



MEDIA RELEASE **PSA applauds Court ruling against Department of Employment and Labour**

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The Public Servants Association (PSA) is shocked by the Department of Employment and Labour's mistreatment of one of the Department's Deputy Directors in the Western Cape.

The employee was subjected to a disciplinary hearing, which started in September 2015, following a complaint by a whistle-blower regarding an incident in December 2013, where the employee allegedly over-claimed for subsistence and travel expenses to the amount of R28.56. The employee was found guilty and given a sanction of one month's suspension without pay, as well as a demotion from Deputy Director (salary level 12) to Assistant Director (salary level 9).

The PSA referred a dispute to the Bargaining Council. The Commissioner found that the Department had committed an unfair labour practice and ordered that the employee be returned to the previous Deputy-Director position by 31 October 2017 and that the difference in salary that had been paid since the demotion and the previous salary be repaid to the employee. The difference in yearly salary is approximately R500 000. The Commissioner also ordered that monies deducted for the unpaid suspension be paid back and that in addition to the monies awarded, a solatium of two months' salary on salary level 12, be paid to the employee.

The Department took the award on review to the Labour Court in 2018 but failed to pursue the matter in terms of the Labour Court rules. As a result of this failure, the PSA requested that the Court should dismiss the matter, after which the Department applied to have the matter revived. This application was dismissed with costs.

The Department, however, still refused to implement the Court Order and in 2021 the PSA filed an application for Contempt of Court against the Department. Judgement has now been handed down and the Court found the Department guilty of Contempt of Court, handing down a fine of R50 000 and payment of the PSA's costs.

It is shocking that the Department, as custodian of the *Labour Relations Act*, which also governs fair labour practices, has made itself guilty of mistreating an employee in such a draconian fashion. It has not only shown disrespect towards the employee, but also for the very *Act* it is required to enforce and protect, as well as the Bargaining Council and the Labour Court.

The PSA applauds the ruling as a victory for fair labour practices.

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