

Victory for PSA members in Limpopo

Department of Home Affairs

A member requested the PSA to represent her in a disciplinary hearing for allegedly capturing a smart ID for a foreign national. The member pleaded not guilty and called witnesses to prove her case and was not found guilty on all allegations. In the hearing, the employer failed to prove that the member was responsible for capturing the fraudulent ID, as alleged. The first ID for the foreigner was actioned in 2017 and in 2019 the applicant came to apply for a smart ID and was assisted by the member. There are several processes involved in the issuing of a smart ID of which the photo booth has a function to check, amongst others, if there are no duplications. The chairperson found that the employer failed to prove on a balance of probability that the smart ID that was captured by the member, was not fraudulent.

Office of the Premier

A member approached the PSA for assistance for failing to assess performance in terms of PMDS policy for the 2017/18-financial year. The PSA declared a dispute after the employer failed to respond to the grievance. During conciliation, the employer agreed to assess the member and a settlement agreement was signed. The PSA had to take the matter to court to force the employer to comply with the settlement agreement. Another settlement agreement was signed and subsequently the employer assessed the member. The member was awarded pay progression, resulting in being paid arrears of some R12 135. The PSA had to further write to the employer after noting that the pay progression was not updated in the member's service record, which had a serious negative implication on the member's salary as she was not correctly paid. The employer finally updated the service record, which resulted in the member's notch being corrected.

Department of Health

A member appointed as a Radiographer, requested the PSA's assistance when the employer unilaterally and irregularly deducted an alleged salary overpayment from his salary without his consent. The PSA engaged the CEO of the institution with no success and engaged with the Head of Department, demanding that the employer immediately ceases with the unlawful deductions. The PSA reminded the employer of a Constitutional Court ruling where section 38(2)(b)(i) of the *Public Service Act* was found unconstitutional and as such, the employer could no longer recover wrongly granted remuneration from salaries of employees without their consent. The institution was later instructed by the office of the HOD to cease the unlawful deductions.

Department of Employment and Labour

A member approached the PSA, complaining about an overdue grade progression dating back from 2018. The member lodged a grievance and received a response that suggested that she must be 16 years on the same grade/level to progress. The PSA declared a dispute relating to the interpretation of PHSDSBC Resolution 2/2012. It was discovered that the employer had little knowledge when it came to the interpretation of this Resolution, hence, the grievance response that the member had to be 16 years in that post, whereas the accelerated grade progression is four years, and normal grade progression is eight years. The employer made a submission to grade progress the respondent since 2018. During arbitration, the employer made a settlement agreement to grade progress the member. She was subsequently paid R11 000 from April 2023 to date and will be paid retrospective payment from 2018. The member expressed her appreciation towards the PSA.

The PSA will do everything in its power to protect members' rights and promote their interests as practicing service excellence is an important value of the PSA. Members needing assistance with their cases can contact the PSA Provincial Manager at john.teffo@psa.co.za or Whatsapp to 079 513 9856.

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.

GENERAL MANAGER