

**MINISTRY**

**PUBLIC WORKS**

**REPUBLIC OF SOUTH AFRICA**

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**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION NUMBER: 2332 [NW2509E]**

**INTERNAL QUESTION PAPER NO.: No. 23 of 2018**

**DATE OF PUBLICATION: 17 AUGUST 2018**

**DATE OF REPLY: AUGUST 2018**

**2332. Ms L Mathys (EFF) asked the Minister of Public Works:**

(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? **NW2509E**

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**The Minister of Public Works:**

**REPLY:**

1. (a) (i) The Department of Public Works is currently dealing with 16 labour disputes.

(a) (ii) See second table below in respect of information pertaining to the entities.

|  |  |  |  |
| --- | --- | --- | --- |
| **(b) The cause of each dispute** | **(c) The nature of each dispute** | **(d) (i) Date each dispute was reported**  | **(d) (ii) date of resolution of dispute** |
| Application and interpretation of a collective agreement  | No translation of OSD to Professional Quantity Surveyor | 2018-03-05 | 2018-04-03 |
| Unfair Labour Practice with respect to Promotion | No shortlisting done | 2017-11-30 | Arbitration in progress |
| Unfair Labour practice with respect to benefits | No upgrading to another level | 2018-02-19 | 2018-05-31 |
| Unilateral change to terms and condition of employment | Non-agreed transfer to another regional office | 2018-04-12 | 2018-08-15 |
| Unfair labour practice with respect to Promotion | No shortlisting done | 2018-02-21 | Arbitration in progress |
| Unfair labour practice with respect to Promotion | No shortlisting done | 2018-04-16 | 2018-08-06 |
| Misconduct  | Unfair dismissal | 2018-04-09 | Arbitration in progress |
| Misconduct | Unfair suspension | 2018-03-16 | Arbitration in progress |
| Unfair Labour practice with respect to Promotion | No shortlisting done | 2018-05-24 | 2018-07-20 |
| Payment of OSD grade progression  | Application and interpretation of a collective agreement | 2018-06-19 | Arbitration in progress |
| Unfair labour practice with respect to Promotion | No shortlisting done | 2017-12-14 | 2018-04-13 |
| Unfair labour practice with respect to Promotion  | No Implementation of retention conditions | 2018-04-24 | Awaiting arbitration award |
| Unfair Labour practice with respect to Promotion  | Non-appointment | 2018-06-08 | Arbitration in progress |
| Unfair labour practice with respect to Promotion  | Non-appointment | 2017-07-16 | Arbitration in progress |
| Application and interpretation of a collective agreement | Declined Incapacity leave | 2018-08-24 | 2018-09-17 |
| Application and interpretation of a collective agreement | Non- payment of overtime exceeded 30% threshold | 2018-08-24 | 2018-09-17 |

 (2) (a)(i) A total number of 30 employees were dismissed in the last five years:

* 13 employees in 2014;
* 6 in 2015;
* 7 in 2016;
* 4 in 2017.
* 11 employees were dismissed for absenteeism;
* 5 for theft;
* 5 for the appointment of service providers without following due procurement processes;
* 4 for fraud and misrepresentations;
* 3 for corruption/bribery;
* 1 for abuse of a State vehicle;
* 1 for unlawful benefitting from the service provider.

(b)(i) None of the employees dismissed received a severance packages.

(ii) Falls away.

**(1) (a) (ii) Information in respect of the entities:**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Name of Entity** | **No. of labour disputes** | **b)****Cause of each dispute** | **c)****Nature of Dispute** | **d)i)****Date each dispute was reported** | **d)ii)****Date each dispute was resolved** |
| **Agrément South Africa** |
| ASA | Nil | N/A | N/A | N/A | N/A |
| **Total** | **0** |
|  **Council for the Built Environment** |
| CBE | 2 | Employees release after expiry of their contracts  | Expiry of Contracts | CCMA ruling received on 8 June 2016     | Matter unresolved pending Labour Court date.  Date of lodgement 22 June 2016. |
| 1 | Unfair dismissal | The former CEO lodged a claim first to CCMA and after to the labour court about her disputing the Council resolution to dismiss her after a long disciplinary process. | CCMA ruling received on 19 October 2016.  Arbitration notice received on 11 April 2017.   |  Case was reported to the labour court by the former CEO on 4 September 2017. Matter unresolved pending Labour Court date.   |
| **Total** | **3** |
|  **Construction Independent Development Board** |
| CIDB | 1 | Employee failed to record leave days causing fruitless and wasteful expenditure. | Dishonesty | 17/05/18 | 16/08/2018Employee resigned and subsequently withdrew case. |
|  | 1 | Cidb instituted civil proceeding to recover the money from ex- employees provident fund pay-out. | Civil Proceedings  | 31/07/18 | In progress |
| 1  | Employer recovered paid bursary funds upon employee resignation, as per the terms and conditions of the study contract and policy. | Employee instituted a dispute unfair labour practice, upon employer recovering paid bursary fund. | 28/ 06/18 | In progress, arbitration set-down for 10 October 2018. |
| 1 | Employee failed to record leave taken. It was later discovered that they were submitting fraudulent medical certificate. | Dishonesty | 29/08/18 | Employee resigned with immediate effect on the day of disciplinary hearing (29 August 2018). |
| 1 | Cidb instituted civil proceeding to recover the money from ex- employee’s provident fund pay-out. | Civil proceeding  | 17/09/2018 | In progress |
| 1 | Dispute over job grading disparities between help- desk and admin clerk positions. | NEHAWU instituted a dispute unfair labour practice | 27/07/18 | Set-down 25/09/18 |
| **Total** | **6** |
|  **Independent Development Trust** |
| **Name of Entity** | **No. of labour disputes** | **b)****Cause of each dispute** | **c)****Nature of Dispute** | **d)i)****Date each dispute was reported** | **d)ii)****Date each dispute was resolved** |
| IDT | 1 | Salary Negotiation  | Salary negotiation deadlock | 29 July 2018 | 06 September 2018 |
| **Total** | **1** |