**National Assembly**

**Question Number: 436**

**Mr C H H Hunsinger (DA) to ask the Minister of Transport:**

With reference to the Commission for Conciliation, Mediation and Arbitration (CCMA) matters within (a) his department and (b) the entities reporting to him, (i) what CCMA matters have been heard in each month (aa) in the past three financial years and (bb) since 1 January 2019, (ii) what number of matters were (aa) lost and (bb) won, (iii) what were the total costs involved in each case, (iv) what was spent on legal services in each month and (v) why was this necessary in each case?

**NW499E**

**REPLY:**

**Department**

(a) (i) None

 (aa) None

 (bb) None

 (ii) (aa) None

 (bb) None

 (iv) Not applicable

 (v) Not applicable

The (b) **Cross-Border Road Transport Agency** have had the cases outlined in the tables 1

The (b) **Road Accident Fund** have had the cases outlined in the tables 2

The (b) **Road Traffic Management Corporation** have had the cases outlined in the tables 3

The (b) **Road Traffic Infringement Agency** have had the cases outlined in the tables 4

The (b) **South African National Roads Agency Limited** have had the cases outlined in the tables 5

**(b) The Cross-Border Road Transport Agency (CBRTA)**

**TABLE: 1**

**2016/17 : 2 cases**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **(ii) Matter** | **(aa) lost**  | **(bb) won** | **(iii) total costs** | **(iv) Amount spent on legal services**  | **(v) Why it was this necessary**  |
| Unfair Dismissal  | 0 | 11, withdrawn | R0,00 | R0,00 | Not applicable |
| Dispute of mutual interest and of Employment Equity | Not applicable | Not applicable | Not applicable |

**2017/18 : 1 case**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **(ii) Matter** | **(aa) lost**  | **(bb) won** | **(iii) total costs** | **(iv) Amount spent on legal services**  | **(v) Why it was this necessary**  |
| Unfair Labour Practice in terms of section 186 (2) (a) - Promotion | 1, but the matter is under review | Not applicable  | R0,00 | R0,00 | Not applicable |

**2018/19: 8 Cases –** 1 case won – lost case Not Applicable

| **(ii) Matter** | **(aa) lost**  | **(bb) won** | **(iii) total costs** | **(iv) Amount spent on legal services**  | **(v) Why it was this necessary**  |
| --- | --- | --- | --- | --- | --- |
| Unfair Dismissal in terms of section 186 (1)(b)(ii) | Not applicable, Settlement was reached to reinstate the employee | Not applicable, settlement was reached to reinstate the employee | R154,180.50 | 31/01/2018 -R169.40 31/05/2018- R56.70 29/03/2018-R80,631.82 30/09/2017-R33,797.42 16/02/2018-R19,012.61 31/05/2018-R20,512.55 | The cost incurred was for the legal representative during the Arbitration process |
| Unfair Labour Practice in terms of section 186 (2) (a) - Promotion  | Not applicable | Not applicable, settlement Agreement was reached, and the matter is closed | R0,00 | R0,00 | Not applicable |
|  Unfair disciplinary Action | Not applicable, sanction that was in dispute expired | Not applicable, sanction that was in dispute expired | R56,350 | 31/10/2018 -R19, 95019/12/2018-R36,400 | It was necessary on the fact that the matter was dealt internally by legal representatives |
| Breach of Collective Agreement | Not applicable  | Ruling in favor of the C-BRTA | R0,00 | R0,00 | Not applicable |
| 6 [EEA] - Prohibition of unfair discrimination - Gender | Not applicable | Not applicable, parties concluded an agreement to finalise the matter internally | R0,00 | R0,00 | Not applicable |
| 6 [EEA] - Prohibition of unfair discrimination - Gender | Not applicable | The employee did not pursue the matter further after conciliation. | R0,00 | R0,00 | Not applicable |
| Unfair suspension  | Not applicable | The employee did not pursue the matter further after conciliation. | R0,00 | R0,00 | Not applicable |
| Unfair Labour Practice | The was heard during arbitration and the employee withdrawn the case. | The was heard during arbitration and the employee withdrawn the case. | R0,00 | R0,00 | Not applicable |

