



FOR PSA MEMBERS: **WESTERN CAPE**

16-10-2025

Victory For PSA members in Western Cape

Department of Health and Wellness

A member previously holding the position of PSA shop steward and Admin Clerk at Worcester Hospital was dismissed on 2 August 2024. The dismissal was based on him allegedly having made threatening remarks on behalf of a fellow-employee in the company of two managers and that he had misrepresented himself in the above-mentioned engagement by not disclosing the fact that he was acting in his capacity as a shop steward. The matter was referred as an unfair dismissal dispute to the PHSDSBC in 2024 which, owing to an intense period of arbitration proceedings, ran over a period of just over 12 months during which the member remained unemployed.

The PSA is proud to announce that on 12 September 2025, the Commissioner issued an arbitration award in which he found the dismissal to be substantively unfair. The Department of Health and Wellness was instructed to reinstate the member retrospectively along with his full salary and benefits, as from the date of dismissal. The above is a proud moment for the PSA as it reaffirms the fact that the Union has competent representatives to handle cases of such a complex nature and go all-out to protect the Union's shop stewards.

Department of Social Development

A member employed as an Administration Officer and charged with absenteeism without authorisation, and failing to communicate his absenteeism for the period 19 May 2021 to 28 May 2021. The basis of the absenteeism was owing to alcohol dependency, depression, and health complications. The Chairperson found the member guilty of misconduct and dismissed him in September 2022, despite the fact that the PSA representative raised a point *in limine*, stating that the issue should be dealt with as one of incapacity as set out in schedule 8 of the *Labour Relations Act, 1995*. The matter was referred for arbitration and the Commissioner ruled the dismissal to be procedurally and substantively fair on 26 October 2022. The PSA lodged a review application at the Labour Court in 2022, in terms of section 145 (2)(ii) of the *Labour Relations Act, 1995* on the basis that "the commissioner committed a gross irregularity in the conduct of the arbitration proceedings" by making an error in judgement when it came to addressing the facts of the matter.

The PSA is proud to announce that on 29 September 2025, the Labour Court ruled in favour of the member, stating that the member's substance abuse in relation to his health issues should have been addressed via the incapacity process and not the disciplinary process. The dismissal was found to be

procedurally and substantively unfair. The member was reinstated retrospectively on 15 October 2025 along with his full salary and benefits as from the date of dismissal.

The PSA calls on all employees to join the PSA in standing up for employment rights in the workplace. For further information, please contact the PSA Labour Relations Officer at angelo.fisher@psa.co.za.

Reuben Maleka
GENERAL MANAGER