



ARBITRATION AWARD

Panellist/s: Ronnie Bracks
Case No.: PSHS27-10/11
Date of Award: 15-Apr-2011

I cant would be used.

The Employee, O' Brien Pietersrn, after being sworn in testified as follows:

- G In 2008 the Respondent embarked on an exercise to harmonise salaries of all assistant directors. The idea was that all those whose responsibilities and functions were the same must be paid the same. A submission was accordingly made to the HR department to cover all employees who reported to that department. In the submission all the people due for an upgrade were listed as well as their notches and levels. No job evaluations were done for the posts nor were the positions advertised. The submissions were approved and implemented in February 2008 for Human Resources section.
- H As a result of the above the Corporate Service section decided to present their submissions in the same year. However their submissions were not approved nor did they receive any response. After not receiving any response a grievance was lodged in December 2009. Approximately 8 to 9 months thereafter they received a response that it could not be granted unless the jobs are advertised or a job evaluation is done. They felt that they had exhausted all internal processes and referred their matter to Council.
- I The Applicant stated that the Respondent had acted unfairly by treating them differently from those in the Human Resources section; no criteria were applied to the Human Resources section, yet now they want to subject them to criteria.

Employer's Evidence

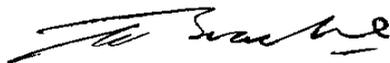
The Respondent's representative submitted no evidence but requested to address the matter through closing arguments.

ANALYSIS OF EVIDENCE AND ARGUMENT

1. The undisputed evidence is that in terms of circular no. 2 of 2009 paragraph 7.10.1 - "employees on salary level 9 and 11 with 15 years of completed continuous service on the specific salary level and have obtained at least satisfactory rating in their most recent performance assessment shall grade salary progress to salary level 10 and 12 respectively.
2. In 2008 HR officials were upgraded after the HR director had submitted a motivation to the then Chief Director, Dr. Maduna, requesting him to have the officials upgraded, others to be granted notch increase and others moved from one level to another.
3. The Chief Director approved the submissions with the amendments listed on page 4 of the submission and this led other officials in the region to demand the same leading to this very dispute. The Applicants also made submissions and according to them they were advised to await the advertising of positions. They viewed this unfair.
4. I have considered both parties' submissions. I have further considered a notification dated 23rd November 2010 by the Acting Deputy Director General: HRM and Organisational Development of the Respondent in respect of **Human Resource Upgrade** sent to the Chairperson of the Multilateral forum with a cc to NEHAWU, HOSPERSA, PSA, DENOSA and NUPSAW in which she stated, "Following several multilateral meetings the issue of Implementing Human Resource staff upgrading at the Institutions has been extensively discussed. Currently the Department is projecting an over expenditure on compensation of employees budget which amounts to over R1 billion."
5. It is evident from the above notification from the Respondent that it had had an opportunity to reconsider the financial implications and that as a result the implementation would be too costly and that it is placed on hold.
6. In the light thereof it is my view that the issue relates to the operations of the organisation which falls outside my domain to make a decision on.

| **AWARD**

| **The case against the Respondent is dismissed.**



Adv. RONNIE BRACKS

| **PSHSBC Panelist**