



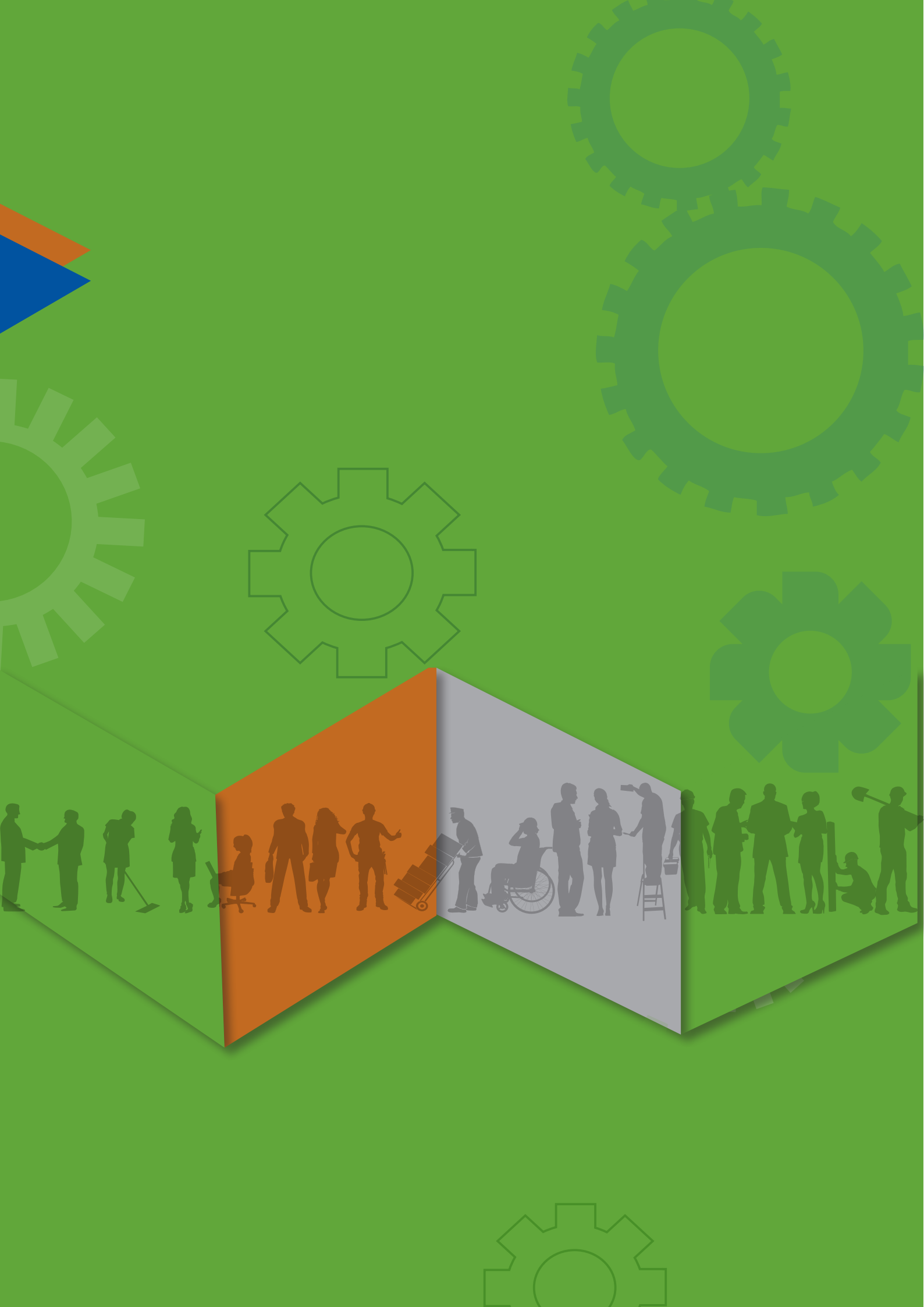
# 2021/2022 ANNUAL PERFORMANCE PLAN



**Invuselelo - The Revival  
The 2020/21 - 2024/25 Strategy  
"I am because you are"**

COMMISSION FOR CONCILIATION, MEDIATION & ARBITRATION









## THE EXECUTIVE AUTHORITY'S STATEMENT

The Commission for Conciliation, Mediation and Arbitration's (CCMA) legislative mandate is derived principally from Section 23 of the Constitution of the Republic of South Africa (1996) and the Labour Relations Act, 1995 (Act no. 66 of 1995) [as amended] (LRA). The CCMA's mandate is derived from the purpose of the LRA, which is to advance economic development, social justice, labour peace and the democratisation of the workplace.

The CCMA has made a meaningful contribution towards labour market stability since its inception in 1996 and strove to continue to do so with the implementation of the Imvuselelo – "The Revival", the 2020/21 – 2024/25 Strategy, which was launched in March 2020. Unfortunately, the 2020/21 financial year was a challenging year, with full strategy implementation minimised as a result of the COVID-19 pandemic and accompanying regulations, as well as budget constraints, which confronted all government Departments and public entities.

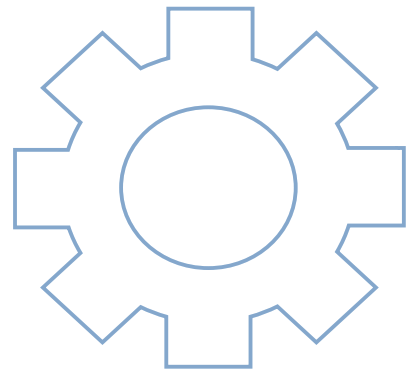
The 2021/22 financial year will continue to be a challenging year, as the global economy attempts to recover from the negative impact of the COVID-19 pandemic. It is imperative that all social partners and stakeholders in the labour market must continue to work together in reviving the South African labour market. The role of the CCMA as a dispute prevention, management and resolution organisation becomes

even more paramount in this instance, as it continues to be the champion of labour market stability, peace and equity. The role of the Essential Service Committee (ESC), under the auspices of the CCMA, also continues to be important, in the designation of essential and minimum services.

I, as the Executive Authority of the CCMA, endorsed the Imvuselelo – The Revival, the CCMA's 2020/2021 - 2024/25 Strategy, and the accompanying 2021/22 Annual Performance Plan (APP), and hereby commit to support successful implementation thereof.

A handwritten signature in black ink, appearing to read 'TW Nxesi', written over a horizontal line.

**TW Nxesi, MP**  
Minister of Employment and Labour







# THE ACCOUNTING AUTHORITY'S STATEMENT

The 2020/21 financial year was the first year of the execution of the Imvuselelo – The Revival, the 2020/21 – 2024/25 Strategy. The advent of the COVID-19 pandemic and the national lockdown had an impact on overall strategy implementation and CCMA operations.

The 2021/22 APP represents the CCMA's intention to re – ignite its efforts' of ensuring that the strategic intent of the Imvuselelo – The Revival Strategy 2020/21 – 2024/25 is realised, even though the 2021/22 is anticipated to still be a changing time for the CCMA and the labour market at large.

With the socio – economic recovery envisaged to be slow, it is anticipated that the labour market will be under strain and continue to be volatile. Also, the 2021/22 APP was finalised and approved at a time when South Africa was re – emerging from the second wave of the COVID-19 pandemic, with the country being at risk of a third and fourth wave in later parts of 2021. Moreover, the 2021/22 APP was concluded amidst a severely constrained budget, due to the challenges confronting the fiscus. The budget constraints presents a challenging internal environment, despite suggestions from the external environment that there will be a greater demand and need for CCMA services and products.

The name Imvuselelo – The Revival therefore articulates exactly what the CCMA will be focused on in the next five (5) years; the revival of the organisation to re-birth as a world-class institution that will deliver quality and expeditious dispute prevention, management and resolution services to its users and stakeholders. The 2020/21 to 2024/25 period places a greater emphasis on the transformational role that the CCMA intends to play in the labour market; a more proactive rather than a reactive role in the labour. This proactive approach is even more important during these unprecedented and trying times of COVID-19 that South Africa and the world continue to face as change is rapid and unpredictable.

It is against this background that the development and finalisation of the APP 2021/22 global markets indicators were considered. The development of the Imvuselelo – The Revival, the 2020/21 – 2024/25 Strategy, was guided by the contextual environment in which the CCMA operates in. The APP 2021/22 will further give impetus to the Medium-Term Strategic Framework (MTSF) 2019-2024 priorities focusing on the attainment of the National Development Plan (NDP) 2030 outcomes that the CCMA contributes towards.

The Imvuselelo – The Revival 2020/21 – 2024/25 Strategy contributes directly to eight (8) outcomes of the 13 in the NDP 2030 and all seven (7) priorities as outlined in the 2019 – 2024 MTSF. Further details are provided in succeeding sections of this document. The 2020/21 – 2024/25 Imvuselelo has three (3) strategic pillars and five (5) programmes, each with linked initiatives and projects on how the intended outcomes and projects will be delivered to achieve the strategic intent of the strategy.

Appreciating the difficult challenges confronting the labour market currently, the CCMA Governing Body will support Management in the implementation of the 2021/22 APP.

**Enos Ngutshane**  
Chairperson of the CCMA Governing Body





## THE ACCOUNTING OFFICER'S STATEMENT

The 2021/22 financial year marks the second year of the implementation of the Imvuselelo -The Revival 2020/21-2024/25 Strategy. The 2020/21 financial year was a very strenuous year, not only for the CCMA but for the entire globe. During the planning process of the 2021/22 APP, attempts were made through engagements with internal and external stakeholders, to develop a plan that best responds to the developmental imperatives facing the country. The socio-economic challenges facing the labour market require a collective response to enable the development and implementation of effective and efficient interventions. A collaborated and co-ordinated response is now particularly important due to constrained economic activity and fiscal pressures.

The CCMA prides itself on being regarded as a highly efficient institution, despite it being the largest labour dispute resolution agency in the world by volume of referrals, with 221 547 referrals received during the 2019/20 financial year. This constitutes a 14% increase in case referrals in 2019/20, compared to the previous financial year. Notwithstanding this, the CCMA continued to strive to deliver its legislated mandate in compliance with the stringent legislated and set turnaround times.

In the 2019/20 financial year, the CCMA experienced a substantial increase in large-scale retrenchment (Section 189A of the Labour Relations Act, 1995 (Act no. 66 of 1995) [as amended] (LRA)) referrals, when compared to the previous financial year. 779 referrals were

registered in this regard, compared to the 529 of the 2018/19 financial year. This represented an increase of 47% in large-scale retrenchment referrals. This is indicative of the challenging economic environment, but of the confidence the labour market has in the CCMA in this regard.

The dedicated focus to job saving by CCMA facilitators and stakeholders involved in large-scale retrenchment (Section 189A of the Labour Relations Act, 1995 (Act no. 66 of 1995) [as amended] (LRA)) processes has once again contributed to the achievement of the CCMA's job saving strategic target of the 2019/20 financial year. Of the 51 995 employees likely to be retrenched, 21 846 employees were not retrenched (as per the matters referred to the CCMA). These figures translate into 42% of jobs of employees likely facing retrenchments being saved against a target of 35%.

A total of 144 public interest matters were dealt with during the 2019/20 financial year, compared to the 187 of the previous year. Public interest matters are those disputes where the CCMA, in terms of Section 150 of the LRA, may appoint a Commissioner to conciliate whether or not the matter has been referred to the CCMA or a Bargaining Council. The targeted settlement rate of 75% on the Section 150 public interest matters was exceeded at 79%. This is commendable and is attributed to the CCMA's ongoing proactive monitoring, support and guidance provided to the labour market.

The outgoing 2015/16–2019/20 Senz'umehluko Strategy, placed emphasis on intensifying Dispute Management and Prevention (DMP) interventions to reduce conflict in the workplace and transform workplace relations. Notably, thirty-eight (38) capacity building interventions on effective negotiation skills covering the Code of Good Practice on Collective Bargaining (COGP) and the Accord were delivered to Users during the 2019/20 financial year. During the same financial year, a total of eight (8) capacity building interventions covering the COGP and the Accord were delivered to Bargaining Councils.

The CCMA facilitated the establishment of Workplace Participatory Structures in some workplaces in order to promote workplace democracy, co-operation and employee involvement at an individual workplace level through consultation and co-determination on issues aimed at improving working conditions and productivity. Furthermore, the CCMA successfully undertook Collective Bargaining Support Processes (CBSP), support processes (including pre, during and post wage facilitations), and balloting and verification exercises. Moreover, the CCMA facilitated collective bargaining improvement processes and pre-bargaining conferences to oversee any outstanding issues arising from wage negotiations that, if left unattended, may give rise to new disputes and constructively assist parties to prepare for their bargaining processes ahead. A Workplace Mediation Model was also introduced and implemented in a number of workplaces to provide those concerned with the opportunity to address workplace conflict that may give rise to disputes and assist parties to identify meaningful solutions to sustain working relationships.

As part of its legislated functions, the ESC must promote effective dispute resolution in essential services. The ESC, during the 2019/20 financial year, conducted three (3) self-initiated cases in order to determine whether or not the whole or a part of any service is an essential service. The ESC also monitored twelve (12) Essential Service Designations (ESDs), Minimum Services Agreements (MSAs), Minimum Service Determinations (MSDs) and/or Maintenance Service Determinations for compliance and observance. The ESC noted the gaps in the dispute resolution systems of the parties during its monitoring and evaluation



exercise. This led to the identification of imminent deterioration of workplace relations.

