

Victory for PSA members in Limpopo

Department of Education

A member requested intervention regarding a request for a horizontal transfer from a special school to a primary school in the Capricorn district of Limpopo after the Department sent the member from pillar to post. Even after the school received the approval for transfer letter, those in leadership kept the member in the dark regarding the approval. The Circuit Manager, together with the principal, tried to withhold the approval, hoping that the member would lose heart and stop following up on the matter. Through the PSA's intervention, it was found that the transfer was approved in August 2023 for the member to assume duty on 1 September 2023 at the new workstation. However, since the member only received the approval letter on 28 September (after the PSA's intervention), the member assumed duty on 1 October 2023 at the new workstation.

Department of Health

A member approached the PSA for assistance in 2017 after the employer failed to promote her from salary level 9 to 10. The member was advised to lodge a grievance, which could not be resolved. The PSA further assisted the member in declaring a dispute with the Council. The matter could not be resolved during conciliation and arbitration was requested. In arbitration proceedings, the Commissioner ruled that parties must argue on paper even though the matter was not an interpretation of a collective agreement, but rather a promotion dispute. The Commissioner thereafter ruled that the Council did not have jurisdiction to decide on the matter. This decision resulted in the PSA taking the matter for review to the Labour Court in terms of the *Labour Relations Act*. The Labour Court ruled in 2023 that the PSA referred to the dispute correctly in that the Council did have jurisdiction to decide on the matter. Therefore, the matter will be set down for arbitration anew by the Council.

Department of Justice and Constitutional Development

A member was dismissed on account of misconduct for allegedly submitting fraudulent medical certificates and requested the PSA's intervention. The PSA declared a dispute of unfair dismissal. The matter could not be resolved at conciliation, forcing the PSA to refer the matter for arbitration, where the PSA represented the member. An arbitration award was subsequently issued in favour of the member to be reinstated. The employer was also directed to pay all arrear salaries for the period of unfair dismissal. Shockingly, the employer told the member to stay home as the employer intended to review the award, despite there being no prospect of success. The PSA opposed the action by the employer. Finally, the employer, that according to the PSA abused its power, approached the Court to interdict the member from reporting to work and to review the award. A settlement was reached that the actioning of the award

will be held in abeyance pending the finalisation of the review application. It appeared that the employer was using legal processes to frustrate the member since the employer did not bother to comply with Court rules pertaining to review process as it failed to finalise the review within 12 months. The PSA subsequently approached the Court, and the matter was finally set down on 17 October 2023 to hear the PSA's application. The Court subsequently ruled in the PSA's favour and ordered the review to be withdrawn as the prescribed time had lapsed. The Court then made the award an order of Court, paving the way for the full implementation of the Court's judgement. The member was thus reinstated and will be resuming duty with effect from 1 November 2023. The employer undertook to pay all the outstanding salaries due to the member.

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.

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