NATIONAL ASSEMBLY

**FOR WRITTEN REPLY**

**QUESTION NO 2322**

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**(INTERNAL QUESTION PAPER NO. 23)**

**2322. Ms M S Khawula (EFF) to ask the Minister of Water and Sanitation:**

(1) (a) What number of labour disputes are currently being faced by (i) his department and (ii) the entities reporting to him, (b) what is the cause of each dispute, (c) what is the nature of each dispute and (d) on what date was each dispute (i) reported and (ii) resolved;

(2) (a)(i) what number of employees have been dismissed by his department in the past five years and (ii) for what reason was each employee dismissed and (b)(i) what number of the specified employees were paid severance packages and (ii) what was the monetary value of each severance package? NW2499E

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**THE MINISTER OF WATER AND SANITATION**

Refer to the tables below for the number of labour disputes and the number of employees dismissed by the Department and the entities reporting to me for the past five years.

1. Refer to the table below for the number of labour disputes:

| **Department / Entity** | **(1)(a)(ii) What number of labour disputes are currently being faced** | **(1)(b) what is the cause of each dispute** | **(1)(c) what is the nature of each dispute** | **(1)(d)(i) on what date was each dispute reported** | **(1)(d)(ii) on what date was each dispute resolved** |
| --- | --- | --- | --- | --- | --- |
| The Department | A total of 244 | Employee dismissed for Fraud | Unfair dismissal | 31 March 2015 | 18 March 2016 |
| Employee dismissed for fraud | Unfair dismissal | 25 February 2014 | 25 June 2015 |
| The department did absorb the employee to Higher OSD position | Unfair labour practice: Promotion | 09 February 2016 | 09 February 2018 |
| Failure by the department to upgrade employees(56 x1) | Unfair labour practice: benefits | 09 June 2017 | 10 January 2018 |
| Employee dismissed for being involved in a serious accident with a state vehicle without permission | Unfair dismissal | 3 April 2018 | 28 June 2018 |
| Employee dismissed for sexual harassment | Unfair dismissal | 11 April 2016 | 25 April 2016 |
| Failure by the department to upgrade employees to salary level 10 & 12 ( 46X1) | Interpretation of the Public Service Co-ordinating Bargaining Council: Clause 18.1: Resolution no 1 of 2012 | 4 December 2017 | 30 May 2018 |
| Unfair discrimination (41X1) | Equal pay for equal value ( One Senior Messenger upgraded to salary 4 in 2010 whereas the others upgraded in 2016 | 22 May 2018 | 18 September 2018 |
| Unfair labour Practice: Benefits: Failure by the department to job evaluate the applicants (15X1) | Unfair labour Practice: Benefits: Failure by the department to job evaluate the applicants | 4 June 2018 | 23 July 2018 |
| Withdrawal of maximum engine category of 3000cc on official vehicle kilometers claims (2x1) | Unfair labour practice benefits | 3 April 2018 | 28 June 2018 |
| Amatola Water | Illegal strike by 28% of workforce | Over wages in respect of 2017/18 and 2018/19. | Illegal strike | Dispute declared via deadlock on wages effective 23 October 2017 and illegal strike from 2 August 2018 | Not as yet resolved |
| Bloem Water | 3 current disputes | Matter referred back from labour appeal court to be heard on the merits. | Alleged Unfair dismissal | 29 June 2017 | Pending |
| Resolved at arbitration; dismissal confirmed as fair. Matter taken on review. | Review Application | 20 October 2016 | Pending |
| Employee resigned and later claimed constructive dismissal. | Alleged constructive dismissal. Late submission: arbitration in favor of employer. Review application | March 2018 | Pending |
| Lepelle Northern Water | Four (4) current disputes | The employee is undergoing a disciplinary enquiry for violating the disciplinary code, the case is at the CCMA: MM Masipa. | Misconduct | December 2015 | Pending |
| The employee is undergoing a disciplinary enquiry for violating the disciplinary code: T Monnathebe. | Misconduct | April 2018 | Pending |
| The employee is undergoing a disciplinary enquiry for violating the disciplinary code: K Kganane. | Misconduct | July 2018 | Pending |
| The dispute is about non-renewal of fixed term contract: M Phokanoka. | Unfair labour practice | July 2018 | Pending |
| Magalies Water | Seven (7) labour disputes | Salary disparity. | Unfair labour practice related to benefits | 30 August 2018 | Pending |
| Suspension of employee for disrupting interviews. | Unfair Suspension | 14 March 2018 | Resolved |
| Suspension of employee for leaking of confidential information. | Unfair Suspension | 29 November 2017 | Resolved |
| Failure by employer to shortlist employee for a higher advertised position. | Unfair labour practice related to promotion | 27 July 2018 | Resolved |
| Failure by employer to shortlist employee for a higher advertised position. | Unfair labour practice related to promotion | 6 April 2018 | Resolved |
| Theft of scrap material from the plant. | Unfair dismissal | 17 March 2015 | Resolved |
| Failure by employee to follow instructions from line manager. | Unfair dismissal | 4 April 2015 | Resolved |
| Mhlathuze Water | Two (2) labour disputes | Chief Executive Officer is on suspension pending a disciplinary enquiry. The employee made an application for an interdict against the disciplinary action, the matter is awaiting a court date at the Supreme Court of Appeal. | Unfair suspension | 20 November 2015 | Both matters are not yet resolved. |
| K Kruger - CCMA referral - Conciliation – Unfair Dismissal arising out of misconduct. | Unfair dismissal | 31 July 2018 |
| Overberg Water | Three (3) registered labour disputes at Overberg Water | The causes are mainly administrative processes. | Former employee filed a dispute on the 7th March 2017 after being dismissed on 16 January 2017 and stated the nature of the dispute as “Reasons for dismissal not known”. The dispute was resolved at the CCMA arbitration on 24 July 2017. | 7th March 2017 | Resolved |
| Another former employee filed a dispute on 9 March 2018 after being dismissed on 07 February 2018 and stated the nature of dispute as “Dismissal related to unfair discrimination”. The dispute was resolved at the CCMA Arbitration on 4 June 2018. | 9 March 2018 | Resolved |
| The last one the current employee has filed a dispute on 4th July 2018 after his request for transfer from one scheme to another scheme was rejected about a year ago and stated that the nature of dispute as “Unfair conduct-Promotion/Probation/Training/Benefits”. The dispute has been referred for arbitration on 29 August 2018. | 4th July 2018 | In progress |
| Sedibeng Water | Total number 16 | Alleged conduct of the employee. | Misconduct | 21 February 2017 | Resolved on 21 February 2017 |
| Alleged conduct of the employee. | Misconduct | 30 January 2017 | Resolved on 28 March 2017 |
| Alleged conduct of the employee. | Misconduct | 02 March 2018 | Resolved on 09 March 2017 |
| Alleged conduct of the employee. | Misconduct | 29 June 2017 | Resolved on 07 August 2017 |
| Alleged conduct of the employee. | Misconduct | 10 February 2016 | Resolved on 10 February 2016 |
| Alleged conduct of the employee. | Misconduct | 13 March 2016 | Resolved on 13 March 2016 |
| Dismissal on the basis of ill-health. | Incapacity | N/A | Resolved on 15 March 2018 |
| Alleged conduct of the employee. | Misconduct | 13 March 2016 | Resolved on 09 May 2017 |
| Alleged conduct of the employee. | Misconduct | 12 June 2017 | Resolved on 26 September 2017 |
| Alleged conduct of the employee. | Misconduct | 19 May 2017 | Resolved on 03 November 2017 |
| Alleged conduct of the employee. | Misconduct | 30 November 2015 | Resolved on 30 November 2015 |
| Alleged conduct of the employee. | Misconduct | 07 August 2015 | Resolved on 16 October 2015 |
| Alleged conduct of the employee. | Misconduct | 14 September 2015 | Resolved on Resolved on 04 November 2015 |
| Alleged conduct of the employee. | Misconduct | 26 December 2015 | Resolved on 24 February 2016 |
| Alleged conduct of the employee. | Misconduct | 03 February 2016 | Resolved on 13 April 2016 |
| Alleged conduct of the employee. | Interpretation of the Collective Agreement | The matter is scheduled to be heard on the 28 August 2018 at the CCMA. | In progress |
| Rand Water | Total number of labour Dispute: 25 | Grievance (1). | Volume of work should be equal to the rate of pay | 28 Aug 2017 | Pending |
| Grievance (1). | Disallowed to use company provided utensils | 8 Nov 2017 | 11 Dec 2017 |
|  | Dismissal (1). | Found in possession of the company property without permission | 14 Mar 2018 | 28 Jun 2018 |
| Dismissal (1). | Leaving the workplace without permission | 16 Jun 2018 | Pending |
| Grievance (1). | Unfair treatment by the supervisor | 16 May 2018 | 28 May 2018 |
| Grievance (1). | To be paid back the difference between  current rate after adjustment and the previous rate | 19 Jun 2018 | Pending |
| Unfair Discrimination (1). | Transfer from one site to the other | 10 Mar 2016 | Matter is pending at the Labour Court |
| Unfair Labour Practice (1). | Written warning issued | 28 Aug 2017 | 2 Feb 2018 |
| Unfair Dismissal (1) | None Renewal of fixed term contract | 3 Feb 2016 | 10 Mar 2016 |
| Dismissal (1) | Misconduct | 16 Apr 2018 | Arbitration ongoing |
| Dismissal (1) | Misconduct |  | Pending set down |
| Remuneration (1) | Pay discrimination |  | Conciliation failed |
| Misconduct (1) | Conflict of interest | Feb 2018 | On-going |
| Misconduct (1) | Gross negligence – over payment to supplier | May 2018 | On-going |
| Misconduct (1) | Gross negligence | Jun 2018 | On-going |
| Misconduct (1) | •Gross insubordination and  •Insolence towards Line Manager for refusing to carry out instructions |  | 09 Sept 2015 |
| Misconduct (1) | Committed deliberate act which causes potential prejudice for failing to take appropriate disciplinary Action against subordinates for fraudulent activities | Apri2016 | 27 Jun 2016 |
| Misconduct (1) | Gross Negligence and violation of procurement policies resulting in overpayment to supplier |  | Nov 2017 |
| Grievances (7) | Employees requesting for Hay band and position upgrade | 15 Mar 2018 | Resolved on the 12 Apr 2018 |
|  | Query regarding overtime pay for an employee who is above the threshold. | 8 Jul 2017 | 26 Jan 2018 the matter was settled in employers favour after the employee went to the CCMA |
|  |  | Unfair treatment by the line manager | 17 Jan 2017 | 16 Feb 2017 resolved at the next level of management |
| Umgeni Water | None | None | None | None | None |
| TCTA | Two (2) cases at Labour court stage and four (4) at CCMA stage | Labour court cases:  TCTA//C Bleeker -Unfair labour practice  TCTA// J Nhlapo -Unfair labour practice | Labour court cases:  TCTA//C Bleeker -Non-renewal of five-year fixed term contract and non-payment of incentive bonus  TCTA//J Nhlapo - Unlawful reinstatement | Labour court cases:  TCTA//C Bleeker -CCMA referral November 2015, and awarded in May 2016. Labour Court review of award heard May 2018 and ruling issued August 2018.  TCTA// J Nhlapo - April 2018 | In progress |
|  | CCMA cases:  TCTA// H. Mhlongo - Unfair labour practice  TCTA// N. Nkosi -Unfair labour practice  TCTA// N. Mageza - Unfair labour practice  TCTA// C. Mageda - Unfair labour practice | CCMA cases:  TCTA// H. Mhlongo - Unfair dismissal based on the inconsistent application of internal policies  TCTA// N. Nkosi - Non-renewal of fixed term contract  TCTA// N. Mageza - Non-payment of variable pay  TCTA// C. Mageda -Non-payment of goodwill gesture (equivalent of one months’ salary) | CCMA cases:  TCTA// H. Mhlongo - May 2018  TCTA// N. Nkosi -March 2018  TCTA// N. Mageza - June 2018  TCTA// C. Mageda - July 2017 and June 2018 | In progress |
| WRC | Two (2) disputes | The dispute relates to a dismissal subsequent to misconduct of an employee | The dispute has been referred to the CCMA and subsequently to the Labour Court for review. | The dispute was reported to the CCMA on 28 July 2017 | The dispute has not been resolved yet as it has been referred to the Labour Court for review. |
| Inkomati-Usuthu Catchment Management Agency | None | None | None | None | None |
| Breede-Gouritz Catchment Management Agency | None | None | None | None | None |

