

PC labour
070528

[20]

Posbus 1362
Louis Trichardt
0920
20 Augustus 2007

Pat Jayiya
Posbus 15
Kaapstad
0800

DISKRIMINASIE IN DIE WERKSPEL

Dit het begin toe die hoof van die skool onlangs bedank het en waarnemende personeel aangestel moes word.

Dit was as volg gedoen:

1. 'n Departementshoof neem waar in die hoof se pos, wat korrek is.
2. Die waarnemende visie hoof is volgens senioriteit aangestel, wat ook korrek is.
3. Die waarnemende departementshoof moes, volgens senioriteit, ek gewees het, maar 'n junior is aangestel.

Ek het die beheerraad daarna gevra, waarna hulle my meegedeel het dat dit nie gefinaliseer is nie.

Gedurende die 2 de termyn het hulle skrywes van die kring kantoor van die departement ontvang en hulle is meegedeel dat die aanstellings goedgekeur is. Ek was dus uitgesluit.

Daar is nou met 'n proses begin om sekere personeel oortollig te verklaar. Die proses is as gevolg van Resolusie 2 / 2003, van welke Resolusie ek nie die spesifieke besonderhede het nie.

Die kriteria wat gebruik moes word, is as volg:

- Kurrikulum behoeftes van skool
- Aantal klasse aangebied
- Rooster van die persoon
- Getal leerders van die persoon
- "Lifo" (laaste in, eerste uit)

Ek is al sedert 1994 by die Eltivillas Primary School, Louis Trichardt, in die senior fase aangestel en het verskeie vakke, hoofsaaklik Afrikaans 2 de taal vir graad 4 tot 7 aangebied. Die skool het later 'n gekombineerde hoër en laerskool geword. In 2004 is 'n nuwe, afsonderlike hoërskool gebou, waarna die hoërskool personeel na die nuwe skool gegaan het. Aan die begin van 2007 het hulle besluit dat hulle wil terugkom na die laerskool. Hulle is sonder enige probleme toegelaat, wat veroorsaak het dat daar ekstra personeel by die laerskool is, waarna ek na die junior fase moes afbeweeg.

Aan die begin van 2007 het ek 3 graad 4, 3 graad 3 en 2 graad 2 klasse gehad. Om een of ander rede is daar besluit om die graad 3 en 4 groepe saam te voeg sodat hulle slegs 2 graad 3 en 2 graad 4 klasse is.

Ek het ook administratiewe pligte wat 10 periodes per week in beslag neem. Ek is ook die finansiële beampte en is verantwoordelik vir die ontvangs en bank van die skoolgelde. Verder is ek ook gemoeid met die toelating van leerlinge en die voltooiing van die toelatings register. In die proses is ek toe oortollig verklaar as gevolg van my periodes wat die minste is. Van die ander personeel, wie my juniors is, is slegs as addisioneel verklaar en bly nog by die skool aan.

Ek is meegedeel dat ek vanaf 1 September 2007 by 'n ander skool moet begin om 'n vak aan te bied waarvoor ek nie opgelei is nie. Om Afrikaans te praat en om Afrikaans 1 ste taal aan te bied, is twee heeltemal verskillende senarios.

Ek is ingeroep na die kantoor van die kring bestuurder, waar ek 'n onderhoud met 'n paneel gevoer het en by welke geleentheid ek my kant van die saak gestel het. Nou word ek gepenaliseer vir omstandighede buite my beheer. In die verlede was administratiewe en finansiële verpligtinge as deel van jou lading beskou, maar volgens die paneel is dit nie van belang nie.

Ook die kombinerings van klasse is nie belangrik nie, want dit het glo voor die proses al plaasgevind.

Ek glo dat die genoemde proses die ergste graad van diskriminasie is teenoor personeel wat vir jare lojiaal was en meer as hul beste vir die inrigting gegee het.

Ek sal dit waardeer indien my saak ook u vriendelike aandag sal geniet.

Byvoorbaat dank


A J Michau (mej)

Tel. 015 516 1733
Sel nr. 084 416 1773

P O Box 1362
Louis Trichardt
0920
20 August 2007

Pat Jayiya
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Cape Town
8000

DISCRIMINATION IN THE WORKPLACE

This began when the school principal resigned recently and acting staff had to be appointed.

The latter was done in the following manner:

1. A Head of Department acts in the Principal's post, which is correct.
2. The acting Deputy Principal was appointed on the basis of seniority, which is also correct.
3. The acting Head of Department, if the principle of seniority is applied, should have been me, but a junior was appointed.

I approached the School Governing Body about this and they informed me that the matter had not been finalised.

In the course of the 2nd term they received correspondence from the department's circuit office which informed them that the appointments had been approved. I was thus excluded.

A process has now commenced to declare certain staff members in excess. This process is in accordance with Resolution 2/2003, a resolution of which I have no specific details.

The criteria that should have been used are as follows:

- The school's curriculum needs.
- The number of classes offered.
- The person's roster.
- The number of learners taught by the person.
- The "LIFO" (last in first out) principle.

I have been appointed in the senior phase at Eltivillas Primary School, Louis Trichardt, since 1994, and have taught several subjects, mainly Afrikaans 2nd language to grade 4 through to grade 7. The school later became a combined high and primary school. In 2004, a new, separate high school was built, to which the high school staff members were deployed. At the beginning of 2007, they decided that they wanted to return to the primary school. They were admitted without any problem, which meant that the primary school had extra staff members, and as a result I had to move down to the junior phase.

At the beginning of 2007, I had three grade 4, three grade 3 and two grade 2 classes. For some or other reason it was decided to combine the grade 3 and 4 groups, and only two grade 3 and two grade 4 classes remained.

I also have administrative duties that take up 10 periods per week. I am also the financial officer responsible for the receipt and banking of the school fees. Furthermore, I am also involved with learner admissions and the completion of the admissions register. This process saw me being declared in excess because of the fact that I had the fewest number of periods. Some of the other staff members who are my juniors have only been declared additional and are still at the school.

I have been informed that I have to report to another school with effect from 1 September 2007 in order to teach a subject for which I have received no training. Being able to speak Afrikaans and being able to teach Afrikaans 1st language are two entirely different scenarios.

I was summonsed to the Circuit Manager's office, where I was interviewed by a panel and where I stated my side of the case. I am now being penalised for circumstances beyond my control. In the past, administrative and financial duties were regarded as part of your workload, but according to the panel it is not important. The combination of the classes was also not regarded as important since that had apparently occurred before the process.

It is my contention that the process mentioned above amounts to the worst kind of discrimination against staff members who remained loyal to the institution for years and who gave it more than their best.

I will appreciate it if my concern will enjoy your friendly attention.

Yours truly,

.....
(MS) A J MICHAU

Tel: 015 516 1733
Cell: 0844161773

PC Labour
07 08 28

[23]

Enquiries: Mavhungu A.P
Cell no: 079 6262 272

To: Jiyaya
Fax no: 021 403 2808

THAIDZO YA U SA ALUSWA MSHUMONI

Dzina la mushumi : Mavhungu A.P
Muhasho : Madi na Zwadaka
Duvha la u tholwa : 02 Fulwa 1986
Poswo ine nda vha khayo : Senior Water Plant Operator ine ya vha level 5

Nomboro ya persal : 16554281
Vundu : Limpopo tshitiriki tsha Vhembe

A. DIVHA ZWAKALE YA MUSHUMONI U SWIKA ZWINO

1. 1986 : Ndi nwaha we nda tholwa ngawo sa Water Plant Operator ndi na ndahukano ya murole wa fumi (Std 10)
2. 1987 : Ndo pfuluwa nga basari ya ya u gudela zwa madi gudedzini la Shikoane Matlala
3. 1988 : Ndo wana thanziela yau kunakisa madi ino pfi National N3 certificate.
4. 1992 : Nda alusiwa nga ndila ino pfi "in rank promotion" nda vha Senior water plant operator. Poswo ine nda vha khayo na namusi.
5. 1995 : Ndo pfufhiwa nga inwe basari i tshi di bva muhashoni wa madi uri ndi ise pfunzo dza madi panda.
6. 1997 : Ndo wana thanziela ya ndivho ya zwa madi nga tshi engineering (National N6 Certificate)
7. 1991 : Ndo tangedza thanziela ya National Diploma in Engineering for water care.
8. 2000 : Ndo badeliwa tshelede ino pfi ndi cash -bonuns ine ya vha R2862-00
9. 2002 : Ndo pfufhiwa nga thanziela ya Computer Literacy Diploma.
10. 2006 : Ndo dovha hafhu nda pfufhiwa nga thanziela ya Competency Hearing Certificate for Assessor.

- Vhanwe vha shumi vhe nda phasa navho vha no bva kha zwinwe zwitiriki vho no vha kha poswo dza nthu dza vhulanguli sa:

1. Chief water plant Superintendents
 2. Control water plant Superintendent
 3. Satellite managers
- Nne ngeno ndi tshi kha divha kha yeneyi ya In -Rank ya Senior Water Plant Operator .

Nga mulayo wone-wone wa vha shumi ndo vha ndo tea ndi kha poswo ya Chief Water Plant Superintendent.

Nd i na minwaha ya Mahumi mavhili na muthihi ndi mushumoni wa madi (21) ndi sa a lusiwi, muholo wanga u kandisa uisa vhana vhangha Tertiary.

B. PERSONNEL ADMINISTRATION STANDARDS(PAS)

1. Water Plant Operator
2. Senior Water Plant Operator
3. Water Plant Superintendent
4. Senior Water Plant Superintendent
5. Principal Water Plant Superintendent
6. Chief Water Plant Superintendent
7. Control Water Plant Superintendent

POSWO DZE NDA ITA KHUMBELO (APPLIED)

1. Principal Water Plant Superintendent	20 /09/2001
2. Chief Water Plant Superintendent	17/10/2003
3. Satellite Manager	17/10/2003
4. Satellite Manager	02/09/2005
5. Principal Water Plant Superintendent	08/03/2006
6. Senior Water Plant Superintendent	08/03/2006
7. Senior Industrial Technician	08/03/2006
8. Assistant Director: Water Quantity Management	08/03/2006
9. Principal Water Pollution Control Officer	08/03/2006
10. Chief Water Control Officer	08/03/2006
11. Chief Registry Clerk	16/09/2006
12. Chief Industrial Technician	16/09/2006
13. Artisan Superintendent	21/09/2006
14. Water Pollution Control Officer	21/09/2006
15. Senior Water Pollution Control Officer	21/09/2006
16. Principal Water Pollution Control Officer	21/09/2006
17. Principal Personnel Officer	09/10/2006

Kha poswo dzo buliwa afho ntha, ndo vhidziwa nda itiwa ndingo kha thanu fhedzi, dzine nga mbalo tshikate ndi 29,41% nda si tholiwe.

