members approached the PSA for assistance after the employer terminated their services. The members were subjected to a disciplinary hearing and consequently dismissed. Subsequently, an appeal was lodged, which was unfortunately dismissed, resulting in the confirmation of the dismissal. A dispute of unfair dismissal was declared with the Council. The matter could not be resolved in the conciliation proceedings and arbitration was requested. The PSA represented the members, however, the employer representative was an attorney who was assisted by a second attorney on record. Moreover, the labour relations officer from the Department was also present in the said arbitration. The PSA raised a point *in limine* in that the employer cannot be represented by two attorneys including an employee of the Department. The PSA also stated that the complexity of the dispute does not warrant the employer to be represented by attorney(s), especially as the dispute was based on dismissal owing to misconduct. The PSA requested that the Commissioner rules if it was necessary for the employer to be represented by a legal practitioner where a PSA Labour Relations Officer represented the member. The PSA further cited decided cases that it was not automatic for the employer to be represented by an attorney, that such request must be made beforehand, and the other party must consent and of which the PSA did not. The Commissioner ruled in favour of the PSA that the attorneys must be excused.

The PSA has in the past condemned the employer for appointing external firms to handle cases, which also raises a serious concern about due processes, fairness, and accountability. Further, this practice does not only disempower departmental labour relations officers, but is also wasteful expenditure and abuse of power by employers who constantly plead poverty when it comes to the welfare of employees. Lawyers' services are costly and the fact that decision makers are not called to account for the waste of taxpayers' money is problematic.

The PSA will protect members' rights and promote their interests as practicing service excellence is an important value of the PSA. Members needing assistance with their cases can contact the PSA Provincial Manager at john.teffo@psa.co.za / WhatsApp 079 513 9856.

Employees who wish to join the PSA can contact Lawrence Muvhango on 082 880 8995 / lawrence.muvhango@psa.co.za or Paulina Moloto on 082 880 8957 / paulina.moloto@psa.co.za.

Reuben Maleka
GENERAL MANAGER