

FOR PSA MEMBERS: KWAZULU-NATAL (DURBAN AREA)

16-07-2024

Victory for PSA member is KwaZulu-Natal

A member at the KwaZulu-Natal Department of Health faced serious misconduct charges of insubordination. The allegations stemmed from a meeting where it was claimed that he questioned his manager's integrity by calling him a liar. It was further alleged that the member created a hostile environment during the meeting and threatened his manager. The employer formulated misconduct charges based on voice recordings capturing this misconduct. The contentious meeting was convened to discuss the rotation of staff, a topic that should have been formally addressed at the Institutional Management and Labour Forum (IMLC). This procedural oversight by the employer added a layer of complexity, as the IMLC is the appropriate platform for such discussions, ensuring structured and fair dialogue between management and labour representatives.

Understanding the gravity of the situation, the PSA representative engaged the employer's representative, emphasising the importance of accurately identifying voices in the recordings. The PSA urged a thorough review of the evidence to ascertain whether the member was indeed responsible for the alleged misconduct. This strategic approach was crucial in ensuring a fair examination of the facts. Upon revisiting the recordings, it became clear that the voices could not be distinctly identified, and it was not evident that the member committed the alleged acts. This critical revelation highlighted the insufficiency of the evidence against the member, undermining the employer's case and bringing the veracity of the charges into question.

Owing to the PSA's persistent and strategic efforts, the employer recognised the lack of conclusive evidence and withdrew the charges unconditionally. This outcome was a significant victory for the member, affirming the importance of due process and the vital role of the PSA in protecting the rights and integrity of members. This case underscores the PSA's commitment to ensuring fair treatment and justice for members. Through meticulous representation and advocacy, the PSA demonstrated the critical impact of thorough examination and due diligence in defending against unfounded allegations. The successful resolution of this case serves as a testament to the PSA's dedication to upholding the principles of fairness and integrity in the workplace.

For assistance, please contact the PSA's provincial organisers or full-time shop stewards. You can reach Xolani Dhlamini on 073 813 9646 / xolani.dhlamini@psa.co.za, Cynthia Mbali on 082 880 8953 / cynthia.mbali@psa.co.za, or Nkosephayo Zulu on 082 880 8994 / nkosephayo.zulu@psa.co.za. Alternatively, you can contact the full-time shop stewards Earnest Mkhize on 081 016 5028, Nondumiso

Mvubu on 081 016 5024, Jabulani Bukhosi on 063 737 8498, or Sthembile Ngcobo on 081 016 5085. For each new member you recruit, you will receive R107.

Reuben Maleka
GENERAL MANAGER