Mafhungo aya ndo a wana kha kha Guranda ya City Press ya dzi 12 August 2007 kha Thoho ino pfi:

CALL FOR WRITTEN SUBMISSIONS ON WORK PLACE DISCRIMINATION.

Ndi do livhuwa tshumelo nga mirado yo nangiwaho nga lushaka na mne ndi nga ngomu.

Mudzudzanyi

Mavhungu A.P

Enquiries: Mavhungu A.P.
Cell no.079 6262 272

To: Jiyaya
Fax no: 021 403 2808

PROBLEM OF NOT BEING PROMOTED AT WORK.

Name of the employee : Mavhungu A.P.
Department : Water Affairs and forestry
Date of appointment : 02 June 1986
Post held : Senior Water Plant Operator – level 5.
Persal number : 16554281
Province : Limpopo in the Vhembe District.

A. EMPLOYMENT HISTORY UP TO THE PRESENT

1. 1986 :The year in which I was appointed as a Water Plant Operator with a Matric certificate.
2. 1987 :I was awarded a bursary to go and study about water at Shikoane Matlala College.
3. 1988 : I received an N3 certificate on Water Purification.
4. 1992 :I was promoted on an “in-rank promotion” basis and I became a Senior Water Plant Operator – the post that still occupy today
5. 1995 :I was awarded another bursary from the department of water Affairs and Forestry to go and further my studies about water.
6. 1997: :I received an N6 certificate for knowledge of water Engineering
7. 1991: :I received a National Diploma in Engineering certificate for water care.
8. 2000 : I was paid R2862-00 as a “cash – bonus”.
9. 2002 : I was awarded a Computer Literacy Diploma.

10. 2006 : I was also awarded a Competency Hearing Certificate for Assessor.

Some of the employees with whom I completed my studies are working in other districts and are occupying senior managerial posts such as:

1. Chief Water Superintendents
2. Control Water Plant Superintendent.
3. Satellite Managers

I am still occupying the very same post of In – Rank Senior Water Plant Operator.

According to the real Labour Relations Act I should have been in the position of Chief Water Plant Superintendent.

I have twenty -one (21) years of service in the Department of Water Affairs and Forestry without being promoted. My salary is inadequate and therefore I cannot send my children to tertiary institutions.

B. PERSONNEL ADMINISTRATION STANDARDS (PAS)

1. Water Plant Operator
2. Senior Water Plant Operator
3. Water Plant Superintendent
4. Senior Water Plant Superintendent
5. Principal Water Plant Superintendent
6. Chief Water Plant Superintendent
7. Control Water Plant Superintendent

POSTS FOR WHICH I APPLIED

- | | |
|---|------------|
| 1. Principal Water Plant Superintendent | 20/09/2001 |
| 2. Chief Water Plant Superintendent | 17/10/2003 |
| 3. Satellite Manager | 17/10/2003 |
| 4. Satellite Manager | 02/09/2005 |
| 5. Principal Water Plant superintendent | 08/03/2006 |
| 6. Senior Water Plant Superintendent | 08/03/2006 |
| 7. Senior Industrial Technician | 08/03/2006 |
| 8. Assistant Director: Water Quality Management | 08/03/2006 |
| 9. Principal Water Pollution Control Officer | 08/03/2006 |
| 10. Chief Water Control Officer | 08/03/2006 |

11. Chief Registry Clerk	08/03/2006
12. Chief Industrial Technician.	16/09/2006
13. Artisan Superintendent	16/09/2006
14. Water Pollution Control Officer	21/09/2006
15. Senior Water Pollution Control Officer	21/09/2006
16. Principal Water Pollution Control Officer	21/09/2006
17. Principal Personnel Officer	09/10/2006

Of all the posts mentioned above, I was invited for interviews for five of them only, which on average constitute 29,41% of all the posts and I was not appointed.

I got this information from City Press newspaper dated 12 August 2007 under the topic called:

CALL FOR WRITTEN SUBMISSIONS ON WORKPLACE DISCRIMINATION.

I will appreciate the service by the members nominated by the people. I am also included.

By:

Mavhungu. AP.

PC labour
070828

[24]

**UNFAIR LABOUR
PRACTICE.**

NAME: Ms. Patience Mokgadi.

DATE OF BIRTH: 24/11/1955.

RESIDENCE:

11 Francois Street,
Birchleigh North.
1618.
Kempton Park.

CONTACT DETAILS:

(011) 391 2069 (H).
076 117 2610.
EMAIL: kmathele@yahoo.com

QUALIFICATIONS:

B.A (SOCIAL SCIENCES):

MAJORS: Psychology and Social Work.

DIPLOMAS in: Public Relations.

Train-the-Trainer.

Manager Development Programme.

Various in-House Marketing, Communication, Project and Business Management Courses.

DATE JOINED TRANSNET: 16/01/1995: Spoornet as Assistant Manager CSI.

Promoted/Employed by Transnet Housing (T.H) as Manager: Home Ownership Education in the Marketing Dept. in Head Office (1997) - with official letter of appointment provided.

Transferred to Regional Manager position-Johannesburg (early 1998) at same level; no official letter of appointment provided.

Executive Management re-engineers company by creating Corridors, thus doing away with previous "Regions" (2000/2001).

Undersigned chosen to pilot this new strategic thrust; appointed as Central/Inland Corridor Manager (**2001/2002**). Effectively took over operational management, control and accountability of following Regions (that were manned by individual Regional Managers before) viz:

- Pretoria
- JHB international
- JHB station
- Carlton centre
- Kimberley
- Bloemfontein

Subsequently Exec Management created Cape Coastal and KZN Corridors, thus proving efficacy of strategic decision taken.

- Corridor Managers were then appointed at mentioned Corridors.

Undersigned and other Corridor Managers began engaging Executive Management re: level upgrades i.e. remuneration to be commensurate with roles and responsibilities (**2002/2003**).

- Benchmarking our jobs with incumbents in other business units within Transnet justified this action.

T.H Executive Management appointed External Consultants to evaluate **all** positions throughout the organisation.

Several, repeated attempts by undersigned with current Corridor: Cape Coastal in seeking results (of the said evaluation exercise) from Executive Mngmnt yielded **no** results whatsoever to date.

- One was literally thrown from "pillar to post" so to speak.
- Just to mention that one of the **White** Consultants from this External Consultancy was at/during this time **permanently** employed by Transnet Housing as a Manager in the H.R dept, later promoted to Executive Manager H.R. in **2005/2006**.
- It is important to also point out that the mentioned Consultant, who got himself employed in the process, drove the entire re-organisation of this company; he is Mr. P.Roux.
- Even whilst consulting for Transnet Housing in **2001/2002**, Mr. Roux had an Office at T.H in Head Office; spearheaded the re-engineering process, designed organograms/organisational structures at both Strategic, Tactical and Operational levels; decided on human and financial resources allocations for different Offices/Departments throughout the Company, even gave them new names; led and gave Presentations at monthly break-away meetings, communicating these changes in the name of "best practice".

Undersigned started to be ill (from late **2002**) with all sorts of

psychosomatic disorders.

- Work attendance became very irregular.

Just to mention that at this time, the bulk of my work was taken away from me, distributed amongst other employees (mostly White Afrikaner Middle Managers); additional departments were created, staff moved around.

- This came into being as a result of the new changes that were effected.
- I was literally denied the opportunity of promotion, as it was taken away from me. The stripping away of most of my responsibilities, giving them to other people resulted in a situation where there was no justification for promotion; actually demotion or redundancy should have been the route to follow.

- In the meantime, said (mostly white) Middle Managers who benefited from this change were then promoted to grades at the same level as the undersigned. Some of them are **currently** on grades senior than mine, occupying Offices in the Executive wing.

- The irony is that some are said **not** to possess any tertiary education, some not even Matric. It appears that the fact that they are white was the determining factor.

- The rationale behind this decision was said to be that this was in line with "best practice".

At this stage, my Specialist Physician now **strongly** and **forcefully** convinced me to seek psychotherapeutic help and intervention, as I was now literally falling apart. He pointed out that there was not anything medically that he could do for me anymore.

- He was even prepared to drive me there himself! The fear was that the functioning of my internal organs would be compromised and weakened due to the level of alarming stress levels that I was experiencing.

- This was quite difficult to internalise, as I'm a trained Social Worker professionally.

I was then admitted to Donald Medical Centre (formally Kentrige hospital in Parktown) in **May 2004**.

- Officially diagnosed as suffering from Depression and Anxiety.
- Treated by a multi-disciplinary team inclusive of:

- Psychiatrist
- Psychologist.
- Occupational therapist.
- Physiotherapist.
- Specialist physician.

Upon release, Evaluation Report was submitted to T.H Executive Management by the undersigned.

- **Nothing** was done **nor** communicated to undersigned regarding recommendations of said report to date.

Was now stationed in H.O in my new position, still battling with my illness.

- Am on Anti depressants, Tranquilisers, Sleeping tablets (since **2004** to date) and High Blood Pressure **chronic** medication (since **2003** to date).
- The then new CEO discontinued my Department during this time (**2005**); staff (that I was working with) was relocated to other departments also in **2005**.
- In **August 2005**, I was admitted to Brenthurst Clinic for two **major** surgical procedures (operations), spread over six weeks in between.
- Recuperation slow as I slid back into depression.
- T.H knew about this as I informed them before leaving for admission in hospital. I also kept in touch with H.R telephonically regularly, as well as submitting medical certificates periodically. I was also on Transmed Medical Aid, an in-house Med Aid for Transnet employees; a phone call by T.H to Transmed would have proved that I was indeed hospitalised, as it appeared that I was being **silently** accused of lying.
- I guess it is only Companies that care for the well being of their employees would go to these lengths (i.e. phone hospital/Transmed).

In **Sep/Oct 2005**, T.H advanced Voluntary Mutual Consent Packages (MCP) to all employees.

- I applied, my application was accepted and I was meant to exit the Company on Friday **30/11/2005** with everyone else who had applied. I was still on sick leave.
- Received a call from H.R the following week on to say I must rush to the office to fetch a very "important letter", which I must sign for.
- Coincidentally, I was at my Psychologist's (Dr. Haroon Essa) Consulting Rooms for a therapy session appointment when the said call came through.
- I informed H.R that I was just about to go in for my session. A few minutes I was phoned back, and told that Mr. Roux says that if I do not collect the said letter by end of business that very day; he was going to charge me with all sorts of things.
 - By this time I was literally having an Anxiety/Panic Attack (was with my then 14yr.old daughter), characterised by:
 - Uncontrolled crying.
 - Bodily shaking.
 - Profuse sweating.
 - Bodily itchiness.
 - Difficulty in breathing.

