



AWARD

Panelist/s: P Roopa
Case No.: PSCB636-11/12
Date of ruling: 29 August 2012

In the matter between:

PSA obo Erasmus (Applicant)

and

The Department of Home Affairs (Respondent)

Applicant's representative: Mr. A Moribe _____
Union/Applicant's address: _____

Telephone: _____
Telefax: _____

Respondent's representative: none _____
Respondent's address: _____

Telephone: _____
Telefax: _____

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DETAILS OF THE MATTER:

This matter served before me for arbitration on the 19th August 2013 at the respondent's premises in Klerksdorp. Mr. A Moribe appeared on behalf of the PSA and while the employer was unrepresented.

Before proceeding with the matter in the absence of the respondent, I ascertained from Mr. Moribe that a member of the respondent, Mr. Tikane, has knowledge that the matter had been set down for the day as he had met Mr. Tikane a week or two ago when dealing with another matter, when Mr. Tikane confirmed he would be dealing with this matter and that he knew the matter was to sit today.

ISSUE TO BE DECIDED:

The dispute relates to the interpretation/ application of Resolution 3 of 1999 dealing with the recognition of service of the members in the public service. It is submitted that the respondent has failed to recognise almost 6 years of Mr. Erasmus' service when calculating his continuous length of service with it. I am required to determine if this is the case and what relief he is entitled to should this be the case.

SURVEY OF SUBMISSIONS AND ARGUMENT:

Mr. Moribe relied upon documentary evidence when making his submissions, and drew my attention firstly to the provisions of Resolution no 3 of 1999, titled "REMUNARATIVE ALLOWANCES AND BENEFITS", and more particularly to section XXVIII dealing with "Recognition of long services", which provides, inter alia, the following:

1. An executing authority shall provide a long-service reward to an employee who has served the government continuously for at least twenty years;
2. Government service includes continuous service for a government department, a state or state-assisted or a statutory body established by Parliament.

A member who qualifies for the above is entitled to a certificate and cash payments, but as this does not form part of the union's case, I find no reason to set out those provisions at this juncture.

Mr. Moribe provided me with a document that shows that Mr. Erasmus was transferred from a parastatal within the Department into the Department, dated the 6th February 1987, as well as providing me with a salary advice which clearly showed his date of engagement with the Department was "1982.02.01".

Mr. Moribe's attempts to convince the Respondent that its records do not reflect this state of affairs has failed, which resulted in the union having to refer this matter to the Council.

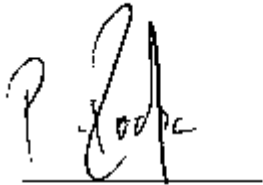
As regards the relief that is being sought, Mr. Moribe submits that the relief it is seeking is that Mr. Erasmus' length of service be rectified to reflect the proper date on which he was employed in the Department of Correctional Services.

ANALYSIS OF EVIDENCE AND ARGUMENT:

From the undisputed documentary evidence placed before me and the submissions made by Mr. Moribe, I am satisfied that Mr. Erasmus has been continuously employed by the respondent from the 1st February 1982.

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The respondent is directed to rectify its records in respect of Mr. Erasmus length of service to reflect he has been continuously been employed by it since the 1st February 1982.


Prakash Roopa