**(bb) Since 1 January 2019: 4 cases**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **(ii) Matter** | **(aa) lost**  | **(bb) won** | **(iii) total costs** | **(iv) Amount spent on legal services**  | **(v) Why it was this necessary**  |
| Unfair Dismissal  | Not applicable, case is still pending  | Not applicable, case is still pending | R0,00 | R0,00 | Not applicable |
| Unfair Labour Practice in terms of section 186 (2) (a) – Promotion  | Not applicable, case is still pending  | Not applicable, case is still pending  | R0,00 | R0,00 | Not applicable |
| Unfair Labour Practice in terms of section 186 (2) (a) – Promotion. | Not applicable, case is still pending  | Not applicable, case is still pending  | R0,00 | R0,00 | Not applicable |
| Mutual interest disputes | Not applicable,Conciliation process was heard during the month of January 2019 the matter was not resolved. Certificate to strike issued but it was interdicted | Not applicable,Conciliation process was heard during the month of January 2019 the matter was not resolved. Certificate to strike issued but it was interdicted | R0,00 | R0,00 | Not applicable |

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

(i)(aa)(bb) The table below is a summary of the matters heard by the CCMA in the past 3 financial years. The table includes the parties involved in the matter and the reason for the matter being set down at the CCMA.



1. (aa)(bb)The table below illustrates the number of matters that were either lost or won at the CCMA.



1. The table below illustrates the matters where legal costs were incurred for matters referred and set down at the CCMA. It should be noted that not all matters referred to the CCMA incurred legal costs.



1. The table below illustrates the legal costs incurred per month over the reporting period for matters at the CCMA.



1. The table below provides the reasons why matters may have necessitated the appointment of legal assistance and the reasons below are in line with the Company Disciplinary Policy.



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

The Commission for Conciliation, Mediation and Arbitration (CCMA) matters within ATNS in the past three financial years and since 1 January 2019, showing the status and legal services costs per matter and the reasons for such costs:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| MONTHS | CCMA Matters | Status | Cost Implication | Reason 4 costs |
| February 2016 | 1 | won | R452 568-00 | complexity |
| December 2017 | 1 | won | R85 000-00 | Minimal running costs |
| July 2018 | 2 | 1 won and 1 reinstatement | R76 640 and R917412.75 | Minimal running costs |
| August 2018 | 2 | Both resigned | No costs | No costs |
| October 2018 | 2 | From last report | R382 500-00 | complexity |
| December 2018 | 1 | settlements |  | complexity |
| February 2019 | 2 | Case still underway | No invoice yet | complexity |

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

1. Not applicable; (b), (i), (aa), (bb); (ii), (aa), (bb); (iii); (iv); (v): The tables below provide a record and details on each of the Commission for Conciliation, Mediation and Arbitration (CCMA) matters handled by the South African Civil Aviation Authority (SACAA) in the past three financial years, and since 1 January 2019.