The CCMA provided various platforms for engagement with its stakeholders and users. This included five (5) engagements held with strategic labour market stakeholders to provide thought leadership and facilitate social dialogue on identified strategic labour market issues, including the Annual Labour Law Conference, the Shop Stewards and Union Officials' Conference and the 2019 CCMA Indaba (for internal stakeholders).

The CCMA also successfully launched the CCMA Connect, the official CCMA mobile application which enables Users to track their cases and to complain about or, compliment the organisation.

In the last year of the 2015/16 – 2019/20 Senz'umehluko Strategy, the CCMA Youth in Labour Think Tank was conceptualised, in line with the Government's Youth Developmental Policy, informed by the NDP 2030. This platform provides the youth in the labour market (researchers/ scholars/ professionals/ academics) with a platform to share experiences and challenges, but most importantly, conceptualise and test their ideas, with the CCMA playing a key role in incubating some of the ideas to operationalisation. This platform is part of the broader Corporate Social Responsibility (CSR) initiatives of the organisation. This initiative will be carried over by the Imvuselelo – The Revival, the 2020/21 – 2024/25 Strategy. The CCMA also continued to support Presidential Projects as documented in the Presidential Job Summit Framework, by continuing work on the CCMA/BUSA Webtool for Small Medium and Micro Sized (SMMEs) and the Temporary Employee/Employer Relief Scheme (TERS).

The CCMA continued to place a great emphasis on its governance environment during this period, which is maturing quite progressively, with the Enterprise-Wide Risk Management (ERM) being awarded a level 5.00 by the National Treasury. The CCMA now also has a fully established Compliance Management Function, which ensures that the CCMA complies to all relevant policies, legislation and best practice. Great emphasis was also placed on the ethics management, with a hybrid of anti-fraud and corruption activities being implemented, to ensure that the CCMA runs a clean, ethical and capable administration.

The year-on-year case referral of the CCMA suggests a conflictual labour market. Many factors contribute towards this volatility, such as the socio-economic challenges of the country, which also include the triple crisis of unemployment, poverty and inequality. By renewing the organisation internally to better support the labour market proactively, timeously and appropriately through targeted DMP interventions, the Imvuselelo – The Revival, the 2020/21 – 2024/25 Strategy aims to revive the spirit of Ubuntu in the labour market, recognising that the underlying principles of Ubuntu are required to maintain labour market stability and peace, and reduce levels of conflict between employers and employees. Therefore, the slogan of Imvuselelo – The Revival, the 2020/21 – 2024/25 Strategy is appropriately titled "I am because you are".

The strategic intent of the Imvuselelo – The Revival, the 2020/21 – 2024/25 Strategy, has its focus on internal revival of the organisation, with the aim of the CCMA transforming it a modern, optimised institution. This means that priority will be granted to organisational re-configuration to respond to the changing needs of the labour market, enabling the CCMA to improve continue enhancing its effectiveness and efficiency.

The renewal of the organisation itself will enable the CCMA to deliver a world-class service to its users in the labour market and beyond, whilst remaining relevant and accessible to vulnerable groups.

I would like to thank the Governing Body, the Executive Team, the Heads of Provinces and Regions, Commissioners and staff, stakeholders and strategic partners, for the continued support of the CCMA vision, mandate and strategic and operational initiatives. The 2021/22 APP translates strategic intent into action, guiding everything that the CCMA will concentrate on in the 2021/22 financial year, which will undoubtedly be a challenging and unprecedented time of the continuing COVID-19 pandemic and extraordinary budget reductions.



**Cameron Sello Morajane**  
Director of the CCMA



# OFFICIAL SIGN-OFF

It is hereby certified that the CCMA's 2021/22 APP was developed by the Management of the CCMA, under the guidance of Governing Body. The 2021/22 APP takes into account all the relevant policies, legislation and other mandates for which the CCMA is responsible. It accurately reflects the intended impact, outcomes and outputs which the CCMA will endeavour to achieve in the 2021/22 financial year.

Signature:



**Annah Mokgadinyane**  
Executive: Governance and Strategy

Signature:



**Kedibone Mashaakgomo**  
Chief Financial Officer

Signature:



**Cameron Sello Morajane**  
Accounting Officer  
CCMA Director

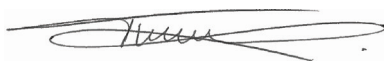
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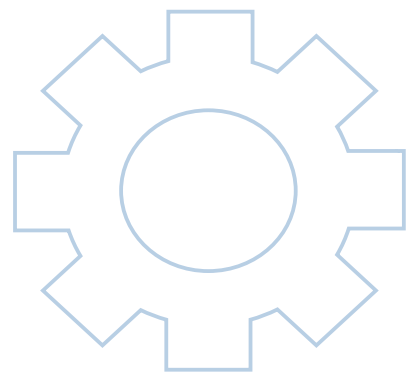


**Enos Ngutshane**  
Representative of the Accounting Authority  
Chairperson of the CCMA Governing Body

Signature:



