

Victory for PSA members in Mpumalanga

Department of Education

- The employer filed charges of misconduct against a member at a school owing to gross absenteeism. The member sought assistance from the PSA and was represented during the disciplinary hearing. Given the clear nature of the charges, the member entered a guilty plea, and the PSA advocated on his behalf. The member expressed gratitude towards the PSA after receiving a final written warning rather than facing dismissal, which could have been the case given the number of unaccounted absentee days.
- The Nkangala Branch was actively pursuing the employer after discovering malpractices in the shortlisting of candidates for certain school vacancies. Some of the candidates did not meet the criteria outlined in job advertisements. Owing to immense pressure from the Branch, the employer had no choice but to nullify the recruitment processes. It then initiated a new recruitment process with all stakeholders present to ensure that fair labour administration was upheld.
- A member in KwaMhlanga was charged with two counts of misconduct, *i.e.*, assault and bringing the name of the Department into disrepute. Looking at the gravity of the charges and the evidence submitted, the member tendered a guilty plea and received a final written warning. The PSA strongly mitigated towards a lenient sanction, detailing that this was a first offence in the member's long career. A final written warning was pronounced. The member expressed gratitude with the knowledge that he will be returning to work.

South African Revenue Service

A member was dismissed after a hearing concerning her nomination to attend training for a shortlisting process. She received notice of this training on the same morning of the meeting. During the training, she was given access to the *SuccessFactors system*, which allowed her to navigate the system, move CVs, and make comments where necessary. The member moved her husband's CV in the system, explaining that it was only a training exercise. However, the employer claimed that the member moved her husband's CV after the training session. Evidence presented during the arbitration proved that the movement occurred during the training. The member clarified that she identified the CV as her husband's and stated that she did not participate in the actual shortlisting process. The Commissioner, during arbitration, determined that the member's dismissal was procedurally fair but substantively unfair. The Commissioner ordered that the member be reinstated and that she receives back pay of R643 730.10.

Department of Home Affairs

A member was charged with nine counts of fraud and gross negligence. During the disciplinary hearing, the PSA demonstrated diligence in arguing on behalf of the member, detailing a shortage of human capital and non-compliance with departmental policy. The member was found guilty on only one charge and was directed to a month's suspension. This is a victory as the gravity of the charges warranted possible dismissal.

Any employee interested in joining the PSA is requested to contact the following PSA employees for assistance: Sylvia.Watkins@psa.co.za / 082 880 894 OR Thandiwe.Mziyako@psa.co.za / 060 962 8512 or the PSA Provincial Office on (013) 741 7500.

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