

MEDIA RELEASE

PSA condemns Limpopo Department of Health's blatant non-compliance with overtime payment order

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EMBARGO

None

ENQUIRIES

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The Public Servants Association (PSA) strongly condemns the continued and deliberate non-compliance by the Limpopo Department of Health in settling legally mandated overtime payments owed to two PSA members, appointed as Drivers, for work performed in March 2018.

This blatant disregard for labour laws and legally binding agreements demonstrates a complete lack of respect for workers' rights and undermines the principles of fair labour practice. The two employees were granted standing authority to perform remunerative overtime exceeding 30% of their basic salary for the 2017/18-financial year. Despite this authorisation, the Department unlawfully capped their overtime to 30% of their monthly salary, denying them their rightful remuneration and coercing them into taking time off in contravention of Clause 9 of Public Service Coordinating Bargaining Council (PSCBC) Resolution 1/2007.

After exhausting all internal avenues to resolve the dispute, the members approached the PSA in 2021. The matter was subsequently referred to the PSCBC in terms of section 24(5) of the *Labour Relations Act 66 of 1995 (LRA)*. The Department stalled proceedings by claiming it was engaging the Department of Public Service and Administration for a resolution. No progress was made, leading to arbitration on 20 November 2023, where the Department finally acknowledged its debt of R14 078.34 and R15 038.22, respectively, and committed to settling the amounts by 31 March 2024.

When the Department failed to honour the agreement, the PSA applied for certification of the award on 19 April 2024. A Section-142 ruling was obtained on 24 May 2024, followed by certification in terms of section 143 of the *LRA* on 26 June 2024. The Department, however, still refused to comply, forcing the PSA to engage the Sheriff of the Court for enforcement. A vehicle valued at R200 000 was judicially attached on 29 August 2024, giving the Department until 29 September 2024 to settle the debt. The Department ignored the deadline, compelling the PSA to instruct the Sheriff to remove the attached asset in October 2024.

Enforcement was obstructed when it was revealed on 28 November 2024 that the Department had made a bulk payment exceeding R2 million to the Sheriff to clear multiple outstanding enforcement orders, whilst conveniently excluding the case in question. Despite continuous efforts by the PSA, the Sheriff failed to act throughout December 2024 and January 2025, further delaying justice for the affected employees. On 30 January 2025, as the Sheriff was finally prepared to execute the removal, the Department, through its legal services representative, attempted to plead for an extension. The PSA categorically rejected this request.

The Department then hastily issued a letter, stating that the payment would be captured for a payment run on 6 February 2025 and paid into the Sheriff's account on 15 February 2025, a delay facilitated by the Sheriff's undue

leniency towards the employer. The PSA refused to accept this further delay and demanded proof of approval from the Head of Department by 3 February 2025 at 14:00, failing which the Sheriff would be instructed to proceed with immediate asset removal. As the Department ignored this deadline, the PSA has now officially directed the Sheriff to remove the attached asset without any further delay.

This case epitomises the systemic inefficiency, disregard for labour laws, employees' rights, and gross mismanagement in certain government departments. The PSA will not tolerate continued excuses, stalling tactics, or employer arrogance in meeting legal obligations. Employees should not have to fight for seven years to receive payment for services they lawfully rendered. The PSA remains steadfast in its commitment to ensuring that justice is served without fear or favour .

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