|  |
| --- |
| (i), (aa): 2016/17 Financial Year |
| Summary of table: During the 2016/17 financial year, the SACAA dealt with ten (10) CCMA matters. Out of the ten, the SACAA won five (5), three (3) were settlement agreements; and in the case of the other two, the applicants did not proceed with the cases. There were no monthly legal fees as services are procured and used as and when necessary.  |
| (i), (aa) Nature of dispute / matters heard during the 2016/17 financial year  | (aa) Matters or cases lost / won | (iii) Total cost of the case. | (iv) Total cost spend on legal fees monthly | (v) Why was this necessary? |
| 1st case Unfair labour practice based on promotion.2nd caseThe applicant claimed unfair labour practice relating to a performance bonus.3rd caseThe applicant claimed unfair dismissal. | The parties settled the matter before the CCMA hearing. The parties settled the matter before the CCMA hearing. The parties settled the matter before the CCMA hearing.  | Settled as per below. Settled as per below. Settled as per below. R445 165.31(Legal cost)R2, 700 000.00 (Settlement amount) | Not applicable. | The disputes involved a member of the SACAA Executive, relating to dismissal, contractual dispute, performance bonus, and restructuring. |
| Unfair dismissal dispute. | The SACAA won the case at CCMA. | No cost was incurred. | Not applicable. | Not applicable. |
| Non-renewal of fixed term contract. | The SACAA won the case at CCMA. | R98 196.75 | Not applicable. | The matter was complex in that it involved both non-renewal of a contract as well as dishonest conduct by the employee. |
| 1st caseThe union claimed unfair labour practice based on the withdrawal of a standby allowance.2nd caseThe union declared a dispute relating to matters of mutual interest, i.e. wages, organisational restructuring, and normalisation of salaries. | The union did not continue with the matter at the CCMA.The CCMA issued a certificate of non-resolution, and the union did not continue with the matter any further. | No cost was incurred.No cost was incurred. | Not applicable.Not applicable. | Not applicableNot applicable. |
| Allegations of unfair dismissal. | The SACAA won the case at the CCMA. | R369 979.40 | Not applicable. | The matter was complex as it involved the interpretation of the Civil Aviation Authority Act, 2009 (Act No 13 of 2009),and the SACAA’s Conflict of Interest Policy.  |
| Allegations of unfair dismissal. | The SACAA won the case at the CCMA. | R88 865.28 | Not applicable. | The matter was complex as it involved dismissal based on probation terms. |
| Allegations of unfair dismissal. | The SACAA won the case at the CCMA. | R125 650.80 | Not applicable. | The matter was complex in that it involved appropriateness of the dismissal, and potential claims of unilateral change to terms and conditions of employment.  |
| **TOTAL**  | Ten (10) | R3 827 857.54 | Not applicable. | Not applicable. |

|  |
| --- |
| (i), (aa): 2017/18 FINANCIAL YEAR |
| Summary of table: During the 2017/18 financial year, the SACAA dealt with three (3) CCMA matters. Out of the three two were won and one was a settlement agreement. There were no monthly legal fees as services are procured and used as and when necessary.  |
| (i), (aa) Nature of dispute / matters heard during the 2017/18 financial year  | (aa) Matters or cases lost / won | (iii) Total cost of the case. | (iv) Total cost spend on legal fees monthly | (v) Why was this necessary? |
| Allegations of unfair dismissal. | The SACAA won the case at CCMA. | No cost was incurred. | Not applicable. | Not applicable. |
| Allegations of unfair dismissal. | The parties settled the matter before the CCMA arbitration hearing. | R181 287.00(Legal cost)R98 015.13 (Settlement amount) | Not applicable. | It was important to avoid a protracted legal battle as the applicant has a legal background and was also employed in the SACAA’s Legal Division. |
| Allegations of unfair labour practice. | The SACAA won the case at CCMA. | No cost was incurred. | Not applicable. | Not applicable. |
| **TOTAL**  | Three (3) | R279 302.13 | Not applicable. | Not applicable. |

