###### National Assembly

Question Number: 3650

**Mr M S F de Freitas (DA) to ask the Minister of Transport:**

(a) How many persons have been suspended with full pay within (i) her department and (ii) all entities reporting to her in the (aa) 2012-13, (bb) 2013-14 and (cc) 14-15 financial years and (b) in each specified case, what (i) is the value of these payments for each month by (aa) her department and (bb) all entities reporting to her, (ii) are the reasons for (aa) these suspensions and (bb) the delay in resolving these matters, (iii) is being done to resolve these matters and (iv) are the reasons to suspend persons with full pay? NW4317E

**Reply:**

**Department of Transport**

a) How many persons have been suspended with full pay within (i) her department.

(aa) 2012/13 financial year – None

(bb) 2013/14 financial year – One (1) employee

(cc) 2014/15 financial year – Five (5) employees

(b) in each specified case, what (i) is the value of these payments for each month by

(aa) her department

|  |
| --- |
| **2013/2014 FINACIAL YEAR** |
| **NAME** | **MONTH** | **VALUE OF PAYMENTS** |
| Mr Rajesh Jock | May 2013 | R0 |
|  | June | R77 356.42 |
|  | July | R94 116.98 |
|  | August | R94 116.98 |
|  | September | R153 559.29 |
|  | October | R94 116.98 |
|  | November | R94 116.98 |
|  | December | R94 116.98 |
|  | January 2014 | R94 116.98 |
|  | February | R94 116.98 |
|  | March | R94 116.98 |
| **TOTAL** | **R 983 851.49** |
| **2014/2015 FINACIAL YEAR** |
| **Mr Rajesh Jock** | April 2014 | R138 386.61 |
| **TOTAL** | **R138 386.61** |
|  |  |
| **Mr B C Hlabisa** | July 2014 | R118 521.91 |
|  | August 2014 | R124 311.78 |
|  | September 2014 | R53 130.51 |
| **TOTAL** |  | **R295 964.20** |
|  |  |  |
| **Mr V Ndwamato** | October 2014 | R27 974.57 |
|  | November 2014 | R70 907.76 |
|  | December | R70 907.76 |
|  | January | R70 907.76 |
|  | February | R23 312.74 |
| **TOTAL** |  | **R264 010.00** |
|  |  |  |
| **Mr B Maphalela** | October 2014 | R16 478.74 |
|  | November 2014 | R41 769.04 |
|  | December 2014 | R41 769.04 |
|  | January 2015 | R41 769.04 |
|  | February 2015 | R13 732.29 |
| **Total** |  | **R155 518.14** |
|  |  |  |
| **Ms L Mahlangu** | October 2014 | R36 545.71 |
|  | November 2014 | R37 020.79 |
|  | December 2014 | R37 020.79 |
|  | January 2015 | R37 020.79 |
|  | February 2015 | R13 741.90 |
| **Total** |  | **R161 349.96** |
| **GRAND TOTAL** |  | **1 999 080.41** |

 (ii) are the reasons for (aa) these suspensions

The Department received allegations of serious misconduct which warranted precautionary suspensions,

(bb) the delay in resolving these matters (iii) is being done to resolve these matters

The delays were caused by investigations; however the suspension were uplifted after the 60 days lapsed as per the provisions of the Disciplinary Code & Procedure. The Department is addressing capacity to deal with these matters,

(iv) are the reasons to suspend persons with full pay?

**Answer:** The Disciplinary Code & Procedure provides that precautionary suspension is with full pay.

**Airports South Africa SOC Limited (ACSA)**

The Airports Company South Africa, suspended people pending investigations and disciplinary action during the review period as follows:

1. (aa) 2012/13, During this period nine (9) people were suspended at the average period of about 3 months (92 days).
2. All cases were concluded and outcome reached during this year within the timeframes targeted to investigate and resolve such matters.
3. The total value of the salaries paid to the 9 people during the period of suspensions amounted to R 286 889.90.
4. (aa) 2013/14, During this period 19 people were suspended at the average period of about 3 months (95 days).
5. All cases were concluded and outcome reached during this year within the timeframes targeted to investigate and resolve such matters.
6. The total value of the salaries paid to the 19 people during the period of suspensions amounted to R 880 462.11.
7. (aa) 2014/15, During this period 34 people were suspended at the average period of about 3 months (77 days).