This bullying resulted in me panicky and erratically driving through to H.O.(Carlton Centre in JHB) I called the H.R Mngr from the basement parking area, requesting him to bring the said letter to me, as I could not walk up to the lifts to fetch it from the office.

- This letter was **dated 30/11/2005**(the supposed **last** day of my

employment with T.H).

• I **only** received it on and signed for it on **07/12/2005**.

Briefly, contents of the said letter were that:

• My MCP Application has been withdrawn till further notice. That I should explain:

- The status of my whereabouts and current medical condition.
- That Medical Certificate on file was ambiguous and does not conform to standard practice, as recuperation period does not indicate when I'll be returning to work.
- That I have been away from work on an open ended medical certificate.
- That an immediate response update is requested on my absence from work.

This is despite the fact that I kept in touch with H.R throughout my hospitalisation and recuperation.

Just to mention that some of my Doctors were/still are quite angry at this, saying that this was a **gross** violation of my **constititutional rights**, as well as Doctor/Patient confidentiality relationship by Transnet Housing.

• Dr. Legodi (my Specialist Physician) actually wrote to Transnet Housing, saying that they (T.H) should explain precisely what information they are seeking, and should seek it from **them** (as Doctors) and **not** from me.

• I forwarded the letter to Executive Management; they did **not** respond nor acknowledge said letter.

I pleaded and persuaded with my Psychologist to write the said Report, which he reluctantly did, dated **12/12/2005** (hereby attached). He compiled the demanded Report. I duly submitted it to T.H Exec. Mngmnt.

THE DIAGNOSIS AMONGST OTHERS WAS THAT:

- I suffer from **severe depression**; have suicidal ideation whilst displaying vegetative symptoms of depression.
- My ability to see cause and effect relationships has been adversely affected, as well as the ability to synthesize wholes.
- Inability to retain information after a detailed period; and short memory span.
- I'm inclined to **confabulate** on some tasks, which would indicate some level of brain impairment.
- That I display impairment in motor co-ordination, perceptual and spatial ability.
- Errors in following instructions.
- I had difficulty in handling stress and anxiety; showed delusional

thinking about bodily functions. That I'm also confused and unable to concentrate.

- I was poorly oriented for time, person and person.
- My profile suggests a chronic condition with mixed symptomatology.
- That I have neurological and psychiatric limitations that exacerbate my already existing psychological problems.
- I require intensive medical attention, as well as intensive neuropsychological rehabilitation.
- Neuropsychological rehabilitation should also be considered once my medical condition has been sorted out.
- My psychological trauma revealed a severity of Post Traumatic Stress Disorder and Depression, as well as a decrease in my functionality around healthy family relationships.
- I required ongoing Psychological Counselling and Therapy.

RECOMMENDATIONS WERE THAT:

- A Clinical Psychologist, Specialist Physician and Special Psychiatrist attend to me in continuing with medication, psychotherapy and counselling regarding my condition.
- Consideration be given in offering me Medical Disability since I had retrogressed, and that prognosis for recovery was poor. Alternatively, an option of early retirement be considered based on ill health.
- A Voluntary Severance Package be considered and issued.

Suffice to say I did/have **not** received any response from T.H to date after submitting the above mentioned Evaluation Report dated **12/12/2005**; not **even** an acknowledgement to date.

I then enlisted the intervention of the Group CEO, Ms. M. Ramos on a letter dated **31/01/2006**, impressing upon her the state of my health and requesting the facilitation of my Package as per Psychologist's recommendations.

I can only believe that given Ms. Ramos' sheer magnitude of her portfolio, my letter was referred to the Group Legal Advisor (Mr. De Klerk).

- The latter informed me that there is a forensic investigation underway in T.H, and he's been advised that my name has been mentioned; hence the withdrawal of my Package Application. I was also told to **respect** Mr. Roux, as he was a senior member of the organisation. I was also threatened with all sorts of lawsuits.
- This is despite that Mr. Roux **found** me permanently employed by Transnet Housing from 1997 as part of the Senior Management Team; that he only came into the Organisation as a Consultant around 2002/2003; got himself employed as a Temporary Employee and graduated to permanent employment at the same grade that I was in.

- I dutifully apologised in my response for perceptions created that I deliberately offended Mr. Roux as mentioned by Mr. De Klerk, that it was not my conscious intention to do so.
- I also pointed out that I am also a Senior Member of the organisation; unfortunately **not** enjoying the same protection that Mr. Roux is having from Transnet.

Everything was quiet, and I was then forced to come back to work on **06/03/2006**; reason being that my paid sick leave was exhausted and I was **not** paid salary in **Feb 2006**.

• Upon my resumption of duties, I informed Executive Management that the only reason that I was back was that:

- I could not survive without a salary, as I am a Single Parent, with **no** other source of income whatsoever.
- I was/still extremely unwell, and came back to work much against my Doctors orders.
- I actually took an in-house loan just to survive for February.
- I further enquired as to when I'd be released with my Package as I had furnished them with the requested Medical Report.
- My enquiry was **ignored** as no one came back to me.

Everything was quiet up until I wrote to the Legal Advisor (Mr. de Klerk) on **27/03/2006**, requesting his facilitation of my being put through a Disciplinary Hearing/Process as this was now common knowledge in T.H. that I was going to be charged. Also that I'm unwell, finding it very difficult to come to the Office daily.

- I even have an e-mail where one Line Manager informed me of this (that there was a Disciplinary Hearing pending against me). I had not even been formally told about this, nor charged.
- Mr. De Klerk responded by saying he is forwarding my request to the Mr. Roux.
- I did not receive a response.

On **04/04/2006**, two Forensic Auditors visited me.

- The one (an Indian gentleman) was quite professional, asking me questions around transactions that occurred whilst I was Corridor Manager in **2002/2003**.
- The other one (a male, White Afrikaner) - Mr. Hans Kruger - put me through what I can only name/refer to as an abusive, brutal interrogation, reminiscent of the apartheid **modus operandi** of the then Security Branch.
- That he left me totally traumatised is an understatement, moreso given my state of health.
- Anyway, as I could not recall specific detail around matter enquired, I promised to look for information and compile a response.

- A Report (response) was compiled and forwarded to them, explaining in detail what happened during that time.
- Just to point out that I'm not accused of fraud/misappropriation of funds. I'm said to have violated the PFMA, because of an expenditure of R46, 000.00. Logical explanations have been provided because goods were purchased then, and are still there for anyone to see.
- Also accused of authorising work reinstallation of Air cons to a BEE Company, who in turn sub-contracted to a White Contractor, even though Transnet's Procurement Policy is **completely** silent on this i.e. it is wrong to subcontract.

I'm **attaching** my Official Response to the Forensic Auditors i.r.o they explanation sought regarding the said Air Con Units.

• I wrote a letter of concern to the Mr. De Klerk. I pointed out him that whilst I respected the difficult task Auditors had in trying to safeguard Company interests through (amongst others), enforcing corporate governance practices, that I was verbally and psychologically abused **severely** by Mr. Hans Kruger (the auditor); enquiring as to what recourse I had given the fact that I was very co-operative throughout the said interrogation.

- I also pointed out to the Mr. De Klerk that I was quite familiar with being interviewed/asked questions by Auditors throughout my employ (since **1997**) in Transnet Housing as the Accounting Officer; as these Audits were done annually. More so the said Air Con installation was audited before in the early 2000's.
- I can only come to the conclusion that I was being **punished** for awarding work to a Black Contractor, and not a White one.

Just to provide some background around these Auditors. The restructuring of Transnet led to the disposal of non-core businesses and assets. Transnet Internal Audit was then bought by Ernst & Young, the latter's staff got transferred to E & Y.

The character the Auditor (Mr. I'm attaching my Official Response to the Forensic Auditors i.r.o they explanation sought regarding the said Air Con Units Kruger) i.e. the gentleman who handled my case is exactly the same as that of the Security Branch Police; people who terrorised us (Blacks) before the advent of our democracy.

His interview to me was a hostile interrogation of the worst order! He even **braggingly** mentioned to me that he's been with Spoornet for more than thirty (30) years, and will do **everything** in his power to protect it. So, in terms of fairness there's no "independent" E&Y where Black people are concerned in T.Housing.

- I learnt from Mr. Roux (in writing) that Mr. De Klerk had taken a

package and left the employ of Transnet on **01/04/2006**. The former indicated that he had forwarded my letter to the Senior Manager of the Auditor in question, and would revert back to me once he obtains feedback.

- Suffice to say that I have **not** received any feedback to date.
- Just to also mention that the matter in question was audited by Forensic in **2002/2003**.

In 04/2006, my pensioned 80 yr. old mother (who resides with me) tried to commit suicide, due to all the work related stress that I was undergoing. Her view is that she does not want to be around to pick up the pieces in looking after her grandchildren after T.H has fired me, thus destroying my future possibilities of employment and my life.

- Transnet Housing knows about this as I hysterically phoned them in the morning for them to organise an Ambulance for me when she (my mother) collapsed in my arms. She was hospitalised for some days at Edenvale Hospital.
- **literally** had to beg for Family Responsibility Leave (24, 25, 26 and 28th April, 2006) upon her release from hospital, as I was told I had no leave left.
- I find it hard to relate the current health status of my children.

I was ultimately formally given the PFMA violation charges **only** on **18/04/2006**.

Ever since resuming work on **06/03/2006**, I was **not** given any work/tasks assigned to me whatsoever; was not been invited to any business meeting/discussion on work related matters.

- My days were spent part lying on the floor as I was always weak or dizzy (most of the time) to sit on the chair the whole day.
- No one bothered to speak to me, except junior staff enquiring as to how I'm coping.

To me this is tantamount to having being dismissed already. People just wanted to formalise it in a Disciplinary Hearing setting.

- All was quite up until I once more I wrote to the T.H's Employee Relations Manager on **06/06/2006**, requesting him to expedite the said Disciplinary Hearing date, as I was then very ill. Mr. Roux and the then CEO were copied.

- I did **not** receive a response.

Since **06/03/2006**, I have not completed a full week coming to work; not because I **don't** want to, but due to the fact that I'm physically and emotionally **unable** to do so.

- There were several days during this past six months, that whilst driving to work in the morning, my car either veered off the road or I drove in a zig zag manner to a point where I ultimately would turn back to lie down at home.

