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| **PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA****NATIONAL ASSEMBLY** |

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 579**

**DATE OF QUESTION: 23 AUGUST 2019**

**DATE OF SUBMISSION: 06 SEPTEMBER 2019**

**Adv T E Mulaudzi (EFF) to ask the Minister of Justice and Correctional Services:**

(1) Has he been informed about the plight of the workers at SA Custodial Management and Kensani Corrections Management who were in a public private partnership with SA Custodial Services and the Department of Correctional Services *(workers did not receive benefits between 2002-2006 and did not see their Workers Pension Contributions invested between 2001-2004 including monthly benefits owed to workers for the period of 2002-2015*); if not, what steps will he take to ensure that the workers receive what they are owed; if so, what steps has he taken to ensure that the workers are fairly compensated;

(2) whether he will be conducting an investigation into the matter; if not, why not; if so,

(3) whether the culpable parties be criminally prosecuted; if not, why not; if so, what are the relevant details? **NW1576E**

**REPLY:**

1. Yes, the Department of Correctional Services is aware of labour related dispute between the Contractor and its employees.

The department signed a Public Private Partnership agreement with the Contractor South African Custodial Services (“the Contractor”) on 11 August 2000 to design, construct, operate, maintain and finance of a prison for 3024 bed spaces at Makhado (Louis Trichardt). The Contractor, South African Custodial Services commenced with operations on 16 February 2002 and the agreement will end on 15 February 2027.

In order to resolve the plight of the workers of SA Custodial Management and Kensani Corrections Management, a legal opinion was sought on 15 June 2015 from the departmental Legal Services. In brief, the legal opined that the remuneration of Contractor’s employees must be in line with the Concession Agreement entered into between the parties.

On 15 July 2015, the department further conducted an audit report on the remuneration and conditions of employment at the institution.

Amongst others, the recommendations of the audit report to the Contractor included:

1. Development and approval of remuneration framework for all occupation categories;
2. Use of correct translation keys into occupational specific dispensation; and
3. Consistency in determining and paying remuneration.

2. As a result of failure by the Contractor to implement the recommendations of the audit report, the Union for Police, Security and Corrections Organisation on behalf of employees of the Contractor took the pension fund dispute to court. The notice of set down date is not yet confirmed.

3. Not applicable.