(b) All cases were concluded and outcome reached during this year within the timeframes targeted to investigate and resolve such matters.

1. The total value of the salaries paid to the 34 people during the period of suspensions amounted to R 2 298 887.60.

(ii) The reason of suspensions during investigation and conclusion in the period under review are listed below:

* Assault
* Breach of policy
* Collusion
* Concealment of information
* Damage to property
* Desertion of post
* Dishonesty
* Embezzlement of funds
* Forging of sick note
* Fraud
* Gross negligence and/or
* Competence, violation of policy.
* Illegal micro lending
* Insubordination
* Intimidation, abusive and Insulting
* Misrepresentation
* Misuse of property
* Non-disclosure of criminal record
* Sleeping on duty
* Tempering
* Theft
* Unacceptable conduct
* Unauthorised conduct
* Use of foul and insulting language

Conclusion of disciplinary action during the requested review period

(bb) All of the suspension cases for the period under review have been finalised and there were no delays in investigating and finalising disciplinary processes. Outcomes of majority of the disciplinary processes mainly resulted in decisions of:

* Dismissed
* Acquitted
* Final written warning

**South African Civil Aviation Authority (SACAA)**

1. (i) N/A

(ii) the South African Civil Aviation Authority suspensions are listed below for

(aa) None for 2012/13,

(bb) None for 2013/14; and

(cc) as per below table. (ii) (aa) (bb) (iii) and (iv) are stated in the table below.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Persons per department**  | **No of days suspended**  | **Reasons for suspension** | **Payment value of suspension in rand per month** | **Delay and Reasons** | **Action taken to resolve the matters** |
| AIID | 90days  | Serious misconduct relating to misrepresentation of qualifications | R59,782.76 x3 R179,348.28 | No delay\* | Internal disciplinary hearing was concluded and the matter is closed. |
| ASO | 90days  | Serious Misconduct unethical conduct when doing inspection and audit. | R70,654.22 x 3R211,962.66 | No delay\* | Suspension uplifted and internal disciplinary hearing commenced. |
| ASO | 90days | Serious misconduct relating to conflict of interest and contravention of Civil Aviation Act, section 98. | R51,442.43 x 3R154,327.29 | No delay\* | Suspension uplifted and internal disciplinary hearing commenced. |
| ASO | 14days  | Serious misconduct relating to conviction on criminal case. | N/A | No delay\* | Internal disciplinary hearing held and the matter is closed. |
| FINANCE  | 150days | Serious misconduct relating misrepresentation of qualifications | R57,258.57 x 5R286,292.85 | The employee was suspended during festive holidays. | Internal disciplinary hearing was concluded and the matter is closed. |
| **Total**  |  |  | **R831,931.08** |  |  |

Footnote: \* means that the suspension was within the SACAA Disciplinary Policy.

**South African National Roads Agency Limited (SANRAL)**

SANRAL has not suspended any employee for the year(s) under review

**Road Accident Fund (RAF)**

1. (ii) The Road Accident Fund (RAF) suspended with full pay (aa) 9 employees in 2012-13, (bb) 20 employees in 2013-14, and (cc) 10 employees in the 2014-15 financial years.
2. (i) (bb) the value of the matters for each month in each financial year are:

|  |  |  |  |
| --- | --- | --- | --- |
|  | **2012-13** | **2013-14** | **2014-15** |
| April | R 76 000.00 | R 160 000.00 | R 420 000.00 |
|  |  |  |  |
| May | R 45 000.00 | R 215 000.00 | R 465 000.00 |
|  |  |  |  |
| June | R 85 000.00 | R 255 000.00 | R 420 000.00 |
|  |  |  |  |
| July | R 85 000.00 | R 245 000.00 | R 450 000.00 |
|  |  |  |  |
| August | R 75 000.00 | R 225 000.00 | R 420 000.00 |
|  |  |  |  |
| September | R 90 000.00 | R 125 000.00 | R 550 000.00 |
|  |  |  |  |
| October | R 55 000.00 | R 100 000.00 | R 550 000.00 |
|  |  |  |  |
| November | R 30 000.00 | R 205 000.00 | R 430 000.00 |
|  |  |  |  |
| December | R 58 000.00 | R 175 000.00 | R 320 000.00 |
|  |  |  |  |
| January | R 92 000.00 | R 200 000.00 | R 130 000.00 |
|  |  |  |  |
| February | R 70 000.00 | R 300 000.00 | R 130 000.00 |
|  |  |  |  |
| March | R 70 000.00 | R 420 000.00 | R 130 000.00 |

