###### National Assembly

Question Number: 678

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

1. How many persons were suspended with full pay in (i) her department and (ii) each entity reporting to her, excluding the Passenger Rail Agency of SA, in the (aa) 2012-13, (bb) 2013-14 and (cc) 2014-15 financial years, (b) what amount was paid to each of the specified persons in each of the specified entities in each month in each of the specified financial years, (c) what were the reasons for (i) the suspensions, (ii) suspending the persons with full pay and (iii) the delays in resolving the suspensions in each case respectively and (d) what steps is she taking to resolve these suspensions?

NW793E

**Department**

a) How many persons have been suspended with full pay within (i) her department.

**(aa) 2012/13 – None**

**(bb) 2013-14 – 1 X DDG for 10 months. The value for the duration is R983 851.49**

**(cc) 2014-15 financial years – Five (05) employees to the value of R1 015 228.91**

* **2 Deputy Directors-General (3 Months and 15 days)**
* **1 Director (3 months and 20 days)**
* **1 Deputy Director (3 months and 20 days)**
* **1 Assistant Director (4 months and 10 days)**

(b) in each specified case, what (i) is the value of these payments for each month by her department

|  |  |  |
| --- | --- | --- |
| **2013/2014 FINACIAL YEAR** | | |
| **NUMBER OF EMPLOYEES** | **MONTH** | **VALUE OF PAYMENTS** |
| **One employee** | May 2013 | R0 |
|  | June | R77 356.42 |
|  | July | R94 116.98 |
|  | August | R94 116.98 |
|  | September | R153 559.29 |
|  | October | R94 116.98 |
|  | November | R94 116.98 |
|  | December | R94 116.98 |
|  | January 2014 | R94 116.98 |
|  | February | R94 116.98 |
|  | March | R94 116.98 |
| **TOTAL** | | **R 983 851.49** |
| **2014/2015 FINACIAL YEAR** | | |
| **Employee 1** | April 2014 | R138 386.61 |
| **TOTAL** | | **R138 386.61** |
|  | |  |
| **Employee 2** | July 2014 | R118 521.91 |
|  | August 2014 | R124 311.78 |
|  | September 2014 | R53 130.51 |
| **TOTAL** |  | **R295 964.20** |
|  |  |  |
| **Employee 3** | October 2014 | R27 974.57 |
|  | November 2014 | R70 907.76 |
|  | December | R70 907.76 |
|  | January | R70 907.76 |
|  | February | R23 312.74 |
| **TOTAL** |  | **R264 010.00** |
|  |  |  |
| **Employee 4** | October 2014 | R16 478.74 |
|  | November 2014 | R41 769.04 |
|  | December 2014 | R41 769.04 |
|  | January 2015 | R41 769.04 |
|  | February 2015 | R13 732.29 |
| **Total** |  | **R155 518.14** |
|  |  |  |
| **Employee 5** | October 2014 | R36 545.71 |
|  | November 2014 | R37 020.79 |
|  | December 2014 | R37 020.79 |
|  | January 2015 | R37 020.79 |
|  | February 2015 | R13 741.90 |
| **Total** |  | **R161 349.96** |
| **Grand Total – 2014/15** |  | **R1 015 228.91** |

(c) what were the reasons for (i) these suspensions,

**The officials committed serious allegations of misconduct that warranted precautionary suspension.**

(ii) reasons for suspending the persons with full pay

**Precautionary suspension is always with full pay in terms of Chapter 7, clause 2(b) of the Senior Management Service Handbook and clause 7.2 of the Disciplinary Code and Procedure (Resolution 1 of 2003).**

(iii) the delay in resolving the suspension in each case respectively

**The complexity of the investigations is the cause of the delay.**

(d) what steps is she taking to resolve these suspensions?

**All the above-mentioned cases were resolved.**

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

(a)(ii) The Airports Company South Africa, placed employees under suspension with full pay pending investigation and possible disciplinary action during the financial years under review as follows:

**(aa) 2012/13**

During the period under review, nine (9) employees were placed under suspension with full pay for the average period of approximately three (3) months (92 days). The total value of the salaries paid to the nine (9) employees during the period under review for suspension with full pay amounted to **R 286 889.90.**

All cases were concluded, with outcomes reached within set timeframes of investigation, resolution and finalization of such matters.

