



**SUBMISSION TO: PORTFOLIO COMMITTEE ON  
COMMUNICATIONS**

**TITLE: STATUS REPORT ON TERMINATION OF  
TELEVISION LICENCE STAFF MEMBERS**

## **1. PURPOSE**

The purpose of the submission is to provide the Portfolio Committee on Communications with the necessary information in relation to the circumstances that led to the internal disciplinary process being instituted against employees in the SABC's TV Licence Department, which process culminated in their termination from the employ of the SABC effective 2 May 2018.

## **2. DISCUSSION**

Call Centre Agents in the SABC's TV Licences Department, with the exception of five employees, embarked on a "Go Slow" action as from 12 February 2018. A meeting was held with the staff on the same day in order to understand and address the reasons or concerns from staff, however, no reasons that concerns to the Division were provided. After the meeting a communiqué was send to staff from management in an attempt to deter the "Go Slow". A number of the staff members desisted from the "Go slow" and resumed with their duties immediately after the first communiqué. However, 26 staff members continued with the "Go Slow" action from 12 February to 7 March 2018.

Management was made aware that on Friday 9 February 2018 Mr Tuwani Gumani (MWASA General Secretary) instructed MWASA members to embark on a "Go slow" from the morning of 12 February 2018 until mid-day. From 12pm onwards the Call Centre's telephone lines were to be closed. This was evident as staff were at work, however, withheld their labour. Call Centre records and reports indicated that all phones were closed.

As from 12 February Call Centre staff continued to report for duty but did not answer incoming calls, turned -off / closed their phone lines and left their work stations for lengthy periods without reporting same. The SABC's Employee Relations forwarded a letter to MWASA on 13 February 2018 requesting Mr Tuwani Gumani to inform staff to call off the strike action as it was unprotected. However neither MWASA nor the staff heeded to this call as the "Go Slow" continued.

Further communiqué to halt the "Go Slow" were sent to staff on 23 February 2018. Employee Relations also addressed another letter to Tuwani Gumani (MWASA). However, the strike action carried on until 7 March 2018. It was made clear to both staff members and MWASA that their actions were unprotected.

It should be noted that calls not being answered in the TV Licences Call Centre has a direct impact on revenue generation and customer service in general. The three week "Go Slow" action severely impacted on revenue targets.

An ultimatum communiqué instructing staff to desist from an on-going Go Slow was issued on the 26 February 2018 failing which disciplinary action would be taken. The "Go Slow"

carried on despite the ultimatum communiqué. Copies of communication to MWASA attached.

A motivation to suspend and institute disciplinary action was approved. The staff members concerned were placed on suspension with pay while undergoing Disciplinary hearings. The suspension notices were issued on the 1 March 2018.

Employees were issued with charge sheets notifying them of the details and allegations proffered against them. The hearing was properly constituted and the employees were in attendance as well as internal representative Mr. Bekezela Makhathini, with Mr Tuwani Gumani the MWASA official also giving testimony on behalf of the accused employees.

The panel found all employees guilty and the sanction of dismissal was imposed. Employees were informed of same on 2 May 2018 which would be the date on which they would have been dismissed.

The following background information regarding MWASA should be noted:

*In the past, one of the SABC's Unions MWASA, was granted the right of access and right to deduct subscriptions from their members. These organisational rights were withdrawn and/or ceased in 2016 owing to their failure to reach the set threshold of 500 members. A new request was made by MWASA in 2017 to have these rights reinstated as their membership had increased somewhat.*

*Having been satisfied that MWASA was a legitimately registered union and having verified members who are currently in the employ of SABC, MWASA was granted a Limited Organisational Rights Agreement (LORA) in December 2017 therefore MWASA received the right to access the workplace and the right to deduct union subscription fees.*

*The LORA signed in December 2017 would thus have settled the long outstanding dispute with the Union as MWASA was accordingly granted limited organisational rights.*

*Membership deductions were effected from January 2018 of which 26 were staff members from the TV Licences Department. MWASA, however, raised a query with the non-deduction from the employees who remained members even after the limited rights were withdrawn in 2016. The non-deduction was due the Payroll Department requiring new membership forms giving the requisite consent for deductions as they stated that they could not rely on the old forms and that doing so will result in an adverse audit finding. A meeting was held with MWASA to resolve the issue of deductions from those who remained members since 2016 and ultimately with the intervention of the Acting CFO it was resolved that the deductions will be effected without newly signed membership forms.*

*In the same meeting referred to above MWASA raised many other issues including a matter concerning employees who joined the SABC from Tele-resources – a Temporary Employment Agency. They demanded that these agency staff members working in the TV Licences Call Centre be given permanent contracts. It must be pointed out that the issue relating to Agency*

*staff is not an organisational Rights issue and was not part of the dispute that was conciliated by the CCMA in 2016. The organisational right dispute dating back from 2016, would therefore not have been resolved through the LORA signed in December 2017.*

*It would seem as though the issue of agency staff not being made permanent initiated the “Go Slow” action driven by MWASA.*

### **3. CURRENT STATUS**

On the 7 May 2018, MWASA lodged an appeal against the sanction which is being attended to.

**SABC**

**10 May 2018**