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**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**QUESTION NUMBER: 1042**

**DATE OF PUBLICATION: APRIL 2016**

**Dr A Lotriet (DA) to ask the Minister of Communications:**

(1)(a) How many internal disciplinary processes were lodged against staff (i) in the (aa) 2014-15 and (bb) 2015-16 financial years and (ii) since 1 April 2016 in (aaa) her ministry, (bbb) department and (ccc) the entities reporting to her and (b) what are the reasons for the internal disciplinary processes in each instance; (2)  whether any of the specified staff members have been suspended with full pay; if so, (a) for how long has each staff member been suspended, (b) what is the total amount spent on the salaries and other benefits of the specified suspended staff members to date, (c) what other legal costs have been incurred in respect of the specified disciplinary actions and (d) what has her department's success rate been to date in the investigations of the specified suspensions; (3)  what measures has she put in place to curtail expenditure on disciplinary procedures and processes in the future, if any? NW1174E

**REPLY: MINISTER OF COMMUNICATIONS**

**Department of Communications:**

1 (a) The Minister of Communications does not have any internal disciplinary processes that were lodged against staff (i) in the (aa) 2014-15 and (bb) 2015-16 financial years and (ii) since 1April 2016 in (aaa) her ministry, (bbb) department (b) there are no reasons for internal disciplinary processes in each instance, (2) there are no suspensions with pay (a) therefore no duration of suspensions (c) there are no legal costs incurred and (d) there has been no investigations conducted for all the financial years , (3) There are no measures put in place as the Ministry did not and does not have disciplinary processes lodged against staff to date .

**Government Communication and Information System:**

1. a) (i) (aa) One (1) internal disciplinary process in 2014-15.

 (bb) One (1) internal disciplinary process in 2015-16.

(ii) None since 1 April 2016.

 b) (i) Gross and fraudulent misrepresentation of credentials. Using state resources for private business. Gross disrespect, insolence and insubordination towards supervisor.

 (ii) Repeated absence from work without authorization. Prejudicing the administration, discipline and efficiency of the Department. Gross Dereliction of Duty. Gross Negligence. Financial Misconduct. Bringing the name of the department into disrepute.

1. Yes,

(a) (i) Suspended with full pay for six (6) months during 2014/15

 (ii) Suspended with full pay for two (2) months during 2015/16

1. (i) Total : R453 970.14

(ii) Total: R117 582.96

1. (i) Yes, legal costs to the value of R312 509. 94 were incurred

(ii) None

1. (i) The case was finalised in November 2014. The official was discharged due to misconduct.

(ii) The case will be presided at Gauteng Public Service Sector Bargaining Council.

The department awaits hearing date.

1. The Executing Authority ensures that cases are dealt with within stipulated timeframes in accordance with Resolution 1/2003 as well adhering to MPAT standards on finalisation of cases through promoting and monitoring departmental consequence management for poor compliance.

**South African Broadcasting Corporation:**

(1)(i)(ccc) 37 in 2014/15 - dishonesty, negligence, non-compliance.

 (i)(ccc) 26 in 2015/16 - dishonesty, negligence, non-compliance, sexual harassment and leaking of information.

 (ii)(ccc) 155 since 1 April 2016 for dishonesty.

(1)(b) Reasons listed above.

(2)(a) There are 14 employees on suspension as at 31 March 2016. The SABC suspensions range between 1 to 18 months.

 (b) The SABC believes the issue of the employees’ salaries should be respected and treated with strictest confidentiality.

 (c) Any legal action and costs are confidential SABC matters, however, in both (b) and (c) once the financial costs have been calculated, they are disclosed in the audited financial statement as required by the Broadcasting Act and the PFMA which are published in the SABC’s Annual Report tabled in Parliament.

 (d) A number of staff members have already been dismissed whilst others are still in the disciplinary process.

(3) The SABC has been providing training to staff on a number of its internal polices (including fraud and corruption awareness campaigns) in order to educate staff on policy matters and prevent any non-compliance to policies which can lead to disciplinary processes.

**Brand South Africa:**

(1)(a) (i) (aa) One.

