

**THE SOUTH AFRICAN
PARASTATAL AND
TERTIARY
INSTITUTIONS UNION**



SAPTU
PO Box 1952
Wapadrand
0050
Tel: +2712-807-1488
Fax: +2712-807-4797
info@saptu.co.za
www.saptu.co.za
Reg. LR2/6/2/1606

SAPTU CASES

DISCIPLINARY HEARINGS, SUBSTANTIVE NEGOTIATIONS, CCMA - CASES

SAPTU was recently involved in various matters and disputes which included disciplinary hearings, substantive negotiations and CCMA cases. In this regard we refer, inter-alia, to:

CCMA-CASE : PRODUCTIVITY *sa*

A member of the Union has been charged with misconduct at a Disciplinary Hearing regarding Breach of Employee's duty of good faith, Fraud, Dishonesty, and Gross dereliction of duties.

The member was found guilty on the above misconduct and the case are now been debated in the CCMA on the basis of an unfair dismissal.

DISCIPLINARY HEARING – SENIOR EMPLOYEE – UNIVERSITY OF JOHANNESBURG

The aforementioned disciplinary hearing centered around intent by an employee to do grievous bodily harm or assault of a student of the University.

The Employee was found guilty and dismissed. On Appeal his dismissal was overturned and reinstated on terms and conditions as laid down by the University.

DISCIPLINARY HEARING – PROTECTION SERVICES UNIVERSITY OF JOHANNESBURG.

The aforementioned disciplinary hearing was against members of Protection Services that they failed to prevent the assault against a student as mentioned above. Our member was only given a warning.

CCMA-CASE LEGAL AID BOARD *sa* UNFAIR LABOUR PRACTICE – SALARY SCALES

The aforementioned CCMA-hearing was about an unfair labour practice concerning professional employees that have been appointed as District Court PA's but also perform duties in Regional Courts under the salary scales applicable to District PA's. The outcome

of the dispute, was a recommendation that the matter must be settled internally by amending the Policies concerned.

DISCIPLINARY HEARING – NATIONAL HEALTH LABORATORY SERVICES (NHLS)

The aforementioned dispute concerned two senior officials who were charge of mismanagement of Laboratories in the Western Cape and failed to provide adequate and professional service.

The outcome of these hearings were in favour of the employees concerned.

DISPUTES ON UNILATERAL CHANGE OF CONDITIONS OF SERVICE – LEGAL AID BOARD *sa* ABOUT THE PAYMENT OF A 13TH CHEQUE TO EMPLOYEES

In the past their 13th Cheque payments were double of their salaries paid on their birthday month. The Management amend this particular clause in their conditions of service so that just the average of employees salaries in the preceding twelve months be paid out. After discussions and consultations in the Central Bargaining Committee the matter was not resolved and further discussions/negotiations must still take place.

CCMA-CASE PRODUCTIVITY *sa* - INTERPRETATION OF CONSTITUTION OF BARGAINING FORUM AND COLLECTIVE AGREEMENT REGARDING THE IMPLEMENTATION OF AN AGREEMENT REACHED BY MANAGEMENT REPRESENTATIVE AND THE UNION IN THE BARGAINING FORUM

The Agreement reached agreement not implemented by Management and a different proposal was forwarded on the agreement raised in the Bargaining Forum to the Minister of Labour.

In conclusion the CCMA ruled that a decision or agreement reached in the Bargaining Forum by both Parties did not mean that the mandate given to it's representatives bind Management because it still had to be approved by top Management considering of the Chairperson of the Board, the CEO etc and that agreement could then be overturned.

**ADV. BEN VAN DER WALT
GENERAL SECRETARY**