|  |
| --- |
| (i), (aa): 2018/19 FINANCIAL YEAR AND SINCE 1 JANUARY 2019 |
| Summary of table: During the 2018/19 financial year and since 01 January 2019 no CCMA matter was won or lost. There were no monthly legal fees as services are procured and used as and when necessary.  |
|  (i) Nature of dispute / matters heard during the 2018/19 financial year and since 01 January 2019 | (aa) Matters or cases lost / won | (iii) Total cost of the case. | (iv) Total cost spend on legal fees monthly | (v) Why was this necessary? |
| Allegations of unilateral change to the terms and conditions of employment. | The CCMA issued a certificate of non-resolution, and the union did not pursue the matter any further. | No cost was incurred. | Not applicable. | Not applicable |
| Allegations of unfair labour practice. | The applicant withdrew the matter. | No cost was incurred. | Not applicable. | Not applicable |
| Allegations of constructive dismissal. | The matter is still on-going at the CCMA. | No cost was incurred. | Not applicable. | Not applicable |
| Application by the SACAA for the designation as an essential services entity | The matter is still on-going at the CCMA. | R616 436.91 | Not applicable. | The matter involves possible limitation of employees’ right to industrial action. |
| **TOTAL** | Four (4) | R616 436.91 | Not applicable.  | Not applicable. |

**(b) The Road Accident Fund (RAF)**

**TABLE: 2**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **(i)(aa) matters heard in 3 financial years,** | **(ii)(aa) the following number of matters were lost,**  | **and (bb) won,** | **(iii) the total cost involved in each case is,** | **(iv) what was spent on legal services in each month,**  | **and (v) it was necessary in each case because,**  |
| **2015-16 FINANCIAL YEAR** |
| April – November |
| None | Not applicable | Not applicable | Not applicable | Not applicable | Not applicable |
| December |
| RAF v Chilopo | 0 | 1 | R202,831.77 | R 202,831.77 | Attorney appointed due to complexity of the matter |
| January |
| None | Not applicable | Not applicable | Not applicable | Not applicable | Not applicable |
| February |
| E.Mahlomotja | 1 | 1 | R0,00 | None  | Internally Represented |
| T. Mazibuko | R0,00 | Internally Represented |
| **2016-17 FINANCIAL YEAR** |
| April |
| P. Zulu | 0 | 1 | R0,00 | R0.00 | Internally Represented |
| May  |
| None | Not applicable | Not applicable | Not applicable | Not applicable | Not applicable |
| June |
| G. Qobeka | 0 | 2 | R194,534.61 | R249,016.71 | Attorney appointed due to complexity of the matter |
| P. Keti | R54,482.10 | Attorney appointed due to complexity of the matter |
| July |
| P. Hlongwane | 1 | 1 | R0,00 | None | Internally Represented |
| N. Ntongolo | R0.00 | Internally Represented |
| August - September |
| None | Not applicable | Not applicable | Not applicable | Not applicable | Not applicable |
| November |
| D. Creighton | 0 | 2 | R96,292.16 | R283,193.17 | Attorney appointed due to complexity of the matter |
| E. Moseneke | R186,901.01 |  | Attorney appointed due to complexity of the matter |
| December - March |
| None | Not applicable | Not applicable | Not applicable | Not applicable | Not applicable |
| **2017-18 FINANCIAL YEAR** |
| March |
|  R.J. Mazibuko | 0 | 1 | R0,00 | None | Internally Represented |
| April  |
| None | Not applicable | Not applicable | Not applicable | Not applicable | Not applicable |
| May  |
| J. Sabasa | 0 | 1 | R0,00 | None | Internally Represented |
| June - August |
| None | Not applicable | Not applicable | Not applicable | Not applicable | Not applicable |
| September |
| L. Gxanase | 0 | 1 | R0,00 | None | Internally Represented |
| October |
| None | Not applicable | Not applicable | Not applicable | Not applicable | Not applicable |
| November |
| M. Mpupu | 0 | 2 | R0,00 | None | Internally Represented |
| Z. Dangwana | R0,00 | None | Internally Represented |
| December - March |
| None | Not applicable | Not applicable | Not applicable | Not applicable | Not applicable |
| **2018-19 FINANCIAL YEAR** |
| March |
| None | Not applicable | Not applicable | Not applicable | Not applicable | Not applicable |
| April 2018 |
| S. Mlaza | 0 | 1 | R0,00 | None | Internally Represented |
| May 2018 |
| T.G. Nonjongo | 1 | 1 | R0,00 | None | Internally Represented |
| S. Menziwa | R0,00 | None | Internally Represented |
| June - February |
| None | Not applicable | Not applicable | Not applicable | Not applicable | Not applicable |
| M. Gcnabana | 0 | 1 | R0.00 | None | Internally Represented |
| and (bb) since 1 January 2019 to 28 February 2019, |
| None | Not applicable | Not applicable | Not applicable | Not applicable | Not applicable |

