

IN THE LABOUR COURT OF SOUTH AFRICA**HELD AT JOHANNESBURG****CASE NO:** JR2956/2011**DATE:** 2016-02-10

In the matter between

POPCRU o.b.o SAMUEL SEULOANA

Applicant

and

**SAFETY AND SECURITY
SECTORAL BARGAINING COUNCIL**

First respondent

PRINCE KEKANA N.O.

Second respondent

SOUTH AFRICAN POLICE SERVICE

Third respondent

Date of *ex tempore* judgment: 10 February 2016

Date edited: 2 March 2016

J U D G M E N T

STEENKAMP, J

- [1] This is an application to have an arbitration award by Commissioner Prince Kekana reviewed and set aside. The applicant, Mr Samuel Seuloana, was a police officer deployed by the South African Police Services at Menzie's Aviation, a company that was contracted to handle luggage and check in points for several international airlines at O.R. Tambo International Airport.
- [2] The employee was dismissed for misconduct. In short, video footage at the airport showed that Mr Seuloana, together with another employee, opened passengers' bags and stole items from those

bags. At a disciplinary hearing, after seeing the video footage, the employee and his representative, a Mr Maffa, admitted that he stole passengers' items and pleaded guilty, simply saying in mitigation that he had financial problems. Not surprisingly, he was dismissed. He appealed internally and now simply said that he was remorseful and should be given a lesser sanction.

[3] At arbitration Mr Seuloana did a complete *volte-face* and blamed, firstly, the initiator; and secondly, his representative, Mr Maffa, to say that he pleaded guilty on their advice. At the hearing today, where he seeks to have the finding of the arbitrator that his dismissal was fair, reviewed and set aside, his new representative, Mr *Goldberg*, merely took issue with the sanction imposed.

[4] As Mr *Makote* very eloquently pointed out in his argument for SAPS, this is no ordinary employee. This is a police officer who has a duty to protect the public of South Africa. He betrayed not only that trust that the public should have in the police, but also the trust that his employer put in him. He perpetuated his own dishonesty by firstly admitting that he committed the misconduct and then trying to claim that he did not commit the misconduct when it came to arbitration.

[5] The arbitrator noted that the employee, having initially denied that he was at the scene of the misconduct, admitted his wrongdoing only after having been confronted with the video evidence. He admitted his wrongdoing at the disciplinary hearing and at the internal appeal, arguing only about sanction. The arbitrator was satisfied that Seuloana was the person in the video footage. His misconduct was

beyond question. He was dishonest. The sanction of dismissal was fair. That is a reasonable conclusion.

[6] This application is entirely without merit. There is no doubt that the dismissal of the employee was fair and the conclusion of the arbitration confirming his dismissal is entirely reasonable. The only reason that I do not consider awarding costs against the employee is because both parties agreed that there should be no cost order.

Order

[6] The application is dismissed.

A. J. Steenkamp
Judge of the Labour Court

APPEARANCE FOR THE APPLICANT: A GOLDBERG

APPEARANCE FOR THE RESPONDENT: M Z MAKOTI

Instructed by The State Attorney.

CERTIFICATE OF VERACITY

I, the undersigned, hereby certify that, ***in as far as it is audible***, the foregoing is a **VERBATIM** transcription from the soundtrack of proceedings, as was ordered to be transcribed by iAfrica Transcriptions and which had been recorded by Digital Court Recording Services by means of digital recording equipment.

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POPCRU o.b.o. SEULOANA, S

Applicant

and

SOUTH AFRICAN POLICE SERVICE

Respondent

<u>Case No</u>	<u>Client Reference</u>	<u># Pages</u>
J2956/11	N/A	4

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