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| **MINISTRY OF COMMUNICATIONS REPUBLIC OF SOUTH AFRICA**  Private Bag X 745, Pretoria, 0001, Tel: +27 12 473 0164 Fax: +27 12 473 0585  Tshedimosetso House,1035 Francis Baard Street, Tshedimosetso House, Pretoria, 1000 |

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**QUESTION NO : 2326**

**2326. Mr P G Moteka (EFF) to ask the Minister of Communications:**

(1) (a) What number of labour disputes are currently being faced by (i) her department and (ii) the entities reporting to her, (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 her 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? NW2503E

**REPLY**

**DEPARTMENT OF COMMUNICATIONS**

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| **a. Total number of labour disputes** | **b. What is the cause of each dispute** | **c. what is the nature of each dispute** | **d. what date was each dispute**  **i) Reported** | **ii) Resolved** |
| 1 | Abscondment | Abscondment | 24 April 2018 | The employment contract was terminated and the employee lodged a dispute. This matter is currently pending. |

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| 1. **I). what number of employees have been dismissed by her department in the past five years** | **ii) what reason was each employee dismissed** | **b. i) what number of the specified employees were paid severance packages** | **ii) what was the monetary value of each severance package?** |
| 2018/2017- 0  2017/2016- 0  2016/2015- 1  2015/2014- 0  2014/2013- 0 | Abscondment | Not Applicable | Not Applicable |

**BRAND SOUTH AFRICA**

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| **a. Total number of labour disputes** | **b. What is the cause of each dispute** | **c. what is the nature of each dispute** | **d. what date was each dispute**  **(i) Reported** | **(ii) Resolved** |
| 1 | Dismissal for misconduct | Alleged unfair dismissal | 25 Aug 2017 | Currently ongoing |

1. Not applicable to Brand South Africa

**FILMS AND PUBLICATIONS (FPB)**

**1.**

| **a. Total number of labour disputes** | **b. What is the cause of each dispute** | **c. what is the nature of each dispute** | **d. what date was each dispute**  **i) Reported** | **ii) Resolved** |
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| **4** | Alleged Unfair Dismissal | **Employee One:**  The former employee alleges that he was procedurally and unfairly dismissed following having been found guilty at an internal hearing on a charge of theft of FPB material,  unauthorised access to a restricted area and dishonesty. | 04 October 2014 (CCMA referral) | No |
| Alleged Unfair Dismissal | **Employee Two:**  As per nature of dispute described for employee One above. | 26 October 2014 (CCMA referral) | No |
| Alleged Unfair Dismissal | **Employee Three:**  The former employee alleges that he was procedurally and substantively unfairly dismissed following the expiry of his contract as a Trainee Operations Manager – notwithstanding an offer of employment for his previous position still being in place. | 05 August 2015 (CCMA referral) | No |
| Unfair Labour Practice | **Employee Four:**  The employee alleges reasonable expectation for permanent employment which the employer contests | 14 November 2017 | No |

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| **a). what number of employees have been dismissed by her department in the past five years** | **ii) what reason was each employee dismissed** | **b. i) what number of the specified employees were paid severance packages** | **ii) What was the monetary value of each severance package?** |
| **2018/2017-** 0  **2017/2016-** 0  **2016/2015-** 0  **2015/2014-** 2  **2014/2013-** 0 | Theft of FPB material, unauthorised access to a restricted area and dishonesty.  **Note:** There was one other dismissal that occurred in 2014/15. However, this matter was referred to the CCMA and the staff member was reinstated in accordance with the arbitration award. This matter has not been formally reported in response to this question as the dismissal was overturned. Should further information on this case be required the FPB is very willing to provide such. | None | Not applicable. |