**(bb) 2013/14**

During the financial year under review, nineteen (19) employees were placed on suspension with full pay for the average period of approximately three (3) months (95 days). The total amount of salaries paid to the nineteen (19) employees during the period of suspension under review amounted to **R 880 462.11**

All cases were concluded, with outcomes reached within set timeframes of investigation, resolution and finalization of such matters.

**(cc) 2014/15**

During the financial year under review, thirty four (34) employees were placed under suspension with full pay for the average period of below three (3) months (77 days). The total amount of salaries paid to the thirty four (34) employees during the period under review of suspension with full pay amounted to **R 2 298 887.60**

All cases were concluded, with outcomes reached within set timeframes for investigation, resolution and finalization of such matters.

**(c)(i) and (ii) Reasons for suspension and disciplinary action during the requested review period**

The reasons for suspensions to facilitate investigation and conclusion of matters during the period under review were many and varied as reflected in the list below:

|  |
| --- |
| * Assault |
| * Breach of policy |
| * Collusion |
| * Concealment of information |
| * Damage to property |
| * Desertion of post |
| * Dishonesty |
| * Embezzlement of funds |
| * Forging of sick note |
| * Fraud |
| * Gross negligence and/or competence, violation of policy. |
| * Illegal micro lending |
| * Insubordination |
| * Intimidation, abusive and insulting |
| * Misrepresentation |
| * Misuse of property |
| * Non-disclosure of criminal record |
| * Sleeping on duty |
| * Tempering |
| * Theft |
| * Unacceptable conduct |
| * Unauthorised conduct |
| * Use of foul and insulting language |

**(iii) Conclusion of disciplinary action during the requested review period**

All of the suspensions with full pay for the three (3) sets of financial years have been finalised and there were no delays in the investigation and finalisation of disciplinary processes. Outcomes of majority of the disciplinary processes mainly resulted in decisions of:

* Dismissal
* Acquittal and
* Final written warnings

**(d) Solution for the reduction of suspensions with full pay**

A benchmark has been set for resolution of suspensions with full pay within a period of three (3) months. Suspension of employees with full pay will be used as an action of last resort in deserving cases of serious financial and criminal misconduct. While some suspensions with full pay may be longer than others, the average period of three months (3) will be the guiding principle.

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

1. (i) N/A (ii) the South African Civil Aviation Authority suspensions are listed below for (aa) there were none, for 2012/13, (bb) there were none for 2013/14, and (cc) for 2014/15 as per table below. (ii) (aa) (bb) (iii) and (iv) are stated in the table below.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Name Department** | **No. of days suspended** | **Reasons for suspension** | **Payment value of suspension in rand per month** | **Delay and Reasons** | **Action taken to resolve the matters** |
| Accident and Incident Investigation Division | 90 days | Serious misconduct relating to misrepresentation of qualifications | R59,782.76 x3 months  R179.348.28 | No delay\* | An internal disciplinary process was undertaken and the employee was dismissed. |
| Air Safety Operations Division | 90 days | Serious Misconduct unethical conduct when doing inspection and audit. | R70,654.22 x 3 months  R211,962.66 | No delay\* | An internal disciplinary process was undertaken and the employee was dismissed. |
| Air Safety Operations Division | 90 days | Serious misconduct relating to conflict of interest and contravention of Civil Aviation Act, section 98. | R51,442.43 x 3 months  R154,327.29 | No delay\* | The employee resigned before the disciplinary hearing was held. |
| Air Safety Operations Division | 14 days | Serious misconduct relating to conviction on criminal case. | N/A | No delay\* | An internal disciplinary hearing was conducted and the charges against the employee were dismissed by the Chairperson of the hearing. |
| Air Safety Operations Division | 120 days | Serious misconduct relating misrepresentation of flying experience. | R97,707.48 x 4 months  R390,829.92 | Under the control of external investigations. | An internal disciplinary process was undertaken and the employee was dismissed. |
| Air Safety Operations Division | 150 days | Serious misconduct relating to misrepresentation of qualifications. | R57,258.57 x 5 months  R286,292.85 | Some delay experienced during festive holidays. | An internal disciplinary process was undertaken and the employee was dismissed. |
| Total |  |  | R1,222,761.00 |  |  |

Footnote: \* means that the suspension was within the SACAA Disciplinary Management Policy.

