

Your union

UVPERSU is a registered, independent, non-racial, diverse union, that unites its members – not to be militant – but to protect and improve the interests of its members in the workplace in a constructive manner and by way of negotiations to the benefit of those concerned.

We listen to truly hear, we care through action and so we add value to the working environment. We achieve together!

Re mamedisisa hore re utlwe kannete, re tsotella ka diketso, mme ka mokgwa o jwalo re eketsa bohlokwa tikolohong ya tshebetso. Re fihlella mmoho!



Vision

UVPERSU's vision: To be the most influential and leading union in higher education.



Mission

UVPERSU's mission: As a professional and non-political union, UVPERSU strives to serve the interests of members, collectively and within the framework of existing labour legislation and promote positive attitudes towards the preservation and growth of the University as an institution.



Values

UVPERSU's values: Accountability, respect, integrity, equity, equality, devotion.

UVPERSU

2020 – 2023 Management Committee and staff



Dr Henk Potgieter
Chairperson



Ms Anita Lombard
CEO



Dr Grey Magaiza
Vice-chairperson



Ms Riana Johnson
Vice-chairperson



Ms Janine Pretorius
Treasurer



Mr Tello Theletsane
Committee Member



Mr Frans Van der Watt
Committee Member



Mr Rashied Isaacs
Committee Member



Ms Maggie Tsole
Committee Member



Dr Arno Van Niekerk
Committee Member



Ms Arista vd Westhuizen
Committee Member



Mr Dan Alexander
Committee Member



Prof Sethulego Matebesi
Committee Member



Ms Louzanne Coetzee
Committee Member



Ms Sarien Crous
Office Manager



Ms Adelina Tjamela
Venues

Meet Riana Johnson of the UFS Health and Wellness Centre!

Sister Riana Johnson is Head of Kovsie Health and the HIV office, which are part of the UFS Health and Wellness Centre. The Centre provides excellent healthcare to students and staff of the UFS. The doctors at Kovsie Health also provide services to the public. Healthcare includes diagnoses, preventative care through awareness campaigns and education during consultations, treatment, referrals when necessary, as well as rendering support to patients, including rehabilitation after injuries.

Riana grew up on a farm in the Eastern Cape as the oldest of four children. She matriculated at Kirkwood High School and came to the UFS to study nursing. After completing her studies, she did her post basic training at the Free State School of Nursing (previously known as the Nursing College) and at the UFS. She started her professional career at the UFS in January 1996. She is married to Stephan and have a son, stepdaughter and two grandchildren. Her father-in-law was the administrative registrar of the UFS from 1974 – 1988.

Riana loves to be active, but after a knee injury in 2018 she had to slow down. She did belly dancing for a few years, and she did adult ballet until 2018 (at the age of 53!) before she injured her knee, while playing volleyball, and had to undergo surgery. She loves spending time with her family and her two dogs, who keep her busy for most of her free time.

Riana has been an UVPERSU management committee member for the past three years and has been re-elected for a further term of three years. She is also vice chair of UVPERSU and a member of the UVPERSU executive.

Riana is a firm believer in fairness and staff development, and she is never too busy to listen and to hear when it comes to the employees working under her. She is dedicated and loyal and hopes to serve the UFS for a long time to come.

Riana Johnson, deputy director and Head at Kovsie Health and the HIV office.

(Photo: Kaleidoscope)



A new UVPERSU Management Committee member

It is a privilege for UVPERSU to welcome Dr Koos Myburgh, senior lecturer, Animal Science, as new member of the management committee!

He started his career at UFS on 1 May 1999, as a teacher and researcher. Through the years, he taught numerous courses in Microbiology, Biochemistry and Dairy Science to under- and postgraduate students.

His research during this time focused on developing a technique to make cow's milk lactose-free for people with lactose intolerance. He also started on milk quality control, which is now under the umbrella of Milk SA as the DSA Dairy Standard Agency.

He has developed various analytical techniques and set several standards for SA Dairy Legislation. In 2012, he also developed a technique patented to accelerate yoghurt production. For the last five years, he focused on milk gelation in the UHT milk environment and discovered critical facts of importance in the prevention of it. For the last 3 years, he also worked on the technique where ultraviolet light is used in the pasteurization of milk.

Koos is also a keen runner and walker. Every Saturday he takes part in the park

run or City run in Bloemfontein or visits park runs in other cities. He runs about 15 km and walk about 16 km on average per week. Other hobbies include research in the lab in his department, drone flying, solar systems and computers.

