

**MINISTRY: PUBLIC SERVICE AND ADMINISTRATION**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**DATE: 12 NOVEMBER 2021**

**QUESTION NO.: 2422.**

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

In light of the fact that the Minister of Home Affairs recently reported to the Portfolio Committee on Home Affairs that one of the officials that were facing disciplinary charges at the Department of Home Affairs is now in the employ of the Department of Sport, Arts and Culture, how will his department assist government departments to ensure that Public Service employees who are facing disciplinary charges do not avoid facing charges against them by seeking and finding employment in another government department? **NW2798E**

**REPLY:**

The Department of Public Service and Administration (DPSA) is assisting departments in the following ways to deal with the disciplining of employees who left one department to join another:

Departments have, in terms of Section 16B (4) of the Public Service Act, 1994, a responsibility to ensure employees guilty of misconduct are disciplined.

Section 16B (4): If an employee of a department (in this subsection referred to as ‘the new department’), is alleged to have committed misconduct in a department by whom he or she was employed previously (in paragraph (b) referred to as ‘the former department’), the head of the new department-

1. may institute or continue disciplinary steps against that employee; and
2. shall institute or continue such steps if so requested-
3. by the former executive authority if the relevant employee is a head of department; or
4. by the head of the former department, in the case of another employee.

The head of the Department of Home Affairs can follow the above prescripts to ensure that the disciplinary process is instituted by the Department of Sport, Arts and Culture.

To further discourage employees with pending disciplinary cases against them from moving around within the Public Service, the DPSA amended the Application for Employment form (Z83) to make it compulsory for prospective employees to disclose all pending disciplinary cases on the form. The use of the amended Z83 form is compulsory from January 2021, and misrepresentation is considered a misconduct which may result in the termination of an employee’s service.

End