**(b) The Road Traffic Management Corporation (RTMC)**

**TABLE 3**

**2016/17 financial year**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **NAME** | **NATURE OF THE CASE** | **MONTH** | **FINANCIAL YEAR** | **OUTCOME****WON / LOST** | **LEGAL SERVICES COST** |
| Mngomezulu | Gross Negligence and Financial irregularities | July 2016 | 2016/17 | Won | R104 959.80 |
| Mathibe and Lebaka | Gross Negligence | February 2017 | 2016/17 | Mathibe Lost | R108,000 |
| Mabena | Assault and unruly behaviour | Dec 2016March 2017 | 2016/17 | Won | R82,080 |
| Msiza | Assault | Dec 2016January 2017 | 2016/17 | Won | R142 000 |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

**2017/18 financial year**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **NAME** | **NATURE OF THE CASE** | **MONTH** | **FINANCIAL YEAR** | **OUTCOME****WON/LOST** | **LEGAL SERVICES COSTS** |
|  Msiza | Assault | April 2017/July/August | 2017/18 | Won | R205 200 |
| Lebatlang | Gross Negligence | August 2017 | 2017/18 | Won | R41 040 |
| Van der Zandt | Assault | October 2017 | 2017/18 | Lost | R494 240 |
| Williams & others | Alleged Unfair Labour Practice | November 2017 | 2017/18 | Won | R7 200 |
| Williams & Others | Alleged Unfair Labour Practice | December 2017 | 2017/18 | Won | R82 080 |
| Mathibe | Gross Negligence | December 2017 | 2017/18 | Lost | R172 440 |

**2018/19 financial year**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **NAME** | **NATURE OF THE CASE** | **MONTH** | **FINANCIAL YEAR** | **OUTCOME****WON / LOST** | **LEGAL SERVICES COSTS** |
| Khumalo and 17 others | Alleged unfair Labour Practice | May 2018 | 2018/19 | Pending | R62 100 |
| Khumalo & 17 Others | Alleged Unfair Labour Practice | November 2018 | 2018/19 | Pending | R9 800 |
| POPCRU | Alleged Unfair Labour Practice | July 2018 | 2018/19 | Won | R188 800 |
| NEHAWU obo Stephinah Segalagala | Alleged Unfair Labour Practise | August 2018 | 2018/19 | Won | R0.00  |
| Maphiri | Unfair Dismissal | December 2018 | 2018/19 | Won | R0.00 |

**(bb) Matters heard at the CCMA since 1 January 2019**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **NAME** | **NATURE OF THE CASE** | **MONTH** | **FINANCIAL YEAR** | **OUTCOME****WON/LOST** | **LEGAL SERVICES COSTS** |
| Dada | Alleged unfair dismissal | January 2019 | 2018/19  | Pending | R151 130.75 |
| Khumalo | Alleged Unfair Dismissal | January / February 2019 | 2018/19 | Pending | R248 400 |
| NEHAWU | Organisational Rights  | January 2019 | 2018/19 | Pending | R0.00 |
| **(v) Why it was necessary to spend on each case** |
| The nature of the respective matters together with capacity constraints pre April 2018, necessitated the appointment of external service providers to provide legal services. The RTMC appointed an additional 3 senior labour relations officials in 2018, which appointments have already resulted in reduction of legal costs incurred in the 2018/19 financial year. |

**(b) The Road Traffic Infringement Agency (RTIA)**

**TABLE 4**

|  |
| --- |
| **(b) (i) 3 were matters were heard**  |
| **2016/17 Financial Year** |
| **NATURE OF CASE** | **MONTH**  | **OUTCOME****LOST / WON** | **LEGAL COST** | **Why was the spending necessary** |
| Conciliation: Disclosure of information | September 2016 | Won | R 0 .00 | Not Applicable |
| Arbitration: Disclosure of Information | October2016 | Won | R 0 .00 | Not Applicable |
| Conciliation/ Arbitration: Equal pay for work of equal value |  September 2016 | Settlement reached | R 0 .00 | Not Applicable |
| **2017/18 Financial Year** |
| **7 Matters were heard** |
| Conciliation: Unfair labour practice | April 2017 | Won | R 0 .00 | Not Applicable |
| Arbitration: Unfair labour practice | May 2017 | Won | R 0 .00 | Not Applicable |
| Set down for picketing rulesby SATAWU | June 2017 | matter abandoned | R 0 .00 | Not Applicable |
| Conciliation: Working Hoursby SATAWU | July 2017 | matter abandoned  | R 0 .00 | Not Applicable |
| Arbitration: Working hoursby SATAWU | August 2017 matter abandoned | matter abandoned | R 0 .00 | Not Applicable |
| Arbitration: Housing allowance | August 2017 | Won | R 0 .00 | Not Applicable |
| Conciliation/Arbitration: Unfair labour practice ( suspension)  | November 2017 | Suspension withdrawn | R 0 .00 | Not Applicable |
| **2018/19 Financial Year** |
| **7 Matters were heard** |
| Conciliation: Equal pay for equal value | February 2018 | On-going | R 91 709 | Not Applicable |
| Conciliation: Unfair labour practice  | February 2018 | Matter withdrawn | R 0 .00 | Not Applicable |
| Conciliation: Dismissal | May to December 2018June 2018July 2018October 2018 | Won | R 115 968R 141 935R 110 966 | The one case involved a senior executive manager therefore the Agency had to employ the services of a legal representation at a cost. |
| Arbitration: Unfair labour practice | June 2018 | On-going | R 0 .00 | Not Applicable |
| Conciliation: Discrimination based on Gender | November 2018 | On-going | R 0 .00 | Not Applicable |
| Arbitration : Condonation | Nov and Dec 2018 | Won | R 68 598  | Not Applicable |
| Conciliation: Dismissal | December 2018 | On-going | R 0 .00 |  |
| **Since 1 January 2019** |
| **3 Matters were heard** |
| Conciliation: Discrimination on the grounds of Gender | January 2019 | On-going | R 0 .00 | Not Applicable |
| Condonation for late referral | February 2019 | On-going | R 0 .00 | Not Applicable |
| Arbitration | March 2019 | On-going | R 0 .00 | Not Applicable |

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

**TABLE 5**

|  |
| --- |
| **(b) (i) 0 were matters were heard**  |
| **2016/17 Financial Year** |
| **NATURE OF CASE** | **MONTH**  | **OUTCOME****LOST / WON** | **LEGAL COST** | **Why was the spending necessary** |
| - | - | - | - | - |
| **2017/18 Financial Year** |
| **0 Matters were heard** |
| - | - | - | - | - |
| **2018/19 Financial Year** |
| **3 Matters were heard** |
| CCMA Dispute: Unfair Dismissal: misconduct related to tender irregularities  | July 2018 | Parties reached a settlement on the matter:  | R0.00 | Not Applicable |
| LRA section 62 Demarcation dispute  | August 2018 | Applicant (Trade Union) withdrew the dispute:  | R144, 793.65 | Legal representation was required considering the nature of the dispute  |
| Section 198A Dispute: (TES) labour broking deeming employee provision | Jan 2019 | Applicant (Trade Union) withdrew the dispute: technically won  | R248, 573.67 | Other parties to the dispute were legally represented and for comparative ability reasons SANRAL had to procure the same services |

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

 **(i)** (aa) In the past three financial years

|  |  |  |  |
| --- | --- | --- | --- |
| **Year** | **No. of Disputes** | **Month** | **Nature of Dispute** |
| 2016 | 1 | February | Unfair Dismissal\* |
| 1 | May | Unfair Dismissal |
| 1 | November | Timing of 13th cheque payment |
| 1 | November | Non-renewal of employment contract |
| 2017 | 1 | January, August | Unfair Dismissal\* |
| 1 | April, August | Non-renewal of employment contract\*\*\*\* |
| 1 | August | Unfair Dismissal\*\*\* |
| 1 | September, October, November | Non-renewal of employment contract\*\* |
| 2018 | 1 | January | Non-renewal of employment contract\*\* |
| 1 | April, June | Unfair Dismissal\*\*\* |
| 1 | June, September | Non-renewal of employment contract\*\*\*\* |

**bb)** Zero (0)

ii) aa) Lost: Zero (0)

bb) Won: Seven (7)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Year** | **No. of Disputes** | **Month** | **Nature of Dispute** | **In SAMSA’s favour** |
| 2016 | 1 | February | Unfair Dismissal\* | Yes |
| 1 | May | Unfair Dismissal | Yes |
| 1 | November | Timing of 13th cheque payment | Yes |
| 1 | November | Non-renewal of employment contract | Yes |
| 2017 | 1 | January, August | Unfair Dismissal\* | Yes |
| 1 | April, August | Non-renewal of employment contract | Settlement Agreement reached |
| 1 | August | Unfair Dismissal\*\*\* | Yes |
| 1 | September, October, November | Non-renewal of employment contract\*\* | Settlement Agreement reached |
| 2018 | 1 | January | Non-renewal of employment contract\*\* |
| 1 | April, June | Unfair Dismissal\*\*\* | Yes |
|  | 1 | June, September, December | Non-renewal of employment contract | Still pending. |
| 2019 | Zero |

**iii)**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Year** | **No. of Disputes** | **Month** | **Nature of Dispute** | **In SAMSA’s favour** | **Cost** | **Legal costs** | **Total costs** |
| 2016 | 1 | February | Unfair Dismissal\* | Yes | Zero | Zero | Zero |
| 1 | May | Unfair Dismissal | Yes | Zero |
| 1 | November | Timing of 13th cheque payment | Yes | Zero |
| 1 | November | Non-renewal of employment contract | Yes | Zero |
| 2017 | 1 | January, August | Unfair Dismissal\* | Yes | Zero | R514k | R1,9m |
| 1 | April, August | Non-renewal of employment contract | Settlement Agreement reached | R1,4m |
| 1 | August | Unfair Dismissal\*\*\* | Yes | Zero |
| 1 | September, October, November | Non-renewal of employment contract\*\* | Settlement reached in January 2018 |  |
| 2018 | 1 | January | Non-renewal of employment contract\*\* | Settlement Agreement reached | R261k | R735k | R996K |
| 1 | April, June | Unfair Dismissal\*\*\* | Yes | Zero |
|  | 1 | June, September, December | Non-renewal of employment contract | Still pending. |  |
| 2019 | Zero | Zero | Zero |  |

iv)

|  |  |
| --- | --- |
| **Year** | **Legal Costs**  |
| 2016 | None |
| 2017 | R514k |
| 2018 | R735k |

**b)**

|  |  |
| --- | --- |
| **Year** | **Cost**  |
| 2016 | None |
| 2017 | R1,4m |
| 2018 | R261k |

v) Legal costs are due to company representation at the CCMA

1. Other costs are due to settlement agreement reached at the CCMA

**Ports Regulator of South Africa (PRSA)**

1. There are no(I) matters hat have been heard in the CCMA in the past (aa) Three financial years (bb) since 1 January 2019. (ii) (iii)(iv)(v) Not applicable

**Passenger Rail Agency of South Africa (PRASA):**

1. (aa) CCMA matters heard in each month in the past three financial years are detailed in the

 Annexure as attached.