(ii) (aa) the reasons for the suspensions are as provided for in the RAF Disciplinary Policy, which policy provides for the suspension of an employee on full pay in instances where the potential exists for the employee to interfere with witnesses and/or evidence; where the continued presence of the employee presents a threat to life or property; or where the employee’s presence will have a disruptive effect on other employees,

(bb) Some of the delays in resolving the matter are related to the ongoing investigations that must be completed; the employee getting sick; CCMA referrals for unfair labour practices; and, requests for legal representation and determination, which if granted ,impacts on the time taken to conclude hearings,

(iii) in order to resolve future matters, the RAF is amending its Disciplinary Policy to curb the maximum period for which an employee may be suspended on full pay and requiring the employee to be charged within one month after the suspension, and

(iv) the reason for suspending an employee is as outlined in (b)(ii)(aa) above, which suspension must be with full pay as the CCMA and Labour Court generally consider suspension without pay an unfair labour practice.

**Roads Traffic Management Corporation (RTMC)**

a)ii) The RTMC has only one (1) employee currently on suspension with full pay (National Traffic Police Unit).

cc) The employee was suspended on 11 June 2015

i)bb June-R 26 326.98, July-R 25 368.55, August-R 41 281.59, September-R 19 931.59

ii)aa) For Gross Negligence and putting the name of the Corporation into disrepute.

ii)bb) The are no delays in processing this case.

iii) On 21 September 2015 the parties agreed that the hearing be resume and the following dates were agreed upon, that is, 12, 13, 14, 19, 20 and 21 October 2015 in order to finalise the matter. The Chairperson of the Disciplinary Hearing has already confirmed his availability.

iv) The reasons employees are suspended with full pay is because this type of suspension is only a precautionary measure and does not in any way constitute a guilt finding on those who are suspended. Suspension with full pay is applied to those employees who may interfere with an investigation and witnesses if they are not suspended. This type of suspension is allowed in terms of paragraph 9.2(b) of the Disciplinary Code and Procedures of the Corporation.

**Road Traffic Infringement Agency (RTIA)**

(a)(ii) 2012-2013 None, (bb) 2013-2014 None, (cc) 2014-2015 One (1) employee was placed on suspension from 29 September 2014 to 16 February 2015.

(i)(bb) R 261 541.15

(ii)(aa)The reasons for suspension were as follows: Bringing the Agency into disrepute, possession of confidential documents and distribution of confidential information.

(iii) A disciplinary process was undertaken at the end of which the employee was given a final written warning after a plea agreement was reached.

(iv) the reason for suspending an employee is as outlined in (b)(ii)(aa) above, which suspension must be with full pay as the CCMA and Labour Court generally consider suspension without pay an unfair labour practice.

**Cross Border Road Transport Agency Limited (CBRTA)**

ii) The Cross-Border Road Transport Agency (C-BRTA), in the (aa) 2012-13 (bb), 2013-14 (cc) 14-15 financial years (b) suspended eight (8) persons listed in the table below. The (aa), (i) The value of these payments for each month, (ii) the reasons for the suspensions and (bb) where there were delays in resolving these matters, and the reasons for the delays are provided in the table below:

