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**THE NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**2338. Mrs EN Ntlangwini (EFF) to ask the Minister of Trade and Industry:**

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;

**Department:**

| **QUESTION 1(a)(i)** | **QUESTION 1(b)** | **QUESTION 1(c)** | **QUESTION 1(d)(i)** | **QUESTION 1(d)(ii)** |
| --- | --- | --- | --- | --- |
| 13 | 1. The Applicant claims that he applied for a promotional post and was not shortlisted | Unfair Labour Practice: S186(2)(a) - Promotion | 4/05/2018 | Pending |
| 1. The Applicant claims that he applied for a promotional post and was not shortlisted | Unfair Labour Practice: S186(2)(a) - Promotion | 4/05/2018 | Pending |
| 1. The Applicant was subjected to an informal disciplinary enquiry and he was not satisfied with the sanction that issued to him. | Alleged unfair suspension or other disciplinary action short of dismissal | 5/07/2018 | Pending |
| 1. The Applicant was dismissed after he was subjected to a formal disciplinary enquiry. | Alleged unfair dismissal | 04/11/2016 | Pending |
| 1. The Applicant was subjected to an informal disciplinary enquiry and he was not satisfied with the sanction that issued to him. | Alleged unfair suspension or other disciplinary action short of dismissal | 04/11/2016 | Pending |
| 1. The Applicant’s post was job evaluated and she is not happy with the outcome thereof. | Unfair Labour Practice: S186(2)(a) - Promotion | 29/10/2017 | Pending |
| 1. The Applicant claims that she is entitled to a special performance bonus. | Unfair Labaour Practice : S186(2)(a) - Benefits | 10/11/2017 | Pending |
| 1. The Applicant claims that he applied for a promotional post and was not shortlisted | Unfair Labour Practice: S186(2)(a)-Promotion | 16/05/2018 | Pending |
| 1. The Applicant claims that her fixed term contract was not renewed and she deems it as an unfair dismissal. | Unfair dismissal / Non-renewal of a fixed term contract | 14/6/2018 | Pending |
| 1. The Applicant claims that her fixed term contract was not renewed and she deems it as an unfair dismissal. | Unfair dismissal / Non-renewal of a fixed term contract | 14/6/2018 | Pending |
| 1. The Applicant was dismissed after he was subjected to a formal disciplinary enquiry. The matter is currently at the Labour Court | Alleged Unfair Dismissal | 18/11/2015 | Pending |
| 1. The Applicant was dismissed after he was subjected to a formal disciplinary enquiry. The matter is currently at the Labour Court | Alleged Unfair Dismissal | 18/11/2015 | Pending |
| 1. The Applicant Absconded herself from the Public Services, in terms of Section 17(3)(a)(i). The matter is currently at the Labour Court | Section 17(3)(a)(i) dismissal | 05/06/2017 | Pending |

