**MEDIA STATEMENT**

**COMMITTEE FOR SECTION 194 HEARS HOW MANAGER AT PUBLIC PROTECTOR FELT VICTIMISED**

**Parliament, Wednesday, 24 August 2022 –** The Committee for Section 194 Enquiry into Public Protector (PP) Adv Busisiwe Mkhwebane’s fitness to hold office today heard how the Executive Manager of Investigations in the Office of the PP felt victimised.

Ms Ponatshego Mogaladi told the committee she was threatened with disciplinary action by the PP after failing to meet various report deadlines. During this time, she was going through traumatic circumstances due to death of an immediate family member. This also occurred when she had explained that objectively, based on workload and other factors related to that, the deadlines just could not be met.

According to her affidavit she experienced the PP's rigidity during a traumatic period when she lost her niece. “I phoned the PP immediately that I had to travel to Polokwane because my niece collapsed on Sunday 13 April 2018 and the doctors had to perform an urgent surgery that evening. I sent a WhatsApp message to the PP on Monday updating her.” She said the PP was initially supportive when the following morning her niece passed away. However, a day later the PP insisted that she produce six outstanding reports/letters or face disciplinary action.

She told the committee that former Chief Executive Officer in the Office of the PP, Mr Vussy Mahlangu, acting at the behest of the PP issued her with an audi letter. According to her, the PP previously instructed the then Acting Chief Operations Officer (ACOO), Ms. Nthoriseng Motsitsi, to take disciplinary steps against her, when she did not meet a deadline in November 2018. The PP was not prepared to entertain any explanations as to why the deadline could not be met. In addition, the PP also instructed Mr Mahlangu to take disciplinary action against the late ACOO, Mr Abongile Madiba.

Ms Mogaladi said she believes the manner in which she was subjected to disciplinary processes amounted to victimisation.

She told the committee she joined the PPSA as a Senior Investigator on 1 December 2000 and was employed in various positions over the years including being appointed Executive Manager: Early Resolution in April 2014. This position later merged with the position of Executive Manager: Service Delivery to form the branch Administrative Justice and Service Delivery (AJSD). Despite this her position and remuneration remained the same. In mid-October 2018, she was asked to additionally manage another branch called Good Governance and Integrity (GGI).

Despite a heavy workload, Ms Mogaladi “nevertheless acceded to the request” as she wanted “to be of assistance to the organisation.”

The committee heard she was not given the opportunity and time to familiarise herself with the extra workload but found herself in a situation where on her third working day in GGI she received emails requesting the submission of the Financial Sector Conduct Authority (FSCA) investigation and the Section 7(9) notice. She expressed her frustration with the CEO to no avail. Instead the CEO indicated that notices and reports were long overdue even before Ms Mogaladi took over and the PP wanted them.

On 24 January 2020, she was served with a notice to attend a disciplinary hearing scheduled for 4 February 2020. The hearing was postponed, and she later received reformulated charges on 20 February 2020. She faced six main charges at the disciplinary hearing and was found guilty on four. The disciplinary hearing chairperson recommended that she be suspended without pay for a period of three months coupled with a Final Written Warning. The PP disagreed with this and Ms Mogaladi had to motivate why she should not be dismissed instead.

Committee Chairperson Mr Qubudile Dyantyi said the hearing will proceed tomorrow with the further cross examination of Ms Mogaladi. The committee was established by the National Assembly (NA) on 16 March 2021 to conduct a constitutional inquiry into the Public Protector’s fitness to hold office. The enquiry is hybrid and can be followed live on Parliament’s media platforms. Committee documents can be found at: [Committee for Section 194 Enquiry - Parliament of South Africa](https://parliament.us15.list-manage.com/track/click?u=174940c63c5e06b60f5650bea&id=3be840864b&e=da105e4f6a)

**ISSUED BY THE PARLIAMENTARY COMMUNICATION SERVICES ON BEHALF OF THE CHAIRPERSON OF THE COMMITTEE FOR SECTION 194 ENQUIRY, MR QUBUDILE DYANTYI.**

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