**GOVERNMENT COMMUNICATIONS AND INFORMATION SYSTEM (GCIS)**

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| **a. Total number of labour disputes** | **b. What is the cause of each dispute?** | **c. What is the nature of each dispute?** | **d. What date was each dispute?**  **i) Reported** | **ii) Resolved** |
| 3 | Resignation at GCIS and re-assumption of duty at the other department | Delay in payment of pension benefits | 5 April 2018 | GEPF paid the employee on 21 June 2018 |
| Alleged exclusion from shortlisting process | Unfair Recruitment and Selection Process | 10 May 2018 | Application withdrawn on 18 June 2018. |
| Alleged exclusion from shortlisting process | Unfair Recruitment and Selection Process | 30 June 2018 | Remains unresolved. This is the re-instatement of the matter as withdrawn on 18 June 2018 above. |

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| 1. **i). what number of employees have been dismissed by her department in the past five years?** | **ii) What reason was each employee dismissed?** | **b. i) What number of the specified employees were paid severance packages?** | **ii) What was the monetary value of each severance package?** |
| **2018/2017-** 2 | - Irregular appointment  - Voluntary abscondment | 0 | 0 |
| **2017/2016-** 1 | Absenteeism | 0 | 0 |
| **2016/2015-** 0 | Not Applicable | 0 | 0 |
| **2015/2014-** 1 | Fraudulent misrepresentation, use of departmental resources for private use, insolence and insubordination. | 0 | 0 |
| **2014/2013 -**1 | Failure to carry out instructions, Poor Performance, Absenteeism and Insolvent behaviour. | 0 | 0 |

**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA (ICASA)**

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| **a. Total number of labour disputes** | **b. What is the cause of each dispute** | **c. what is the nature of each dispute** | **d. what date was each dispute**  **i) Reported** | **ii) Resolved** |
| 31 | 1x Unfair Labour practice relating to Remuneration | The Employee took the matter to CCMA for unfair labour practice related to her pay. | 7 June 2018 | Matter dismissed by CCMA |
| 1x Unfair Labour practice relating to internal recruitment Processes | 1x Unfair Labour practice relating to internal recruitment. | 7 June 2018 | Matter Dismissed by CCMA. |
| 3x Matters relating to unfair Dismissal. | 3x Matters related to challenging fairness of the dismissal. | 1x 8 August 2018  2x pending finalisation at the CCMA. | Waiting for arbitration date from CCMA. |
| 1x Unfair Labour practice relating to disciplinary action | 1x Unfair Labour practice challenging the fairness of the Final written warning issued for Insubordination | 31 July 2018 | Dismissed by the CCMA |
| 1x Unfair Labour practice relating to Unfair Suspension | 1x Unfair Labour practice relating to Unfair Suspensionchallenging fairness of the suspension that was a result of gross insubordination | Conciliation finalised awaiting date for Arbitration | Awaiting for Arbitration date from CCMA |
| 2x Disciplinary matters relating to Misconduct | 2x Disciplinary matters relating to Misconduct pertaining to gross insubordination and gross negligence | 1x Finalised on the 14th August 2018 awaiting sanction from the presiding officer.  1x ongoing currently | Ongoing currently |
| 20x Grievances related to Performance Scores. | 20x Grievances related to Performance Scores wherein employees concerned were not satisfied with the final performance review scores. | 15 October 2018 | Resolved |
| 1x Matter currently at the High Court related to Unfair Dismissal | 1x Matter currently at the High Court related to Unfair Dismissal, wherein the employee was reinstated by CCMA and he is still challenging the fairness of the dismissal | Scheduled for May 2019 | Scheduled for May 2019 |
| 1x Matter currently at the labour Court related to Unfair Dismissal | 1x Matters currently at the labour Court related to Unfair Dismissal wherein the employee’s permanent employment was not confirmed post probation period due to poor performance | Parties are currently negotiating settlement | Parties are currently negotiating settlement |