| **Employee**  | **Position** | **Period** | **Reason for suspension** | **Delay in resolving these matters** | **Total Value of payments** | **Average Monthly value** |
| --- | --- | --- | --- | --- | --- | --- |
| Ms. Khabo Rasebopye | HR Generalist | November 2012 - January 2013 | Alleged Misconduct. Recruitment process not followed for appointment of new hires. Verbal offers of employment extended before requisite approval. | The matter was not delayed. The suspension was uplifted and an informal disciplinary hearing was conducted. | R 110, 233 | R 36, 744 |
| Ms. Felleng Magongoa | Senior Manager Human Resources  | March 2013 – April 2013 | Alleged Misconduct. Unprofessional conduct, fraudulently changing performance score, failure to carry out responsibilities with recruitment of Road Transport Inspectors. | The matter was not delayed, the employee resigned pending disciplinary enquiry | R 132, 743 | R 66, 371 |
| Mr. Dawid Noah | Senior Manager Law Enforcement | November 2013 – November 2014 | Alleged misconduct. Gross Insubordination, unruly behaviour, gross negligence | Delays with investigations due to unavailability of witnesses due to work pressures as well as year-end closure.Further delays with serving the employee with disciplinary hearing notice due to unavailability. Postponement of disciplinary hearing on account of employee's request for more time to prepare. First hearing adjourned on the basis of a technicality raised by the employee and his representative.Still more delays for a few scheduled hearing dates due to unavailability of the employee's representative. Eventually the case went to the CCMA for pre-dismissal arbitration. The pre-dismissal arbitration was delayed among others due to ill health of the employee, unavailability of his representative, ill-health of the Commissioner, an interdict application to the High Court by the employee.The matter was settled on 3 November 2014. | R 905, 609 | R 75, 467 |
| Ms. Lesego Tebele | Senior Data Administrator | July 2014 – May 2015 | Allegations of misconduct - Frequent late-coming, Repeated absence without permission, Abscondment/desertion, Gross insubordination. | Suspension and hearing delayed on account of repeated failure by employee to respond to acknowledge receipt and/or to respond to disciplinary documentation, failure to attend the inquiry. Unsuccessful use of the services of the Sheriff of the Court to serve documentation to employee. 1st hearing conducted in the employee's absence which led to her dismissal. Appeal Chairperson granted that another hearing be conducted where she will be given an opportunity to state her case. 2nd hearing delayed due to unavailability of representative, ill-health of employee. Hearing is now finalised.  | R 319, 513 | R 31, 951 |
| Mr. Patrick Chauke | Chief Road Transport Inspector | February 2013 – April 2013 | Alleged misconduct. Making use of employer's resources for personal benefit. Leave without authorization. | The matter was not delayed. Disciplinary hearing was conducted. | R 114, 398 | R 38,133 |
| Ms Dineo Mathibedi | Executive Manager: Human Resources & Administration | 22 February 2014 - 29 July 2014 | Allegations of misconduct - Gross dereliction of duty, gross insubordination, and gross negligence. | Matter delayed by changes to external investigators. Finally a settlement agreement was reached. | R554, 666 | R110, 933 |
| Mr Mudunwazi Baloyi | Executive Manager: Facilitation and Industry Development | 27 May 2014 - 30 November 2014 | Allegations of misconduct - Gross insolence and undermining authority of superior. | The matter was not delayed. After further investigations, the matter was partly heard. A settlement agreement was eventually reached with the employee.. | R786, 591 | R131, 099 |
| Mr. Donald Matlou | Senior Manager Information Technology | October 2014 – July 2015  | Allegations of misconduct - Intended fraud. | Investigations into the alleged misconduct were lengthy and required extended time.When suspension was uplifted with intention to pursue hearing, employee resigned. | R 796, 792 | R 79, 679 |

iii) The C-BRTA has now developed and adopted Management Guidelines for Employee Suspensions as attached, that line management will now use when considering suspensions. The overall effect is that to date employee suspensions have become minimal and where there is need to isolate an employee from operations while investigations are underway, The C-BRTA places such an employee in other non-related roles to best derive equitable value for the salary earned.

(iv) the reason for suspending an employee is as outlined in (b)(ii)(aa) above, which suspension must be with full pay as the CCMA and Labour Court generally consider suspension without pay an unfair labour practice.

**Ports Regulator South Africa (PRSA)**

1. (ii) The Ports Regulator has not suspended any employees with full pay for the periods 2012/13, 2013/14, 2014/15.

**South African Maritime Safety Authority (SAMSA)**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Name**  | **Financial Year** | **Value of Payment (R)** | **Reason/s for suspension** | **Dealay in resolving the matter** | **Reasons to suspend with full pay** |
| Mark Hellenberg  | 2012/13 | 28 568.12 | Incitement | No delay | Procedural fairness |
| Monica Le Roux | 2014/15 | 19 142.25 | Fraud, Gross dishonesty | No delay | Procedural fairness |
| Matsobane Sello | 2014/15 | 26 679.17 | Gross Dishonesty | Sick Leave | Procedural fairness |
| Tebatso Monnathebe | 2014/15 | 70 616.88 | Assault | No delay | Procedural fairness |

**Air Traffic & Navigation Services SOC Limited (ATNS)**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Department** | **Date Suspended** | **Date Suspension Uplifted Termination** | **Value of payment per month** | **Total of payment whilst on suspension** | **Reason for Suspension** | **Reason for Delay in resolving matter** | **What is being done to resolve** | **Reason for suspension with full pay** |
| **2012/2013** |
| ATNS | 25 September 2012 | 24 December 2012 | R56 767.00 | R163 307.00 | KPMG Audit –Whistle blowing matter | Matter was dealt with as expedient as possible taking the audit into consideration.  | Matter concluded | According to the Labour Relations Act, a suspension preceding a disciplinary hearing is a preventative suspension and must always be with full pay |
| ATNS | 31 August 2012 | 14 September 2012 | R20 833.33 | R10 575.00 | Gross Insubordination | Non availability of internal qualified Chairman. | Matter concluded. | According to the Labour Relations Act, a suspension preceding a disciplinary hearing is a preventative suspension and must always be with full pay |
| ATNS | 25 September 2012 | 24 December 2012 | R72 399.00 | R211 618.00  | KPMG AuditWhistle blowing matter | Matter was dealt with as expedient as possible taking the audit into consideration.  | Matter concluded. | According to the Labour Relations Act, a suspension preceding a disciplinary hearing is a preventative suspension and must always be with full pay |
| ATNS | 28 March 2013 | 1 August 2013 | R153 333.00 | R634 561.00  | Gross Insubordination | External legal team appointed based on seniority. | Matter concluded.Employee dismissed. | According to the Labour Relations Act, a suspension preceding a disciplinary hearing is a preventative suspension and must always be with full pay |
| 2013/2014 |
| ATNS | 4 July 2013 | 5 September 2013  | R128 808.00 | R271 466.00 | Gross dishonesty | External legal team appointed due to seniority of employee. | Matter concluded.  | According to the Labour Relations Act, a suspension preceding a disciplinary hearing is a preventative suspension and must always be with full pay |
| ATNS | 13 March 2014 | 25 July 2014 | R80 424.00 | R357 004.00  | Gross Insubordination | External legal team appointed due to the seniority of the employee. | Matter concluded | According to the Labour Relations Act, a suspension preceding a disciplinary hearing is a preventative suspension and must always be with full pay |
| 2014/2015 |
| ATNS | 16 May 2014 | To date | R111 435.00 | R1 839 523.00  | Whistle Blower on allegations of racism, discrimination, intimidation and victimisation of black employees. | Extensive internal disciplinary hearing approaching finality. | Extensive internal disciplinary hearing approaching finality.  | According to the Labour Relations Act, a suspension preceding a disciplinary hearing is a preventative suspension and must always be with full pay |
| ATNS | 16 May 2014 | To date | R94 350.00 | R1 557 411.00  | Whistle Blower on allegations of racism, discrimination, intimidation and victimisation of black employees. | Extensive internal disciplinary hearing finalized.  | Extensive internal disciplinary hearing finalized. Awaiting sanction outcome. | According to the Labour Relations Act, a suspension preceding a disciplinary hearing is a preventative suspension and must always be with full pay |

**Railway Safety Regulator (RSR)**

**SUSPENSIONS DURING THE FINANCIAL YEARS 2014/15 AND 2013/14**

Kindly receive the brief suspensions for the mentioned financial years above.

|  |  |  |  |
| --- | --- | --- | --- |
| **2014/15****FY** | **REASONS FOR SUSPENSION** | **PERIOD OF SUSPENSION** | **MONEY PAID DURING SUSPENSION** |
| 1 | Gross dishonesty, financial misconduct, insubordination and breach of duty of trust.  | Four months | R388, 700,96 |
| 1 | Misconduct  | One month | R42, 316 |
| **TOTAL** |  |  |  |
| **2** |  |  | **R431,016.96** |
|  |
| **2013/14****FY** | **REASONS FOR SUSPENSION** | **PERIOD OF SUSPENSION** | **MONEY PAID DURING SUSPENSION** |
| **1** | Misconduct | One month | R81, 433,50 |
| **1** | Misconduct | Two months | R46, 474,64 |
| **TOTAL** |  |
| **2** |  |  | **R127, 908,14** |
|  |
| **Grand Total payment made for all the Financial Years Mentioned above: R558,925.10** |

**NB:** There were no suspensions for the Financial Years: 2012/13