



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

12-03-2025

## Victory for PSA members in Gauteng

### Gauteng Department of Health

- The PSA successfully assisted a member with a dispute relating to unfair labour practice in terms of section 186(2)(b) of the *Labour Relations Act*, pertaining to a sanction short of dismissal. Initially, at the disciplinary hearing, the member was charged and found guilty on three charges and not guilty on one charge. The charges related to negligence and dereliction of duty regarding failure to apply for vehicle exemptions, repairs, and proper handover. The member was given a sanction of two months' suspension without pay and a final written warning. The PSA referred a dispute regarding the sanction. The Commissioner determined that the sanction was disproportionate to the proven offenses and that disciplinary actions must be applied fairly, proportionately, and consistently, considering the nature of the misconduct. As a result, the Commissioner found that the two-month suspension was unfair but insisted that the final written warning remained valid. The Commissioner held that the suspension was unfair and constituted unfair labour practice and awarded the member to be reimbursed for the two months' salary. After the award was issued, the employer paid the member. The member expressed satisfaction with the PSA's support and successful resolution of the matter.
- The PSA successfully assisted another member in a case where the member was being charged for misconduct. The misconduct related to corruption and collection of money without authorisation, which lead to violation of Code of Conduct for Public Services. The member approached the PSA for assistance after being served with allegations. After consulting with the member, the PSA pleaded not guilty on behalf of the member to the allegations. The PSA vigorously led evidence in rebutting the allegations. At the close of the case, the member was found not guilty on the allegations as the employer failed to prove on a balance of probabilities that the member committed misconduct. The PSA is committed to providing strong representation in disciplinary hearings.

### Government Pensions Administration Agency

A member approached the PSA for assistance after she was served with allegations of misconduct relating to absenteeism without approval spanning from failure to communicate with the employer on same. The charge sheet had ten allegations levelled against the member, including that of gross insubordination. The member pleaded not guilty after being advised by the PSA to do so. At the end of the hearing, she was found guilty on seven of the allegations levelled against her. The PSA, on behalf of the member, mitigated strongly and the member was given a sanction short of dismissal, which was a final written warning and two months' suspension without pay. It must be borne in mind that the charges

the member was found guilty of warranted a dismissal. The member was immensely relieved and satisfied with the outcome as her career was saved.

### **Department of Public Enterprises**

The PSA represented two members in a disciplinary hearing. The members were charged with misconduct relating to irregular appointment of a candidate who did not meet the requirements of a particular vacancy. At the close of the disciplinary hearing, the members were found guilty and an alternative sanction of dismissal or demotion, in that if they did not accept demotion, the dismissal would be implemented. The members did not make an election on time and as a result the employer dismissed them. The PSA declared a dispute of unfair dismissal. At the arbitration, submissions were made to the Commissioner regarding the matter. An agreement was reached with all parties that the members were amenable to the demotion and eventually the members were reinstated. The members were relieved and satisfied, as the outcome significantly lessened the impact on their employment and career.

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GENERAL MANAGER