**TW Nxesi, MP**  
Minister of Employment and Labour  
Executive Authority





# TABLE OF CONTENTS

<b>PART A: OUR MANDATE</b>	<b>14</b>
1. CONSTITUTIONAL MANDATE	15
2. LEGISLATIVE AND POLICY MANDATE	16
2.1. LEGISLATIVE MANDATE	16
2.2. POLICY MANDATE	18
2.2.1. NDP 2030	18
2.2.2. PRESIDENTIAL JOB SUMMIT FRAMEWORK	22
3. INSTITUTIONAL POLICIES AND STRATEGIES OVER THE NEXT FIVE (5) YEARS	23
4. PROPOSED NEW LEGISLATION	23
5. RELEVANT COURT JUDGEMENTS	24
<b>PART B: OUR STRATEGIC FOCUS</b>	<b>26</b>
1. GOAL	27
2. VISION	27
3. MISSION	27
4. VALUES	27
5. UPDATED SITUATIONAL ANALYSIS	28
5.1. UPDATED EXTERNAL ENVIRONMENTAL ANALYSIS	28
5.1.1. RECENT DEVELOPMENTS ON THE GLOBAL ECONOMY	28
5.1.2. RECENT DEVELOPMENTS ON THE SOUTH AFRICAN LABOUR MARKET	30
5.2. INTERNAL ENVIRONMENT ANALYSIS	40
5.2.1. THE CCMA'S SERVICE DELIVERY ENVIRONMENT	40
5.2.2. THE CCMA STRATEGIC INTENT	41
5.2.3. THE DEMAND FOR CCMA SERVICES	44
5.2.4. ORGANISATIONAL STRUCTURE AND HUMAN CAPITAL	45
5.2.5. SWOT ANALYSIS	47
5.2.6. CHALLENGES EXPERIENCED BY THE CCMA	49
5.2.7. STRATEGIES TO ADDRESS THREATS AND WEAKNESSES	50
<b>PART C: MEASURING OUR PERFORMANCE</b>	<b>52</b>
1. INSTITUTIONAL PROGRAMME PERFORMANCE INFORMATION	53
1.1 PROGRAMME ONE (1): ADMINISTRATION	53
1.2 PROGRAMME TWO (2): PROACTIVE AND RELEVANT LABOUR MARKET INTERVENTION	54
1.3 PROGRAMME THREE (3): SPECIAL INTERVENTIONS AND SUPPORT	56
1.4 PROGRAMME FOUR (4): EFFICIENT AND QUALITY DISPUTE RESOLUTION AND ENFORCEMENT SERVICES	56
1.5. PROGRAMME FIVE (5): EFFECTIVE STRATEGY MANAGEMENT AND GOVERNANCE	58
2. EXPLANATION OF PLANNED PERFORMANCE OVER THE MEDIUM-TERM PERIOD	59
3. CAPACITY OF THE CCMA TO DELIVER ON THE MANDATE	63
4. 2021/22 KEY STRATEGIC RISKS	65
<b>PART D: TECHNICAL INDICATOR DESCRIPTIONS</b>	<b>70</b>
PROGRAMME ONE (1): ADMINISTRATION	71
PROGRAMME TWO (2): PROACTIVE AND RELEVANT LABOUR MARKET INTERVENTION	72
PROGRAMME THREE (3): SPECIAL INTERVENTIONS AND SUPPORT	76
PROGRAMME FOUR (4): EFFICIENT AND QUALITY DISPUTE RESOLUTION AND ENFORCEMENT SERVICES	77
PROGRAMME FIVE (5): EFFECTIVE STRATEGY MANAGEMENT AND GOVERNANCE	82
<b>ANNEXURE A: AMENDMENTS TO THE STRATEGIC PLAN</b>	<b>83</b>



## LIST OF FIGURES

Figure 1: The CCMA's Mandatory Functions .....	16
Figure 2: The CCMA's Discretionary Functions .....	17
Figure 3: The CCMA's Contribution towards the NDP 2030 Outcomes .....	19
Figure 4: Core values and operating principles of the CCMA .....	27
Figure 5: Five (5) year case referral comparison .....	40
Figure 6: The Imvuselelo – “The Revival”, the 2020/21 – 2024/25 Strategy programme names and purpose .....	42
Figure 7: CCMA organisational structure .....	46

## LIST OF TABLES

Table 1: The CCMA's Contribution towards the MTSF Priorities .....	20
Table 2: Summary of short-term economic support measures introduced by the South African Government .....	29
Table 3: PESTEL Analysis .....	32
Table 4: Strategic initiatives per programme .....	43
Table 5: Provincial demand for CCMA services for the 2021/22 financial year .....	44
Table 6: Forecasted demand for CCMA services per sector for the 2021/22 financial year .....	45
Table 7: CCMA Employment Equity statistics as at 31 December 2020 .....	45
Table 8: SWOT Analysis .....	47
Table 9: Outcomes, Outputs, Performance Indicators and Targets for Programme One (1): Administration .....	53
Table 10: Output Indicators, Annual and Quarterly Targets for Programme One (1): Administration .....	54
Table 11: Outcomes, Outputs, Performance Indicators and Targets for Programme Two (2): Proactive and Relevant Labour Market Intervention .....	54
Table 12: Output Indicators, Annual and Quarterly Targets for Programme Two (2): Proactive and Relevant Labour Market Intervention .....	55
Table 13: Outcomes, Outputs, Performance Indicators and Targets for Programme Three (3): Special Interventions and Support .....	56
Table 14: Output Indicators, Annual and Quarterly Targets for Programme Three (3): Special Interventions and Support .....	56
Table 15: Outcomes, Outputs, Performance Indicators and Targets for Programme Four (4): Efficient and Quality Dispute Resolution and Enforcement Services .....	56
Table 16: Output Indicators, Annual and Quarterly Targets for Programme Four (4): Efficient and Quality Dispute Resolution and Enforcement Services .....	58
Table 17: Outcomes, Outputs, Performance Indicators and Targets for Programme Five (5): Effective Strategy Management and Governance .....	58
Table 18: Output Indicators, Annual and Quarterly Targets for Programme Five (5): Effective Strategy Management and Governance .....	59
Table 19: Spending trends per programme .....	64
Table 20: Economic Classification over the MTEF Period .....	64
Table 21: ICT Projects .....	65
Table 22: 2021/22 Key Strategic Risks and Mitigations .....	66



# LIST OF ABBREVIATIONS/ACRONYMS

ACRONYM	DESCRIPTION
4IR	Fourth Industrial Revolution
APP	Annual Performance Plan
AMCU	Association of Mineworkers and Construction Union
BCEA	Basic Conditions of Employment Act 75 of 1997
BCM	Business Continuity Management
BI	Business Intelligence
BUSA	Business Unity South Africa
CBSP	Collective Bargaining Support Processes
CCJ	Constitutional Court Judgement
CCMA	Commission for Conciliation Mediation and Arbitration
CEE	Commission for Employment Equity
CMS	Case Management System
COGP	Code of Good Practice
CSR	Corporate Social Responsibility
DEL	Department of Employment and Labour
DMP	Dispute Management and Prevention
DP&WO	Dispute Prevention and Workplace Outreach
DR	Dispute Resolution
EDD	Department of Economic Development
EEA	Employment Equity Act 55 of 1998
EED	Employment Equity Plan
ESC	Essential Services Committee
ESD	Essential Service Designation
ESU	Employment Security Unit
ERM	Enterprise-Wide Risk Management
ERP	Enterprise Resource Planning
GDP	Gross Domestic Product
HR	Human Resources

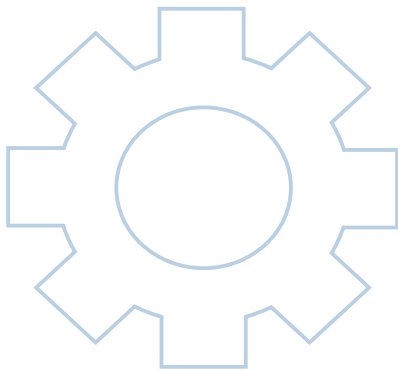


ILO	International Labour Organization
IMF	International Monetary Fund
ICT	Information and Communications Technology
KPI	Key Performance Indicator
LAC	Labour Appeal Court
LRA	Labour Relations Act 66 of 1995
MSA	Minimum Services Agreement
MSD	Maintenance Service Agreements and Determinations
MTEF	Medium Term Expenditure Framework
MTSF	Medium Term Strategic Framework
NCCC	National Coronavirus Command Council
NDP 2030	National Development Plan 2030
NMW	National Minimum Wage
NMWA	National Minimum Wage Act 9 of 2018
NPC	National Planning Commission
NT	National Treasury
PESTEL	Political, Economic, Social, Technology, Environmental and Legal
PFMA	Public Finance Management Act 1 of 1999
QLFS	Quarterly Labour Force Survey
SMME	Small, Medium and Micro Enterprise
SWOT	Strength, Weakness, Opportunities and Threats
TAS	Turnaround Solutions
TERS	Temporary Employee/Employer Relief Scheme
UIF	Unemployment Insurance Fund
UN	United Nations
WHO	World Health Organisation



