

NORTH WEST PROVINCIAL LEGISLATURE
PORTFOLIO COMMITTEE ON PROVINCIAL AFFAIRS & FINANCE



**REPORT ON MANAGEMENT OF PRECAUTIONARY
SUSPENSION IN THE PUBLIC SERVICE**

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1. INTRODUCTION

On 21 November 2011, the Office of the Public Service Commission presented the report on management of precautionary suspension in the public service to the portfolio committee for scrutiny.

This was done in line with its mandate from section 195 and 196 of the Constitution 1996. The Public Service Commission is tasked and empowered to, amongst others, investigate, monitor and evaluate the organisation and administration of the Public Service. This mandate also entails the evaluation of achievements or lack thereof of Government programmes.

The Public Service Commission also has an obligation to promote measures that would ensure effective and efficient performance within the Public Service and to promote values and principles of public administration as set out in the Constitution throughout the Public Service.

2. BACKGROUND

In terms of the Public Service Coordinating Bargaining Council's (PSCBC) Resolution 1 Of 2003, an employer may suspend an employee on full pay or transfer an employee which was not provided for in the Resolution 2 of 1999. "If the employee is alleged to have committed a serious offence, and the employer believes that the presence of an employee at the workplace might (a) jeopardise the investigations, (b) endanger the well being or safety of any person or state property ".

The precautionary suspension made in terms of PSCBC Resolution 1 of 2003, is serves as a measure to protect the interest of the State as an employer where necessary and must be on full pay.

3. OBJECTIVES

- ✓ The circumstances and conditions under which employees were placed under precautionary suspensions.
- ✓ Determine the cost implications to the State as an employer when placing employees on precautionary suspensions.
- ✓ Finding out if departments during the investigation of the cases or when the disciplinary procedure was underway, considered the transfer of employees as an alternative.
- ✓ Verify if departments had internal policies to sensitise employees and key role players on the procedures relating to disciplinary procedures.
- ✓ Ascertain the role of labour relations components in the management of precautionary suspensions.

4. KEY FINDINGS

The following were the nature of charges, amongst others, mentioned by the departments which employees placed on precautionary suspension faced;

- ✓ Financial misconduct
- ✓ Insubordination
- ✓ Failure to bank state money
- ✓ Theft, fraud
- ✓ Misuse of state property
- ✓ Drunken driving
- ✓ Corruption
- ✓ Sexual harassment/sexual assault
- ✓ Unauthorised expenditure
- ✓ Gross negligence resulting in loss of state money
- ✓ Violation of tender process

The PSCBC Resolution does not elaborate much on the procedure to be followed when precautionary suspension is under consideration, the Department policy is an important tool in management of discipline including precautionary suspension as it ideally should address aspects such as; reasons for suspending an employee, charges preferred,

consideration of transfers as an alternative and reasons for extension of the suspension period.

5. DELIBERATIONS / CLARITY SEEKING QUESTIONS

- 5.1 The committee wanted to know when an employee being booked off sick while it delays the precautionary suspensions does Public Service Commission investigate such cases.
- 5.2 The committee raised a concern in regard to a criminal cases were opened and has to run concurrently with the disciplinary procedure, does PSC have measures in place to monitor this matter so that a person had to attend disciplinary procedure.
- 5.3 The committee wanted to know the difficulties to find the presiding officers as it is imperative that the presiding officers should be from the same department. what is the policy on this matter.
- 5.4 The committee wanted to know that the number of employees placed on precautionary suspension happened to be on a lower levels, is there any relationship between them defaulting.

6. RECOMMENDATIONS OF THE COMMITTEE

- 6.1. The labour relation units in the Departments should play an active role in keeping track on all cases of misconduct and ensure a consistent manner of reporting on the management of precautionary suspension.
- 6.2. The Departments should develop their own internal policies through the assistance of the DPSA.

- 6.3. The Portfolio Committee recommend that due to high cost implications, departments should immediately prioritise to finalise outstanding cases, all cases which are six (6) months and more should be finalised by the end of April 2012.

7. CONCLUSION

The chairperson thanked and complimented the Public Service Commission for their informative report.


HON. S.O.R. MAHUMAPELO
CHAIRPERSON: PROVINCIAL AFFAIRS & FINANCE

07/03/2012
DATE