- Mr. Marius Botha (H.R Manager) knows about this as I kept in touch with him telephonically. There were also instances where he would come to assist me in my Office as staff would call him that I had collapsed.
- In desperation, I wrote an e-mail to Mr. Roux requesting that at least I be "suspended", so that I could be home, attending to my health; just so that I be paid a salary. Those were desperate and humiliating measures one was forced to succumb to, just so that I get a full salary.
- At any rate, there are employees who had been suspended in T.H for over a year before and were paid their full salaries. Probably this was so because **90%** of them are **white**.
- Nothing** was done to my request to date.
- Ironically, the very Mr. Roux was suspended for almost a year, two or three years ago, and was paid his salary every month.
- There's been only **one** month that I was paid a full salary.
- In some instances, I was paid half of my salary, at times a third or only **R1, 000.00**. This was done to a Single Parent with all sorts of monthly debit obligations like everyone else (T.Housing knew about this).
- I have written e-mails, begging for mercy, and am just **totally** ignored to rot.
- Actually, there was just **one** month when I "tasted" a salary for the first time after quite throughout this saga.
- In fact Mr. Roux personally came to my Office.
- He informed that his Department (H.R) scraped through all the annual leave I had to pay me a salary, and this was the last time they were doing this. From then I was on my own (he said to me).
- He **angrily** told me that he has heard that I have an Attorney, and that it was completely unnecessary! He further said he does not understand why I refused to sign an Affidavit that they wanted me to sign; that the Chief Financial Officer from Ms. Ramos' Office has told him to inform me that he was about to suspend me without pay! He said this very threateningly.
- I was left painfully traumatised by this **threat** once more, given my emotional and psychological state which he was well aware of.
- I need to mention here that some friends clubbed together financially, and helped me enlist the services of an Attorney.

On the morning of **07/06/2006**, I collapsed in the kitchen of T.H, whilst trying to make myself some tea.

- Some employees helped me to my Office, where I lay down on the carpet (there's no sick bay).
- Upon recovering, I wrote to Mr. Roux and the CEO, pleading with them to assist me given the level of deterioration of my health. I went as far as saying that do I really have to die at T.H?
- These are people who have numerous Medical Certificates regarding

my health condition on file; as well as a comprehensive Medical Report (dated **12/12/2005**) that clearly states that I'm currently not fit to work.

- Where I cannot afford going to a Doctor regularly as savings on my Medical Aid had been exhausted, I dutifully sms'd H.R (when I'm absent from work), to say I'm home, too ill to come to work. Mr. Marius Botha (a Middle Manager in H.R.) can attest to this.
- It appears they were determined to put me through the said Hearing at any cost!

On **20/07/2006**, I was put through the Disciplinary Hearing.

- The entire team viz. the Presiding Officer (an External Advocate with his own private practice); the Prosecutor (an External Attorney with his own private practice); Mr. Roux, Exec Manager H.R; the Disciplinary Officer (a T.H Middle Manager) as well as eight (**8**) witnesses.
- The mentioned people are all middle aged **White males** (all Afrikaners except the Presiding Officer who appeared English- I'm not even sure really).
- The only **Black people** were I, my Attorney, one witness Mr. C.Gomba who was the Branch Manger at the JHB Branch where the Air Cons were installed, and the Assistant Disciplinary Officer (an Indian male working in the E.R Department).
- To me, the above scenario in itself disadvantaged me from the outset, and severely compromised fairness regarding the entire Disciplinary Process.
- I was battling to contain Anxiety throughout the day. The whole thing was quite intimidatory and hostile to me.

The case was postponed to **10/08** and **11/08** as only two witnesses from T.H could be accommodated on this day.

When everyone got paid on **25/07/2006**, I was not paid a salary (probably received **R1, 000.00**.)

- My 14yr.old daughter's school had closed on **03/08/2006**.
- Due to the fact that I obviously could not pay her fees (I actually had arrears) as I had not been paid properly, my child suffered the humiliation and degradation of having her Report **not** issued out at Assembly where everyone obtained theirs.
 - She was also given a letter whose contents were that she might not be re-admitted in the next term due to this.

This was just too much for me and I suffered a nervous breakdown.

- I was admitted at Donald Gordon Medical Centre on **07/08/2006**.
- I informed T.H in writing regarding my hospital admission.
- My son was phoned on the morning of **10/08/2006**(the date of my Hearing) by Transnet Housing's H.R. Department. He was told that if I there is no Medical Certificate to the effect that I have been

hospitalised, the Hearing is going to go on without me!

- He (my son) hysterically phoned me with these news. In desperation I phoned my Attorney for advice. Just to mention here that even though I had not paid him, he volunteered to rush to the venue of the Hearing, to persuade T.H **not** to go ahead with this action and threat.

- Suffice to say that my Attorney at least succeeded. He apparently took the opportunity to inform T.H that given my state of health, the recurring stressor of not being paid has resulted in my re-hospitalisation as I had a nervous breakdown. He enquired from them as to why I was not being paid.

- Transnet Housing responded by saying that they were practising a "**no work no pay**" policy on me

- My Psychiatrist teaches Medical Students at Wits University in the mornings, and only does ward rounds in the hospital in the afternoons. The said Medical Certificate was faxed through to T.H the same afternoon. I phoned confirming receipt.

- On **11/08/2006** (the same Friday), my son was phoned again by T.H. They wanted to know when I'd be back at work; that they want to commence with the Hearing on **14/08/2006** (the following Monday). He angrily told them to phone my Doctor, as they knew at which hospital I'm admitted.

- I was discharged on **16/08/2006**.

- My medication was changed, and I was put on stronger drugs.

- Professor Allwood (my Psychiatrist) booked me off from work and I forwarded the Medical Certificate to Transnet Housing.

- I did not even know whether T.H would pay me a salary that month.

EVALUATION.

It is my feeling and views that:

- This has been a classical, clear case of gross unfairness in labour practices.
- It has been the worst case of dehumanisation, degradation, and pursuit with relentless brutality by one human being/beings on to another defenceless one.
- My understanding is that Disciplinary Hearings are meant to **correct** behaviour, and not to **punish** it.
- In this instance, Transnet Housing had already punished not only me, but also my **entire family**.
- Transnet Housing has been plagued by challenges around issues of corporate governance. This has been to the extend that we have seen in the media late last year (2006), Executives dismissed for alleged fraudulent activities. This does **not** however mean that every Black person "should be painted with the same brush" so to speak.
- "The camouflaged racism that suggests that Blacks in general are congenitally corrupt and incompetent" to borrow and use

this quotation by the President of S.A in the recent print media that came into being as a result of the “**inspection**” of his **private** residence in Houghton by Opposition Party and select media people should be stopped dead in it's tracks!

- Reading this communiqué does undoubtedly show/indicate that something is wrong here. To me this is an indictment on the government as well. Upon earmarking/identifying Parastatals as vehicles of Transformation (amongst others), government “performs” at National (Strategic) level. The same (if not more) should be done at Operational levels too. Where Cadres cannot be deployed, the employment of Executives/Decision Makers/Senior Managers should be sanctioned and monitored at some highest level. If the said Executives must do quarterly Presentations to the relevant Cabinet Oversight Portfolio Committee (on KPA's to be set by the set Committee), so be it! Otherwise, people will hide behind positions, take advantage of “prevailing conditions and environments” to further their own abusive agendas.
- I feel what happened/is still happening to me should **never** be allowed to happen to anyone again!

CONCLUSION.

- It is my honest belief that I was **never going to** be given a **fair** Hearing by Transnet Housing.
- Upon analysing this communiqué, it also apparent that T.H was bent on dismissing me, thereby denying me possibilities of employment elsewhere; otherwise why would they pursue me so savagely? Which employer will hire a dismissed person?
- Transnet Housing needs to be made to pay me all outstanding salaries. This situation arose because they bullied/forced me to come to work whilst I was gravely ill.
- The Voluntary Package should have been reinstated as I have been punished already. This is not a golden handshake; it is related to my years of service in Transnet (eleven and a half years).
- I need/needed these funds to undergo treatment and rehabilitation as per the Psychologist's recommendations on his Evaluation Report dated 12/12/2005. This will be done at a Rehabilitation Centre.

POST DISCIPLINARY HEARING.

I was still on sick leave when I was phoned on **21 or 22/10/2006** to urgently report at Transnet Housing's Offices by Mr. Norman Knoesen (The Employee Relations Manager).

I presume this was at Mr. Roux's instructions/insistence as he is now heading the H.R.Department.

I made Mr. Knoesen aware that my Lawyer was out of town for the rest of the week (this was after I contacted the latter). I was told to come anyway as my matter has to be sorted out **URGENTLY**.

I reluctantly went and by this time all my Anxiety/Panic Disorder were **violently** back. This is what transpired at the 23/10/2006 meeting:

- Mr. Roux chaired the meeting in the Board Room and present was his **entire white** members of the HR Team, except for **one** Black Male and an Indian one.
- I was all by **myself**. He said I could obtain a Union Official to be present should I so wish; to which I replied that I was not affiliated to any Union. My Lawyer who has been part of all this was out of town, I told them so.
- Mr. Roux said he has instructions from Transnet Group to finalise my case in two (2) days time i.e. by Wednesday. It was Monday.
- He referred to my latest Medical Report from Prof. Allwood (my Psychiatrist). He said that it was apparent that I was so ill that I would not withstand a Disciplinary Hearing, and that I cannot work anymore.
- That as an Employer he cannot pay me for staying at home.

It is ironic that this gentleman who was calling himself my "employer", and was now deciding on my fate/life- found me in the employ of the very organisation that I had served so dutifully and loyally for so long.

Ironical that he found me as part of Senior Management when he came in as a Consultant to "re-engineer" the Company. In his "re- engineering", he removed a greater part of **my** responsibilities and **shifted** them to junior White males who were/have been promoted either to my Level/Grade- others even higher, thus rendering my portfolio and influence severely compromised; curtailing all **my** chances of promotion.

This he did with total impunity (his body language upon presenting these changes in Business Meetings and in the Corridors said it all)! Also ironic that he **was** by then **just** a Temp! This was in the early 2000's.

This is the period in fact **when** and **how** my Depression and Anxiety set in. I literally watched helplessly as someone destroyed my life right in front of my eyes so to speak.

- In the meeting (**23/10/2006**) Mr. Roux further said that as I'm ill and cannot work anymore, the Labour Relations Act allows him to **dismiss** me due to incapacitation, and he was going to do this. I actually asked him if this was true, and he said YES!
- He further said should I resign; I will be paid two (2) months salary i.e. Nov and Dec 2006 whilst recuperating at home.
- That he would look at a Co. Loan (R30, 000.00). (I took it in March 2006 when I was not paid a salary due to ill-health). Suffice to say that this amount was as a matter of fact deducted from my pension payout received at the end of **Jan 2007**.
- That they'll ensure that my Pension is speedily processed.
- That should I not resign, I will not be paid for the month of Oct 2006 as I had exhausted my sick leave.
- That I would be expected back at work the following day (**24/10/2006**) irrespective of my condition/health.
- That upon resuming work, **he** was going to assign me responsibilities that were in line with my Grade.

