**Memorandum from the Parliamentary Office**

**NATIONAL ASSEMBLY**

**FOR WRITTEN REPLY**

**QUESTION 1591**

**DATE OF PUBLICATION OF INTERNAL QUESTION PAPER: 09/06/2017**

**(INTERNAL QUESTION PAPER 21 OF 2017)**

**Mr M S Mbatha (EFF) to ask the Minister of Higher Education and Training:**

Has his department taken any steps to intervene in the situation at the University of the Western Cape where 143 workers were unfairly dismissed by a certain company (name furnished), to whom the university has outsourced a service to provide security?

**NW1796E**

**REPLY:**

The Higher Education Act (Act 101 of 1997, as amended) is the legal framework within which the Department and public higher education institutions operate. The Act clearly stipulates that public higher education institutions, established in terms of this Act, are juristic persons (section 20(4), and as such they enjoy a large degree of autonomy. This means they can sue or be sued in their own name.

In accordance with Section 34 (1) and (3) of the Act, the Council of a public higher education institution appoints employees of the public higher education institution and determines the conditions of service, disciplinary provisions, privileges and functions of these employees subject to the applicable labour laws.

Workers have a right to invoke external dispute resolution mechanisms or procedures provided for by employment legislation or labour laws. We live in a constitutional democracy where the employees’ rights to fair labour practices are protected, hence the different levels of statutory dispute resolution platforms are accessible to aggrieved employees.

COMPILER/CONTACT PERSONS:

EXT:

DIRECTOR – GENERAL

STATUS:

DATE:

QUESTION 1591 APPROVED/NOT APPROVED/AMENDED

Dr BE NZIMANDE, MP

MINISTER OF HIGHER EDUCATION AND TRAINING

STATUS:

DATE: