**PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION NO: 2336**

**DATE OF PUBLICATION: 17 August 2018**

**QUESTION PAPER NO: 23**

**DATE OF REPLY:**

**Ms V Ketabahle (EFF) to ask the Minister of Telecommunications and Postal Services:**

(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?

NW2513E

**REPLY:**

**I have been informed by the Department as follows:**

**DEPARTMENT:**

|  |  |  |  |
| --- | --- | --- | --- |
| **1(a)(i) Number of Labour Disputes** | **(b) What is the cause of the each dispute** | **(c) What is the nature of each dispute** | **(d) On what date was each dispute (i) reported (ii) resolved** |
| The Department currently faces with **two** **(2)** labour disputes – one (1) for unfair dismissal and one (1) unfair labour practice relating to salary. | One (1) employee was dismissed due to misconduct.  One (1) employee is alleging that the Department should pay him salary notches | Dismissal due to misconduct.  Unfair labour practice due to payment of salary notches | 1. The unfair dismissal was reported on 1 August 2018.   The unfair labour practice was reported on 27 February 2018.   1. With regard to the unfair dismissal was dismissed by the General Public Service Sector Bargaining Council (GPSSBC) and the employee applied for rescission.   With regard to the unfair labour practice dispute, the employee applied for condonation and the case is ongoing. |

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| --- | --- | --- | --- |
| **2(a)(i) What number of employees have been dismissed by his department in the past five years** | **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?** |
| **Eight (8)** employees have been dismissed during the past five (5) years | **Employee** 1 - Contravention of procurement policies and procedures  **Employee 2** – Falsification of qualifications  **Employee 3** – Procurement irregularities  **Employee 4** –Procurement irregularities  **Employee 5** – Irregular appointments  **Employee 6** - failing to present proper and lawful delegations of authority to the Minister; failing to manage her relationship with DDGs which had largely contributed to the Department becoming dysfunctional and resulted in paralysis; and failing to support and recognise the role of the Minister which led to the complete breakdown in the trust relationship which was placed in her as the most senior public servant in the Department.  **Employee 7** – Breach of trust, gross negligence and prejudice of administration.  **Employee 8** – Failing to comply with lawful instructions, utilisation of official passport for personal use | No severance packages were paid to employees | Not applicable |