It is ironic that upon being bullied into coming back to work in March 2006, it was only **now** (Oct 2006) that mention was made of "**duties to be assigned to me**".

All along I was treated as though I did not exist, was left sitting in my Office with absolutely **nothing** to do! If this was not dehumanisation and degradation, then I don't what is!

- The meeting continued with Mr. Roux further saying that should I not perform, I would be demoted to a clerical position or something as mundane as working in the Archives Dept.

A brief history around Transnet Housing's Archives Dept: This is a Dept where previously people of sub-normal intelligence esp. of the White Populace were employed (remember that pre-1994 Transnet was also a "Sheltered Employer").

Subsequently/in later years, Black employees from T.Housing's Hostels would be relocated here as well; especially those who "graduated" from menial work/labourers.

This is where Mr. Roux felt I belonged.

- That my salary would be re-adjusted/lowered to be in line with this low Grade.

- That the Disciplinary Hearing would be re-instated despite whatever state of my health.
- Mr. Roux went on further to say that as I've been with Transnet for eleven (11) years; **my Pension was more than enough to cater for my needs (a very paternalistic statement I must say).**
- That as I'm a trained Social Worker, I can always look for a job as one.

I can only presume that given the fact that Social Worker's Annual Salary Package is currently **R98, 000.00**; and that as Business Manager at T. Housing my Salary Package was **R513, 000.00**- Mr. Roux felt I, a Black Woman does not deserve the said package, only White Male Afrikaners did. I'm saying this because he promoted them whilst their academic qualifications leave much to be desired.

- Given the scenario as articulated above, I had no choice but to resign.
- I was given a page/piece of paper to write my Resignation Letter, and wrote it by hand.
- By then I was painfully traumatised and crying. I then left.

ARBITRATION; CONSTRUCTIVE DISMISSAL HEARING: JULY 2007.

I then applied for Arbitration through the Transnet's Bargaining Council, which set in July 2007.

I need to point out this action came as a result of my Attorney's unprecedented relentless insistence for me to pursue justice. I had given up hope as the system I'm faced with seems "untouchable".

He (my Attorney-Mr. Ramushu) has been a pillar of strength, personally voicing sheer horror at the brutality I suffered and continue to suffer in T.Housing. He actually mentions that he has never seen/heard of anything like this!

The Arbitration Hearing went on for two days in July 2007. As we could not complete it within the said days, it will resume on **28/09/2007**.

T. Housing's External Advocate's -a Mr. Levin- attitude is no different from the "system". At the Arbitration he made a mockery of my illness, with utterances to the effect that I was greedy, prone to flowery language and had resigned voluntarily and does not deserve anything!

He was **very** provocative, contemptuous and patronising. Listening to the taped proceedings can attest to this!

- I guess the question is if I had "voluntarily" resigned, why was I **called** and **summoned** to a meeting with all T.Housing's H.R Team in the board room in Oct 2006?
- If I wanted to resign, I would have voluntarily forwarded a **typed** letter to the HR Dept- in fact long before subjecting myself to this torturous treatment!

At some stage during the second day, the Arbitrator even called for a Caucus/recess- advising both Legal Representatives to look for/at a settlement. His concerns were that I was taking severe **visible** strain (I would imagine at the aggressive, interrogative cross-examining style of Mr. Levin). He felt he did not want to be feeling responsible should I collapse or something.

I need to point out that I'm still unwell to date; still on psychiatry treatment. I broke down several times during the said two days. T.Housing refused the advice to settle this matter, and the brutality continued/continues.

CURRENT PERSONAL CIRCUMSTANCES.

- I 'm a Single Parent, currently unemployed, leaving off the proceeds of my Pension payout- which are about to dry up now anyway!
- The said funds should have been utilised to pay off the mortgage bond on my house at the least, if Transnet Housing could have granted me a Voluntary Package- as this was advanced to all employees in Nov 2006.
- My eldest son -Kutloano- (29yrs) took severe strain due to all this. It has not been easy for him

watching helplessly as his mother was treated in the harsh manner that I have been by T.Housing.

- He also became a victim, had a Nervous Breakdown and was hospitalised at Donald Gordon Medical Centre in Parktown in Dec 2006.
- Depression was diagnosed and he is also on psychiatry treatment.
- He was **fired** from his job at Ogilvy in Sandton Advertising Company) in March/April 2007 as he was not coping at work.
- He even resorted to substance abuse (this can be verified with Prof Allwood as he is also treating him-even admitted him).
- He is also currently unemployed, resides with me whilst we both are battling to deal with all this.
- My 15yr.old daughter has not been left unscathed. Her performance at school has **moved** from above average to mediocre.
- I also reside with two orphaned girl children aged fifteen (15) and five (5). These children are not biologically related to me (This can be verified with their schools and the Social Development and Child Welfare Society).

The brief history of these orphans is that their biological maternal Aunt has been my Domestic Helper for more than ten (10) years.

Her elder sister (the mother of the said orphans) died suddenly in May 2005. The late had rented a backroom shack in Daveyton. She has other two (2) elder sons aged twenty one (21) and eighteen (18) yrs, currently still residing in the said shack.

Upon her death, it became apparent that there was nobody within their family to look after the kids. Most of their (late mother's) siblings are also Domestic Workers. I then volunteered for the two youngest to live with me. I just could not possibly imagine **all** the kids living all by themselves after the sudden death of their mother, fending for themselves.

The fifteen (15) yr. old girl child took up ill last year Nov 2006. I took her to my G.P and after further tests/investigation; it was revealed that she is HIV Positive (this can be verified with my G.P Dr. Legodi in Thembisa).

Fortunately, my Social Work training came in handy as my interviewing/probing skills elicited the fact that her late mother's witchdoctor sexually abused her more than once when she was nine (9) yrs. Old.

- My loss of income (as I'm currently unemployed) through Mr. Roux's racist practices in Transnet Housing has left **not** only myself and my kids in dire financial straits, but also the mentioned orphans who are less fortunate than others.
- It is my honest contention that was it **not** for Mr. Roux's strategic manipulation of events and processes upon his arrival at T.Housing; I would **not** only have **still** been employed by T. Housing- but would have moved/promoted to other Transnet's Business Units within the Group.

I'm really requesting the Republic of South Africa's Parliament's intervention in this matter, if not for myself but for **all** the children mentioned above, **esp.** in 2007.

There is **no way** that something like this would have been done/effected to a White Male/Female in this/a Parastatal.

I'm prepared to take this matter further, even the Constitutional Court if need be. This is one of the stories that South Africa must hear/be told about **esp.** in 2007. My only limitation/ stumbling bock is/will be the funding of legal fees.

Kind Regards,
Ms. Patience Mokgadi.
(Employee No: CFN 235A).

**Terms of Reference for Public Hearings on Discrimination in the Workplace to be held by the Portfolio Committee on Labour****1. Introduction**

The Portfolio Committee on Labour proposes to hold public hearings on Discrimination in the Workplace on 4, 5, 11 and 12 September 2007. The Committee decided to host the hearings in response to the findings of the annual report of the Commission for Employment Equity tabled in Parliament in 2006. In terms of this report, the Commission has shown that very little progress has been made in relation to employment equity in the South African labour market. The report shows that black people and black women in particular, are still grossly unrepresented in skilled and professional positions. It indicates that black employees (African, Coloured and Indian) represent 22.2% of all employees at top management level. Black females (African, Coloured and Indian) constitute a mere 6.6% of top management whilst black men constitute about 15.6%. Whites employees constitute 74.9% of those in top management positions with a gender breakdown of 14.7% white women and 60.2 % white men. At top management level, black representation is approximately a quarter of the black economically active population¹ (which is about 88.2%) and white representation is about eight and a half times of their economically active population (estimated to be about 12.8%).² In terms of its oversight role, the Portfolio Committee on Labour will conduct the hearings to gauge the extent to which employment equity legislation has been implemented.

2. Purpose of the public hearings

The purpose of the public hearings is as follows:

- To create a platform where civil society structures can give input to the Committee on the extent to which the Employment Equity Act (Act No 55 of 1998) has been implemented.
- To establish what the obstacles are in enhancing employment equity in the South African labour market.
- To generate recommendations as to how the implementation of the Employment Equity Act can be improved upon.

3. Output

The Committee will consider the submissions made and will table a report on its findings in this regard, which will include recommendations as to how the implementation of the Employment Equity Act can be improved upon.

¹ Note that economically active population is at times abbreviated to "EAP".

² Ibid.



PUBLIC HEARINGS. ELIMINATING DISCRIMINATION IN THE WORKPLACE: PROGRESS IN PROMOTING EMPLOYMENT EQUITY?

1. Introduction

The Parliamentary Portfolio Committee on Labour is responsible for providing oversight and ensuring compliance with key labour legislation. The Committee notes that prior to 1990 the South African labour market was characterised by a number of distortions and inefficiencies. The South African labour market reflected relations of unequal power and high levels of exploitation. The legal framework ensured that black people, women and people with disabilities were available as cheap labour and restricted to the unskilled and semi-skilled sectors of the labour market.

The democratic government has since 1994 enacted progressive legislation intended to transform the labour market and begin to restore the dignity of poor and vulnerable people. The Committee notes that 2008 will represent ten years since the enactment of the Employment Equity Act (Act 55 of 1998). As part of strengthening transformation and providing oversight it is the responsibility of Parliament to evaluate compliance with the Employment Equity Act. The Committee notes that early indications suggest that compliance has been slow and the labour market landscape has not fundamentally changed.

The Labour Hearings on the Compliance with the Employment Equity Act is designed to consult with key stakeholders, engage with the levels of compliance, evaluate the effectiveness of enforcement, identify challenges, make recommendations and recognise best practice. Key challenges that will be addressed include: enforcement, coordination and resources dedicated to fight workplace discrimination and vulnerable workers

2. Summary of the Employment Equity Act (Act 55 of 1998)

The Employment Equity Act intends to eradicate unfair discrimination in employment and makes provision for corrective measures. As a corrective measure the Act focuses on employment training opportunities for promotion and equitable income as key instruments intended to address imbalances experienced by black people, women and disabled workers. The objective of this measure is to ensure balanced racial and gender representivity so that equity in all occupational categories is achieved. Designated employers who employ 50 or more workers are expected to submit action plans to the Department of Labour. The action plans are to be formulated in consultation with the workers. All employers are required to ensure the elimination of unfair discrimination on the grounds of race, gender, disability, HIV status, pregnancy etc. Designated employers must implement Affirmative Action measures. The Commission for Employment Equity formulates Codes of Good Practices, which guides the implementation of specific areas of the Act. The Codes are not legally binding but is considered by the courts during interpretation. The employment equity plan should contain the following elements:

- Annual objectives
- Affirmative action measures
- Numerical goals for achieving equitable representation
- A time table for each year
- HIV/ AIDS measures and programmes
- Monitoring and evaluation programmes
- Internal dispute resolution mechanisms



In terms of enforcement Labour Inspectors are given the authority to secure a written undertaking of compliance from an employer. In the event of non-compliance the employer is served with an order to comply, thereafter the employer is referred to the labour court. The timeframes and effectiveness of the enforcement mechanisms should be given further consideration. The public hearings of the Labour Portfolio Committee should also consider if employers are training and skilling designated workers so as to address the employment equity gap.

