

**MINISTRY: PUBLIC SERVICE AND ADMINISTRATION**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**DATE: 25 FEBRUARY 2022**

**QUESTION NO.: 476.**

**Dr M M Gondwe (DA) to ask the Minister of Public Service and Administration:**

With regard to the findings of the Canadian-funded research conducted by an independent research expert into the reasons that government departments are battling to finalise disciplinary cases, (a) what strategy has her department adopted in response to the findings of the specified research and in an effort to deal conclusively with the finalisation of outstanding disciplinary cases within the Public Service and (b) how will the strategy be rolled out and/or implemented across (i) national and (ii) provincial government departments? **NW541E**

**REPLY:**

1. The department adopted a strategy to address discipline management in departments, which in the short term focusses on strengthening basic discipline management processes/systems and addresses knowledge gaps; and in the long term addresses the decentralised nature of discipline management.

The short term interventions are the following:

1. Strengthening basic discipline management processes/systems:
   * Assisting of departments with long overdue cases to update their records on discipline management, to interrogate the reasons for case backlogs and to provide monthly feedback to the Public Administration Ethics Integrity and Disciplinary Technical Assistance Unit (PAEIDTAU) on progress made and steps taken. An electronic tool was developed to be used by those departments with long overdue backlogs. The PAIEDTAU monitors progress and plans technical assistance based on the submitted progress reports.
   * Addressing the Personnel Salary System (PERSAL) inefficiencies through consolidating and reducing the number of categories for transgressions to improve the capturing of data, the standard of reporting, and to enable PAEIDTAU to download electronic reports that can identify trends. This project will make it easier for data capturers to capture relevant data in a sensible way.
   * Addressing non-compliance – Non-compliance letters are addressed to those departments not providing reports to the DPSA and failing to keep within the specified timeframes. Feedback reports are monitored on a monthly basis. Non-compliance is furthermore highlighted in quarterly reports and submitted to the Forum of South African Directors-General (FOSAD).
2. Addressing knowledge gaps:
   * Providing guidance to labour relations officials on discipline management, by:

Adopting a Guide on Discipline Management – A new Guide on managing discipline in the public service was adopted on 1 April 2021. This consolidated all relevant discipline management frameworks into one guide.

Adopting a Directive on Discipline Management – This is currently being finalised and will enforce the implementation of the Guide. This will direct the use of PERSAL in recording disciplinary cases, with a designated official(s) in departments to be made responsible for recording and to include this in the job descriptions.

* + Developing of a training course for discipline management (based on the Guide) – A pilot was conducted in December 2021 and the course will be rolled out in the 2022/2023 financial year.
  + Using of an online platform to provide labour relations officials with easy access to discipline management courses and material. The DPSA is in the process of procuring such a platform.
  + Maintaining a record of those employees who were trained on discipline management to be consulted when departments request assistance with initiators and chairpersons.
  + Providing continuous technical assistance to departments based on identified needs, as identified in quarterly reports.

The long term interventions are the following:

Reviewing of the disciplinary code Public Service Coordinating Bargaining Council, Resolution 1 of 2003 to address identified shortcomings contributing to case backlogs, including tabling it for negotiations in the last quarter of the coming financial year (2022-2023).

Amendments to required legislation to centralise the function of discipline management under the DPSA, with sufficient capacity allocated to the PAEIDTAU to be able to manage this function.

1. The strategy will be rolled out as follows:

The PAEIDTAU will provide technical assistance to prioritised departments and provinces (those with the most case backlogs). Scheduled visits will be made to these departments and provinces, and interventions will be planned in collaboration with the Offices of the Premiers. Support will also be provided in terms of sourcing chairpersons and initiators to ensure cases are finalised. Training will be provided to Labour Relations officers, who will then be expected to conduct discipline management training in their respective departments (using the “Train-the-trainer” approach).

To capacitate Labour Relations Officials, the non-functioning National Labour Relations Forum will be activated to create a platform for sharing good practise and to create awareness on legislation, regulations and guides.