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

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Department** | **Date Suspended** | **Date Suspension Uplifted Termination** | **Value of payment per month** | **Total of payment whilst on suspension** | **Reason for Suspension** | **Reason for Delay in resolving matter** | **What is being done to resolve** | **Reason for suspension with full pay** |
| **2012/2013** | | | | | | | | |
| ATNS | 25 September 2012 | 24 December 2012 | R56 767.00 | R163 307.00 | KPMG Audit –  Whistle blowing matter | Matter was dealt with as expedient as possible taking the audit into consideration. | Matter concluded | According to the Labour Relations Act, a suspension preceding a disciplinary hearing is a preventative suspension and must always be with full pay |
| ATNS | 31 August 2012 | 14 September 2012 | R20 833.33 | R10 575.00 | Gross Insubordination | Non availability of internal qualified Chairman. | Matter concluded. | According to the Labour Relations Act, a suspension preceding a disciplinary hearing is a preventative suspension and must always be with full pay |
| ATNS | 25 September 2012 | 24 December 2012 | R72 399.00 | R211 618.00 | KPMG Audit  Whistle blowing matter | Matter was dealt with as expedient as possible taking the audit into consideration. | Matter concluded. | According to the Labour Relations Act, a suspension preceding a disciplinary hearing is a preventative suspension and must always be with full pay |
| ATNS | 28 March 2013 | 1 August 2013 | R153 333.00 | R634 561.00 | Gross Insubordination | External legal team appointed based on seniority. | Matter concluded.  Employee dismissed. | According to the Labour Relations Act, a suspension preceding a disciplinary hearing is a preventative suspension and must always be with full pay |
| 2013/2014 | | | | | | | | |
| ATNS | 4 July 2013 | 5 September 2013 | R128 808.00 | R271 466.00 | Gross dishonesty | External legal team appointed due to seniority of employee. | Matter concluded. | According to the Labour Relations Act, a suspension preceding a disciplinary hearing is a preventative suspension and must always be with full pay |
| ATNS | 13 March 2014 | 25 July 2014 | R80 424.00 | R357 004.00 | Gross Insubordination | External legal team appointed due to the seniority of the employee. | Matter concluded | According to the Labour Relations Act, a suspension preceding a disciplinary hearing is a preventative suspension and must always be with full pay |
| 2014/2015 | | | | | | | | |
| ATNS | 16 May 2014 | 31 October 2015 | R111 435.00 | R1 950 958.07 | Whistle Blower on allegations of racism, discrimination, intimidation and victimisation of black employees. | Extensive internal disciplinary hearing finalised. | Matter Concluded. Employee resigned before finalization of disciplinary hearing. | According to the Labour Relations Act, a suspension preceding a disciplinary hearing is a preventative suspension and must always be with full pay |
| ATNS | 16 May 2014 | 25 September 2015 | R94 350.00 | R1 557 411.00 | Whistle Blower on allegations of racism, discrimination, intimidation and victimisation of black employees. | Extensive internal disciplinary hearing finalized. | Matter Concluded.  Employee dismissed. | According to the Labour Relations Act, a suspension preceding a disciplinary hearing is a preventative suspension and must always be with full pay |

**Ports Regulator of South Africa**

The Ports Regulator has never suspended any of its employees since starting operations in 2007.

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

1. **(ii)**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of persons suspended | Number of months person suspended | Amount p/m | Reasons for suspension | Why Suspension with full pay? | Reasons for delays in resolving the matter | What are the Steps to resolve the matter? |
| 2012-13 | | | | | | |
| 1 | 3 months | R69 141.49 | Misconduct | Precautionary suspension | CCMA process took long | Resolved |
| 2013-14 | | | | | | |
| 1 | 1 month | R28 818.12 | Misconduct | Precautionary suspension | Hearing process | Resolved |
| 2014-15 | | | | | | |
| 1 | 3 months | R70 616.58 | Misconduct | Precautionary suspension | Investigation | Matter referred to the Labour Court |
| 1 | 6 months | R18 853.99 | Misconduct | Precautionary suspension | Sick leave by staff member & initiator | Matter resolved |

**Railway Safety Regulator (RSR)**

ii. (aa) No persons were suspended during the 2012-13 reporting period.

ii. (cc) **2014/15 FINANCIAL YEAR**

|  |  |  |  |
| --- | --- | --- | --- |
| **NO. OF PERSONS** | **REASONS FOR SUSPENSION** | **PERIOD OF SUSPENSION** | **MONEY PAID DURING SUSPENSION** |
| 1 | Gross dishonesty, Financial misconduct, Insubordination and Breach of Duty of Trust. | Four months | R388, 700,96 |
| 1 | Misconduct | One month | R42, 316 |
| **TOTAL** | | | |
| **2** |  |  | **R431,016.96** |
| (bb) **2013/14 FINANCIAL YEAR** | | | |
| **NO. OF PERSONS** | **REASONS FOR SUSPENSION** | **PERIOD OF SUSPENSION** | **MONEY PAID DURING SUSPENSION** |
| **1** | Misconduct | One month | R81, 433,50 |
| **1** | Misconduct | Two months | R46, 474,64 |
| **TOTAL** | | | |
| **2** |  |  | **R127, 908,14** |

(b)(iv) All the suspensions were conducted in compliance with the RSR’s Disciplinary Policy, which makes allowances for suspensions with full pay.