3. Summary of Progress Made in Implementing Employment Equity

There is a need to increase the number of graduates and to ensure greater representativity among professional graduates as black people, especially black women, are not adequately represented in these fields. The following table reflects employees in the South African labour market by race and gender from employment equity reports received by the Commission for Employment Equity in 2006.¹

Occupational Level	African Male	Coloured Male	Indian Male	White Male	African Female	Coloured Female	Indian Female	White Female
Top management	8.4%	2.7%	4.5%	60.2%	2.9%	2%	1.7%	14.7%
Senior management	9.8%	3.7%	5.4%	51.9%	3.6%	2.1%	2.3%	19%
Professionally qualified and experienced specialists and mid management	13%	4.6%	5.1%	40.1%	7.2%	3.4%	3.2%	22%
Skilled technical and academically qualified workers, junior management, supervisors, foremen, superintendents	29.2%	6.8%	3.8%	23.2%	10%	5.8%	2.8%	17.2%
Semi-skilled and discretionary decision-making	48.4%	6.7%	1.9%	4.2%	15.9%	7.4%	2.3%	7.7%
Unskilled and defined decision-making	54.8%	5.3%	0.5%	0.9%	23.2%	5.8%	0.4%	0.5%
Total permanent	41.4%	6.1%	2.4%	12.3%	15.2%	6.1%	2%	9.6%
Non-permanent employees	34.1%	5.6%	1.4%	5.8%	38.3%	6.2%	1.6%	6.7%

¹ Commission for Employment Equity, Seventh Annual Report, 2006-2007.



The table above indicates that black employees (African, Coloured and Indian) represent 22.2% of all employees at top management level. Black females (African, Coloured and Indian) constitute a mere 6.6% of top management whilst black men constitute about 15.6%. Whites employees constitute 74.9% of those in top management positions with a gender breakdown of 14.7% white women and 60.2 % white men. At top management level, black representation is approximately a quarter of the black economically active population² (which is about 88.2%) and white representation is about eight and a half times of their economically active population (estimated to be about 12.8%).³

The representation of African employees is the highest at the level of unskilled occupational levels. African representation is slightly more than their economically active population at this level, whilst white representation at this level is at about one-ninth of their EAP at this level. It is also important to note that black employees constitute 87.2% of all employees at the non-permanent level. Women make up the bulk of non-permanent employees, with African women constituting 38.3% of non-permanent employees. The table clearly indicates that there is a long way to go in eradicating gender and racial imbalances in the make up of the South African workforce population. Similarly the representation of people with disabilities declined from 1% to 0,7% of the workforce.

The public hearings on youth unemployment brought to the fore that many employers are opting to casualise and outsource jobs in order to reduce remuneration and benefits payable to employers. This is problematic for many reasons, key amongst which is the fact that casualisation denies workers access to skills development. This serves to perpetuate inter-class divisions within the working population and results in the widening of inequalities. The above data highlights a regression with regard to the representation of black people, women and people with disabilities in the workforce.

4. Challenges In Eliminating Inequality And Discrimination In The Workplace

In the South African context, the promotion of equality is still plagued by significant challenges. For example, income inequality is still a key feature of South African society because of the trend towards employing more skilled labour, job shedding in the formal economy and the low employment capacity of the economy. South African society is therefore characterised by inequalities and disadvantages that arise as a direct result of poverty.

It has also been argued that South Africa has one of the worst records in terms of social indicators such as health, education, safe water and fertility. Unemployment, the lack of access to productive resources such as land and to social services such as water, health care and education have increased the vulnerability of many households.⁴ Socio-economic status therefore plays a critical role in impacting on the extent to which people are equal.⁵ Within this context, there is still a long way to go before systemic inequity is eradicated.

The Employment Equity Act should not be seen in isolation from other measures implemented intended to ensure greater equity in our society. Parliament embarked on a process to review the impact of Equality Act on the lives of women and people with disabilities in 2006. The results of the Parliamentary Equality Act process is highlighted because it reinforces the suggestion that transformation has been particularly slow for women and people with disabilities in the workplace. The statistical results from the Parliamentary Equality Review process are echoed in the Annual Report of the Commission of Employment Equity, which highlight that transformation has been particularly slow for black people, women and people with disabilities. In the main employment inequality is characterised by racial, gender and disability imbalances.

² Note that economically active population is at times abbreviated to "EAP".

³ Ibid.

⁴ Liebenberg, S., 2000.

⁵ Simply put, the gini-co-efficient is used to measuring levels of inequality i.e. the gaps between the rich and poor.



Racial Imbalances

Racial control of the labour market has contributed to labour market inequality. In addition control was characterised by occupational discrimination, racial differences in income, employment benefits and the quality and quantity of education, health and other social service provisions that reinforced inequality. Racial control and distortion of the labour market occurred for a large part of the previous century albeit in different forms. Employment equity indicators help policy makers identify the numerous social and economic challenges with the objective of pursuing correct interventions.

The Labour Force Survey highlights that African and coloured workers, especially women, are concentrated in the vulnerable sectors of the labour market. Domestic workers and agricultural workers are the most vulnerable sectors of the labour force in the South African labour market.

Poor Representation of Women

Notwithstanding 12 years of democratic governance and significant progress in creating an enabling environment within which inequality can be addressed, the magnitude of the challenges that remain is still vast. A number of submissions attest to the fact that discrimination and inequity are still rife in South African society. The Equality Act focuses on both the prevention and elimination of unfair discrimination and the promotion of equality. Many submissions mentioned the benefits associated with related institutional mechanisms and practical initiatives that have been established to achieve both objectives. Yet the overwhelming message contained in most submissions was that these initiatives have not sufficed in eliminating the scourge of inequity from South African society. This problem is particularly exacerbated in rural areas due to a lack of resources and infrastructure.

The Equality Act prohibits unfair discrimination by either the State or any person. Yet, most of the submissions highlighted the ways in which inequality in terms of gender and disability continues to constitute challenges. The submissions highlighted the fact that many women, particularly black women struggle to find employment particularly decent work.

The need to ensure that more women are represented in decision-making positions in both the public and private sectors also emerges as an important factor in enhancing the equality of women. For this reason, Members of Parliament consistently pursued this with State structures in the course of the equality review public hearings. In general though, the organisational profile of most State structures and private sector organisations is skewed in favour of men, particularly in positions of decision-making. For example, in the South Africa private sector, women comprise 41% of the South African paid labour force but only 14.7% of executive managers and 7.1% of directors in the country (de la Rey, 2005). Focusing more holistically on equality issues in the workplace, there are still a number of obstacles that impede upon women's participation and well-being in their places of work. Sexual harassment remains a critical issue, as is the development of a gender sensitive organisation ethos, culture and practices. The results from the Parliamentary Equality review process is echoed by the gender statistics presented by the Commission for Employment Equity in its 7th Annual Report (2006-2007).

People with Disabilities

The Equality Act provides that neither the State nor any person may unfairly discriminate against any person on the ground of disability. This includes, but is not limited to, any of the following:⁶

- Denying or removing from any person who has a disability, any facility that supports or helps them function in society.

⁶ Section 9, Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000.



- Contravening the code of practice or regulations of the South African Bureau of Standards that govern environmental accessibility.
- Failing to eliminate obstacles that unfairly limit or restrict persons with disabilities from enjoying equal opportunities.
- Failing to take steps to reasonably accommodate the needs of the disabled.

The submission from the Western Cape Network on Disability raises the specific challenges faced by persons with disabilities in seeking recourse in terms of the Domestic Violence Act. Other issues raised include the need to inform persons with disabilities, particularly those living in rural areas, as to how they can exercise their rights in terms of the Equality Act, the need to ensure that persons with disabilities are exposed to opportunities for further training, the need for a strategy to ensure that Government Departments comply with targets set by employment equity legislation and the need to ensure that buildings and public spaces are accessible to persons with disabilities. The Office on the Status of Disabled Persons (OSDP) therefore has a critical role to play in assessing and addressing the ways in which the lives of persons with disabilities are still fraught with challenges that negatively impact upon their equality.

5. Conclusion

The data of the South African labour market highlight the importance of reviewing the current compliance with the Employment Equity Act. As part of the oversight role of Parliament it is important that the issue of employment equity be placed on the national political agenda. Poor compliance with the act will suggest a need to review the enforcement mechanisms and undertake further discussions with stakeholders (employers and unions) so that equality is made a reality in the workplace.

The triple challenge for South African labour market policy is to create employment opportunities for those without access to jobs, strengthen employment equity so as to improve the representation of black people, women and people with disabilities in the workplace at all levels and the need to improve the quality of employment and earnings for those workers that are most vulnerable in the labour market.

My problems with Iscor Steel Company of Benoni started when we, the workers, who are members of Numsa Trade Union complained about our rights at work.

1. Workers were simply disciplined without following the correct procedures;
2. Workers were often forced to work in unsafe conditions.
3. Workers were divided between whites and blacks. White workers ate their food in offices whilst the blacks had to eat in the canteen.

I lost a vacant post in my Department of locomotives in 2003. Even though I did not have the requirements for that post, and the needed certificate, but I was working in that very department. The company surprisingly brought someone from another department, and trained him whilst he did not know anything about the department of rail transport; they did this because they liked him. The manager told me that if one was not in good terms with the Management one would not be promoted.

Because of lack of proper control at work, the foreman said that we, at locomotive department - if the locomotive could not distribute the sand on its own for protection when pulling the trucks - should put the sand for it on the rail. That resulted in me being injured and I was hospitalized for three weeks. I broke my hand. I stayed at home for three months and spent another three months doing light work.

It happened again one day when the locomotive lost the breaks, it ran away with the trucks until it lost them at the end of the rail; I saved myself by jumping to the side when I saw that it runs towards the end of the rail; that's how I was saved. But the truck I was in, was destroyed, this means that I would also die on the spot. I went back to the hospital in 2003 to be treated for foot injury because I jumped from the moving train.

In February 2004, it happened again that the rail broke in the middle, a piece of about 15cm, we reported that incident to the foreman but that problem was never rectified. We spent the whole month working under those conditions. I then refused to continue working under those conditions. I told them to give me the phone number for the National Occupational Safety Association (NOSA) so that I could report this to be able to report this danger. The company started to do maintenance on this problem and looked into other problems. These accidents are caused by that the management does not want to hire contractors that know the work, they do maintenance themselves. The manager fired me and told me to go home.

