



FOR PSA MEMBERS: **GAUTENG (PRETORIA AREA)**

05-11-2025

Victory for PSA members

Department of Agriculture, Land Reform, and Rural Development

The PSA successfully assisted a member who had applied for an OSD post of Scientific Technician, was successful and appointed. The member was also registered with the professional council in terms of the OSD requirement. Prior to the member's appointment, the member earned R298 685 per annum. The minimum salary range for the promotional post was R274 440 to R298 685. Upon appointment, the Department placed the member on the minimum notch of R274 440 per annum instead of leaving the member on the current notch of R298 685. In addition, the member was not awarded two additional notches as per phase one of Resolution 5/2009. The member submitted a grievance in terms of interpretation and application of Resolution 5/2009 (OSD for Scientific Technician). The grievance could not be resolved. The member approached the PSA, which referred the matter for a dispute. At conciliation, parties could not reach an agreement, and a certificate of non-resolution was issued. The matter was set down for arbitration around September 2025. At arbitration, the PSA was successful in convincing the Commissioner with documentary evidence that the Department had not interpreted and applied the Resolution correctly. This resulted in the Commissioner ruling in the member's favour. The Department was ordered to appoint the member on the R298 685 salary from September 2017, and in addition, the member was awarded two notches. The member was the PSA's representation and the positive outcome.

Department of Higher Education and Training

A member, employed as an Education Specialist, was owing to ill-health, placed on long sick leave by his doctor. The member submitted the relevant medical reports together with his application for temporary incapacity leave timeously. However, the application for temporary incapacity leave was disapproved. The Department then sent the member a letter, requesting additional medical evidence so that SOMA could re-assess and either approve or disapprove the temporary incapacity leave. Owing to hospitalisation, the member could not do so. The Department then froze his salary from January 2025. The PSA assisted the member in submitting a grievance. Since there was no response to the grievance, the PSA referred the matter to the bargaining council for conciliation. The arbitration was set down. Prior to arbitration, a pre-arbitration meeting was held with the Department. The PSA was able to convince the Department at the meeting to unfreeze the member's salary from January 2025. A settlement agreement was signed. The member received all monies due from the Department.

Department of Military Veterans

The PSA referred a dispute on behalf of a member, relating to unfair labour practice benefits. The issue was whether the member deserved to be remunerated for the performance bonus for the 2019/20-financial year. During the performance review for 2019/20, the member gave herself a score of 4 and her supervisor changed the score to 3 without providing good reasons. The member lodged a grievance, which was investigated by the Department. The outcome of the grievance was that the member was deliberately underrated. The Department failed to implement the outcome of the grievance. After strong representation by the PSA, the commissioner found that the Department committed an unfair labour practice related to benefits against the member. The Commissioner ordered that the score be changed from 3 to 4 and payment of the performance bonus for 2019/20. The member was satisfied with the outcome.

Gauteng Department of Health

- A member, as part of professional development, pursued the study field of Business Administration. The study field and core subjects were aligned to the scope of her work. The member did apply to the Department to pay the study fees, but the Department never responded to the application. The member lodged a grievance for non-payment of study fees as several attempts to engage the Department were fruitless. The member approached the PSA. The PSA intervened in the grievance and presented persuasive submissions on why the study fees should be paid by the Department. The Department was persuaded and approved for the payment of the study fees.
- Another member was assisted by the PSA after being dismissed by the Department in terms of operation of law (section 17 of the *Public Service Act*). The PSA made meticulous and persuasive representations on behalf of the member to the MEC. After consideration of the PSA's representation, the member was reinstated, and the termination was set aside.
- A member was charged with allowing clerks to exchange their Persal-user credentials amongst themselves and further for giving subordinates his login credentials to approve claims of overtime without any documentation. In the hearing the PSA argued that the matter had been decided before and therefore may not be pursued further. The Chairperson of the hearing agreed with the PSA and dismissed the allegation.
- In another matter, members were charged with authorising overtime and standby claims amongst themselves and without delegation of authority. The PSA, in the disciplinary hearing, submitted excellent mitigating factors and as a result, the members only received a sanction of final written warnings.

Department of Water and Sanitation

- A member was placed on precautionary transfer in terms of Resolution 1/2003 based on allegations of gross insubordination. In effecting the precautionary transfer, the employer informed the member that she should be stationed in her office and not report to anyone and not be given work. Owing to the failure by the Department to uplift the precautionary transfer within 60 days as per the Resolution, the PSA referred the matter of unfair precautionary transfer to the bargaining council. At arbitration, the PSA presented oral and documentary evidence in persuading the Commissioner to arrive at a fair determination. The Commissioner found that the Department had committed an unfair labour practice regarding the precautionary transfer awarded the member one month's compensation. The member appreciated the PSA's support and commitment to the matter.

- In another matter, a member was charged with misrepresentation of travel claims. At the hearing, the PSA presented strong mitigating factors and as a result the member was demoted, given three months' suspension without pay. The charges in this matter warranted dismissal.

Government Pension Administration Agency

The PSA represented a member who was dismissed for allegedly submitting a fraudulent CV in her application for a Deputy Director position. The CV included claims of supervisory experience, which the Department deemed dishonest. The dismissal was challenged on grounds of procedural and substantive unfairness. The PSA referred the matter to the bargaining council. At arbitration, the PSA led robust evidence, indicating that the information on the CV arose from a mistake in good faith. The Commissioner found that the dismissal was substantively unfair. The arbitrator concluded that the member did perform supervisory duties, albeit informally, as part of an internal development initiative dating back to 2013/14. The Commissioner found that the process of appointing employees to act in supervisory roles was flawed and lacked formal documentation. The Commissioner found that the member admitted to mistakenly including the 2017/18 period in her CV, which constituted misconduct but not gross dishonesty. The arbitrator found that the sanction of dismissal was disproportionate given her 14 years of service and clean disciplinary record. The Commissioner awarded that the member be reinstated with no back pay.

Department of Home Affairs

- A member was charged with displacing permanent permits for five applicants. During the hearing, the PSA argued during the preliminary points that the charge sheet did not in any way imply to the member that she lost the permits. The Chairperson agreed with the PSA and dismissed the charges.
- In another matter, a member who was on internship had resigned as he had found another employment opportunity in another department. The Department failed to pay his outstanding stipends for two months. The PSA requested payment from the Department, which was ignored. The PSA referred the matter to the CCMA. Before the matter was heard by the CCMA, the Department made a proposal for the settlement of the matter. The Department made payment of the outstanding stipends before the matter could be heard at arbitration.

Department of Employment and Labour

A member was issued a written warning regarding an allegation of dereliction of duty and not complying with a lawful instruction. The PSA applied for an appeal regarding the written warning. After consideration of the well-built appeal application, the Department withdrew the written warning.

The members have expressed gratitude for the PSA's support and successful resolution of their matters. The PSA is committed to providing strong representation in all matters. Employees who want to join the PSA can visit the PSA's website or the PSA Provincial Office.

Reuben Maleka
GENERAL MANAGER