**NATIONAL ASSEMBLY
FOR WRITTEN REPLY
QUESTION 4567 DATE OF PUBLICATION OF INTERNAL QUESTION PAPER: 25/11/2022
INTERNAL QUESTION PAPER NO 50 OF 2022

Ms N N Chirwa (EFF) to ask the Minister of Higher Education, Science and Innovation:**
(a) Which steps of intervention have been taken to ensure that the Northern Cape Urban Technical and Vocational Education and Training College carries through the court ruling to uphold the law and protect the rights of workers and (b) by what date will he intervene and ensure that this suffices? NW5696E

**REPLY:**

(a) The Labour Court case in question is in relation to the employees that were employed on a fixed-term contract by the College Council and were not on the persal system of Department of Higher Education and Training. The renewal of such contracts is subject to the extension of the specific project/programme that they were contracted for. In other instances, employees could be contracted to offer Ministerial approved programmes (Report190/191 or NCV) due to increased enrollment numbers.

This category of employees could be offered permanent employment should the enrollment numbers justify such growth. However, if enrollment numbers drop as it happened during the COVID-19 pandemic where several colleges experienced a drastic decline in their enrollments and as such it would have been impossible to offer any fixedterm contract during that period. Upon receiving this correspondence, I delegated senior officials in my department to investigate the matter with the college and the response is as follows:

1. The college confirmed officials mentioned in the Tshabile and 12 others case were indeed appointed by the Council of Northern Cape Urban TVET college on a fixedterm contracts basis.

2. The officials mentioned in the Tshabile and 12 others case decided to split into two (2) groups (one group led by Tshabile which is called Tshabile - Represented by Webber Wenzel Attorneys and the other group is led by Sibongile Madondo/ Khumalo - Represented by Gqadushe Attorneys).

3. Tshabile (Case No. JR388/22) filed in the Labour Court at Johannesburg on the 25 February 2022 - was reviewing and setting aside the Arbitration Award issued by ELRC (ELRC 623 - 20/21NC) dated 27 August 2021. 4. The group of Khumalo and others then approached the Labour Court in Gqebhera for the enforcement of the Award - Represented by Gqadushe Attorneys (Case No. P80/2022).

5. On the 09 November 2022 the College informed Gqadushe Attorneys of its intention to defend its position in this case through Mokhele Attorneys.

6. The College will be submitting the application to set aside the award at the Labour Court through Mokhele Attorneys. (b) The Department will await the outcome of the application that the college has lodged with the Labour Court before taking any further steps in relation to the court ruling.