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| 1. **I). what number of employees have been dismissed by her department in the past five years** | **ii) what reason was each employee dismissed** | **b. i) what number of the specified employees were paid severance packages** | **ii) What was the monetary value of each severance package?** |
| **2018/2017- 3** | 2018/2017   1. Relates to an employee who was dismissed for misconduct related to gross negligence and failing to obey a reasonable instruction. 2. Relates to an employee who was dismissed for misconduct related to gross insubordination. 3. Relates to any employee who was dismissed for gross negligence related to a loss of an ICASA vehicle. | None | None |
| **2017/2016 - 3** | 2017/16   1. Relates to 2 employees who was dismissed for cases related to theft of ICASA Assets. 2. Relates to an employee who was dismissed for Gross Negligence. | None | None |
| **2016/2015- 1** | 2016/2015  Relates to an employee who was dismissed for Gross Insubordination. | None | None |
| **2015/2014- 5** | 2015/2014   1. Relates to 2 employees who were dismissed for gross negligence related to SCM Processes 2. Relates to an employee who was dismissed for Gross Insubordination 3. Relates to an employee who was dismissed for Gross Misconduct and Poor Work Performance 4. Related to an employee who was charged for AWOL. | None | None |
| 2014/2013- 4 | 2014/2013   1. Relates to an employee who was dismissed for gross insubordination 2. Relates to an employee who was dismissed for Gross Negligence. 3. Relates to an employee who was charged failing to follow a reasonable instruction and Gross Insubordination. 4. Relates to an employee who was dismissed for Gross Insubordination. | None | None |

**MEDIA DEVELOPMENT AND DIVERSITY AGENCY (MDDA)**

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| **a. Total number of labour disputes** | **b. What is the cause of each dispute** | **c. what is the nature of each dispute** | **d. what date was each dispute**  **i) Reported** | **ii) Resolved** |
| 0 | Not Applicable | Not Applicable | Not Applicable | Not Applicable |

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| 1. **I).what number of employees have been dismissed by her department in the past five years** | **ii) what reason was each employee dismissed** | **b. i) what number of the specified employees were paid severance packages** | **ii) what was the monetary value of each severance package?** |
| **2017/18 -** 0 | Not Applicable | Not Applicable | Not Applicable |
| **2017/16 -** 0 | Not Applicable | Not Applicable | Not Applicable |
| **2016/15 -** 0 | Not Applicable | Not Applicable | Not Applicable |
| **2015/14 -** 0 | Not Applicable | Not Applicable | Not Applicable |
| **2014/13 –** 0 | Not Applicable | Not Applicable | Not Applicable |

**SOUTH AFRICAN BROADCASTING CORPORATION (SABC)**

**1.**

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| **a. Total number of labour disputes** | **b. What is the cause of each dispute** | **c. what is the nature of each dispute** | **d. what date was each dispute**  **i) Reported** | **ii) Resolved** |
| 3 | * Wage Negotiations * Medical Aid Fraud * Dismissal of Audience Services Division (ASD) Employees | CCMA Dispute  CCMA/Labour Court/Criminal Charges  Arbitration | July 2018  April 2016  June 2018 | These cases are all on going |

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| 1. **i). what number of employees have been dismissed by her department in the past five years** | **ii) what reason was each employee dismissed** | **b. i) what number of the specified employees were paid severance packages** | **ii) what was the total monetary value of severance package?** |
| **2018/2017- 14** | Absconded – 5  Dishonesty – 1  Insubordination – 3  Misconduct – 5 | No severance packages paid | Not Applicable |
| **2017/2016- 118** | Absconded – 2  Absenteeism – 2  Bribery/Corruption – 1  Dishonesty – 101  Incompatibility – 1  Insubordination – 7  Misconduct – 4 | 17 | R60 500.00 |
| **2016/2015- 9** | Dishonesty – 2  Incapacity – 1  Insubordination – 1  Misconduct – 5 | 2 | R768 175.82 |
| **2015/2014- 9** | Absconded – 1  Absenteeism – 1  Dishonesty – 2  Incapacity – 1  Insubordination – 1  Misconduct – 3 | 2 | R318 979.04 |
| **2014/2013- 8** | Absenteeism – 2  Dishonesty – 1  Incapacity – 1  Misconduct – 3  Rules non-compliance – 1 | 2 | R9 614.73 |

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**Dr Mashilo Boloka (PH.D)**

Department of Communications – Director-General (Acting)

**Date:**

**Approved/ Not approved**

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**Ms. N.P Mokonyane, MP**

Minister of Communications

Date: