

## Victory for PSA members: Northern Cape

### Department of Social Development

A member at the Department of Social Development complained to the PSA about non-promotion. She had applied for an advertised post and met the minimum requirements as advertised. She was short-listed and interviewed. However, she was surprisingly scored below the subsequent incumbent. This happened despite the competency assessments that were conducted, indicating that she would need far less developmental interventions than the incumbent. The PSA declared an unfair labour practice relating to promotion. The employer was found to have acted unfairly to the member and was ordered to pay her R478 850.94 as per the award in case number **PSHS396-23/24**.

### Department of Home Affairs

A member at the Department of Home Affairs approached the PSA with a charge sheet. The allegations against her were “misrepresenting herself by submitting a sick note and leave for two days yet attended a court case on one of those dates”. However, the employer failed to prove that the member was guilty of misconduct on the following questions, as per the *Labour Relations Act 66 as amended*: Schedule 8: Code of Good Practice: Dismissal, Item 7:

- Has a rule or standard been broken?
- If so, is that rule or standard reasonable and lawful?
- If so, was the transgressor aware of that rule or standard?
- Or could he/she reasonably be expected to have been aware of it?
- Has the rule or standard been consistently applied by employer?

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