**Minutes of the HR and Remuneration Committee meeting – Extended: Teleconference**

**Date**: Friday 17th April 2020

**Background**: The Chairperson of the HR and Renumeration Committee called the meeting as per Special plenary resolution that the issues related to the payment of the Part-time Commissioners during the lock-down must be discussed by the HR and Remuneration Committee and submit resolutions to the plenary. The Chairperson of the HR and Renumeration Committee extended an invite to the Chairperson of Legal to be part of the discussions to provide legal advice on this matter and for also to the Office of the Chairperson to be part of the discussions.

**Purpose:** To discuss reimbursement of part-time commissioners against the backdrop of the extra-ordinary context of Covid-19.

**In Attendance:**

1. Commissioner Sediko Rakolote – Chair HR Committee
2. Commissioner Getrude Dibeela Mothupi - Member HR Committee
3. Commissioner Lindiwe Ntuli-Tloubatla – Member HR Committee
4. Commissioner Ohara Ngoma-Diseko - Member HR Committee
5. Commissioner Nthabiseng Sepanya Mogale – Chair Legal Committee and scriber in the meeting
6. Commissioner Tamara Mathebula – Chairperson of the Commission

**Rationale and Discussions:**

* The meeting acknowledged that it was oversight on the part of Commissioners not to have considered this matter on Thursday 26 March 2020, when we were considering the Mitigation Plan of how to manage our work as the CGE during the Covid-19 Lockdown.
* There was consensus that these are extra ordinary times which resulted in a National Disaster status being declared by President Cyril Ramaphosa to arrest the imminent threat of Covid-19, a disease that could spell disaster for the country. The National Lockdown was initially planned to end on 16th April 2020 and extended to 30 April 2020.
* Legally this is “*Force Majeure* “ i.e. unforeseeable circumstances that prevent people from fulfilling their day-to-day activities and obligations.
* These are extraordinary times faced by the country as a whole and different entities are responding differently but all with the view to accommodate and be sensitive to the context. The context includes, but is not limited to, people not being able to go to work and earn an income as is under normal circumstances.
* The instruction not to work was beyond our control and we as an institution had to oblige.
* As a result, no one in the CGE nationally has worked during this period, yet all except only 5 part-time commissioners are going to be remunerated accordingly, **as if they had worked.**
* The meeting also recognised that there is no policy to deal with this situation as it was unforeseen, as is the nature of “*Force Majeure”*, but even if there was policy, it would not apply and be suspended in this case.
* Therefore, it was agreed that this does not have to be based on a policy but rather on a legitimate decision by the legitimate structures of the organisation. The HR committee is one such. It was rightfully tasked by special Tele-Plenary held yesterday 17 April 2020 to develop a resolution on this matter.
* We also acknowledge that the outcome will go to Plenary for final ratification.
* The meeting acknowledged that there is funds available for the reimbursement of commissioners as well.
* The meeting also acknowledged that there is a budget of R17million available for Commissioners’ remuneration and programmes. This budget was ratified and approved at the Finance Committee and Plenary held on 26 March 2020 for this financial year. This resolution is thus legitimate as it has considered all relevant aspects and the budget of the institution will not be adversely impacted.

**Resolutions:**

1. That all Part-time commissioners be paid for the month of April 2020, like everyone will be remunerated during this time ;
2. That these Part-time commissioners be paid for 100 hours for the month of April 2020. This is informed by the Commissioner’s Handbook;
3. These payments be included in the salary payment process that will be made for the 25th April 2020;
4. That this decision be circulated through the office of the Chairperson, who will then by end of Sunday 19 April 2020 have secured ratification from all Commissioners so that administration is formally informed on Monday 20th April to implement without delay;
5. This arrangement will be applicable for the duration of the Covid-19 Lockdown in case of any further delays;
6. The meeting acknowledged that there is a budget available and this will not be adversely impacted; and
7. The process adopted at the 3rd Quarter Plenary held on 27 and 28 February 2020 for Part-time commissioners to develop a general guideline, go ahead and be led by Commissioner Sepanya Mogale. A proposal in this regard be circulated asap so that HR committee considers it by 24th April 2020. The meeting acknowledged that this process has no bearing on the resolutions outlined above as those are in response to the covid-19 Lockdown.

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Commissioner Sediko Rakolote

Chairperson: HR and Remuneration Committee

The table covering Commissioner Remuneration is below:

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| **MARCH - JUNE 2020** | **Column Labels** |  |  |  |  |
| **Employee Name** | **Allowance** | **Claims** | **Salary** | **Grand Total** |  |
| Dr NM Moleko |  | - | 313 927,32 | 313 927,32 |  |
| Dr TP Mofokeng |  | - | 292 127,00 | 292 127,00 |  |
| Mr MA Botha |  |  | 269 655,68 | 269 655,68 |  |
| Mr SD Rakolote |  | 940,13 | 135 720,00 | 136 660,13 |  |
| Mrs DG Mothupi |  | - | 174 000,00 | 174 000,00 |  |
| Mrs TE Mathebula | - | - | 369 882,00 | 369 882,00 |  |
| Ms B Deyi |  |  | 174 000,00 | 174 000,00 |  |
| Ms NG Mazibuko |  | - | 174 000,00 | 174 000,00 |  |
| Ms NS Mogale |  | 2 279,95 | 148 987,50 | 151 267,45 |  |
| Ms O Ngoma-Diseko |  |  | 292 127,00 | 292 127,00 |  |
| Ms OL Ntuli-Tloubatla |  | - | 292 127,00 | 292 127,00 |  |
| **Grand Total** | **-** | **3 220,08** | **2 636 553,50** | **2 639 773,58** |  |
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