# GLOSSARY

ACRONYM	DESCRIPTION
COVID-19	Is a global pandemic caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2)
Triple Crisis	South Africa has high and escalating levels of inequality, unemployment and poverty











# PART A

## OUR MANDATE





# 1. CONSTITUTIONAL MANDATE

Section 2 of the Constitution provides that the Constitution is the supreme law of the Republic, that law or conduct inconsistent with it is invalid, and that obligations imposed by it must be fulfilled.

Section 23 of the Constitution provides that:

- Everyone has the right to fair labour practices;
- Every worker has the right;
  - To form and join a trade union;
  - To participate in the activities and programmes of a trade union; and
  - To strike.
- Every employer has the right;
  - To form and join an employer's organisation; and
  - To participate in the activities and programmes of an employer's organisation.
- Every trade union and every employer's organisation has the right;
  - To determine its own administration, programmes and activities;
  - To organise; and
  - To form and join a federation.
- Every trade union, employer's organisation and employer has the right to engage in collective bargaining. National legislation may be enacted to regulate collective bargaining. To the extent that the legislation may limit a right in this Chapter, the limitation must comply with (Section 36(1));
- National legislation may recognise union security arrangements contained in collective agreements. To the extent that the legislation may limit a right in this Chapter, the limitation must comply with (Section 36(1));
- Section 36(1) of the Constitution provides that rights may be limited only in terms of law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, considering all relevant factors, including;
  - The nature of the right;
  - The importance of the purpose of the limitation;
  - The nature and extent of the limitation;
  - The relation between the limitation and its purpose; and
  - Less restrictive means to achieve the purpose.<sup>1</sup>

In relation to the Bill of Rights, Section 39 of the Constitution states the follows:

(1) When interpreting the Bill of Rights, a court, tribunal or forum:

- (a) Must promote the values that underlie an open and democratic society based on human dignity, equality and freedom;
- (b) Must consider international law; and
- (c) May consider foreign law.

(2) When interpreting any legislation, and when developing the common law or customary law, every court, tribunal or forum must promote the spirit, purport and objects of the Bill of Rights.

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<sup>1</sup>Section 23 of the Constitution of the Republic of South Africa (1996).

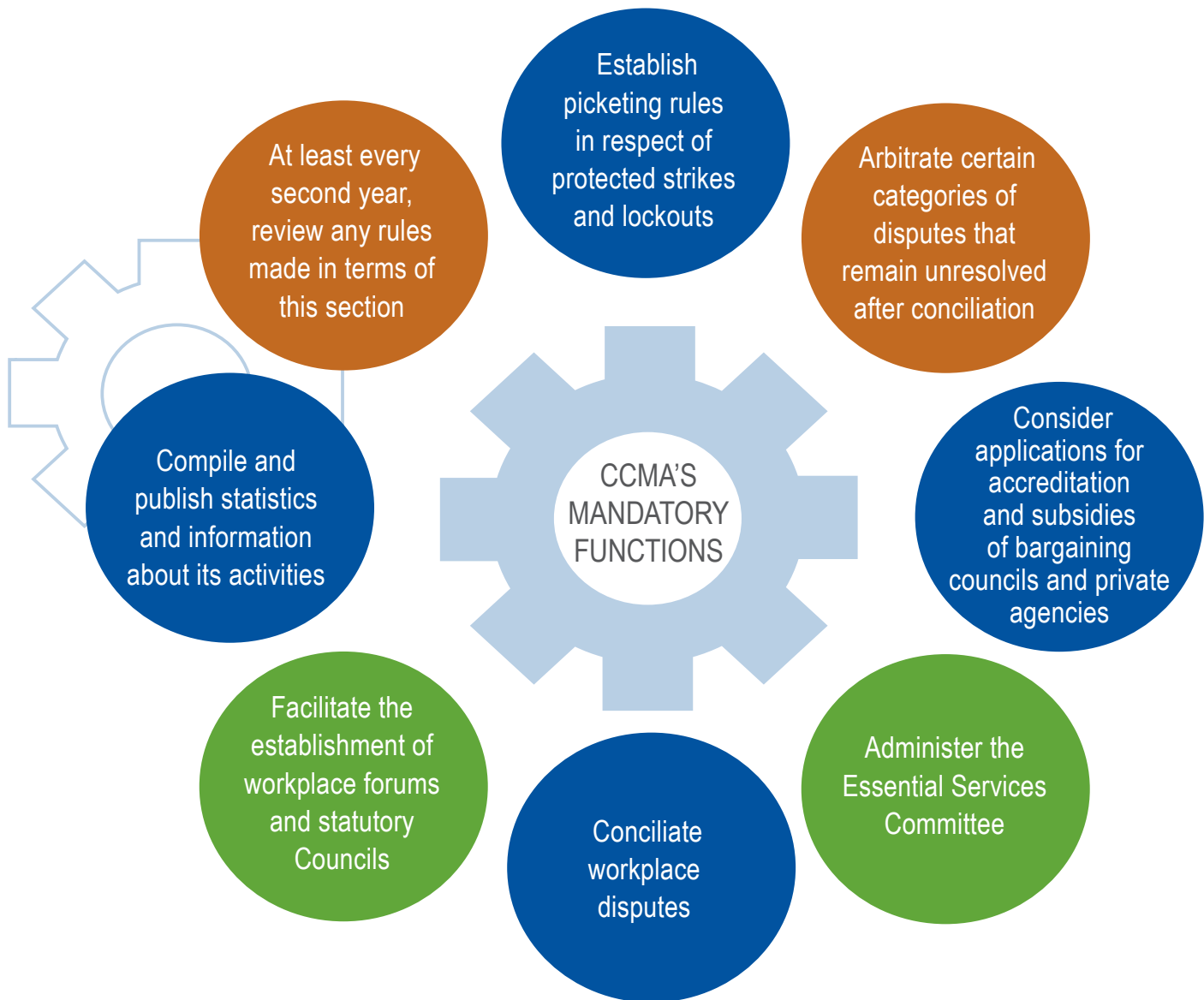


## 2. LEGISLATIVE AND POLICY MANDATE

### 2.1. LEGISLATIVE MANDATE

The CCMA's legislative mandate is derived from the LRA which gives effect to and regulates the fundamental rights conferred by Section 23 of the Constitution. The CCMA's legislative mandate is drawn from the purpose of the LRA itself, which is "to advance economic development, social justice, labour peace and the democratisation of the workplace." Section 115(1) of the LRA identifies the mandatory functions of the CCMA as follows:

