**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION 2325 / NW 2502E**

**MINISTER OF AGRICULTURE, FORESTRY AND FISHERIES:**

**Mr N Paulsen (EFF) to ask the Minister of Agriculture, Forestry and Fisheries:**

**QUESTION:**

(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? **NW2502E**

**REPLY:**

**DAFF RESPONSE**

**(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;**

| **Q(1)(a)(i): Number of current disputes face by the department** | **Q(1)(a)(ii): Number of current disputes face by entities of the department** | **Q(1)(b): cause of each dispute** | **Q(1)(c): nature of dispute** | **Q(1)(d)(i):**  **Date of dispute referral** | **Q(1)(d)(ii):**  **Date of dispute resolved** |
| --- | --- | --- | --- | --- | --- |
| Twenty (20) | NA | Employee not shortlisted for a post she applied for. | Unfair Labour Practice (promotion) | 03 November 2017 | Awaiting arbitration award from General Public Service Coordinating Bargaining Council (GPSSBC). |
| Precautionary suspension | Unfair Labour Practice (unfair suspension) | 8 September 2016 | Arbitration adjourned to 4 & 5 September 2018. |
| Job Evaluation results | Unfair Labour Practice (promotion) | 29 January 2018 | Awaiting notice of setdown from GPSSBC. |
| Resignation due to allegedly intolerable work environment | Unfair dismissal (constructive dismissal) | 17 October 2016 | Awaiting arbitration award from GPSSBC. |
| Job grading | Unfair Labour Practice (promotion) | 17 February 2018 | Awaiting notice of setdown from GPSSBC. |
| Pay progression | Unfair Labour Practice (Benefits) | 7 July 2017 | Awaiting notice of setdown from GPSSBC. |
| Dismissal | Unfair dismissal (s186(1) | 10 August 2017 | Awaiting notice of setdown from GPSSBC after matter was postponed. |
| Dismissal | Unfair dismissal (s186(1) | 22 November 2017 | Awaiting notice of setdown from GPSSBC. |
| Job Evaluation (JE) results | Unfair Labour Practice (promotion) | 15 December 2017 | Awaiting arbitration award from GPSSBC. |
| Implementation of Occupation Specific Dispensation (OSD) | Interpretation and application of collective agreement | 21 July 2017 | Awaiting arbitration award. |
| Disciplinary sanction: suspension without pay | Unfair Labour Practice (unfair suspension) | 13 November 2017 | Arbitration adjourned to 11 & 12 September 2018. |
| Precautionary suspension | Unfair Labour Practice (unfair suspension) | 18 January 2017 | Arbitration adjourned to 5, 6 & 7 September 2018. |
| Leave payout | Unfair Labour Practice (Benefits) | 12 February 2018 | Matter withdrawn on 21 August 2018. |
| Discrimination during salary upgrades | Unfair Labour Practice (promotion) | 12 May 2017 | Awaiting ruling on jurisdiction. |
| Suspension | Unfair Labour Practice (unfair suspension) | 5 November 2017 | Part-heard matter. Commissioner has given the date of 17 September 2018 as the date for finalisation of the matter. |
| Dismissal | Unfair Dismissal | 6 February 2018 | Settlement agreement entered into with the applicants. Awaiting Ministerial approval. Minister has approved the submission. Human Resources unit to facilitate the JE process. |
| Conditions of employment | Unfair Labour Practice (conditions of employment) | 09May 2018 | Settlement agreement entered into with NEHAWU. The post is to be job evaluated. |
| Victimization | Unfair Labour Practice (occupational detriment). | 09 July 2018 | Awaiting arbitration date |
|  |  | Non-payment of pay progression | Unfair Labour Practice (Benefits) | 17 June 2018 | Awaiting award to be issued by the Arbitrator. |
|  |  | Payment of subsidized vehicle. | Unfair Labour Practice (Benefits) | 03 November 2017 | Arbitration scheduled for 3 October 2018. |

**(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?**

| **Q2(a)(i): Number of dismissed employees in the past five years** | **Q2(a)(ii): reason for dismissal for each employee** | **Q2(b)(i): employees paid severance packages** | **Q2(b)(ii): monetary value of each severance package** |
| --- | --- | --- | --- |
| Twenty two (22) | Employee 1: Fraud | None (0) | R0.00 |
| Employee 2: Fraud |
| Employee 3: Absenteeism and misuse of state vehicle |
| Employee 4: Gross insubordination |
| Employee 5: Fraud |
| Employee 6: Fraud |
| Employee 7: Assault |
| Employee 8: Abscondments |
| Employee 9: Assault |
| Employee 10: Absenteeism |
| Employee 11: Absenteeism |
| Employee 12: Abscondment |
| Employee 13: Fraud |
| Employee 14: Rhino poaching |
| Employee 15: Fraud |
| Employee 16: Timber theft |
| Employee 17: Fraud |
| Employee 18: Abscondment |
| Employee 19: Rhino poaching |
| Employee 20: threatening to kill supervisor and gross insubordination |
| Employee 21: Absenteeism |
| Employee 22: Fraud |

**ARC RESPONSE**

1. There are only two disputes in this category that are in superior courts of law in the ARC.
2. One is in the Labour Court regarding the calculation of interest in the past dispute. The other is in the High Court as a claim for consequential damages for dismissal.
3. The cause of the labour court dispute was the result of a finding by the CCMA that the failure to renew a fixed term contract amounted to a dismissal.
4. **a**. (i) 36 employees were dismissed and reasons are attached to the annexure to this document.

