



FOR PSA MEMBERS: EASTERN CAPE (MTHATHA AREA)

25-04-2025

PSA shop steward secures victory for member in unfair dismissal case - Department of Health

The PSA Provincial Office in Mthatha proudly acknowledges the outstanding representation provided by one of the Union's dedicated shop stewards who recently achieved a significant victory in a complex dismissal case involving a PSA member employed by the Department of Health. The member was dismissed on 23 January 2024 after being found guilty at a disciplinary hearing on the following charges:

- Prejudice to the administration and/or efficiency of the Department of Health, and
- Fruitless and wasteful expenditure

The matter was referred to PHSDSBC, where the Commissioner was required to determine whether the dismissal was procedurally and substantively fair, and to decide on the appropriate relief in terms of section 193 read with section 194 of the *Labour Relations Act*. The member, represented by the PSA shop steward, sought retrospective reinstatement with back pay - a request that was opposed by the employer. After considering all arguments and evidence, the Commissioner ruled that the dismissal was both procedurally and substantively unfair. As a result, the commissioner ordered as follows:

- The Department must reinstate the member into his original position.
- The member must report for duty within 48 hours of being notified of the award.
- The Department must pay the member back pay of R179 669.95 by no later than 30 June 2025.

This outcome highlights the PSA's commitment to defending members' rights and the importance of skilled representation by shop stewards in labour disputes. Employees wishing to join the PSA are encouraged to contact Kenneth Qikani on kenneth.qikani@psa.co.za / 082 880 2936 or Zingisile Mgxaji on zingisile.mgxaji@psa.co.za / 082 880 8959.

Disclaimer: Whilst the PSA remains committed to protecting and representing members, the Union does NOT condone or encourage any form of rule-breaking, misconduct, or unethical behaviour in the workplace. Members are expected to act with integrity and in accordance with the applicable codes of conduct and policies.

Reuben Maleka
GENERAL MANAGER