**ENTITIES:**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Name of entity** | **1(a)(i) Number of Labour Disputes** | **(b) What is the cause of each dispute** | **(c) What is the nature of each dispute** | **(d) On what date was each dispute (i) reported** | **1 (d) (ii)Date dispute resolved** |
| **Sentech** | 1 | Former employee lodged a sexual harassment claim against a former employee of Sentech | At labour court awaiting finalisation | 18-03- 2015 | Pending |
|  |  |  |  |  |  |
| **Broadband Infraco (BBI)** | 1 | Constructive dismissal | Unfair dismissal | 02-08-2018 | CCMA-Ongoing |
|  |  |  |  |  |  |
| **State Information Technology Agency (SITA)** | 20 | Dismissal (retirement) | Unfair discrimination (age) | 22-11- 2017 | 29-05-2018 |
|  |  | Dismissal (misconduct) | Unfair dismissal | 29-11-2017 | Ongoing |
|  |  | Dismissal (misconduct) | Unfair dismissal | 04-12-2017 | Ongoing |
|  |  | Dismissal (misconduct) | Unfair dismissal | 12-01-2018 | Ongoing |
|  |  | Dismissal (misconduct) | Unfair dismissal | 13-02-2018 | Ongoing |
|  |  | Dismissal (protected disclosure) | Unfair dismissal | 08-03-2018 | 11-06-2018 |
|  |  | Dismissal (misconduct) | Unfair dismissal | 26-03-2018 | Ongoing |
|  |  | Dismissal (misconduct) | Unfair dismissal | 27-03-2018 | Ongoing |
|  |  | Non-renewal of contract | Unfair dismissal | 23-04-2018 | 14-06-2018 |
|  |  | Dismissal (misconduct) | Unfair dismissal | 02-05-2018 | Ongoing |
|  |  | Dismissal (misconduct) | Unfair dismissal | 09-05-2018 | Ongoing |
|  |  | Non-renewal of contract | Unfair dismissal | 28-05-2018 | 01-07-2018 |
|  |  | Dismissal (misconduct) | Unfair dismissal | 13-06-2018 | Ongoing |
|  |  | Dismissal (misconduct) | Unfair dismissal | 13-06-2018 | Ongoing |
|  |  | Retirement age dispute | Unfair discrimination (age)l | 18-06-2018 | Ongoing |
|  |  | Dismissal (misconduct) | Unfair dismissal | 20-06-2018 | Ongoing |
|  |  | Dismissal (disability) | Unfair discrimination (disability) | 03-07-2018 | Ongoing |
|  |  | Dismissal (misconduct) | Unfair dismissal | 18-07-2018 | Ongoing |
|  |  | Suspension | Unfair labour practice | 23-07-2018 | 02-08-2018 |
|  |  | Dismissal (absenteeism) | Unfair dismissal | 07-08-2018 | Ongoing |
|  |  |  |  |  |  |
| zaDNA | Nil | NA | NA | NA | NA |
|  |  |  |  |  |  |
| Nemisa | 3 | Reasonable expectation of contract extension | Unfair dismissal | 26-09-2017 | Pending |
|  |  | Unfair conduct in relation to a promotion | Unfair labour Practice | 26-09-2017 | Pending |
|  |  | Unfair conduct in relation to suspension | Unfair labour Practice | 20-03-2017 | Pending |
|  |  |  |  |  |  |
| Universal Service and Access Agency of South Africa (USAASA) | 4 | Improperly and unlawfully recommendation to appoint a service provider; intentionally refuse to sign purchase order; ignorance/no knowledge of Regulation 32; providing contradictory advice; failure to advise and ensuring compliance with USAASA Supply Chain Management (SCM) policy | Gross misrepresentation; gross insubordination; gross dishonesty; gross negligence; gross misconduct | 10-02-2018 | September 2018 |
|  |  | Improperly and unlawfully prepared a submission for salary notch payments for 2012/13 and 2013/2014 financial years | Gross dishonesty; serious misconduct;  Fraud; gross negligence | 14-03-2018 | Pending |
|  |  | Improperly and unlawfully prepared a submission for salary notch payments for 2012/13 and 2013/2014 financial years | Gross dishonesty; serious misconduct; gross negligence; dereliction of duties | 27-03-2018 | Pending |
|  |  | Fraudulent use of leave policy; misrepresenting and altering minutes of the Board; altering the governance agreement for 2016/17; misrepresenting the status of Set Top Boxes and antennas; etc. | Gross dishonesty; dereliction of duties; gross insubordination; gross incompetence; contravention of Public Finance Management Act; breach of conditions of employment | 09-04-2018 | Pending |