Figure 1: The CCMA's Mandatory Functions

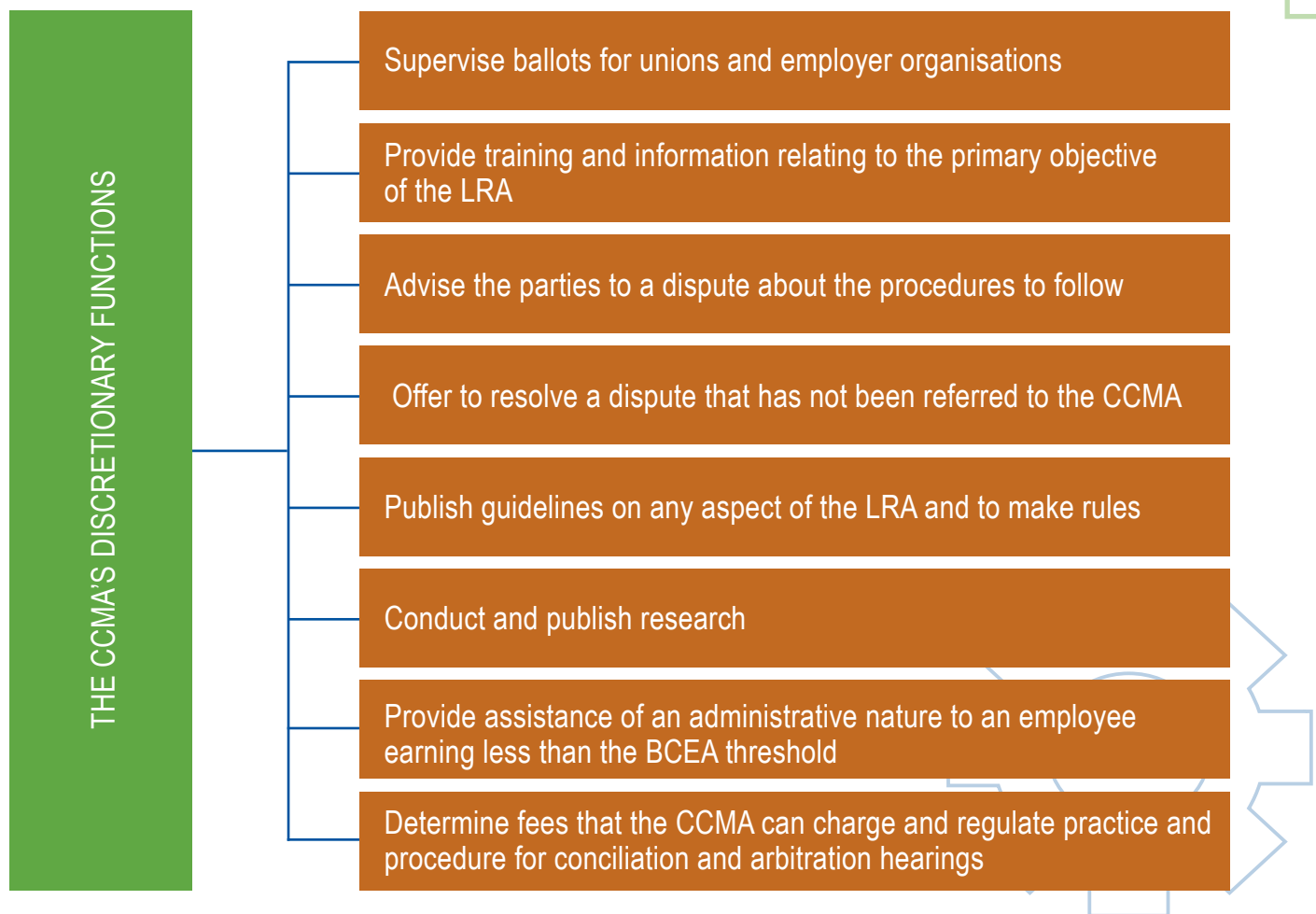


Section 115(2) and (3) of the LRA set out the discretionary functions that enhance delivery of the CCMA mandate, while not replacing the delivery of the mandatory functions. The discretionary functions are as follows:



Figure 2: The CCMA's

## Discretionary Functions



In 2018, the LRA was amended to include the following:

- To provide criteria for the Minister before the Minister is compelled to extend the collective agreement as contemplated in the Act;
- To provide for the renewal and extension of funding agreements;
- To provide for picketing by collective agreement or by determination by the Commission in terms of picketing regulations;
- To provide for the classification of a ratified or determined minimum service;
- To extend the meaning of ballot to include any voting by members that is recorded in secret;
- To provide for the independence of the registrar and the deputy registrar of the Department of Labour;<sup>2</sup> and
- To provide for the establishment of an advisory arbitration panel in an attempt to resolve industrial action where this is deemed to be in the public interest.

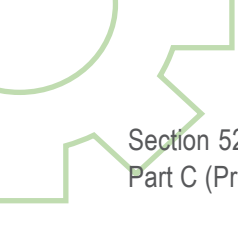
The CCMA also derives part of its mandate from specific provisions of the Employment Equity Act, 1998 (Act 55 of 1998) (EEA), in particular, Chapter II, which deals with prohibition of unfair discrimination. Section 10 of the EEA provides that the CCMA must-

- Conciliate any dispute referred to it in terms of EEA; and
- Arbitrate disputes that remain unresolved after conciliation according to the stipulations of EEA.<sup>3</sup>

<sup>2</sup> Now referred to as the Department of Employment and Labour

<sup>3</sup> The CCMA has jurisdiction to arbitrate all disputes referred to it that relate to sexual harassment, and all other unfair discrimination disputes referred to in terms of the EEA where the applicant earns below the BCEA threshold, or by agreement between the parties where the applicant earns above the threshold.

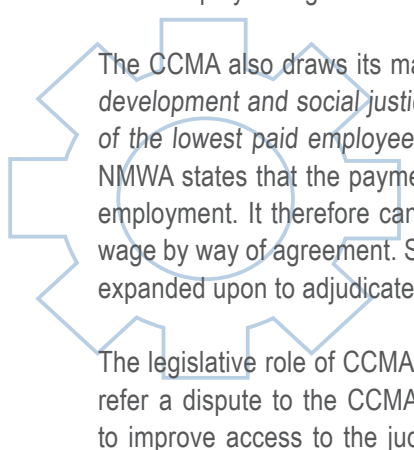




Section 52 of the EEA provides that the CCMA must conciliate disputes relating to the interpretation and application of Part C (Protection of Employee Rights) of Chapter V (Monitoring, Enforcement and Legal Proceedings) of the EEA.

