## DPE Stationery:DPE logo.jpg INFORMATION MEMORANDUM

**TO : Mogokare Richard Seleke**

**DIRECTOR-GENERAL**

**FROM : Justin De Allende**

**RE :** **PARLIAMENTARY QUESTION NO 2159**

# DATE : 4 August 2017

**================================================================**

To provide the Minister with a response to Parliamentary Question Number 2159

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| **COVER MEMO AND THE PACKAGING OF PQ BY:**  **Department of Public Enterprises** | | |
| **……………………………….**  **Acting Deputy Director-General**  **Date:** | | **COMMENTS:**  **………………………………………..** |
| **…………………………………**  **Mogokare Richard Seleke**  **Director-General**  **Date:** | **APPROVED/DECLINED/COMMENTS**  **…………………………………………..**  **…………………………………………..**  **………………………………………….** | |



**DEPARTMENT: PUBLIC ENTERPRISES**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**QUESTION NO.: PQ 2159**

**DATE OF PUBLICATION: 4 AUGUST 2017**

2159.     Ms N W A Mazzone (DA) to ask the Minister of Public Enterprises:

(1)      Whether an email was sent by Eskom in 2014, allegedly stipulating that foreign nationals that are drivers of heavy vehicles were not allowed to deliver fuel to Eskom’s Ankerlig site in Atlantis, Cape Town; if so, (a) why was the email sent and (b) did Eskom allegedly request that three drivers from a certain company (name furnished) be dismissed;

(2)      what are the full details of Eskom’s human resources policy on foreign national workers?

NW2390E

**REPLY:**

1. Yes an email was sent by Eskom in 2014, stating that the requirement (sic) of not utilising drivers of foreign nationals is a requirement (sic) as Ankerlig is a NKP.

Eskom would like to add that subsequent emails clarified this position and indicated the below requirements: If the individuals is in the Country legally, has a Work Permit or is a Naturalised citizen and has a driver’s licence that is valid in South Africa, preferably one that has been issued by a South African Authority, he may deliver to Ankerlig. We will require a copy of his Identity Document and driver Licence to submit to the authorities for clearance checks. We will also require him to receive Ankerlig Safety Induction.

(1)(a) The email of April 2014 (and subsequent emails) was a response to

Grindrod’s email request for clarification on the matter of foreign nationals. Grindrod and Eskom had prior to the email exchange had a discussion / meeting on the matter.

**(1)(b)** Eskom did not at any point instruct nor imply in any way that the drivers

should be dismissed. Eskom’s agreements with suppliers does not include how suppliers should manage / discipline their staff, this is the prerogative of the employer not Eskom.

1. Eskom has made a decision to adopt the requirements of the Services Act of 2014. In addition to the requirements of the Act, Eskom’s Recruitment and Selection Procedure stipulates that where foreign nationals are recruited the following is required :

* Confirmation of citizenship
* Confirmation of SA residency permit
* Security clearance
* Confirmation of a valid permit to work

The requirements of the security vetting policy and the security of information policy also apply when recruiting foreign nationals. Once appointed in Eskom, the Eskom’s conditions of service and other applicable employee policies apply in managing foreign nationals.

Furthermore, Eskom’s Procurement and Supply Chain Management Procedure does not address supplier employment practices. Eskom contracts with suppliers do not stipulate employment practices that must be adhered to by the supplier. The supplier is expected to adhere to the South African laws on employment as well as the Eskom site’s specific access requirements.

**Remarks: Reply: Approved / Not Approved**

**Mr. Mogokare Richard Seleke Ms. Lynne Brown, MP**

**Director-General Minister of Public Enterprises**

**Date: Date:**

**Additional Information for the Minister**

1. Copy of emails exchanged between Eskom and Grindrod
2. Grindrod Court Judgement
3. Eskom’s Recruitment Procedure (Ref: Section 3.3.5.2 c and g)
4. Services Act of 2014 (Ref: Section 8 & 9)