

## FOR PSA MEMBERS: KWAZULU-NATAL (DURBAN AREA)

19-03-2025

# Victory for PSA member!

Mr Welcome Qaphelani Simo Ngema, an Operational Manager Nursing at Nxamalala Clinic, was charged with three counts of misconduct in accordance with the Disciplinary Code and Procedure for the Public Service (PSCBC Resolution 1/2003). These allegations included denying a patient access to healthcare, unilaterally changing the operational category of the clinic, and failing to follow grievance procedures regarding unpaid overtime. The case was heard at a disciplinary inquiry on 6 September 2024, which was finalised on 30 October 2024 at Nkandla Hospital. Mr Ngema was represented by Jabulani Bukhosi, a PSA full-time shop steward of the KwaZulu-Natal PHSDSBC, ensuring that his rights were fully protected throughout the process.

### How the PSA assisted the member

- The PSA provided full representation to Mr Ngema, ensuring that he received a fair hearing.
- The PSA's provincial legal team challenged the charges, proving that the accusations were baseless and did not constitute misconduct.
- The PSA engaged with the employer to ensure that proper disciplinary procedures were followed.
- Through effective advocacy and evidence presentation, the PSA successfully demonstrated that Mr Ngema acted within the scope of his professional duties.

### Meaning of this victory

This ruling is a significant victory for all public servants and PSA members. It reaffirms that:

- Due process must be followed and fair representation matters. Employees should not be subjected to baseless allegations without proper legal defence.
- The PSA is committed to protecting employees' rights and ensuring that they are treated fairly during disciplinary processes.
- Employers must follow proper labour procedures before attempting to impose unfair sanctions on employees.

The PSA urges members to immediately seek PSA assistance in any disciplinary or labour-related disputes. This case proves that solidarity and strong representation lead to justice. For further assistance, contact your PSA representative today!

To join the PSA, please contact provincial organisers or full-time shop stewards: Xolani Dhlamini on 073 813 9646 / [xolani.dhlamini@psa.co.za](mailto:xolani.dhlamini@psa.co.za), Nkosinathi Thwala on 082 880 8953 / [nkosinathi.Thwala@psa.co.za](mailto:nkosinathi.Thwala@psa.co.za), or Nkosephayo Zulu on 082 880 8994 / [nkosephayo.zulu@psa.co.za](mailto:nkosephayo.zulu@psa.co.za). Alternatively, 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, Sthembile Ngcobo on 081 016 5085 or Brendon Fisher on 083 863 6754.

***For each new member you recruit for the PSA, you will receive R107!***

Reuben Maleka  
GENERAL MANAGER