| **Entity** | **(1)(a)(ii)** | **(1)(a)(ii) (b)** | **(1)(a)(ii)(c)** | **(1)(a)(ii)(d)(i)** | **(1)(a)(ii)d(ii)** |
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| **Companies and Intellectual Property Commission (CIPC)** | The CIPC currently has 8 labour disputes | Alleged unhappiness from employees | Unfair conduct relating to promotion (OSD) | 19/11/2014 | Pending |
| Unfair conduct relating to promotion | 29/08/2017 | 01/02/2018 |
| Unfair conduct relating to benefits | 04/12/2017 | Pending |
| Unfair Labour Practice relating to acting allowance | 06/03/2018 | Pending |
| Non-appointment to post | 23/01/2018 | Pending |
| Unfair labour practice relating to disciplinary action short of dismissal | 14/06/2018 | Pending |
| Interpretation / Application of Collective Agreement | 28/06/2018 | 06/08/2018 |
| Unilateral change to terms & conditions of employment | 08/03/2018 | Pending |
| **Companies Tribunal (CT)** | The CT does not have any labour disputes currently | Not applicable | Not applicable | Not applicable | Not applicable |
| **Export Credit Insurance Corporation (ECIC)** | The ECIC does not have any labour disputes currently | Not applicable | Not applicable | Not applicable | Not applicable |
| **National Consumer Commission (NCC)** | The NCC currently has 1 labour dispute | Intimidation | Refusal by Executive Manager to allow an employee to speak to an ex-employee who came to collect his personal belongings from the office | 23/02/2018 | It was investigated and witnesses were non-cooperative during investigation. The matter is finally set down for conciliation/hearing on 30/08/2018 within the NCC structures |
| **National Consumer Tribunal (NCT)** | The NCT does not have any labour disputes currently | Not applicable | Not applicable | Not applicable | Not applicable |
| **National Credit Regulator (NCR)** | The NCR currently has 4 labour disputes | Employee was charged with insubordination and violation of NCR policies | Employee referred the matter to the High Court instead of CCMA alleged unfair dismissal | 01/2018 | Awaiting court date |
| Employee was dismissed for assaulting fellow employee | Employee has referred the matter to the CCMA citing unfair dismissal | 06/2017 | No hearing date as yet |
| Dereliction of duties  Confidentiality breach. Employee was suspended pending investigation | Employee has referred the matter to the CCMA citing unfair suspension/  disciplinary action | 08/2018 | Hearing date is 30/08/2018 |
| Non-payment of performance bonus to employee who is no longer employed by NCR | The employee has referred the matter to CCMA alleging unfair conduct | 07/2018 | Hearing date is 21/08/2018 |
| **National Empowerment Fund (NEF)** | The NEF currently has 1 labour dispute | Dismissal was the cause of the dispute | Employee claims unfair dismissal and the matter is at the CCMA | 10 July 2018 | Not yet resolved |
| **National Gambling Board (NGB)** | The NGB does not have any labour disputes currently | Not applicable | Not applicable | Not applicable | Not applicable |
| **National Lotteries Commission (NLC)** | The NLC has 3 labour disputes currently | Salary Benchmarking | Interpretation & Application of Collective Agreement. LRA –Sec 24(2), [24(5)] | 18/10/2017 | Matter part-heard on the 28 & 29 May 2018 and postponed to 23 & 24 July 2018. |
| Failure to sign Employment Contract | Unfair Dismissal – LRA Sec 186(1)(a) - Termination of Contract with or without notice. | 09/01/2018 | Matter postponed affording parties an opportunity to settle the matter on their own. Arbitration set downs scheduled for 25 – 26/07/ 2018. |
| Termination of Contract | Unfair Labour Practice  LRA – Sec 186(1)(b) | 28/09/2017 | Matter heard on the 21st of June 2018 and both parties were ordered to submit written arguments on or before the 29th of June 2018 |
| **National Metrology Institute of South Africa (NMISA)** | The NMISA currently has 1 labour dispute | NMISA Remuneration Policy states that in cases where an employee‘s current pay is above the maximum, there will not be a reduction in salary, but the salary will be managed over time to be within the applicable salary scale. One employee whose salary would have been above the maximum of his job level was not satisfied with a reduced cost-of-living adjustment percentage he received in 2017 | The employee was still not satisfied after the internal processes were followed. The matter was subsequently referred to the CCMA alleging unfair labour practice. | 18/04/2018 | The matter is not yet resolved, NMISA is awaiting a date from the CCMA |
| **National Regulator For Compulsory Specifications (NRCS)** | The NRCS currently has 5 labour disputes | Gross misconduct, Insolence and Intimidation | Gross misconduct, Insolence and Intimidation | 06/04/2018 | 02/07/2018 |
| Gross Misconduct | Gross Misconduct | 03/07/2018 | Awaiting arbitration date |
| Gross Misconduct | Gross Misconduct | 0/03/2018 | Disciplinary in progress |
| Gross Misconduct | Gross Misconduct | 27/11/2017 | 02/07/2018 |
| Gross Misconduct | Gross Misconduct | 01/10/2016 | Matter referred to Labour Court |
| **South African Bureau of Standards (SABS)** | The SABS does not have any labour disputes currently | Not applicable | Not applicable | Not applicable | Not applicable |
| **South African National Accreditation System (SANAS)** | The SANAS currently has 2 labour disputes | 2018 Salary Increase Bargaining | * Existing Majority Agreement not valid due to 2 above. Whilst the Union is sufficiently represented, it does not enjoy the Majority status as of March 2018. * The Labour Union was not in agreement with numbers relating to their membership and requested reconciliation to be sent to them which was done * On receipt of the numbers they responded with a demand that we continue with the negotiations disregarding the issue of the Majority Status which we were not in agreement with | 08/08/2018 | Matter is still in progress |
| Recouping of Monies Owed – No Work No Pay | Union Members went on strike for 7 days in 2017 and “no work no pay” principles were agreed on | 04/06/2018 | Matter is still in progress |

(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?NW2515E

**Department:**

| **QUESTION 2(a)(i)** | **QUESTION 2(a)(ii)** | **QUESTION 2(b)(i)** | **QUESTION 2(b)(ii)** |
| --- | --- | --- | --- |
| The Department dismissed sixteen (16) officials during the past five (5) financial years | 1. Theft of Departmental funds | nil | nil |
| 1. Non-compliance with the conflict of interest policy |
| 1. Failure to disclose Information |
| 1. Fraud |
| 1. Abscondment in terms of S17(3)(a)(i) |
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| 1. Bribery and conflict of interest |
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| 1. Fraud and forgery |
| 1. Misrepresentation and dishonesty |
| 1. Abscondment in terms of S17(3)(a)(i) |
| 1. Abscondment in terms of S17(3)(a)(i) |
| 1. Fraud |  |  |
| 1. Abscondment in terms of S17(3)(a)(i) |  |  |
| 1. Abscondment in terms of S17(3)(a)(i) |  |  |

*"Except as explicitly state herein the Ministry: Department of Trade and Industry* ***(the******dti)*** *does not express an opinion in respect of any factual representations. The opinion /memo provided  is limited to the matters stated in it and may not be relied on upon by any person outside* ***the dti*** *or used for any other purpose neither in its intent or existence. It must not be disclosed to any other person without prior written approval other than by law. Nothing contained herein shall be construed as limiting the rights of* ***the dti*** *to defend or oppose any claim or action against* ***the dti****."*