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

(a)(ii) The CBRTA in the (aa) 2012-13 (bb), 2013-14 (cc) 14-15 financial years (b) suspended a total of eight (8) persons as outlined in the schedule of suspensions table listed below. (b) The amount was paid to each of the specified persons in each month in each of the specified financial years, (c) the reasons for (i) the suspensions and (iii) the delays in resolving the suspensions in each case respectively are all provided in the table below.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Position** | **(aa)(bb)(cc)Financial years** | | **Period** | **(c)(i) (ii)**  **Reason for suspension** | **(c)(iii) Delay in resolving these matters** | **(b) Monthly amount paid** |
| HR Generalist | FY12/13 | FY12/13 | November 2012 - January 2013  Suspended for 65 days | Alleged Misconduct. Recruitment process not followed for appointment of new hires. Verbal offers of employment extended before requisite approval. | The matter was not delayed. The suspension was uplifted and an informal disciplinary hearing was conducted. | R 36,744 |
| Chief Road Transport Inspector | FY12/13 | FY13/14 | February 2013 – April 2013  Suspended for 65 days | Alleged misconduct. Making use of employer's resources for personal benefit. Leave without authorisation | The matter was not delayed. Disciplinary hearing was conducted. | R 38,133 |
| Senior Manager Human Resources | FY13/14 | FY13/14 | March 2013 – April 2013  Suspended for 43 days | Alleged Misconduct. Unprofessional conduct, fraudulently changing performance score, failure to carry out responsibilities with recruitment of Road Transport Inspectors | The matter was not delayed, the employee resigned pending disciplinary enquiry | R 66,371 |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Position** | **(aa)(bb)(cc)Financial years** | | **Period** | **(c)(i) (ii)**  **Reason for suspension** | **(c)(iii) Delay in resolving these matters** | **(b) Monthly amount paid** |
| Senior Manager Law Enforcement | FY 13/14 | FY 14 /  15 | November 2013 – November 2014  Suspended for 260 days | Alleged misconduct. Gross Insubordination, unruly behaviour, gross negligence | Delays with investigations due to unavailability of witnesses due to work pressures as well as year-end closure.  Further delays with serving the employee with disciplinary hearing notice due to unavailability.   Postponement of disciplinary hearing on account of employee's request for more time to prepare.   First hearing adjourned on the basis of a technicality raised by the employee and his representative.  Still more delays for a few scheduled hearing dates due to unavailability of the employee's representative.   Eventually the case went to the CCMA for pre-dismissal arbitration.   The pre-dismissal arbitration was delayed among others due to ill health of the employee, unavailability of his representative, ill health of the Commissioner; interdict an application to the High Court by the employee.  The matter was settled on 3 November 2014. | R 75,467 |
| Executive Manager: Human Resources & Administration | FY13/14 | FY14/15 | February 2014 - July 2014  Suspended for 108 days | Allegations of misconduct - Gross dereliction of duty, gross insubordination, and gross negligence | Matter delayed by changes to external investigators. Finally a settlement agreement was entered into | R 110,933 |
| Executive Manager: Facilitation & Industry Development | FY14/15 | FY14/15 | May 2014 - November 2014  Suspended for 130 days | Allegations of misconduct - Gross insolence and undermining authority of superior | The matter was not delayed. After further investigations, the matter was partly heard. The employee requested a settlement agreement | R 131,098.50 |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Position** | **(aa)(bb)(cc)Financial years** | | **Period** | **(c)(i) (ii)**  **Reason for suspension** | **(c)(iii) Delay in resolving these matters** | **(b) Monthly amount paid** |
| Senior Data Administrator | FY14/15 | FY15/ 16 | July 2014 – May 2015  Suspended for 216 days | Allegations of misconduct - Frequent late-coming, Repeated absence without permission, Abscondment/desertion, Gross insubordination | Suspension and hearing delayed on account of repeated failure by employee to respond to acknowledge receipt and/or to respond to disciplinary documentation, failure to attend the inquiry.   Unsuccessful use of the services of the Sheriff of the Court to serve documentation to employee.   1st hearing conducted in employee's absence which led to her dismissal.   Appeal chairperson granted that another hearing be conducted where she will be given an opportunity to state her case.  2nd hearing delayed due to unavailability of representative, ill-health of employee. Hearing finalised. | R 31,951 |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Position** | **(aa)(bb)(cc)Financial years** | | **Period** | **Reason for suspension** | **Delay in resolving these matters** | **Monthly amount paid** |
| Senior Manager Information Technology | FY14/15 | FY15/ 16 | October 2014 – July 2015  Suspended for 216 days | Allegations of misconduct - Intended fraud. | Investigations into the alleged misconduct were lengthy and required extended time.  When suspension was uplifted with intention to pursue hearing, employee resigned. | R 79,679 |

(d)Mitigation against future costs related to employee suspensions:

The C-BRTA developed and adopted Management Guidelines for Employee Suspensions (*as attached*) that line management will now use when considering suspensions. The overall effect is that to date employee suspensions have become minimal and where there is a need to isolate an employee from operations while investigations are underway, the employee is placed in other non-related roles to best derive equitable value for the salary earned.

**Road Accident Fund (RAF)**

1. (ii) The Road Accident Fund (RAF), who employs over 2500 people, suspended with full pay (aa) 9 employees in 2012-13, (bb) 20 employees in 2013-14, and (cc) 10 employees in the 2014-15 financial years,
2. the value of the matters for each month in each financial year are:

|  |  |  |  |
| --- | --- | --- | --- |
|  | **(aa) 2012-13** | **(bb) 2013-14** | **(cc) 2014-15** |
| April | R 76 000.00 | R 160 000.00 | R 420 000.00 |
|  |  |  |  |
| May | R 45 000.00 | R 215 000.00 | R 465 000.00 |
|  |  |  |  |
| June | R 85 000.00 | R 255 000.00 | R 420 000.00 |
|  |  |  |  |
| July | R 85 000.00 | R 245 000.00 | R 450 000.00 |
|  |  |  |  |
| August | R 75 000.00 | R 225 000.00 | R 420 000.00 |
|  |  |  |  |
| September | R 90 000.00 | R 125 000.00 | R 550 000.00 |
|  |  |  |  |
| October | R 55 000.00 | R 100 000.00 | R 550 000.00 |
|  |  |  |  |
| November | R 30 000.00 | R 205 000.00 | R 430 000.00 |
|  |  |  |  |
| December | R 58 000.00 | R 175 000.00 | R 320 000.00 |
|  |  |  |  |
| January | R 92 000.00 | R 200 000.00 | R 130 000.00 |
|  |  |  |  |
| February | R 70 000.00 | R 300 000.00 | R 130 000.00 |
|  |  |  |  |
| March | R 70 000.00 | R 420 000.00 | R 130 000.00 |