The mandate of the CCMA is also derived from Chapter Five (Termination of Services – severance pay) and Chapter Ten (Monitoring Enforcement Legal Proceedings) of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997) (BCEA), including the following:

- Conciliating and arbitrating any dispute relating to severance pay referred to it in terms of this Act;
- Arbitrating disputes that remain unresolved after conciliation according to the stipulations of this Act;
- Making compliance orders issued in terms of section 69 of the BCEA and written undertakings concluded in terms of section 68 of the BCEA arbitration awards for purpose of enforcement;
- Determining disputes relating to compliance orders through conciliation and arbitration;
- Determining claims for in terms of section 73A of the BCEA, that gives the right to any person who earns less than the BCEA threshold, to refer to the CCMA a dispute concerning any failure to pay any amount owing to that person in terms of the BCEA, the National Minimum Wage Act, 2018 (Act No. 9 of 2018) (NMWA), a contract of employment, a sectoral determination or a collective agreement; and
- Conciliating and arbitrating disputes relating to the interpretation and application of Part C of Chapter Ten (Protection of Employees against Discrimination).



The CCMA also draws its mandate from the NMWA. The NMWA has as its purpose as the *advancement of economic development and social justice by way of protection of employees from unreasonably low wages and improving wages of the lowest paid employees and furthermore, promoting collective bargaining and supporting economic policy*". The NMWA states that the payment of the minimum wage is read into the employment contract as a term and condition of employment. It therefore cannot be changed unilaterally and can only be 'ignored' if the employee is offered a higher wage by way of agreement. Since the enactment of the NMWA on 1 January 2019, the functions of the CCMA have been expanded upon to adjudicate all labour-related matters pertaining to the NMWA.

The legislative role of CCMA is to ensure enforcement and compliance with the NMWA. A worker/employee/Union may refer a dispute to the CCMA in terms of Section 73A of the BCEA. The NMWA and amendments to the BCEA seek to improve access to the judicial system for the working poor, in so doing reduce inequality in society and the huge disparities in income in the labour market.

## 2.2. POLICY MANDATE

### 2.2.1. NDP 2030

The CCMA also derives its mandate from the NDP 2030. Developed by the National Planning Commission (NPC) in 2012, the NDP 2030 aims to reduce inequality and eliminate poverty by 2030. From the 14 outcomes of the NDP 2030, the CCMA aims to contribute towards eight (8) outcomes as depicted in Figure 3:



Figure 3: The CCMA's Contribution towards the NDP 2030 Outcomes



### 2.2.1.1. MTSF 2019 – 2024

In developing the organisational strategy, the CCMA was guided by the Medium-Term Strategic Framework (MTSF 2019-2024), which is regarded as an implementation and monitoring tool of the NDP 2030. In the attainment of the NDP 2030 goals, the MTSF 2019-2024 identifies seven (7) priorities for the five (5) year strategic period. For the 2021/22 financial year, the CCMA shall strive contribute towards the following MTSF Priorities:



Table 1: The CCMA's Contribution towards the MTSF Priorities

MTSF PRIORITIES	DEL MTSF INTERVENTIONS	CCMA CONTRIBUTION TO THE MTSF PRIORITIES	INITIATIVES PLANNED TO ACHIEVE MTSF
Priority 1: Capable, Ethical and Developmental State	<ul style="list-style-type: none"> <li>Strengthen the institutional capacity of the Department</li> </ul>	<ul style="list-style-type: none"> <li>The achievement of good governance enables the CCMA to effectively achieve its mandate in an ethical manner following a values-based approach. The CCMA will be one of those organisations that contribute to South Africa being a capable, ethical and developmental state</li> </ul>	<ul style="list-style-type: none"> <li>Embed good governance for protection of organisational value by mitigating governance failure, anticipate and respond to the changing contextual environment and legislative reforms and achieve a clean administration</li> <li>Better anticipate strategic risks to enable the organisation to mitigate timeously</li> <li>Ensure organisational compliance to all applicable legislation and policies</li> </ul>
Priority 2: Economic transformation and Job creation	<ul style="list-style-type: none"> <li>Support the creation of jobs through Job Summit Commitments and the Economic Reconstruction and Recovery Plan, in particular the Mass Employment Stimulus</li> <li>Create an enabling environment for employment through policy and regulations</li> <li>Implement Presidential Youth Employment Intervention, inclusive of National Pathway</li> </ul>	<ul style="list-style-type: none"> <li>The job saving initiatives provide employment job security and look at alternatives to retrenchments. The CCMA ensures that existing jobs and incomes are preserved. Economic development is promoted through maintenance of income levels, which maintain the demand for goods and services necessary to drive economic growth. Preserved incomes will also mean that those employees will maintain a decent livelihood, maintain their dignity and are able to attend to their basic needs</li> <li>The CCMA is dedicated to job saving and job retention in order to ensure that employment security is prioritised as a preferred outcome</li> <li>The CCMA Youth in Labour Think Tank was conceptualised in line with the Government Youth Development Policy to provide Youth in the labour market with a platform to share experiences and challenges. This CCMA Youth in Labour Think Tank forms part of Community Social Responsibility initiatives</li> </ul>	<ul style="list-style-type: none"> <li>Prioritising Return to Work outcomes through re-instatement and re-employment as preferred outcomes in settled cases and arbitration awards</li> <li>The CCMA will optimise the opportunity to save jobs through the facilitation of large-scale retrenchment (section 189A) processes</li> <li>Introduce a strict monitoring mechanism to ensure that cases are conciliated within 30 days of date of referral</li> <li>Close monitoring of the submission of arbitration awards within 14 days of the conclusion of the arbitration proceedings</li> <li>Launching the Web-Tool through the CCMA, BUSA and other employer and worker's forums, and social media platforms</li> <li>Embedding the Web-Tool to enhance early detection and building in the pre-conciliation phase</li> </ul>



