

**MINISTRY: PUBLIC SERVICE AND ADMINISTRATION**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**DATE: 21 MAY 2021**

**QUESTION NO.: 1409.**

**Dr M M Gondwe (DA) to ask the Minister of Public Service and Administration:**

Whether, with reference to the reply to question 219 on 10 March 2021 which revealed that the national and provincial spheres of government were on course to pay remuneration amounting to R4,5 billion to public service employees who were at various stages of disciplinary processes between 2019 and 2021, there are any steps that the Public Service Commission will take to ensure that pending disciplinary hearings of suspended employees do not exceed three months; if not, why not; if so, what are the relevant details? **NW1606E**

**REPLY:**

In terms of the Disciplinary Code and Procedure, discipline is a management function, and the PSC does not have the mandate to interfere in the disciplinary process. This position was confirmed by a legal opinion obtained by the PSC from the Office of the Chief State Law Advisor.

However, as part of its monitoring and advisory mandate, the PSC held a meeting with DPSA on 28 May 2021 to deliberate on, amongst others, the issue of disciplinary management and prolonged suspensions. The DPSA indicated that they have procured a service provider to assist them to develop a strategy on how to deal with the backlog of disciplinary cases. In order to contribute to the formulation of the strategy, the PSC and DPSA explored various options, including the following:

1. The reinstatement of employees whose cases have exceeded the 90 days period where the nature of the misconduct is not of a serious nature;
2. The reassignment of employees whose cases have exceeded 90 days where the nature of the misconduct is not of a serious nature to other units within Departments or the Public Service;
3. The establishment of a pool of capacity (i.e. Labour Relations Officers) within the Public Service to deal with backlog cases within the prescribed period; and
4. The appointment of contract workers/service provides who have the required expertise to deal with some of the cases within the prescribed period.

The PSC is awaiting further engagements with DPSA on the development of the strategy and the PSC continues to urge departments to ensure that disciplinary matters are concluded timeously in the interest of sound labour relations and service delivery.

End