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**MINISTRY OF TOURISM**

**REPUBLIC OF SOUTH AFRICA**

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**NATIONAL ASSEMBLY:**

**Question Number: 1341**

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**Mr M S F de Freitas (DA) to ask the Minister of Tourism:**

(1) With reference to disciplinary action and/or any related action taken against staff in each level within her **departmen**t (a) in the past three financial years and (b) since 1 April 2023, (i) what number of disciplinary cases were dealt with in each month, (ii) on what date was each case initiated and concluded, (iii) what were the reasons for the action, (iv) what number of staff members were found (aa) guilty and fired, (bb) guilty and not fired and (cc) innocent;

(2) what (a) alternative sanction was meted out in each case where a staff member was found guilty but not fired and (b) were the reasons that staff members were found not guilty in each specified case? NW1543E

**REPLY:**

(1) **With reference to disciplinary action and/or any related action taken against staff in each level within the department**

(a) in the past three financial years

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| **Financial Year 2020/2021** |

1. **What number of disciplinary cases were dealt with in each month,**

April 2020 - September 2020: No Cases

October 2020: Two Cases

November 2020 – January 2021: No cases

February 2021: One case

March 2021: Two cases

1. **on what date was each case initiated and concluded**,

* Initiated 26 October 2020 and concluded 25 November 2020
* Initiated 29 October 2020 and concluded 29 November 2020
* Initiated 25 February 2021 and concluded 13 April 2021
* Initiated 24 March 2021 and concluded 15 June 2021
* Initiated 30 March 2021 and concluded 01 July 2021

1. **What were the reasons for the action?**

* Gross negligence relating to management of projects
* Gross negligence relating to management of projects
* Misuse of departmental vehicle
* Misuse of departmental vehicle
* Misuse of departmental petrol card

**(iv)** **What number of staff members were found:**

(aa) No staff members were found guilty and fired

(bb) Three staff members were found guilty and not fired

1. The Presiding Officer imposed demotion and final written warning sanctions which were reduced by the appeal authority to a written warning and three months’ suspension without pay on the basis that the sanctions imposed by the Presiding Officer were too harsh.
2. The Presiding Officer imposed combined sanctions of a final written warning and one-month suspension without pay on the basis that she pleaded guilty, she was honest, there was no unmanageable elements of dishonesty which could affect the employer/ employee relationship and that the broken employment relationship could be salvaged.
3. The Presiding Officer imposed a final written warning on the basis that he could be rehabilitated, was a first offender and pleaded guilty.

(cc) Two staff members were innocent;

1. The Presiding Officer dismissed the charges against the employee on the basis that there was a time delay between the discovery of the alleged misconduct and the preferring of the charges. This is factually incorrect as the charges emanate from a forensic report that arises from outcomes of a prior year audit. The matter has been referred to the Labour Court for review of the decision of the presiding officer.
2. Same as the (cc) 1 above.

(2) **(a) What alternative sanction was meted out in each case where a staff member was found guilty but not fired and**

* Written warning and three (3) months suspension without pay
* Final written warning
* Final written warning and one-month suspension without pay

(**b) what were the reasons that staff members were found not guilty in each specified case?**

Inordinate delay in the institution of disciplinary proceedings against the employees. The Department has since escalated the matters to the Labour Court.

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| **Financial Year 2021/2022** |

1. **What number of disciplinary cases were dealt with each month?**

April- June 2021 no cases

July 2021 1 (one) case

August 2021 – March 2022 no cases

1. **On what date was each case initiated and concluded?**

Initiated on 13 July 2021 and concluded on 18 August 2021

1. **What were the reasons for the action?**

Misleading the Chief Financial Officer (CFO) to authorise several trips and accommodation with the belief that the trips and accommodation were for work purposes when that was not the case.

1. **Number of staff members were found guilty and fired**

(aa) No staff members were found guilty and fired

(bb) guilty and not fired.

The Presiding Officer imposed a sanction of dismissal but on appeal the sanctions were reduced to three months’ suspension without pay by the Appeals Authority.

(cc) No staff members were found innocent.

(2 ) **(a) What alternative sanction was meted out in each case where a staff member was found guilty but not fired and**

Three months’ suspension without pay.

**(b) What** **were the reasons that staff members were found not guilty in each specified case**?

No staff member was found not guilty.

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| **Financial Year 2022/2023 and (b) since 1 April** **2023,** |

1. **What number of disciplinary cases were dealt with in each month:**

April – August 2022: No disciplinary cases

September 2022: One case

October 2022: No cases

November 2022: Three cases

December 2022: No cases

January 2023: One case

February 2023: No cases

March 2023: Three Cases

(b) Since April 2023: There were no disciplinary hearings.

1. **On what date was each case initiated and concluded?**

* Initiated 21 November 2022 and concluded 01 February 2023
* Initiated 18 January 2023 and concluded 23 January 2023
* Initiated on 07 November 2022 and 02 March 2023 but not concluded
* Initiated on 29 November 2022 and 08 March 2023 but not concluded
* Initiated on 06 September 2022 and 14 March 2023 but not concluded

1. **What were the reasons for the action?**

* Misuse of state vehicle
* Signing of business plan relating to a project without authority
* Gross negligence relating to management of projects

1. **Number of staff members were found:**

(aa) One staff member was found guilty and fired

(bb) No staff members were found guilty and not fired

(cc) One staff member was found innocent

The employee was found not guilty of signing Business Plan without authority. The ruling was based on the testimony of the employer’s witness that new developments revealed that the employee had the necessary authority to sign the Business Plan since a letter which was not made available to them at the time of their investigation, confirmed that the employee was acting Chief Director and was justified in signing the Business Plan.

(2) **(a) What alternative sanction was meted out in each case where a staff member was found guilty but not fired and**

There are no alternative sanctions. One official who was found guilty has submitted an appeal to the Executive Authority regarding their dismissal verdict.

(**b) What** **were the reasons that staff members were found not guilty in each specified case**?

The Presiding Officer established that the staff member had an authority as Acting Chief Director to sign the business plan.