



FOR PSA MEMBERS: **DEPARTMENT OF CORRECTIONAL SERVICES (DCS) - NORTHERN CAPE**

25-09-2025

## PSA prevents unfair dismissal of members

### Department of Correctional Services – Hopetown Correctional Centre

The PSA has once again demonstrated the Union's uncompromising commitment to protecting workers' rights. A PSA member at the DCS faced dismissal after being charged with repeated absenteeism and threatening managers. Through decisive intervention, the PSA successfully prevented an unjust dismissal.

### PSA's defense and key considerations

- The member had suffered a traumatic personal tragedy, losing his wife in a car accident. Despite written requests, the employer failed to provide referral to the Employee Assistance Programme (EAP), as required.
- At the time of the alleged threats, the member was prescribed depression medication. This affected his ability to fully appreciate the gravity of his actions.
- The PSA argued that the employer neglected its legal and moral duty to support the member under these circumstances.

### Core arguments advanced by PSA

- **Nature of misconduct:** Whilst the allegations were serious, the employer ignored its obligation to intervene and assist when the employee was in distress.
- **Legal obligations:** The *Labour Relations Act* and the *Employment Equity Act* impose a duty on employers to investigate, accommodate, and provide support before resorting to dismissal.
- **Duty to accommodate:** Employers are compelled to make reasonable accommodations for employees who suffer personal tragedies or medical conditions that impact performance.
- **Case law precedent:** Courts have made it clear that dismissal is not appropriate where employee misconduct stems from circumstances beyond their control and where the employer has failed to provide necessary interventions.

### Outcome

The Chairperson ruled in favour of the PSA's defense. Instead of dismissal, the member received a one-month suspension without pay. This outcome avoided the devastating consequences of job loss and affirmed the PSA's role as the guardian of workers' rights.

The PSA will leave no stone unturned in defending members against unfair treatment, unlawful dismissals, and abuse of power. Where employers fail to act with fairness and compassion, the PSA will step in with strength and authority.

### **Join the Union of Choice**

To join, please contact: Racquelle Mabindisa on **063 686 7653** or Mhlanguli Madubela on **082 880 8982**.

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GENERAL MANAGER