



**IN THE PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL
HELD AT BLOEMFONTEIN**

CASE NO: PSCB 242-11/12

PSA obo P T MOTEJANE

APPLICANT

and

DEPARTMENT OF HOME AFFAIRS – NATIONAL

RESPONDENT

ARBITRATION AWARD

1. DETAILS OF HEARING AND REPRESENTATION

- 1.1 The abovementioned Arbitration was held on the 13th of December 2011 at the offices of the PSA, Maitland Street, Bloemfontein.
- 1.2 The Applicant, Mr. Motejane, was represented by Mr. Malan, PSA Shop Steward. The Respondent, Department of Home Affairs – National, notwithstanding due notice for the hearing, failed to attend.
- 1.3 Parties were directed to file Heads of Argument on the 14th of December 2011.

2. ISSUE TO BE DECIDED

- 2.1 The issue which I was called upon to consider was the interpretation of Resolution 14 of 2002, relating to the Respondent's obligation to respond to the Applicant's grievance within the prescribed time limits.

3. SURVEY OF EVIDENCE

3.1 SUBMISSIONS ON BEHALF OF THE APPLICANT:

- 3.1.1 It is argued, on behalf of the Applicant, that the Conciliation in this matter was held on the 16th of September 2011.
- 3.1.2 The Applicant has lodged his grievance on the 22nd of June 2011.
- 3.1.3 It is trite that in terms of the Resolution, the Respondent had to investigate the grievance and provide the Applicant with a response thereto within 30 (THIRTY) days of receipt of the grievance.
- 3.1.4 The Respondent failed to respond to the Applicant's grievance in totality.

4. ANALYSIS OF EVIDENCE AND ARGUMENT

- 4.1 Without repeating the Applicant's submissions, I can not find any justification in the Respondent's persistence in not providing a response to the Applicant's grievance.
- 4.2 The Applicant has waited for a response in vain. Needless to mention that the Applicant is not expecting a response that will be favourable, all he seeks is nothing but a response.
- 4.3 It is the conduct of such Respondents like in the present case, who unnecessarily clog the Council's roll and make it to incur unwarranted costs in appointing Panellists to arbitrate such straight forward disputes. In fact it should not be a dispute at all as all that is required is for the Respondent to provide the Applicant with a response.

5. AWARD

- 5.1 The Respondent must provide the Applicant with a response to his grievance within 21 (TWENTY ONE) working days from receipt of the Award.

SIGNED AT BLOEMFONTEIN ON THIS 14th DAY OF DECEMBER 2011

C L DICKENS
PSCBC Arbitrator