1. Refer to the table below for the number of employees dismissed:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Department / Entity** | **(2)(a)(i)**  **what number of employees have been dismissed** | **(2)(a)(ii)**  **for what reason was each employee dismissed** | **(2)(b)(i)**  **what number of the specified employees were paid severance packages** | **(2)(b)(ii)**  **what was the monetary value of each severance package** |
| The Department | 18 employees were dismissed | 3 were due to Fraud & Dishonesty | None | None |
| 5 were due to Theft |
| 1 was due to Assault |
| 3 were due to Mismanagement and embezzlement of state funds |
| 1 was due to Fraudulent qualification |
| 1 was due to Sexual harassment |
| 2 were due to Gross dishonesty |
| 1 was due to Absenteeism |
| 1 was due to Irregular appointment in the recruitment processes |
| Amatola Water | 11 employees were dismissed | 10 were due to misconduct and 1 was due to incapacity | No severance packages were offered by Amatola Water | None |
| Bloem Water | 2 Employees were dismissed | Misconduct relating to abuse of sick leave/dishonesty and Abscondment. | No severance packages were paid by Bloem Water | None |
| Lepelle Northern Water | Six (6) employees | 1. Theft and dishonesty: M Ramalobela. 2. Theft and dishonesty: R Ralehlaka. 3. Tender irregularities: MJ Letsoalo. 4. Gross Insubordination: A Lamola. 5. Gross Insubordination: M Kabe. 6. Gross Insubordination: L Langa. | None | None |
| Mhlathuze Water | Nine (9) employees | 8 were due to Misconduct and 1 was due to Incapacity. | None | None |
| Sedibeng Water | 15 Employees were dismissed | 14 due to Misconduct and 1 due to incapacity (ill-health) | No, payment in lieu of notice | None |
| Rand Water | Total number of dismissed employees in the past 5 years is 57 | **2018/19**  falsifying documents (1)  Misconduct (1) | No Employees were retrenched, hence no severance payments made. | None |
| **2017/18**  Found in possession of the company property without permission (1)  Leaving the workplace without permission (1)  Bribery (1)  Misconduct: one relating acts of witchcraft and the other assault (2)  Wilfully leaving a place of work without permission (2)  Assault (1)  Gross negligence (2)  Giving untrue info (2)  AWOP (4)  Employee found guilty as charged for AWOL for a substantial number of days and was subsequently dismissed in absentia (1) |
| **2016/17**  Found in possession of the company property without permission (1)  Unauthorized possession for all (3) dismissals  Wilfully leaving a place of work without permission (1)  Employees were found guilty as charged for AWOL for a substantial number of days and was subsequently dismissed in absentia (2)  Misconduct (1) |
| **2015/16**  Found in possession of another employee’s property without permission (1)  Gross negligence (1)  Absent without official leave (1)  Absenteeism forming a trend (1)  AWOL (1)  Committed Sexual Harassment against 3 female employees. (1)  Absent without official leave (1) |
| **2014/15**  Found in possession of the company property without permission(1)  Absent without official leave (1)  Reporting on duty being under the influence of alcohol(1)  Absenteeism forming a trend (1)  Bribery (1)  Wilfully leaving a place of work without permission (5)  Being in possession of RW property(1)  Three dismissed for being absent without official leave (3)  Six Charges of gross negligence and mismanagement of the Project resulting in procedural and unauthorized payment of invoices amounting to R 31m (1)  Employee was charged for incompatibility for causing disharmony in the workplace (1)  Failure to comply with procurement policies and failure to comply with recruitment policy-employment of next of kin (1) |
