



ARBITRATION AWARD

Panellist/s: Chris Mbileni
Case No.: PSHS53-11/12
Date of Award: 21-Sep-2011

In the ARBITRATION between:

HOSPERSA obo Motolo, S.T

(Union / Applicant)

and

Department of Health & Social Development - North West

(Respondent)

Union/Applicant's representative: _____

Union/Applicant's address: _____

Telephone: _____

Telefax: _____

Respondent's representative: _____

Respondent's address: _____

Telephone: _____

Telefax: _____

AWARD

I accordingly find that after all the evidence the respondent has unsuccessfully discharged the normal burden of proof that the reason for dismissal was a fair reason relating to Mr. Sam Motolo's conduct.

I therefore grant Mr. Sam Motolo the following relief:

I order the respondent to reinstate Mr. Sam Motolo with back-pay to the position that he occupied prior to his dismissal. The back pay is justified considering his length of service with the same employer, calculated at the rate of remuneration on the date of his dismissal to the last day of arbitration (6 months) as follows:

Mr. Sam Motolo's monthly salary was R14 686.00 x 6 months = R88 117.00 subject to the current prevailing tax regime. The awarded amount earns interest from the date of the award at the rate as the rate prescribed from time to time in respect of a judgment debt in terms of section 2 of the Prescribed rate of Interest Act 55 of 1975.

The reinstatement of Mr. Sam Motolo must take effect on or by the 1st of October 2011.

The parties must take note that this arbitration award is final and finding in terms of S143(1) of the LRA and it may be enforced through the Council or the CCMA as if it were an order of the Labour Court.

The parties must note further that there is no order as to costs.

Signed at dated at Johannesburg on this the 16th day of September 2011.

Panellist: 
Chris Sizili MBELENI.