

FOR PSA MEMBERS: NORTHERN CAPE DEPARTMENT OF SPORTS, ARTS AND CULTURE

27-09-2021

Northern Cape: Department of Sports, Arts and Culture – Members Rights Matters

The Department of Sports, Arts and Culture in Northern Cape, appointed 8 officials as general workers on fixed term contracts. Their contracts kept on being renewed for years. Inexplicably, the Department outsourced the general workers services and the eight of them were transferred to be appointed by a service provider, effectively terminating their contracts and being transferred to a new employer with less than favourable terms.

The PSA declared and referred an unfair dismissal dispute on behalf of the affected members. The Bargaining Council ruled that the members were unfairly dismissed and should be re-employed on the same terms and conditions as of 1 January 2021. The Department failed to implement the ensuing award. The PSA followed the enforcement route and had the arbitration award certified in terms of Section 143(3) of the *Labour Relations Act* 66 of 1995 by the CCMA. Even after the certification of the arbitration award, the Department still failed to implement the award.

All the PSA's efforts to have the award implemented yielded no results. The Labour Court was approached to invoke a contempt of court proceedings since the certified award carries the status of a court order. The PSA succeeded in contempt of court proceedings against the Department since the Department of Sports Arts and Culture was held liable for failure to adhere to a court order.

The PSA will continue to ensure that workers' rights are protected in the workplace.

GENERAL MANAGER