When I was in the change room, my foreman said I must go back to work. I went back. After that, I received many forms with charges against me. It was after all this that workers who are Numsa members decided to launch their grievances. Amongst other things, they were complaining about the following:

1. Unfair Labour practice
2. Workers being forced to work in unsafe conditions
3. Discrimination at workplace
4. Unfair and inconsistent disciplinary procedures
5. Intimidation at workplace
6. The non-consultation of Numsa Trade Union in decision taken in the plant.

These grievances were signed by Numsa members and had their employee numbers written on them. I, Abel Hadebe also signed the Grievance form as the shop steward representing workers who are Numsa members. We forwarded these grievances to the employers and they signed it but they did not want to sit and discuss these problems with the workers. This happened on 23 February 2004 at Iscor in Benoni.

It is then that the employers started to harass me more than before. Any foreman who felt like charging someone would charge me, and when I took such cases on appeal, they would simply not come.

One day I was off duty they asked me to come and help in my post as there was an urgent work to be done. I came to do the job that they asked me to do. I had even not started my job when the other foreman asked me to help him with his job. I refused to do that on the grounds that it was done on a dangerous area and I did not know how that department work. I was also not sure about its safety and besides, I had not been called to do that job.

I told them that it would be best for me to be released and go back home, and they refused. I then went on with the job that they had asked me to come for and did it until the knock off time which was 06H00 in the morning. As I was in the Safety and Inspection Committee in the plant, it was my duty together with my colleagues from the management, to prevent prospective accidents from occurring. I have barred many workers from doing unsafe jobs and the management accepted that and made recommendations about that.

After a long time, I received a charge sheet. They charged me and I requested that the chairperson of the hearing should be someone from other Iscor plants. The foreman who gave me the charge sheet attached his signature confirming that I had told him about my request but the company rejected it. I also informed them, that my lawyer had another case going on at CCMA at that very time. I informed them that my lawyer was asking for a postponement, they refused again. They went on with the case and made a statement and said that: "Abel had planned to kill members of the management on 04/05/2004." They fired me without my lawyer.

At the Bargaining Council the Commissioner ruled in favour of the employer. I requested the Labour Court to review my case and my request was granted. My problem is that the company did not submit to the Labour Court the papers that rejected my request. And the company did not attend the hearing.

The judge ordered that the Commissioner should establish if I had a lawyer or not! And the Commissioner surprisingly responded by saying yes, I indeed had a lawyer. My problems with the Labour Court are that:

1. The case was attended to by the same Commissioner, and he wasn't changed.
2. The company also failed to submit the papers and did not attend the hearing, and that resulted in the judge failing to make a final ruling.

And this to me meant that the company did not have facts to oppose what I am saying.

The following are the case numbers for both the Bargaining Council and the Labour Court:

1. Bargaining Council Case No. MEGA 4214.
2. Labour Court Case No. JR 247/03

I am requesting the Committee that deals with the labour issues in Parliament to investigate all that has been said above. Because I don't see myself getting better opportunities in the company, working without harassment, having a right to choose my own lawyer during hearings, having a right to appeal when found guilty, and working in a safe environment. There is conspiracy against me and lies are told about me wanting to kill the employers. This means that all the cases against me are false and a conspiracy to get me fired.

I have huge responsibilities - like anyone else in South Africa - of supporting my children, and paying for their education. I also have to further my own education. I have to pay for my family's medical bills and make a better life for myself. Unfortunately I can not do all that now because one needs to be working in order to do all that.

The employer wants me to protect someone else's job - whilst he continues fending for his children. The employer wants me to work in dangerous conditions or else lose my job and my children die of hunger. I am asking for justice to be done here and the individual rights to be protected even if someone does not have money. All I ask is that an individual's integrity be respected. I am also requesting that you go to the plant to witness the dangers that I am talking about here. If you can only go and see the number of injured workers at DSC Department who got injured whilst I was still there or after I had left. You can even see many other occurrences inside the plant.

Yours Truly

Abel Hadebe:
Shop steward

PC Labour
070828

P.O. BOX 1937
PIET RETIEF
2380
Contact No: 073 209 2993

[27]

The Chairperson of the Portfolio Committee on Labour, Ms or Kasienyane, MP.

Inkinga yami nenkampane yakwa Iscor Steel e Benoniyaqala ngesikhathi thina sonke abasenzini abangamalunga ka Numsa Trade Union sikhala ngamalungelo ethu emsebenzini ukujeziswa kwabasebenzi okungalandeli inqubo yomthetho, ukusebenza ezimweni ezingaphephile nokuphoqelelwa ukusebenza kulezo zimo. Ukuhlukaniswa kwabasebenzi abamhlophe nabansundu. Abamhlophe badlela emehovisini abanyama bona enkantini.

Mina ngiluze ipost ku Department yami ye locomotive ngo 2003 okwakudingeka kule post nganginakho futhi nginaso nesetifikedi futhi ngisebenza ngayo ilocomotive inkampane yalanda omunye umuntu kwenye idertment yamusa esikoleni wayofunda engazi lutho nge department yakwa railtransportz, ngoba bebakade bemthanda. Imenenja yeplanti yangitshela ukuthi umuntu uma engezwani ne Managementi angeke ayithole ipromoshini.

Ngenxa yokulawulwa okungaphelile emsebenzini umfolomane wathi thina elocomotive uma iloco yehluleka ukuzikhiphela inhlabathi yokuvikela uma idonsa izinqola thina kumele siyithelele ishlabathi esipolweni.

Lokho kwenza kwangiholela ekubeni ngilimale ngahlala esibhedlela amaviki amathathungelashwa isandla esiphukile ngahlala 3 months ekhaya ngaphinde ngahlala 3 months ku light duty. Futhi ngelinye ilanga kwaphinde iLoco yabaleka nezinqola iluze ama break yaze yayofika lapho kuphela khona isipolo zawa izinqola ngazisindisa ngokuthi ngithi mangibona sesiphelela isipolo ngeqa isitimela sigijima ngasinda kanjalo. Kodwa inqola ebengigibele kuyo yafa okusho ukuthi nami ngabe ngafa khona lapho. Ngo 2003 ngaphindela futhi sibhedlela ukuyokwelashwa unyawo. Ngoba ngeqe esitimeleni sigijima.

Kwaphinde futhi ngo 2004 February isipolo sanqamuka phakathi iphisi engaba 15cm sayi repota leyongozi kumfolomane kodwa ayaze yalungiswa leyonkinga. Kwaze kwaba isikhathi esingaba inyanga yonke kusetshenzwa esimweni esinjalo. Mina ngaze ngenqaba ukuqhubeka nokusebenza kulesosimo. Ngabatshelela ukuthi abanginike ifoni namba yakwa "Nosa" ngizobika lengizi. Inkampane yaqala lapho ukulungisa lenkinga yase ilungisa nokunye lokhu kwezingozi kubangwa ukuthi abafuni ukuqhasha izinkontilaki ezazi umsebenzi bayazenzela bona. Umenenja wangixosha wathi angihambe ekhaya.

Ngisesendlini yokushintha imfolomane yami yathi angiphindele emsebenzini ngaphindela khona. Emva kwalokho ngathola ama charge form amaningi ilaphoke abasebenzi abangamalunga ka Numsa benza khona I Grievance form against:

1. Unfair labour practice.
2. Safety and enforcement on unsafe duty.
3. Discrimination practice.



4. Disiplinary are not fair and procedureble.
5. Intimidation is occur.
6. They don't want to consult Numsa Trade Union in all events of the plant.

Lesikhalazo sasayinelwa amalunga ka Numsa ngokwenza ilist yamagama nezinamba zokusebenza elistin. Mina Abel Hadebe ngasayina I grievanceform njenge Shop steward ehola abasebenzi ku Numsa. Sayidlulisela kubaqashi bayisana kodwa abazange bavume ukuba kuhlalwe kuxoxwe ngalezinkinga. Lokhu kwenzeka ngomhlaka 23/02/2004 e Iscor Benoni.

Ilapho abaqashi baqala khona ukungihlukumeza khona kakhulu kunakuqala. Inoma iyiphi imfolomane efuna ukwenzela umuntu icala yazise izokwenzela mina. Uma ngenza ama appeal engahlalwa I xoxwe.

Ngelinye ilanga ngi off duty bangicela ukuba ngize ngizoncedisa kwi post yami kunomsebenzi ophothumayo. Ngeza ngawenza umsebenzi abangicela wona. Ngingakaqali ukusebenza yangicela enyeimfolomane ukuba ngiyinceda kowayo umsebenzi ngenqaba ukwenza lokho. Ngoba kwakuyindawo eyingozi ngingayazi indlela yokusebenza kule department, nokuthi ukuphepha kwakhona kunjani futhi ngingabizelwanga lowo msebenzi ngacela ukuba okuncono ngijike ngibuyele ekhaya benqaba ukuba ngijike. Ngabese ngiqubeka nomsebenzi engibizelwe wona kwaze kwaba iyashaya ekuseni ngo 06:00. Mina njengomuntu obesekomidini le safty and inspection lapho eplantini bekuwumsebenzi wami nabanye ozakwethu abaphuma kuyo imanagement ukuvikela izingozi ezingenzeka zingakenzeki. Bangingi abasebenzi engabayekisa imisebenzi engaphephanga imanagement ikwemukele lokho futhi yenza izincomo ngesenzo sami.

Emva kwesikhathi eside ngathola icharge form ngenza isicelo sokuba u chairperson kube umuntu obuya kwezinye iplant ka Iscor. Imfolomane eyanginika icharge form yasayina isicelo sami iqinisekisa ukuthi ngiyitshelile kodwa inkampane yasenqaba ngaphinde ngabika ukuthi ummeli wami ngesikhathi esifanayo une case e CCMA ucela ukuba icala lihlehliwe baphinda futhi benqaba. Baqubeka necala ngesikhathi secala bafaka isitetimende esithi u Abel uhlele ukubulala amalungukabaqashi ngomhlaka 04/05/2004 bangixosha emsebenzini ngaphandle kummeli wami.

Ebankening Council u Commisioner wangilahla ngecala. Ngafaka isicelo se review e labour Court inkantolo yabasebenzi yasamukela isicelo sami. Inkinga yami ukuthi inkampane ayizange iwalethe enkantolo amaphepha okuphikisa isicelo sami. Futhi ayizange ize enkantolo ngomhla wecala.

Umantshi wakhipha I order wathi u Commisioner akayothola ukuthi nganginaye yini ummeli noma cha!
Impendulo ka Commisioner yathi ummeli ubekhona .