(bb) CCMA matters heard since 1 January 2019 are detailed in the Annexure as attached.

(ii) (aa) No matters were lost.

 (bb) Five (5) matters were won.

(iii) Please refer to Annexure.

(iv) Please refer to Annexure.

(v) Please refer to (iv).

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Date****(i)****(a) & (b)** | **Employee no** | **Employee Name and Surname** | **Employee Subgroup** | **Nature of Dispute** | **CCMA Outcome** | **Legal Costs: at the CCMA** |
| 31 April 2015 | 20104010 | Pallelo Lebaka | Executive Manager | Failing to protect the right of PRASA in executing one of the contracts that was under way. | Employee Claims were dismissed | No Legal Costs applicable |
| 16 April 2016 | 20108387 | Mudzungu Mudau | HCM: Intern | Unfair Termination of contract of Employment | Employee Claims were dismissed | No Legal Costs applicable |
| 16 April 2016 | 20108399 | Surprise Mthombeni | HCM: Intern | Unfair Termination of contract of Employment | Matter was dismissed | No Legal Costs applicable |
| 27 July 2018 | 20106955 | Mavhungu Mahunganei | Project Manager | Unfair conduct - promotion/demotion/probation/training/benefits | Matter was dismissed | R126,000-77. |
| 09 January 2019 | 20012266 | Luyanda Gantsho | General Manager | Unfair dismissal | Matter ended at the conciliation | No Legal Costs applicable |

 **Railway Safety Regulator (RSR):**

CCMA matters heard in each month in the past three financial years are:

|  |  |
| --- | --- |
|  | **(i)(aa)** |
| **Month** | **2016/2017** | **2017/2018** | **2018/2019** |
| January | - | - | Alleged unfair labour practice related to promotions/demotions |
| February | - | - | Alleged unfair labour practice related to promotions/demotions |
| March | Misconduct dismissal | - | Alleged unfair labour practice related to promotions/demotions |
| April | Misconduct | - | - |
| May | - | Misconduct dismissal. | - |
| Alleged refusal to bargain x 2 |
| June | Misconduct dismissal | Misconduct dismissal | Alleged unfair labour practice related to promotions/demotions x 6 |
| Non-confirmation of probation |
| Unfair suspension |
| July | - | - | - |
| August | - | - | Alleged unfair labour practice related to promotions/demotions x 2 |
| September | Misconduct dismissal | Dismissal unknown. | Alleged unfair labour practice related to promotions/demotions x 2 |
| Agency shop agreement |
| Alleged refusal to bargain x 2 |
| October | - | - | - |
| November | - | - | - |
| December | Improper conduct and insubordination | - | - |
| Unfair suspension |

CCMA matters heard since 1 January 2019 are:

|  |  |
| --- | --- |
|  | **(i)(bb)** |
| **Date** | **CCMA Matter** |
| 8 January 2019 | Alleged failure to consult on s189 |
| 31 January 2019 | S6 EEA – Prohibition of Unfair Discrimination |
| 1 February 2019 | Alleged unfair conduct related to promotion |
| 27 February 2019 | Alleged unfair dismissal |
| Alleged non-renewal of fixed-term contract x 2 |
| 6 March 2019 | Alleged unfair labour practice related to promotion |
| 8 March 2019 | Alleged unfair conduct related to provision of benefits |
| 12 March 2019 | Alleged unfair dismissal |

(ii) (aa) Two (2) matters are taken on review, which is currently in progress.

 (bb) Six (6) matters were won.

(iii) Compensation of about R600,000 which is currently a subject of review.

(iv) In-house capacity was used and thus there is no financial implications.

(v) As internal resources were used, no costs were incurred.