

**DEPARTMENT: PUBLIC ENTERPRISES**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**QUESTION NO.: 518**

**QUESTION:**

**518. Mrs M B Hicklin (DA) to ask the Minister to ask the Minister of Public Enterprises:**

(1) Whether any staff member in his department (a) performed work outside normal working hours in addition to the responsibilities related to his or her work in the past five financial years and (b) has been performing such work during the period 1 April 2014 up to the latest specified date for which information is available; if not, in each case, how is it determined whether such work is being performed or not; if so, in each case, (i) what number of staff members and (ii) in what job and/or work categories are the specified staff members employed;

(2) whether approval for such work was obtained in each case; if not, what is the position in this regard; if so, (a) what is the policy of his department in this regard, (b) by whom are such applications considered and approved, (c) what number of contraventions of this policy were brought to the attention of the National Treasury in the past five financial years and (d) what steps have been taken against the transgressors? NW574E

**REPLY:**

(1)(a)

Yes. DPE has recorded staff members who, according to the Financial Disclosures System on the Department of Public Service and Administration (DPSA) website, were noted to have performed remunerative work outside the Public Service dating back to April 2014.

(b)

These cases are reported on, on an annual basis through the DPSA’s financial disclosures system and is verified by the Companies and Intellectual Property Commission (CIPC) system conducted by the Public Service Commission (PSC), by determining whether an employee is a Director of a registered company(ies). The available records are as follows:

2014/2015: eleven (11) staff members were detected through the financial disclosure and CIPC verification systems to have registered companies. During consultation with the officials, most companies were reported to be dormant, not trading, being a stokvel, staff members not actively involved, not generating an income, assisting on a voluntary basis, and staff member having resigned from the companies. Three (3) officials obtained formal approval to conduct Remunerative Work Outside the Public Service (RWOPS) and approval was confirmed.

2015/2016: twenty-one (21) staff members were detected through the financial disclosure and CIPC verification systems to have registered companies. During consultations held with the officials, most companies were reported to be dormant, not trading, being a stokvel, staff members not actively involved, not generating an income, assisting on a voluntary basis, and staff member having resigned from the company.

2016/2017: four (4) staff members were detected through the financial disclosure and CIPC verification systems to have been engaging on RWOPS. Three cases had no RWOPS approval.

2017/2018: six (6) staff members were detected to have been engaging in RWOPS through the financial disclosure and CIPC systems. RWOPS approval only confirmed for Three staff members.

(i) The number of staff members confirmed to have been involved in RWOPS are as follows:

• 2014/2015: a total of 11 staff members with registered companies,

• 2015/2016: a total of 21 staff members with registered companies,

• 2016/2017: a total of 4 staff members engaged on RWOPS, and

• 2017/2018: 6 staff members engaged on RWOPS.

(ii) Job categories of these staff members are as follows:

• 2014/2015: Directors-5 & Chief Director- 4 & Deputy Director-General-2.

• 2015/2016: Directors-13, Chief Director -5, Deputy Director-General-2, Director-General-1.

• 2016/2017 – Director – 2, Chief Director-1, & Deputy Director-General-1.

• 2017/2018: Director -3, Chief Director – 2, Deputy Director-General-1.

 (2) RWOPS approvals verified were: 2014/2015 -3 approvals, 2016/2017 – 3 approvals, and 2017/2018 – 1 approval.

(a)

The Department does not have its own separate policy as this is a regulatory function prescribed in terms of Regulation 19 of the Public Service Regulations (PSR), 2016, which provides a list and details of financial interests which designated employees (SMS and Non-SMS) are required to disclose. This explanatory manual is issued by the DPSA to guide designated employees on the required information relating to financial disclosures. Details of interests to be disclosed include different categories, namely (1) Shares, loan accounts or any other form of equity in a registered private or public company and other corporate entities recognised by law, (2) Equity, (3) Loan accounts (4) other forms of financial interests from which he/she receives an income (4) Income generating assets; (5) Trusts, (6) Directorships and Partnerships, (7) Other Remunerative Work outside the employees’ department (RWOPS), (8) Retainers, (9) Gifts, (10) Sponsorship, (11) Immovable property and (12) Vehicles

Other remunerative work refers to any work which an employee performs and receives remuneration for, outside his or her official employment. This category covers other remunerative work not disclosed under directorship/partnership, consultancy/retainership, and trustee. All employees must obtain written approval to perform other remunerative work outside of their official duties before engaging in such other remunerative work. The certificate of approval must be uploaded on the eDisclosure system.

(b)

All employees must obtain written approval to perform other remunerative work outside of their official duties by the Minister (Executive Authority) before engaging in such other remunerative work.

(c)

None. In terms of the Public Service Regulations, transgressions are required to be reported to the PSC and the DPSA, and not to National Treasury.

(d)

The Department engaged all implicated staff members and obtained written reasons for non-compliance with RWOPS prescripts. Warning letters were issued where it was found that financial disclosures were submitted late. Officials who were conducting RWOPS without approval were required to cease with the activity. A workshop was also offered to assist staff members to comprehend the DPSA policy and regulations and its implications.