Inkinga yami yase Labour Court ukuthi

1. Icase iphindele ku Commisioner oyedwa bangamushintsha.



2. Inkampane ihlulekile ukuhambisa amaphepha enkantolo futhi ingayi ecaleni maqede umantshi ehluleke ukuthatha isinqumo esingujuqu.
Ngoba lokhu kusho ukuthi inkampane ayinawo amaphuzu okuphikisa engikushoyo.

1. Barkening Council case no. MEGA 4214.
2. Labour Court case no. JR 247/03

Nginesicelo ekomideni eliphenya ngezindaba zabasebenzi. e Parliament ukuba liphenye ngakho konke lokhu osekuchaziwe ngenhla. Ngoba angiwaboni amalungelo ami ukuthola umsebenzi oncono enkampanini, ukusebenza ngokungahlukunyezwa, ukuzikhetshela ummeli ecaleni, ukwenza I apearl uma ngibekwa amacala, ukusebenza ngokuphepha nokwakhela uzungu ngiqajelwe amanga ngokubulala lokho okushiwo ngabaqashi lokhu kusho ukuthi onke amacala engibekwa wona angamanga ahleliwe ngoba kufanele ngixoshwe .


Nginomsebenzi omkhulu nami ofana nowabanye abantu balapha e South Africa lowomsebenzi ukondla abantwana , ukufundisa abantwana, ukuzithuthukisa mina ngokwemfundo, ukwelapha umndeni wami nokunzela impilo encono . Konke lokho kushabalele ngoba kuvela ekusebenzeni.

Ngokwabaqashi kufanele mina ngife ukuze kuvikeleke umsebenzi womunye umuntu yena aqubeke ondle abantwana bakhe. Mina ngisebenze engozini noma ngiphelelwe umsebenzi ezami izingane zibulawa indlala.

Ngicela ubulungiswa bubekhona nelungelo lomuntu ngamunye noma engenamali isithunzi somuntu sihlonishwe. Futhi kuyiwe eplantini ukuyobona lengozi engikhuluma ngayonenani labantu abalimele e DSC department ngisekhona noma sengihambiye. Nezinye izigameko.

Obhalile

Abel Hadebe


Shop Steward



PC labour
070828

[28]

FOR KIND ATTENTION PAT JAYIYA

Portfolio Committee on labour
P.O. Box 15
Cape Town
8000

Dear Sir/Madam

RE:- SUBMISSION ON WORK PLACE DISCRIMINATION

Fundamentally the Employment Equity Act strives to eliminate work place discrimination in all its manifestations which in its self is a colossal task and requires substantial resources to administer and police.

The major discrimination is in the area of remuneration and benefits affecting especially those Historically previously disadvantaged employees . the Promotion of Black employees is seen by most employers as a Fiat Accompli to meet Employment Equity Targets.

Black promoted employees do not enjoy the same Benefits and remuneration as their white counterparts doing the same or similar jobs. This practice is rife in all sectors of the economy.

The EEA4 Report Section B Income Differentials Per Occupational Categories and Section C Income Differentials by Occupational Level cannot be dissected or analyzed to show the discrepancies in Income Levels between Black and White employees.

There must be another methodology or Table that would clearly show the discrimination in benefits.

The under-mentioned Table could be used.

Company Name :-

Name of Employee	Race	Designation/Title	Monthly remuneration /Weekly Remuneration	Medical aid	Car allowance Company Car Travel Allowance	Housing Subsidy
			R	R.	R.	R.

Hope the commission will give this matter it undivided attention
Thanking You

Danny Naicker

PC Labour
070828

[29]

TO: Pat Jayiya
Box 15
Cape Town
8000

This is the proposal to effectively monitor the level of compliance with the Employment Equity Act, No 55 of 1998, the code of good practice, as well as progress on the alignment of employment equity and skills development.

Particulars of the project.

Project

Business unit managing enterprise development in state owned enterprises and municipalities entities.

Project purpose.

To provide state owned enterprises and other businesses with services in order for them to can comply with the above mentioned. Advise and assist the business sector and labour, community and government to participate in local economic development.

Requesting company.

NEPU-WAYS MANAGEMENT SERVICSE cc

Reg.96/37640/23

Vat no: 4650218078

SDLNO: 040741896

Copies of CK1 and Tax clearance certificate are available.

Black economic empowerment.

Johnny Nepu Rakgahla manages Nepu-Ways Management services (100%).
We are at an advanced stage of partnering with one black lady.

Contact details.

Johnny Nepu Rakgahla

083 956 1400

Designation: Project Manager

A brief summary of the company.

Nepu-Ways brings the capacity of Mr. Johnny Nepu Rakgahla. Mr. Rakgahla is currently functioning in his capacity as project manager of Nepu-Ways cc., an economic development researcher and policy analyst specializing in entrepreneurship and small business development, black economic empowerment and provincial/local economic development (IDP as the focal point)

Nepu-Ways Management also provides the following service: Quality management systems manuals, Performance management, Skills development facilitation, Strategic Human Resources Role, Industrial Relations. Payroll administration, Tax Matters (cc registration, third party payments, Vat registration.

The organization is registered with Services SETA and Mr. Rakgahla is registered Skills Development Facilitator.

Nepu-Ways in partnership with Kempton Park-Tembisa development centre has done work at Ekurhuleni Metro Municipality for local businesses.

Nepu-Ways have been appointed as an Independent Skills Development Facilitator to assist the SMME's with the completion of WSP's, EEP's as well as ATR by SASSETA.

Nepu-Ways in partnership with Marius Botha Consultant has done WSP and EEP for Madibeng Local Municipality (Brits) where there are 960 employees.

Address: 6 Sekelbos Street.

Kempton Park.

1628

Tel: 011 394 2049

Cell: 083 956 1400

Email: hlalangaye@yahoo.co.uk

Qualification and experience of staff.

We will recruit staff from and around Ekurhuleni as a province development strategy. However if no experienced and qualified candidates around, then we will be forced to look at other areas. We will never compromise quality and professionalism. In our work break down structure you will realize the quality of staff we need.

Social services.

As an information service, Nepu-Ways will also be used as a link to many existing services, thus assisting in socio-economic upliftment and education of the learners: e.g. child and women abuse.

Benefits.

The workforce and unemployment people will benefit. The number will depend on the capacity of SMME's. We will advise Small Enterprise to take more unemployment people and train/uplift the standards of their existing employees through training, as we will assist the SMME's in getting grants. We will transfer skills to employed employees.

Via forums, communities will be engaged in the daily running of the municipalities.

Six previously disadvantaged individuals will be employed by the project. We targeting youth, disabled and women.

Management style.

The company employs a management style of participation and consultation. Responsibility is never delegated. Decision-makers consider outside opinions, but remain decision-makers.

Staff Performance management system.

Nepu-Ways has developed a system whereby performance management is done on the basis of developing a job description that is based on NQF Standards. The Unit Standards of competent is clustered together in a job description that is normative in its nature.

Work breakdown structure for monitoring compliance at the Ekurhuleni District Municipalities.

We will open an office for the District.

Ekurhuleni metropolitan Municipality

An office will be opened at Kempton Park/Tembisa local Municipality. The main purpose of the office will be to make sure that all the twelve local municipalities; communities, businesses sector, labour and government participate in local economic development.

There will be a request of a recent service providers and suppliers database from the following directorates:

1. Technical services.
2. Strategic management.
3. Financial services.
4. Corporate services.
5. Community services.
6. Housing & LED.
7. Social development.

It will also include all municipalities' entities and state owned enterprises in the District.

List of district municipal and state owned enterprise compliance interventions aimed at effective monitoring the level of compliance.

*Business information.

*Counseling and advise.

*Data capturing:

- *Small enterprise.
- *Service providers.
- *Service programs.
- *Opportunities.
- *Local stakeholders.

*Liaise with Labour Department and inspectors.

*Liaise with employees/Trade unions/Employees committees

*Human Resources development.

*State owned enterprise compliance monitoring.

*Industrial policy framework action plan monitoring and implementation.

*Encourage of developing individual supplier development plans.

*Facilitate the re: skilling of the labour force.

-Labour market forces are outside the direct mandate of local government, however local government can play part by leveraging the NSDS linkages needed.

*SMME compliance and development-promote women and youth empowerment.

*Overall co-ordinate skills development programmes for the municipality/district and integration with SETA programmes.

*Promote black economic empowerment through contracts awarded by municipality/district and state owned enterprises and support SMME`s.

*Investing on learning facilities in local communities and facilitate the establishment of learnership across all sectors.

*Monitor compliance by Municipality`s owned entities and state owned enterprises.

*Conduct organizational audit.

*Monitor the restructuring of local State Assets for greater efficiencies and realization of Black Economic Empowerment.

*Intergovernmental relations with DTI and province.

- Successful relations with organized business.
- Business linkages centres
- Facilitation of SMME`s incubators.
- Participation in provincial agencies.

*Conduct an analysis on:

- Information on municipality procurement linked to local economy.
- Information on private procurement linked to local economy.

*Engage the services of Black Economic Empowerment Watchdog (BEEWD)

The activities mentioned are just a summary of key performance areas.

Proposed approach to the tasks described.

Activity	staff involved		cost
Taking responsibility of preparation of refreshments for staff and quests, messenger services and cleanness of the premise and surrounding.	Cleaner (1)	x	R1600.00

Take ownership of the switchboard and reception services in a professional and friendly manner.	Receptionist(1)	x R1800.00
Address inquiries from smme`s, co-operatives and general public thereby maintaining a referral database for resources expertise to deliver on opportunities.	Administrative officer(1)	x R3000.00
Ongoing capturing of data on paper and electronically.Ensuring that relevant facts are verified, documents suitable filed.	Data administrator(2)	x R3000.00 <u>R6000.00</u>
Manage the diary of the chief Executive Officer. Liase and communicate instructions of CEO to managers if and when required.	Personal assistant:COE(1)	R4000.00
Manage/mentor all staff at the office. All assistant personal to CEO will report to him.	Project manager	R5000.00
Salaries Sub Total : R21 400.00		
R21 400.00 x 12Months		
Salaries Total: R276 800.00		

Furniture = R2000.00 x 7employees	R14 000.00
Telephone =R2500.00 x 12 months	R30 000.00
Rent =R4000.00 x 12 months	R48 000.00
GRANT TOTAL=R368 800.00	

Notes

Specific outputs

*A comprehensive strategic report of the development profiles of the district showing their economic and development growth sector.

*A synthesized Executive summary highlighting key findings and recommendations.

*We will avail our-selves for a pre-contracting verbal presentation to demonstrate understanding of the brief and verify relevant experience.

*The project will be up and running two days after the date of acceptance/contract approval.

Payment

1. We will recommend that a separate banking account be opened.

Johnny Rakgahla

We are capable of servicing other districts and provinces.