| **2013/14**  Found in possession of another employee’s property without permission(1)  Driving RW vehicle without authority(1)  Wilfully leaving a place of work without permission (2)  Falsifying documents (1)  Insubordination(1) |
| Umgeni Water | Fifteen (15) employees | Gross Negligence in appointing a candidate who did not meet the minimum requirements. | Three (3) employees | 1. R135 000.00 2. R45 000.00 3. R34 501.98 |
| Insubordination, Absence without leave or permission and Dereliction of duty. |
| Unauthorized removal and or possession of company property without proper authorization. Gross negligence and or dishonesty. Misrepresentation of facts and or falsifying of information. |
| Unlawful possession of company property which culminates to theft. Misrepresentation of facts in that the employee said he picked up the flanges in Umlaas Road Chamber whereas he took them from stores which culminate to gross dishonesty. |
| Unlawful possession of company property which culminates to theft. Misrepresentation of facts in that the employee said he picked up the flanges in Umlaas Road Chamber whereas he took them from stores which culminate to gross dishonesty. |
| Stored and/or caused to be stored photographs depicting nudity of himself and another person on an Umgeni Water property. Accessing confidential information without proper authorization. Deleted his administrative account which was linked to a senior official’s mailbox account in order to deliberately disguise/mask your access to that person’s mailbox account which amounts to gross dishonesty. Failure to follow or adhere to Umgeni Water’s prevailing ICT practice. Failure and/or omitted and/or neglected to register each of the following Umgeni Water assets in your possession or control contrary to the reasonable expectations. |
| Gross insubordination/disobeying a lawful and reasonable instruction and gross insolence. |
| Gross Negligence in that you failed to follow an acceptable due diligence process when you realized that the page that declares CPG was understated. Gross Dishonesty in that you misrepresented facts in order to influence the evaluation process by submitting a report confirming that all is order. |
| Abusive, derogatory insulting language/conduct and/or harassment. Assault/Attempted Assault/Violence. |
| Abusive, derogatory insulting language/conduct and/or harassment unlawfully, intentionally or negligently failed to comply with prescribed procedures, rules and/or instructions. |
| Absence without leave for 7 consecutive days (Dismissal without notice after the employee had failed to report for duty after one month suspension without pay for similar offence). |
| Negligent and reckless driving which resulted into an accident. Absconded from the accident scene before the arrival of the police. |
| Negligence driving which resulted into an accident. Gross dishonesty and or using UW vehicle without authorization. Gross misconduct by leaving the accident scene before the Traffic Police, emergency and SAPS services could arrive. Bringing Umgeni Water’s name into disrepute by controversially disappearing from the accident scene. |
| Usage of UW vehicle without authorization. Failure to comply with ISO procedures. Falsely declaring information on vehicle log sheet checklist. |
| Unauthorized use of Umgeni Water vehicle for private reasons. Negligent driving which resulted into an accident. |
| WRC | None | None | None | None |
| Inkomati-Usuthu Catchment Management Agency | Two (2) employees were dismissed | The employees were dismissed for dishonesty, fraud and non-disclosure | None | None |
| Breede-Gouritz Catchment Management Agency | None | None | None | None |

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