



**PARLIAMENT**  
OF THE REPUBLIC OF SOUTH AFRICA

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**LEGAL OPINION**

**TO:** Honourable Adv. SP Holomisa and  
Honourable Mr BA Mnguni  
Co-Chairpersons: Constitutional Review Committee

**COPY:** Mr M. Coetzee  
Acting Secretary to Parliament

**FROM:** Constitutional and Legal Services Office  
[Ms SS Isaac – Parliamentary Legal Adviser]

**DATE:** 17 October 2012

**SUBJECT:** Annual Submission to the Joint Constitutional Review  
Committee  
Submission 9: Dina Bogatsu

**LEGAL ADVISER:** Ms SS Isaac

**REFERENCE:** 191/12

A handwritten signature, possibly 'SS Isaac', enclosed within a circular scribble.



## MEMORANDUM

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**To:** Honourable Adv. SP Holomisa and  
Honourable Mr BA Mnguni  
Co-Chairpersons: Constitutional Review Committee

**COPY:** Mr M. Coetzee, the Acting Secretary to Parliament

**From:** Legal Services Office

**Date:** 17 October 2012

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**Subject:** Annual Submission to the Constitutional Review Committee  
Submission 9: Dina Bogatsu

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### FACT

1. Our office was requested by the co-chairpersons of the Joint Constitutional Review Committee to advise on a submission received from Ms Dina Bogatsu.
2. Ms Bogatsu raises two issues. Firstly, she has a complaint regarding the leadership in the community as there is unfair treatment of people with disabilities. Children at the Keurhoff School at Matlosana are unable to complete school due to their learning disabilities. This prevents them from finding proper employment and as a result they have no choice but to take jobs such as gardening, making pottery, cleaning graveyards and municipalities. She states that people with disabilities wish to support themselves in proper jobs with salaries rather than receiving disability grants from the state. She requests that the Committee engage with the municipality, the hospitals, Eskom, Telkom, and the post offices to employ people with disabilities.

3. Secondly, she alleges that a company called Zimba Company hired and then fired him because he did not have a matric certificate.

## **Conclusion**

4. The first submission deals with allegations of the unfair treatment of people with disabilities. The submission contains no request for the Committee to amend the Constitution. The Committee may consider referring the submission to the relevant committee on Women, Children and People with Disability or Basic Education.
5. The second part of the submission deals with an alleged labour dispute. The submission contains no request for the Committee to amend the Constitution. Current law provides sufficient mechanisms in terms of which the submitter may pursue the relief that she is seeking. We therefore advise that the submitter needs to seek the assistance of an attorney regarding the alleged labour dispute. If she is unable to afford legal services it is suggested that she approach Legal Aid South Africa, one of the University Campus Law Clinics or the nearest Legal Resources Centre for assistance.



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**Ms SS Isaac**

**Parliamentary Legal Adviser**

X30 Pheletso Street  
Ext 2  
Jouberton location  
Matlosana  
2574

Attention: Mrs Pat Jayiya

Dear Madam

We have complaints concerning the leadership of our committee and we are saddened about the unfair treatment towards people with disabilities. Children at our Keurhoff School at Matlosana are unable to complete matric because they have learning disabilities. We have tried our best to ensure that our children complete matric but our attempts have failed due to their learning disabilities. These children attend school until Grade 9 but are unable to progress further because it becomes difficult for them to continue with their schooling.

The other problems experienced in this respect are that people do not understand their situation and they cannot get proper employment because of underperformance shown in their school results. The municipality have many jobs that can be offered to these children with disabilities. These children are only given jobs such as gardening, pottery making, and cleaning the dirty graveyards and drains in our municipality. They are given these jobs because they do not possess a matric qualification.

The problem is that only able-bodied people get proper jobs. Our question is: what about people with disabilities? They do not want disability grants but want to have a normal life like able-bodied people. My request is that you engage with the municipality, the hospitals, Eskom, Telkom, and the post offices so that they can employ people with disabilities, even if they are paid a salary of R4000 just like everyone else. They want to have families, so how are they supposed to pay lobola if they receive R1, 200 from a disability grant? How are they going to support their families with R1, 200? They need to enjoy freedom just like everybody else.

I would also like to express my unhappiness about Zimba Company's treatment towards my son, Thapelo Mathews Bogatsu, who also has learning disabilities. They hired him but he was fired because he did not have a matric qualification. They should understand that he did his best by obtaining a driver's licence. How will he cope in life after what they did to him; why did they do that to him and where should he work now?

I would like to see him return to his job because he loved working at the warehouse. Could you please contact the company and get clarity on this matter. His situation caused a lot of pain to me and I nearly died of a heart attack. I was sick for about 6 months because I kept on thinking about what my son had gone through and the questions he kept asking me regarding his situation. It causes him stress and I don't know what to do.

Could you please assist people with disabilities and meet with the Zimba Company and ask them to employ our children. I hope you understand all the stress we go through as parents and the abuse our children experience, unlike the human resources management

of the municipality and the hospitals who don't know how to treat them and they don't care about them.

I hope my application will be taken into consideration.

Yours Sincerely  
Dina Bogatsu: Committee member  
Cell Number: 079 165 8352