



ARBITRATION AWARD

Panellist: Joseph

Mphaphuli

Case No: PSHS1052-13/14

Date of award: 17 August 2014

In the matter between:

HOSPERSA obo Shongwe N.H

Applicant

and

Department of Health – Mpumalanga

Respondent

DETAILS OF HEARING AND REPRESENTATIONS

1. The hearing took place at the Respondent's offices situated at Tonga on Friday 08 August 2014. The proceedings were conducted in terms of Section 191 of the Labour Relations Act 66/1995.
2. Mr Stanley Malinga, Manager Labour Relations appeared on behalf of the Respondent. The Applicant was represented by Mr Simon Mahlangu, official of HOSPERSA, an employee organisation.

ISSUE IN DISPUTE

3. I had to determine whether Mrs Norah Shongwe, an employee in the service of the Respondent was accurately translated in terms of the Occupation Specific Dispensation and Resolution 3/2007, if not, what remedy should apply.

BACKGROUND TO THE DISPUTE

4. The Applicant was recruited on or about 1989. The Applicant currently serve in the capacity of enrolled nurse grade 1 at an annually salary of R 137 400.00.
5. The Applicant wants her translation to be aligned with the Dispensation and Resolution 3/2007 effective from 01 April 2011 to date and beyond.

COMMON CAUSE ISSUES

6. Parties were in agreement that the dispute was regulated in terms of the OSD and The Public Health and Social Development Resolution 3/2007.
7. In terms hereof an enrolled nurse should be translated to salary level grade 2 effective 01 April 2011.
8. The parties were equally in agreement that the Applicant subscribed to the stated requirements and further that her translation should be to grade 2.

ANALYSIS OF SUBMISSIONS

9. There were no issues in dispute. The Respondent's representative concurred with the Applicant's representative that the Applicant should have been translated to enrolled nurse grade 2 on 01 April 2011. Instead the Respondent had translated the Applicant to enrolled nurse grade 1.

AWARD

10. I order the Department of Health – Mpumalanga to translate Shongwe N.H to enrolled nurse salary level grade 2 effective 01 April 2011.

11. The translation must be effected on or before 01 October 2014.



Joseph Mphaphuli

Signed

PHSDSBC Panellist