

## Victory for PSA members in Western Cape

- A member was charged for threatening violence in that he allegedly threatened a colleague with a knife. The employer called one witness, namely the person who was allegedly threatened. The PSA called three witnesses, including the member. The Chairperson found that the member was attacked by the complainant and acted in self-defense. He was found not guilty.
- A member lodged a dispute after the employer declined her temporary incapacity leave, which should in any event have been special leave for an injury on duty. After a lengthy battle of postponements, arbitration sittings, a condonation application and a jurisdictional ruling, the Department finally agreed to pay the member for 2017 and 2018 injury on duty leave days and to refund all monies deducted from her salary, as well as her bonus for debt owed. The amount to be refunded to her is R25 358.32.
- A member applied for a post at the Department of Social Development (DSD) but was not successful. By the time the successful candidate was appointed, the DSD had migrated to the Western Cape Education Department (WCED) and when he requested information from the DSD pertaining to his application, he was referred to the WCED. The WCED failed to disclose the information the member was seeking, which was only his scoring during the process. He was not challenging the process at this point yet and only sought information to determine if he wanted to dispute the process. The matter was referred to the CCMA under section 16 of the *LRA* (Disclosure of Information) after which a settlement agreement was reached whereby the WCED agreed to provide the member with the requested information. It has been confirmed that he has since received the information and is satisfied.
- A member at the Department of Cultural Affairs and Sport was charged and found guilty of claiming overtime for hours he did not work. The charge amounts to fraud and is thus a dismissible offence. Despite the gravity of the charge, owing to efficient representation he received a final written warning and one month's suspension without pay and not a dismissal.
- A member at the Western Cape Education Department was charged and found guilty of inappropriate behaviour wherein he uttered derogatory words to a female learner. He received a final written warning and two months' suspension without pay. Considering the gravity of the charge and despite the monetary consequences of the sanction, there was a strong possibility that the member could have been dismissed for uttering such words to a learner. Thanks to the PSA's intervention and proper representation this did not happen.