 (a) (i) (bb) One.

 (a) (ii) (ccc) Zero.

 (b) (a)(i)(aa) Unauthorised use of the credit card.

 (b) (a) (i) (bb) Employee failed to carry out a recommendation to undergo staff management training.

 (b) (ii) (ccc) None.

(2) Not applicable

(3)  This was an isolated case and it is not widespread. Measures and controls are currently in place to minimise the number of disciplinary hearings. The organisation will continue to workshop policies to new and existing employees. Management has decided to cancel the one credit card the organisation had.

**Film and Publications Board:**

(1) (a)(i)(aa) 16 cases relating to: Fruitless Expenditure (x3) resulting to Verbal Warnings; Non-Compliance with procedures (x4) resulting to Written Warnings; Unauthorised Absence (x 2) Written Warnings; Failure to Meet Performance Delivery resulting to Written Warning; Dereliction of Duty – Case withdrawn; Theft of FPB Materials (x2) resulting to Dismissal; Dishonesty / Disreputable behavior (x 3) resulting to Dismissal

 (a)(i)(bb) 10 cases relating to: Non-compliance with procedures (x5) resulting to Verbal Warnings; Unauthorised Absence (x 2) resulting to Written Warnings; Disrespectful Conduct resulting to Verbal Warning; Disrespectful Conduct resulting to Written Warning; Improper Work Etiquette – Verbal Warning

 (ii)(i)(ccc) No internal disciplinary processes were lodged against staff.

(2)(a) 5 employees have been suspended for periods ranging between 2 and 6 months.

 (b) The total amount spent on salaries and benefits of the suspended employees to date is R747,868.00

 (c) R415,413.00 was spent on legal representation

 (d) One employee was reinstated as no evidence was found, one case was withdrawn as the employee’s contract ended, 3 employees were dismissed but one was reinstated by the CCMA.

(3) The FPB has negotiated preferential hourly-rate Service Level Agreements with Legal Firms on the service provider database. The FPB utilizes internal legal resources for prosecution of disciplinary cases, wherever practicable.

**Media Development and Diversity Agency:**

(1) (a)(i)(aa) No internal disciplinary processes was lodged against staff.

 (a)(i)(bb) No internal disciplinary processes were lodged against staff.

 (ii)(i)(ccc) No internal disciplinary processes were lodged against staff.

(2) No staff members were suspended with full pay.

(3) The MDDA has comprehensively reviewed its internal performance management and disciplinary process and procedures in 2015/16 to enable any identification of underperformance or irregular activity by staff members to minimize the potential for the full grievance and suspension procedures to be necessary.

**Independent Communications Authority of South Africa:**

(1) (a)(i)(aa) 9 cases relating to misconducted and 1 relating to incapacity due to poor work performance on probation

 (a)(i)(bb) 6 cases relating to misconducted.

 (ii)(i)(ccc) 2 cases relating to misconducted.

(2)(a) 7 employees have been suspended for periods ranging between 1.5 and 5 months.

 (b) The total amount spent on salaries and benefits of the suspended employees to date is R927,186.26

 (c) R102,600 was spent on legal representation

 (d) All employees who were suspended were eventually dismissed, subsequent to disciplinary hearings. Three of them unsuccessfully lodged disputes at the CCMA.

(3) Measures to curtail expenditures includes:

* A clear disciplinary code and procedure has been developed to guide both employees and line manager on employment conduct and disciplinary measures, and extensive training has been conducted throughout the organization on approved Disciplinary Code and Procedure.
* ICASA has in the last financial year started to have managers trained on how to prepare, conduct and initiate disciplinary hearings.
* Disciplinary hearings are conducted as an internal process, with the Employee Relations Specialist being an Employer Representative, without the constant involvement of Lawyers.

**MR NN MUNZHELELE**

**DIRECTOR GENERAL [ACTING]**

**DEPARTMENT OF COMMUNICATIONS**

**DATE:**

**MS AF MUTHAMBI (MP)**

**MINISTER OF COMMUNICATIONS**

**DATE:**