

Victory for PSA members in Western Cape after individual representation

- A member employed by the Department of Correctional Services declared a dispute when he was incorrectly translated in terms of the occupational-specific dispensation (OSD). The arbitration was not in the PSA's favour and the matter was taken on review. The judgement was in the PSA's favour, stating that the member must be translated to OSD salary band CB 5 with effect from 1 July 2009. Costs were also awarded to the PSA. The Department did not implement, and Contempt of Court proceedings were instituted. The Department then indicated that it would implement the award and paid the member more than R1 000 000 in December 2022. At the beginning of March 2023, the member's salary and rank were finally corrected on Persal and the Court order is now fully implemented.
- A member employed by the Department of Health (EMS), was charged with three counts of misconduct relating to transgression of the code of conduct in relation to the mismanagement of state funds in line with the Departmental Finance Instructions, read together with the *PFMA* and other financial legislations. The charges were reduced to two counts of misconduct after a point *in limine* on the splitting of charges was submitted. After a lengthy battle with procedural irregularities, the disciplinary hearing eventually commenced and proceeded over two days. The Presiding Officer found that, on a balance of probabilities, the employer could not prove through evidence in chief or documented evidence that the member transgressed the code of conduct as stated in the charges. The member was found not guilty on all charges.

GENERAL MANAGER