|  |  |  |  |  |  |
| SAPO | 62 | Misconduct | Dismissal | 24 August 2018 | Pending |
|  |  | Misconduct | Dismissal | 21 August 2018 | Pending |
|  |  | Misconduct | Dismissal | 24 August 2018 | Pending |
|  |  | Misconduct | Dismissal | 28 February 2018 | Pending |
|  |  | Misconduct | Dismissal | 22 November 17 | 16 July 2018 |
|  |  | Promotion | Unfair Labour Practice | 25 May 2018 | Pending |
|  |  | Misconduct | Dismissal | 12 June 2018 | Pending |
|  |  | Misconduct | Dismissal | 10 July 2018 | Pending |
|  |  | Pay difference | Discrimination | 18 July 2018 | 18 July 2018 |
|  |  | Misconduct | Dismissal | 26 July 2018 | Pending |
|  |  | Misconduct | Dismissal | 17 July 2018 | 17 July 2018 |
|  |  | Misconduct | Dismissal | 20 July 2018 | Pending |
|  |  | Misconduct | Dismissal | 14 August 2018 | Pending |
|  |  | Misconduct | Dismissal | 2 August 2018 | Pending |
|  |  | Salary increase | Mutual Interest | 21 June 2018 | 17 July 2018 |
|  |  | Pay discrimination | Equal Pay | 27 September 2018 | Pending |
|  |  | Promotion | Unfair Labour Practice | 31 October 2017 | Pending |
|  |  | Misconduct | Dismissal | 30 May 2018 | Pending |
|  |  | Non-implementation of agreement | Interpretation of agreement | 30 May 2018 | Pending |
|  |  | Not paid accounting allowance | Acting Allowance | 27 June 2018 | Pending |
|  |  | Pay discrimination | Equal Pay | 9 July 2018 | Pending |
|  |  | Misconduct | Unfair Labour Practice | 9 July 2018 | Pending |
|  |  | Misconduct | Dismissal | 3 July 2018 | 20 July 2018 |
|  |  | Misconduct | Dismissal | 21 August 2018 | Pending |
|  |  | Misconduct | Dismissal | 25 June 2018 | Pending |
|  |  | Not granted organisational rights | Organisation Rights | 25 June 2018 | Pending |
|  |  | Misconduct | Dismissal | 14 August 2018 | Pending |
|  |  | Misconduct | Dismissal | 19 March 2018 | 27 July 2018 |
|  |  | Promotion | Unfair Labour Practice | 12 June 2018 | 30 July 2018 |
|  |  | Misconduct | Dismissal | 23 October 2018 | Pending |
|  |  | Misconduct | Dismissal | 9 April 2018 | Pending |
|  |  | Misconduct | Dismissal | 7 June 2018 | Pending |
|  |  | Misconduct | Dismissal | 28 June 2018 | Pending |
|  |  | Misconduct | Dismissal | 11 April 2018 | Pending |
|  |  | Misconduct | Dismissal | 5 May 2018 | Pending |
|  |  | Misconduct | Dismissal | 18 May 2018 | Pending |
|  |  | Misconduct | Dismissal | 21 June 2018 | Pending |
|  |  | Misconduct | Dismissal | 15 June 2018 | Pending |
|  |  | Misconduct | Dismissal | 20 July 2018 | 20 July 2018 |
|  |  | Misconduct | Dismissal | 5 July 2018 | Pending |
|  |  | Misconduct | Dismissal | 30 May 2018 | Pending |
|  |  | Misconduct | Dismissal | 11 July 2018 | Pending |
|  |  | Misconduct | Dismissal | 25 May 2018 | Pending |
|  |  | Unequal pay | Equal Pay | 11 June 2018 | Pending |
|  |  | Misconduct | Dismissal | 6 July 2018 | 23 July 2018 |
|  |  | Misconduct | Dismissal | 20 July 2018 | Pending |
|  |  | Misconduct | Dismissal | 26 July 2018 | Pending |
|  |  | Misconduct | Dismissal | 20 July 2018 | Pending |
|  |  | Promotion | Unfair Labour Practice | 24 July 2018 | Pending |
|  |  | Misconduct | Dismissal | 12 July 2018 | Pending |
|  |  | Misconduct | Dismissal | 13 August 2018 | Pending |
|  |  | Severance pay | Unfair Labour Practice | 10 October 2018 | Pending |
|  |  | Misconduct | Dismissal | 28 June 2018 | Pending |
|  |  | Misconduct | Dismissal | 13 June 2018 | Pending |
|  |  | Misconduct | Dismissal | 25 June 2018 | Pending |
|  |  | Misconduct | Dismissal | 13 June 2018 | Pending |
|  |  | Misconduct | Dismissal | 17 August 2018 | Pending |
|  |  | Misconduct | Dismissal | 9 July 2018 | Pending |
|  |  | Misconduct | Dismissal | 3 August 2018 | Pending |
|  |  | Misconduct | Dismissal | 26 June 2018 | 17 July 2018 |
|  |  | Misconduct | Dismissal | 20 April 2018 | 20 July 2018 |
|  |  | Misconduct | Dismissal | 20 July 2018 | 20 July 2018 |