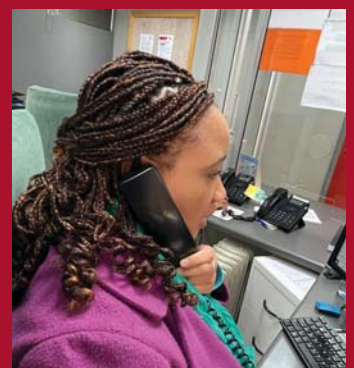
What a versatile life! Koos, we hope your involvement in union activities will be fruitful and we know that you will be a heart and soul part of the team that always achieve together!



Dr Koos Myburgh on Naval Hill



Thando Mthunzi, an intern at Koves Health.



Ronél Qongqo, a receptionist at Koves Health.

Insubordination dismissals – insubordination must be gross.



By Nicolene Erasmus
(Director Labour Guide)

Insubordination can take on many forms, but to justify dismissal it must be serious, persistent, and deliberate.

The *Code of Good Practice: Dismissal* lists gross insubordination as a permissible ground for dismissal. “Generally, it is not appropriate to dismiss an employee for a first offense, except if the misconduct is serious and of such gravity that it makes a continued employment relationship intolerable. Examples of serious misconduct, subject to the rule that each case should be judged on its merits, are gross dishonesty or willful damage to the property of the employer, willful endangering of the safety of others, physical assault on the employer, a fellow employee, client or customer and gross insubordination.”

In *Independent Risk Distributors SA (PTY) Ltd (JR 1906/19)*, a sales representative was dismissed for gross insubordination after challenging and/or undermining the authority of the company’s CEO during a staff meeting by questioning and/or challenging an instruction issued by the CEO in the presence of his colleagues. During the meeting, the CEO had instructed all the sales representatives to go home and reflect on their performance and return to the office the next day, whereafter the employee proceeded to challenge and/or undermine the authority of the CEO.

Having considered the evidence of the employer’s witnesses, the arbitrator concluded that the employee’s dismissal was unfair and ordered reinstatement. The first witness testified that the manner in which the employee questioned the CEO (who was not called to testify) posed a problem. The second witness confirmed that the employee asked questions and when the CEO tried to speak, the employee interrupted with an unacceptable and disrespectful tone. The employer’s third witness testified that the employee did ask questions after they were instructed to go home, but she did not think his conduct was inappropriate.

Considering the employer’s application for review, the Labour Court pointed out that the enquiry into the gravity of the specific insubordination considers three aspects: the action of the employer prior to the deed, the reasonableness of the instruction, and the presence of willfulness by the employee.

Acts of mere insolence and insubordination do not justify dismissal unless they are serious and willful. The sanction of dismissal is reserved for instances of gross insolence and gross insubordination, or the willful flouting of the employer’s instructions. In this case, the employee’s questions at the meeting were aimed at seeking clarification regarding why he

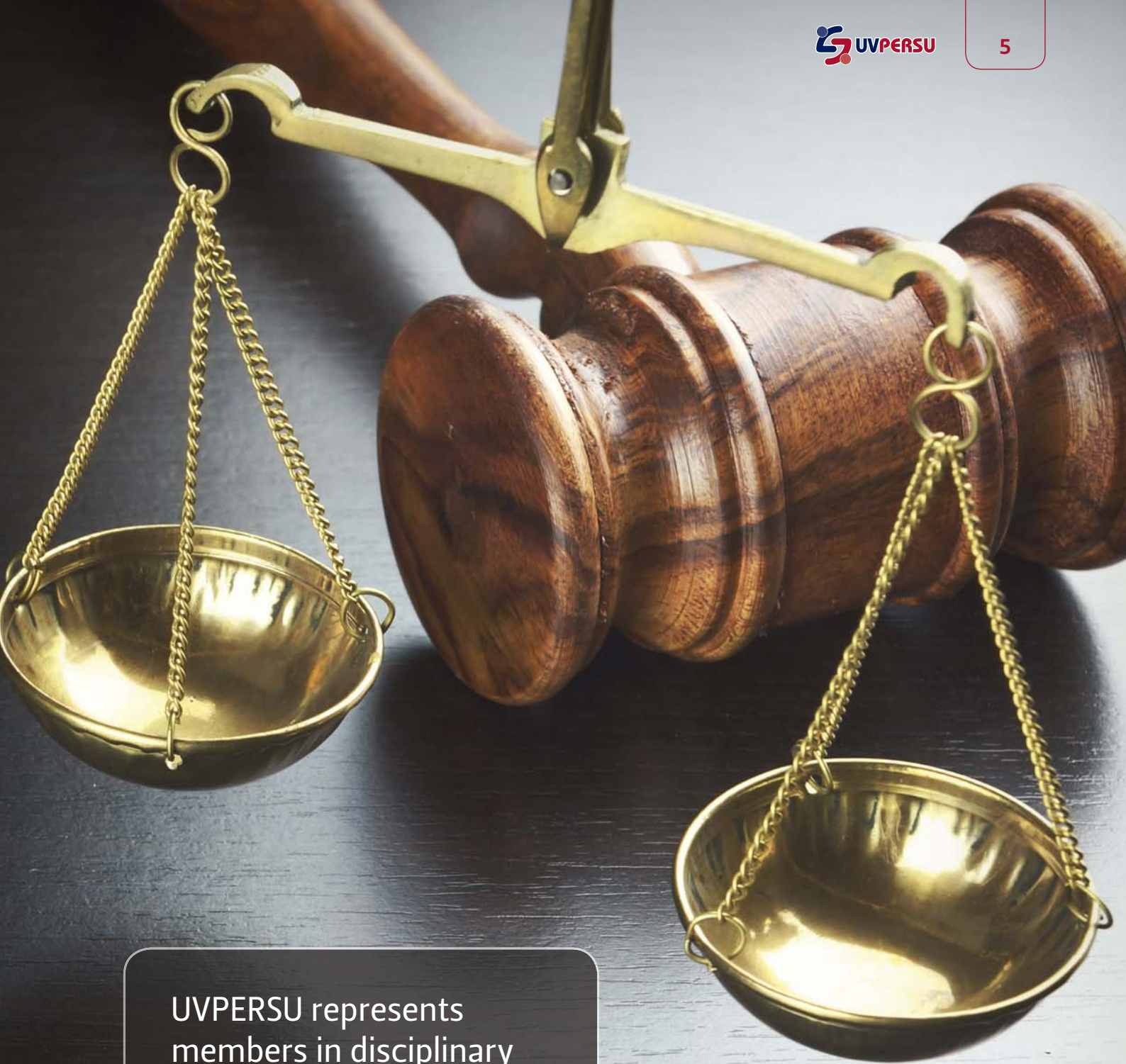
was also being sent home, despite not having performed poorly, and once that clarification was given, he complied with the instruction to go home. His disrespect or repudiation was not serious, persistent and deliberate, and, therefore, did not amount to gross insubordination.

In *Masscash (Pty) Ltd t/a Jumbo Cash and Carry CA05/21*, the employer appealed against the judgment and order of the Labour Court in which it reviewed and set aside the arbitration award and substituted it with an order that the employee must be retrospectively reinstated.

The employee, Mr Mtsotsoyi, was found guilty of gross insubordination for defying the instruction to provide an account of the business and private trips he made with the company vehicle. Two witnesses testified that despite them explaining the instruction to the employee on at least three occasions, reducing it to writing, and giving him a fully paid day off to gather the requested information as well as three extensions to comply, he failed to do so. The arbitrator concluded that Mr Mtsotsoyi was grossly insubordinate in not carrying out the instruction he was given and that his dismissal was substantively fair. The Labour Court, however, held that the employee did comply with the instruction he was given, albeit not on time and in a way the employer found to be substandard.

Referring to *TMT Services and Supplies (Pty) Ltd v Commission for Conciliation, Mediation and Arbitration and Others*, the Labour Appeal Court pointed out that it is not necessary for the instruction to be issued on numerous occasions for an act of insubordination to occur. A single act of defiance by an employee will be sufficient for insubordination to occur. The seriousness of Mr Mtsotsoyi’s misconduct was central to the arbitrator’s finding that dismissal was an appropriate sanction. The same instructions were repeatedly explained to him, and he was afforded ample time to comply, yet he willfully defied the instruction. The Labour Court, accordingly, erred in concluding that the sanction of dismissal was inappropriate.

This article does not constitute legal advice and is based on the author’s interpretation of legislation and relevant case law. For an informed opinion and/or assistance with a labour related matter, readers are encouraged to arrange a formal consultation with the author.



UVPERSU represents members in disciplinary hearings, and attendance of webinars plays an important role to improve skills and knowledge!



Dr Grey Magaiza, UVPERSU vice chairperson and member of the Executive Committee, having coffee at the UVPERSU office complex. Dr Magaiza is also heading the UVPERSU QwaQwa branch.



Ms Kehiloe Mtshali, UVPERSU team leader who is assisting with members on post levels 15 to 18. She is also a member of the UFS Institutional Forum.



The beautiful blackwood table and chairs in the UVPERSU office. UVPERSU believes in preserving precious wood furniture for future generations. A number of restored teak tables can be seen in the UVPERSU Committee Room.