

Victory for PSA members in Limpopo

Department of Agriculture and Rural Development

A member approached the PSA for assistance with a disciplinary hearing after being served with four allegations of misconduct for gross dishonesty, dereliction of duties and contravention of the code of conduct for the public service. The PSA represented the member in the hearing and pleaded not guilty. The chairperson found the member guilty on two allegations and not guilty on the other two, which resulted in the sanction of three months suspension without salary. The PSA then appealed the decision of the chairperson, and the appeal authority reduced the sanction from three months' suspension to one month without salary. The PSA was still not happy and declared a dispute with the bargaining council; however, the matter could not be resolved at conciliation, hence the PSA requested that the matter be arbitrated. During arbitration, the PSA argued that the member performed the duties diligently and became involved with the project at the last stages. The commissioner concurred with the PSA and ruled that it was clear that the employer had no reason to find the member guilty. Further, it was obvious that suspension without pay incapacitated the employee's financial obligations, thus having the potential of infringing his human dignity. The suspension was humiliating and harmed the member's reputation, which also impaired his dignity. Consequently, the employer was ordered to pay back the amount of one month's suspension without salary deducted from the member, amounting to R133 539,00.00. The member was very happy and thanked the PSA for hard work and good representation.

Limpopo Gambling Board

The PSA assisted a member in the disciplinary hearing after being served with an allegation of misconduct for contravention of section 45 of the PFA for failing to prevent wasteful and fruitless expenditure. In the disciplinary hearing, the employer requested that the chairperson for the matter be postponed until further notice because of further investigations. The disciplinary hearing will resume once the investigation is completed. The PSA argued before the chairperson that it is unfair to the member to put the disciplinary hearing on hold pending the new outcome of the investigation, as the member will have to endure a cloud hanging over his head, not certain of the future. Furthermore, the fact that the employer subjected the member to a disciplinary hearing simply means the matter was investigated and finalised. The employer will have a second bite of the cherry, and it defeats the purpose of discipline. The PSA also argued that the request by the employer was an abuse of power and that the allegation must be withdrawn. The chairperson made a ruling and rejected the postponement and directed the employer to withdraw the allegation. The member appreciated the PSA for a splendid job well done.

The PSA will do everything in the Union's power to protect member's rights and promote their interests, as practising service excellence is an important value of the PSA.

Employees who wish to join the PSA can contact Lawrence Muvhango on 082 880 8995 / Lawrence.muvhango@psa.co.za or Paulina Moloto on 082 880 8957 / Paulina.moloto@psa.co.za.

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