

FOR PSA MEMBERS: EASTERN CAPE (MTHATHA AREA)

08-05-2024

Victory for PSA members in the Eastern Cape

Department of Justice

A member was charged with allegations of misconduct for sexually harassing a client (public member) who came to seek assistance for child maintenance. The employer alleged that the member approached the client and made verbal and physically unwelcome sexual advances. The member appeared in the two-day disciplinary hearing to prove his innocence. The employer called two witnesses on the first day, except for the main witness. The employer indicated that the main witness could not attend because of personal matters. The PSA indicated to the Chairperson that the evidence of the two employer witnesses should be regarded as hearsay evidence if the main witness does not testify at all. The employer requested postponement until the main witness was ready to testify. The PSA did not object to the postponement that was granted. The PSA noticed that there was an element of influencing of witnesses and coercing employees/witnesses to make false admissions, statements, or confessions. The employer failed to call the main witness on the agreed hearing date and withdrew all charges against the member.

South African Police Service

A member was unfairly dismissed in the expeditious process for alleged murder, and conspiracy or incitement to commit murder. The expeditious process was chaired by the same person who was the employer representative as well as the investigating officer. The employer indicated in the dismissal letter that the member could refer the dispute to the Safety and Security Sectoral Bargaining Council (SSSBC) within 30 days. The PSA assisted the member with the referral to the SSSBC within 30 days. Unfortunately, the Council responded after the lapse of 30 days that it did not have jurisdiction to hear the matter for unions that are not party to the SSSBC. The PSA assisted member to refer the dispute to the CCMA with the inclusion of condonation application, citing reasons for delay, degree of lateness, prejudice, and prospects of success. The CCMA set down the matter for points *in limine* oral submissions and the condonation ruling was granted for the dispute to be referred for arbitration within 90 days from the date of the ruling.

Employees who wish to join the PSA should contact Kenneth.Qikani@psa.co.za / 0828 802 936 or Zingisile.mgxaji@psa.co.za / 082 880 8959.

Reuben Maleka
GENERAL MANAGER