

## Victory for PSA members in Limpopo

### Department of Defence (DOD)

Three members, charged with serious allegations of misconduct ranging from malicious damage to state property, contravention of the after-hours standby service and financial misconduct, approached the PSA to represent them during disciplinary hearings. This is after the PSA successfully represented their supervisor earlier this year following similar allegations, including unauthorised possession of state funds, loss of state funds, contravention of the Vehicle Fleet Management Policy, contravention of the after-hours standby service, contravention of the *Public Finance Management Act (PFMA)* and several DOD Instructions relating to financial matters. The employer's intentions were clearly to dismiss the members. The allegations of misconduct emanated from a break-in at Hoedspruit Airforce Base during COVID-19 in May 2021. The employer held that these members had orchestrated a chain of events leading to the break-in at the finance offices and theft of money. Almost nine months after the break-in, four members were suspended for a period of nine months. Following an arbitration award in favour of the PSA, the members' precautionary suspension was uplifted, and the DOD was ordered to compensate them with two months' salary.

During the disciplinary hearings, the PSA had raised a preliminary matter to be considered by the Presiding Officer regarding the DOD's deemed waiver to institute disciplinary proceedings after a delay of two years and six months and, this despite, the award also citing the continued failure to charge the members following the arbitration award. The PSA argued that the employer had investigated the break-in and then, nine months later, suspended the members. The Presiding Officer was also requested to consider the employer's inconsistent application of discipline, abuse of disciplinary process, and refusal to provide the employee party with information to prepare for the hearings as it argued that the information was irrelevant to the charges. The Chairperson ruled that the allegations of misconduct against the members be dismissed based on the detailed *in-limine* arguments by the PSA. This is a major victory for the PSA and its members.

### Department of Health

A member requested the PSA's intervention after all failed regarding payment of a rural allowance. Her peers were paid and there was no explanation on why she could not be paid the rural allowance. Upon investigation, the PSA learnt that no submission was generated for the payment of qualifying employees in her district. The PSA's pressure on the employer resulted in the generation of the submission, which the PSA followed through until approved by the Provincial Treasury and the Office of the Premier. Subsequently, the member was paid R80 222.61.

The PSA will protect members' rights and promote their interests as practicing service excellence is an important value of the PSA. Members needing assistance with their cases or with enquiries can contact the PSA Provincial Manager at [john.teffo@psa.co.za](mailto:john.teffo@psa.co.za) or WhatsApp 079 513 9856.

Employees who wish to join the PSA can contact Lawrence Muvhango on 082 880 8995 / [lawrence.muvhango@psa.co.za](mailto:lawrence.muvhango@psa.co.za) or Paulina Moloto on 082 880 8957 / [paulina.moloto@psa.co.za](mailto:paulina.moloto@psa.co.za).

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