

Victory for PSA members in Limpopo

Department of Water and Sanitation

A member was charged with five allegations of misconduct, including allegations of intimidation and theft. The PSA represented the member and squashed all charges despite the employer trying everything to implicate the member. Further, the matter of intimidation was dealt with as a grievance and it defied logic why the same matter would be resuscitated at a disciplinary hearing, which was clearly an act of double jeopardy by the employer. Despite the PSA demonstrating that the employer could not prove its case, the chairperson pronounced a sanction of dismissal. The PSA declared an unfair dismissal dispute wherein the employer conceded that the member was dismissed for wrong reasons and was prepared to reinstate the member who could not agree as he got a job opportunity elsewhere. The PSA assisted the member to enter into a settlement agreement wherein the dismissal was replaced by resignation on the Persal system. This implies that the member does not have a record of dismissal, which could be prejudicial if he needed to be re-employed in the public service.

Department of Agriculture and Rural Development

- A member who was appointed as the secretary for a Bid Evaluation Committee (BEC) was charged with gross dishonesty for ignoring concerns raised by members of the BEC regarding suspicious documents submitted by a supplier, failing to comply with Supply Chain Management regulations, and conducting himself in an improper, disgraceful and unacceptable manner in conducting evaluation scores and preparing minutes of the BEC, which were not a true reflection of what had transpired. The employer alleged that his actions resulted in the appointment of a supplier that did not comply with the tender specifications. Following successful representation by the PSA, the member was found not guilty on all allegations. The PSA proved that the employer had failed dismally to discharge the onus of proof. In the first instance, the BEC had not been constituted properly, members had allowed the meeting to proceed in the absence of the chairperson, who was chairing another meeting. The member had been expected to provide secretariat services for two BEC meetings that were scheduled at the same time and was trying to provide secretariat services for both. More importantly, the chairperson had not verified the draft minutes with the panel members before signing the minutes of the meeting and therefore should not have signed the minutes.
- A member approached the PSA for intervention after the employer reversed his translation to OSD. Upon failing to settle the matter with the employer through internal processes, the PSA declared a dispute of unfair labour practice relating to demotion. The matter was ultimately arbitrated, and an arbitration award was issued in favour of the member. Subsequently, the PSA engaged and pushed the employer to implement the award or face litigation. The PSA commenced the process of

enforcement by invoking the provisions of section 143 of the *LRA* to have the award certified. The award was certified by the CCMA Director, paving the way for enforcement in case the employer failed to implement. The award was implemented, and the payment of the money owed to the member captured on PERSAL for payment.

The PSA will do everything in its power to 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 or 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.

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