(ii)Reasons are attached as annexure to this document.

**b**. (i) The ARC has not offered any employee severance package during this period.

(ii)The question is not applicable.

**NAMC RESPONSE**

1. None
2. **(a)**(1) 4 Employees

(ii) Misconduct

**(b)** (i) None

(ii) None

**SAVC RESPONSE**

**1** (a) The SAVC does not have any current labour disputes.

**2** (a) (i) The SAVC had one (1) dismissal in the past (5) years; and

(ii) The employee was dismissed for Gross Misconduct due to gross continued abuse of organisation resources / property.

(b) (i) One (1) employee was paid a separation package subsequent to a settlement agreement during a disciplinary hearing; and

(ii) The monetary value of the voluntary separation package was R107 484.00 equivalent to three month’s salary.

**OBP RESPONSE**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **No** | **Cause of the dispute** | **Nature of dispute** | **Date reported** | **Date resolved** | **Outcome** |
| 1 | The employee was dismissed after an internal disciplinary hearing for being AWOL. | Employee alleged unfair dismissal and lodged a dispute at the CCMA. | April 2017 | On going | CCMA ruled in favour of OBP.  The employee has referred the matter to the Labour Court |
| 2 | The employee was suspended for gross violation of OBP manufacturing practices. | Employee lodged 2 cases of unfair suspension with CCMA | February 2017 | December 2017 | The CCMA ruled in favour of OBP on both occasions |
| 3 | The employee was dismissed for gross violation of OBP manufacturing practices. | Employee lodges a case with the CCMA for access to information | August 2017 | 28 February 2018 | The CCMA ruled in favour of OBP |
| 4 | The employee was dismissed for gross violation of OBP manufacturing practices. | Unfair dismissal lodged at CCMA | August 2017 | On going | The matter is set down for 30 August 2018 |
| 5 | Employee was dismissed for gross insubordination | Unfair dismissal | June 2017 | December 2017 | Matter settled |
| 6 | Employee was dismissed for not following quality procedures. | Unfair dismissal | February 2018 | June 2018 | Matter settled |
| 7 | Employee alleges unfair labour practice for equal pay for equal pay | Unfair labour dispute | February 2018 | On-going | Matter set down for 26 July 2018 and will continue on 10 and 11 September 2018 |
| 8 | Wage Bargaining | The Unions rejected the last offer from OBP and lodged an MMI with CCMA | July 2018 | Ongoing | The matter is set down for 24 August 2018 |
| 9 | Unfair dismissal | The employee refer the matter to the labour court | 2015 | On-going | The matter is set down for March 2019 |

**PPECB RESPONSE**

(1)  (a) The PPECB currently has one dispute that has been reffered to the CCMA.Details are depicted below:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **No.** | **(b)**  **Cause of Dispute** | **(c)**  **Nature of Dispute** | **(d)(i)**  **Date Reported** | **Date**  **CCMA** | **Outcome** | **Remarks** |
| 1 | Contract Employee has an expectation of permanent employment. | Section 198 of Labour Relations Act | 25-May-18 | 12-Jun-18 | Referred to arbitration. | Pending until 12 Sep-18 |

(2)  (a)(i) The table below depicts dismissals that occurred at the PPECB over a period of 5 years.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **(i)**  **Employee Nr** | **Dismissal Date** | | **(ii)**  **Reason for Dismissal** | **(b)**  **Severance Package** |
| 1 | 05/08/2013 | Misrepresentation | | R-nil |
| 2 | 09/05/2014 | Misrepresentation | | R-nil |
| 3 | 04/05/2015 | Misrepresentation | | R-nil |
| 4 | 21/05/2015 | Misrepresentation | | R-nil |
| 5 | 23/08/2016 | Misrepresentation | | R-nil |
| 6 | 25/05/2017 | Absconded and Dishonest | | R-nil |
| 7 | 09/06/2017 | Misrepresentation | | R-nil |
| 8 | 31/08/2017 | Inappropriate use of company property | | R-nil |
| 9 | 12/03/2018 | Material breach of contract | | R-nil |

It is worth noting that majority of the cases relates to misrepresentation meaning that people were dismissed for fraudulent claims relating to timesheets.