

Victory for PSA members

Department of Employment and Labour (DEL)

- The PSA successfully secured a favourable arbitration award on behalf of four members at the DEL (Compensation Fund) who were subjected to unfairly prolonged precautionary suspensions. The arbitrator found that although the initial suspensions were justified, the employer failed to comply with the 60-day timeframe prescribed by PSCBC Resolution 1/2003 to proceed with disciplinary action. As a result, the continued suspensions were found to constitute an unfair labour practice. The arbitrator ordered that the suspensions be uplifted, that the employees return to work, and that each employee be compensated for the prejudice suffered because of the unfairly extended suspensions. This award reaffirms that precautionary suspensions cannot be used as a punitive measure and that employers must adhere to agreed disciplinary timeframes. The PSA is committed to defending the rights of members and holding employers accountable for unfair labour practices.
- In another matter at the DEL, the PSA welcomes the ruling issued by the chairperson of a disciplinary hearing, which brought an end to the disciplinary inquiry against a PSA member, on the grounds of unfairness. The chairperson found that the employer delayed unreasonably in instituting and pursuing the disciplinary process, failed to provide an acceptable explanation for the delay, and that the delay caused material prejudice to the employee. After considering all relevant factors, the chairperson ruled that it would be unfair to subject the member to a disciplinary inquiry after such a lengthy period had elapsed. Accordingly, the disciplinary inquiry was stopped and all charges against the member were effectively quashed. The PSA is committed to protecting members against unfair labour practices and ensuring that disciplinary processes are conducted fairly, promptly, and in accordance with applicable labour prescripts.

Gauteng Department of Health

- The PSA successfully represented a member in a disciplinary hearing arising from allegations of negligence linked to the findings of the Health Ombud following the tragic death of a patient at Dr George Mukhari Academic Hospital. Although the chairperson found the member guilty of negligence, the PSA successfully argued against dismissal, despite the employer seeking the employee's immediate termination. The chairperson accepted that several institutional challenges existed at the Hospital, including severe staff shortages and operational pressures, and found that progressive discipline was the appropriate sanction. Instead of dismissal, the chairperson imposed a final written warning valid for 12 months and recommended further training on risk assessment.

procedures. This outcome highlights the PSA's continued commitment to ensuring that disciplinary action remains fair, corrective, and proportionate, whilst protecting members from unnecessarily harsh sanctions where rehabilitation and corrective measures are appropriate.

The members have expressed gratitude with the PSA's support and successful resolution to 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 contact the following PSA Organising/Marketing Officers:

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