1. (i) the reasons for the suspensions, which relate to anything from misconduct to fraud, are to manage the risk of the employee to interfering with witnesses and/or evidence; where the continued presence of the employee presents a threat to life or property; or where the employee’s presence will have a disruptive effect on other employees, (ii) the CCMA and Labour Court generally consider suspension without pay an unfair labour practice, therefore the RAF Disciplinary Policy provides for the suspension of an employee on full pay in the aforementioned instances, (iii) delays in resolving the matters may be experienced due to any one or more reasons, including ongoing investigations that must be completed; the employee getting sick; CCMA referrals for unfair labour practices; and, requests for legal representation and determination, which if granted, impacts on the time taken to conclude hearings, and
2. in order to resolve future matters the RAF is amending its Disciplinary Policy to curb the maximum period for which an employee may be suspended on full pay and requiring the employee be charged no later than one month after the suspension.

**Road Traffic Management Corporation (RTMC)**

(ii) Road Traffic Management Corporation

(aa) 2012 - 2013 = five (5) employees

(bb) 2013 – 2014 = Five (5) Employees

(cc) 2014 – 2015 = One (1) Employees

1. **2012-2013**

|  |  |
| --- | --- |
| **Employee** | **Monthly salary** |
| No. 1 | R 18 421.39 |
| No. 2 | R 13 961.89 |
| No. 3 | R 10 815.07 |
| No. 4 | R 35 980.71 |
| No.5 | R 14 383.92 |

**2013-2014**

|  |  |
| --- | --- |
| **Employee** | **Monthly salary** |
| No. 1 | R 38 565.30 |
| No. 2 | R28 490.88 |
| No. 3 | R 35 256.08 |
| No. 4 | R 14 171.32 |
| No.5 | 14 383.92 |

**2014-2015**

|  |  |
| --- | --- |
| **Employee** | **Monthly salary** |
| **No. 1** | R 35 256.08 |

1. (i) The reasons for the suspension were that the acts of misconduct were very serious and another reason was to conduct the investigation free from possible interference by the employees, in terms of paragraph 9.2 (i) & (ii) of the Disciplinary Code and Procedures of the Corporation

(ii) The suspension of this kind is with full pay in terms of paragraph 9.2 (b) of the Disciplinary Code and Procedures of the Corporation.

(iii) The delays were caused due to the investigation which took longer than we expected. Charges are informed by the Investigation report and therefore if finalization of the investigation delays, then the process of charging the employee/s delays.

(d). As soon as the employee is suspended, processes will be put in place to ensure that the investigation unfolds immediately without any delay. This will ensure that there are no unnecessary delays in the finalization of cases and suspensions.

**Road Traffic Infringement Agency (RTIA)**

|  |  |  |
| --- | --- | --- |
| 1. (ii) Suspensions with Full Pay | | |
| **2012/13** | **2013/14** | **2014/15** |
| None | None | 1 |

1. R 261 541.15 for the period September 2014 to February 2015

**Gross salary per month:**

September 2014- R39 401.44

October 2014- R39 401.44

November 2014- R39 401.44

December 2014- R39 401.44

January 2015- R64 533.97

February 2015- R39 401.44

1. Reason for suspension
2. Misconduct;
3. The suspension was with full pay; and
4. A lengthy disciplinary process was undertaken and the employee was given a final written warning
5. The disciplinary hearing concluded the process.

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

None of the South African National Roads Agency (SOC) Ltd (SANRAL) staff members were suspended during the years under review