

Victory to PSA members

Unfair dismissal

A PSA member was charged with misconduct for gross dishonesty by allegedly breaching the provisions of the *Immigration Act*, in that he endorsed a traveller's passport in the absence of such traveller and was subsequently dismissed. The PSA on behalf of the member challenged the dismissal and sought the retrospective reinstatement of the member. The Commissioner, under the auspices GPSSBC, found that the dismissal of member was substantively unfair and ordered the Department of Home Affairs to:

- Reinstatement of the PSA member retrospectively to the position he held before the dismissal with effect from 3 June 2021
- The employer to pay the PSA member R623 333.06 as salary since date of dismissal to 30 June 2021 and before 30 June 2021

Unfair labour practice

The Department of Education failed to pay a PSA member a cash bonus to a maximum 12% of her salary. This after the moderation committee reduced her score. The Commissioner found that the process followed by the moderating committee to reduce the member's score was not in line with the policy. The only power the moderating committee has in terms of the Policy and Manual was to refer the assessment back to the supervisor and jobholder. The Commissioner, considering all the all the facts, found that the member discharged the onus to prove that the respondent had committed an unfair labour practice in relation to benefits by its decision not to pay out the cash bonus for the 2017/18-performance cycle. Accordingly, the Department of Education was ordered to pay the member R16 999 within 30 days of the date of the award. Interest will accrue on the amount if the Department fails to pay the member as directed.

The PSA prides itself in an excellent record of defending members' rights.

GENERAL MANAGER