



28 October 2014

SELECT COMMITTEE ON PETITIONS AND EXECUTIVE UNDERTAKINGS: CONTENT OF THE SEHUME PETITION

1. Content of the petition

The petition was tabled on the ATC on 3 December 2012 and was subsequently referred to the Select Committee on Petitions and Executive Undertakings (Committee) for consideration. The petitioner is a Mr Andrew Sehume from Gauteng Province.

The petition pertains to two issues, namely the dismissal of the petitioner from Tembisa Hospital (hospital) and the proceedings of his subsequent divorce from his wife.

Dismissal

In 1998 the petitioner was dismissed as the Secretary of the hospital following a disciplinary hearing. The petitioner then took a decision to refer his dismissal to the Commission for Conciliation, Mediation and Arbitration (CCMA) and the Commissioner adjudicating the matter issued an award against him. Because the petitioner was not satisfied with the award given against him he took the award on review to the Labour Court in 1999. He asserts that to date the review has not been set down for a hearing in the Labour Court. The petitioner further affirms that he has made several enquiries to the Registrar of the High Court on his review date but he has received very little or no information.

The petitioner submitted a portion of the record of his disciplinary hearing in support of his petition. This record indicates that in or during 1998 the petitioner was charged for various acts of insubordination. The alleged insubordination committed by the petitioner whilst employed as the Secretary of the hospital includes the following acts: defying the hospital superintendent's authority; refusal to discuss the hospital budget with management; use of abusive language; making racist and derogatory remarks.

The record submitted by the petitioner further shows that the investigating officer at the time established a number of findings and recommendations which pointed largely at the fact that (amongst others) the hospital had no effective management structures and the petitioner was grossly undermined in the process of carrying out his day to day duties as the Secretary to the hospital.

It is worth mentioning that it is unclear from the record submitted by the petitioner how his dismissal came about.



What is however clear from the petition and worth reemphasis is that the petitioner referred his dismissal to the CCMA and the Labour Court. According to the petitioner the CCMA set aside his review and he lodged his matter with the Labour Court in 1999 the said Court has yet to confirm if a date has been set for his matter to be heard.

Divorce

The petitioner alleges in his petition that as a consequence of his dismissal from the hospital, his wife divorced him in 2004. The petitioner is also of the view that the processes leading to the divorce from his wife were not properly followed and were instead flouted to the advantage of his ex-wife. The determination made during his divorce included an order for the dissolution of the joint estate he shared with his then wife. In this respect, the petitioner believes he received impartial treatment from the person that was appointed as the liquidator of his and his ex-wife's joint estate. What is more, the petitioner alleges that there was corruption committed by the magistrate who presided over the dissolution of his marriage and he experienced abuse and neglect at the hands of the magistrate. The petitioner also alleges the liquidator attempted on numerous occasions to sell the matrimonial home contrary to the settlement agreement reach at the dissolution of his marriage and this proves that the liquidator had failed to properly carry out his mandate.

The petitioner lodged complaints with both the Commission for Gender Equality (CGE) and the South African Human Rights Commission (SAHRC) in relation to the manner in which his divorce was handled and no contrary findings were made by either bodies. The petitioner also lodged a complaint with the Magistrates Commission against the presiding magistrate and the Commission found that the presiding magistrate acted within his judicial scope in the divorce proceedings. The petitioner has also lodged complaints with the Public Protector with regard to his divorce proceedings.

2. Relief sought by petitioner

The petitioner requests the Committee to investigate whether his rights to dignity and other human rights were not contravened in the process of his dismissal and his subsequent divorce.

3. Reasons for the relief sought

The petitioner seeks the above relief because he feels aggrieved by the processes followed in his dismissal and divorce matters.

The petitioner further maintains that he has exhausted all avenues available to him by taking the matter of his dismissal on appeal to bodies such as the CCMA and the Labour Court and taking the matter of his divorce to (amongst others) the CGE, the SAHRC the Constitutional Court and other appropriate bodies.



4. Recommendations to the Committee

It is recommended that the Committee arrange to meet with the petitioner in an effort to determine some of the intricacies around the petition particularly around the avenues that the petitioner explored prior to submitting a petition to Parliament.