



InformUS



FOR PSA MEMBERS: **NORTH WEST DEPARTMENT OF HEALTH**

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## Victory for PSA Member

The PSA is pleased to announce a significant victory on behalf of one of the Union's members employed within the Department of Health. The member was subjected to a disciplinary process following allegations of misconduct; the employer instituted disciplinary proceedings after an investigation and formulated several charges against the member.

During the disciplinary hearing, it became evident that the employer's case relied heavily on hearsay evidence and lacked corroborating testimony from key witnesses. Several crucial witnesses were unavailable to testify. Furthermore, the available witnesses were unable to provide direct evidence regarding the alleged misconduct. The PSA successfully argued that disciplinary proceedings cannot be sustained solely on hearsay evidence and that the employer bears the responsibility of proving allegations on a balance of probabilities.

Following a thorough consideration of the evidence and the applicable principles of procedural fairness, the charges were withdrawn against the member owing to a lack of evidence. This outcome represents an important victory for the member and reaffirms the PSA's unwavering commitment to protecting the rights of the Union's members, ensuring fair labour practices, and holding employers accountable to the principles of substantive and procedural fairness. The PSA remains dedicated to defending its members against unfair disciplinary action and will continue to advocate vigorously for justice, fairness, and due process in the workplace.

Reuben Maleka  
GENERAL MANAGER