



FOR PSA MEMBERS: **EASTERN CAPE - GQEBERHA AREA**

03-11-2025

Victory for PSA member

National Health Laboratories Services (NHLS)

A member employed at the NHLS as a Phlebotomy Technician was charged with the following charges:

- *Gross negligence: It is alleged that in your capacity as a phlebotomist technician in East London Support Laboratory you have been practicing using an expired HPCSA certificate which expired in March 2021.*
- *Breach of NHLS' standards, rules, procedures and manager's lawful instructions: It is alleged that you in your capacity as a phlebotomy technician in East London Support Laboratory you have failed to pay your HPCSA membership for the year 2021 which resulted to membership being suspended, you further failed to follow instructions as your manager instructed you to get yourself reinstated by HPCSA.*
- *Bringing NHLS into disrepute: It is alleged that you in your capacity as a phlebotomy technician in East London Support Laboratory your HPCSA membership has been suspended since March 2021 and you have been practicing out of scope, bringing the company name into disrepute.*

The member was dismissed from work in April 2025 following the disciplinary hearing, which was held in December 2024. The member lodged an appeal as guided by the disciplinary policy. The dismissal was implemented before the outcome of the appeal. An appeal outcome upheld the appeal and ordered a hearing *de novo*. The second hearing was held on 7 March 2025. The matter was adjourned part heard to resume on 11 April 2025. On 10 April 2025, the employer issued a dismissal letter, stating that the Chairperson of the appeal acted *ultra vires*.

The matter was referred to the CCMA for unfair dismissal. A PSA Labour Relations Officer represented the member. The Commissioner ruled in favour of the member in that the dismissal was substantively and procedurally unfair. The employer was ordered to reinstate the member, retrospectively with effect from 10 April 2025, the date of dismissal, into the same or similar position the member held prior to the dismissal. Further, the employer was ordered to pay the member R75 341.32 by 30 November 2025.

Reuben Maleka
GENERAL MANAGER