

PAs win job rights

The Labour Court has found in favour of 17 judges' secretaries who challenged the Office of the Chief Justice about their uncertain employment status, declaring that they are permanently employed.



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The secretaries, who had been employed on 12-month fixed contracts, expected that they would be absorbed as permanent employees this year.

To solve the trouble it was in, the office signed three-month contracts with the employees in April after the contracts expired on 31 March this year.

It was worried that the running of the labour and labour appeal courts, where the secretaries were employed, would be affected.

It then advertised the 17 positions, but did not guarantee that the secretaries would be employed.

Although the 17 incumbents applied for the posts, 41 candidates were shortlisted. The employees then approached the Labour Court.

They submitted that the positions that were advertised were not vacant and provisions of the Public Service Act did not apply.

Lawyers for the chief justice's office said the court lacked jurisdiction because it could not deal with a dismissal that had not yet taken place as the contracts would only expire on 30 June.

"The short answer is that the [secretaries] want a declaration of rights in respect of their reasonable expectation of further employment to avoid a dismissal.

"There are appropriate cases in which this court intervened to interdict processes because of the fact that a continuation thereof would result in an [automatic] unfair dismissal," Acting Judge of Appeal Faan Coetzee said.

He declared last Thursday that the secretaries were permanently employed on the same terms and conditions as those they signed to the office in April.

The Office of the Chief Justice said yesterday it was currently studying the judgment after which it would consult the interested parties in order to decide on a way forward.

Source: The Times

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