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PSA secures double victory for members at Department of Justice

The PSA's Provincial Office in Mthatha continues to deliver positive outcomes for members and recently secured two important victories for members at the Department of Justice.

Case 1: Disciplinary sanction reduced on appeal

A member faced disciplinary action for alleged misconduct. The charges were as follows:

- **Charge 1:** Negligence in endorsing a bail receipt, where the member incorrectly processed bail for Accused No 3 despite a Magistrate's order withdrawing charges against Accused No 4 (accused present in court).
- **Charge 2:** Dereliction of duty for incorrectly re-endorsing a bail receipt when the bail depositor returned to Court, under the misconception that a previous administrative error had occurred.

During the pre-hearing stage, Charge 2 was withdrawn, and only Charge 1 proceeded. The disciplinary hearing outcome was a one-month suspension, which the PSA viewed as unduly harsh given the circumstances. An appeal was lodged with strong and compelling reasons, highlighting the member's clean disciplinary record and the context of the mistake. The appeal outcome resulted in a reduction of the sanction to a final written warning, a far more appropriate and rehabilitative measure.

Case 2: Unfair labour practice – temporary incapacity leave approved after settlement

A member applied for two periods of temporary incapacity leave: One for three days and another for 23 days. Unfortunately, both applications were initially declined, and the employer proceeded to implement salary deductions for both periods. Owing to the PSA's compelling arguments during the arbitration process, the employer opted to settle the matter. As a result:

- The salary deduction related to the three-day leave period was reversed and repaid, as the member had already lodged an appeal.
- Regarding the 23-day period, the PSA assisted the member in preparing and submitting an appeal, which was later approved by the employer.

The employer has confirmed that all amounts deducted from the member's salary for the 23-day period will now be refunded.

These victories demonstrate the PSA's ongoing commitment to defending and promoting the rights and interests of members.

Disclaimer: Whilst the PSA will always protect the rights of members, the Union does not condone or encourage misconduct, negligence, or any form of rule breaking. Members are expected to act with professionalism and integrity in the workplace.

Employees wishing to join the PSA are also encouraged to contact zingisile.mgxaji@psa.co.za | 082 880 8959.

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