Priority 3: Education, Skills and Health	<ul style="list-style-type: none"> <li>• Safe and healthy work environment</li> </ul>	<ul style="list-style-type: none"> <li>• The CCMA aims to deliver interventions that are aimed to capacitate employers and labour to manage disputes at the workplaces</li> </ul>	<ul style="list-style-type: none"> <li>• Dispute Prevention and Workplace Outreach (DP&amp;WO) capacity building initiatives</li> <li>• Customised training programmes aimed at career pathing and relevance to the CCMA</li> <li>• A competent pool of successors through performance, training and development. Succession planning to be reflective in the micro-structure, with shadow positions</li> <li>• Developing new material in collaboration with Productivity SA.</li> </ul>
Priority 4: Consolidating the social wage through reliable and basic services	<ul style="list-style-type: none"> <li>• Comprehensive social security coverage</li> <li>• Improve coverage and efficiency of social insurance</li> </ul>	<ul style="list-style-type: none"> <li>• Reduced work stoppages will result in higher productivity and creates an enabling environment for investment. Protracted work stoppages as a result of industrial action are considered an impediment to investment</li> <li>• CCMA working closely with UIF to streamline the Temporary employee/employer relief scheme (TERS) to improve efficiency and effectiveness</li> </ul>	<ul style="list-style-type: none"> <li>• As part of its job saving imperative, the CCMA is now also responsible for the administration of TERS which prioritises work-based applications to participate in the scheme in order to mitigate the risk of retrenchments by assisting both employees and businesses in distress</li> </ul>
Priority 6: Social cohesion and safer community	<ul style="list-style-type: none"> <li>• Equal opportunities, inclusion and redress</li> <li>• Improve the enforcement of the Employment Equity Act</li> </ul>	<ul style="list-style-type: none"> <li>• Accessibility of the CCMA services by the vulnerable groups contributes to equity, social cohesion and safe communities</li> <li>• The ESC has a mandate to look at the general public interest during strikes in essential services. The ESC interventions aim to change the behaviour of employees in sectors providing essential services</li> </ul>	<ul style="list-style-type: none"> <li>• Facilitate Collective Bargaining Support Processes with strategically identified users</li> <li>• Targeted workplace interventions</li> <li>• Resolution of mutual interest matters</li> <li>• Effective mechanism to assist the vulnerable in the enforcement of arbitration awards</li> <li>• Developing a CCMA enforcement strategy</li> <li>• Implementation of advocacy campaign plan</li> <li>• Proactive interventions with the aim of successfully preventing disputes in essential services</li> <li>• Engage Bargaining Councils towards promoting effective dispute resolution in the essential services</li> <li>• Engage Stakeholders to ensure that parties understand the need to put the public interest first when negotiating Minimum Service Agreements</li> </ul>



#### Priority 7: A better Africa and World

- A better South Africa
- The CCMA aims to contribute to lessening unemployment and implement a skills development approach that ensures that staffs have authority, experience and capabilities to perform the job
- The CCMA is dedicated to job saving and job retention in order to ensure that employment security is prioritised as a preferred outcome
- Targeted workplace interventions through the CCMA's dispute management and preventative services
- The CCMA will deploy effective and appropriate technology in order to improve effectiveness and efficiency through various initiatives

## 2.2.2 PRESIDENTIAL JOB SUMMIT FRAMEWORK

### 2.2.2.1. CCMA/BUSA WEB TOOL FOR SMALL MEDIUM AND MICRO – SIZED ENTERPRISES (SMMEs)

During the 2015/16 financial year, the results of a study commissioned by Business Unity South Africa (BUSA), revealed that hiring and fulfilling legislative and fair employment practices proved to be a constraint for the effective establishment and management of SMMEs. The CCMA's statistics at the time suggested that 80% of referrals to the CCMA were disputes that arose from SMMEs. This revelation led to the birth of the CCMA/BUSA SMME Labour Support Web Tool initiative – (<http://smelaboursupport.org.za/>), which was subsequently included in the Presidential Job Summit Framework agreement of 2018.

The overall objective for the development of the CCMA/BUSA SMME Labour Support Web Tool initiative was to collaboratively develop a free-to-use, self-service, web-based tool for SMMEs (or other interested users) for the purpose of:

- Providing SMMEs with labour relations best practice and guidance free of charge;
- Improving employer and employee understanding of employment law in the SMME space;
- Improving SMME compliance with employment law;
- Reducing red-tape and the associated costs related to labour law advice for SMMEs; and
- Contributing to SMME workplace stability and certainty.

During the years of 2018 and 2019, Phase I of the CCMA/BUSA SMME Labour Support Web Tool initiative was implemented, including conducting the following activities:

- Conducted a survey of the employment law information needs of SMMEs;
- Updated the existing Web Tool content, including information sheets, templates and checklists in line with case law and relevant changes to employment law;
- Added material received from Productivity South Africa to the CCMA/BUSA SMME Labour Support Web Tool;
- Created a link to the CCMA/BUSA SMME Labour Support Web Tool on their respective websites; and
- Marketed the CCMA/BUSA SMME Labour Support Web Tool through their respective websites, social media platforms and via various CCMA public advocacy activities.

During the 2020/21 financial year, a comprehensive information sheet was added to guide small business (or other interested parties) on how and when to access the Temporary Employer / Employee Relief Scheme (not the COVID-19 TERS). Also, Phase II of the initiative commenced and is anticipated to be concluded in the 2021/22 financial year. Unfortunately, the CCMA/BUSA SMME Labour Support Web Tool although free to use, remains underutilised. For the 2021/22 financial year, efforts will be geared towards marketing the initiative and utilising a search engine optimisation tool service to assist in expanding the user traffic to the site. However, this apparently requires funding of approximately R16 000-00 per month, which is currently not available.



### 2.2.2.2. TEMPORARY EMPLOYEE/EMPLOYER RELIEF SCHEME (TERS)

The Temporary Employee/Employer Relief Scheme (TERS) that was reconstituted in October 2018 was fully operational as envisaged in the Presidential Job Summit Framework Agreement. The CCMA remained the entry point for screening and receiving the applications to participate in the scheme. The CCMA also oversaw the convening of the Single Adjudication Committee that involved the CCMA, the Economic Development Department (EDD), Productivity SA and the Unemployment Insurance Fund (UIF). The CCMA undertook this task within accelerated timeframes with the vast majority of applications considered and processed within a period of 16 and 21 days.

The number of applications has increased since the reconstitution of TERS, with the majority of applications being workplace based as parties seek to explore this option rather than initiating retrenchment processes. This provides the opportunity for businesses to work on turnaround strategies and, at the same time, retaining their workers in employment. Owing to the increased uptake and interest, the total number of employees due to benefit from the scheme is recorded at 5 287 at a total cost of R196 970 559.28 to the fund. The unwavering commitment and tremendous efforts of CCMA facilitators and stakeholders to explore meaningful alternatives in order to avoid job losses has contributed to reducing the number of job losses of employees facing retrenchment. The CCMA's holistic approach to the work in this area will continue to require multi-stakeholder commitment that will cut across various ministries and all social partners. The strategic partnership between the CCMA and Productivity SA has resulted in applicants for TERS receiving business turnaround support through the Turn-Around Solutions (TAS) programme to ensure viability and sustainability.

The CCMA is closely working with the UIF to streamline the TERS to improve efficiency and effectiveness. The tremendous efforts of CCMA facilitators and stakeholders to explore meaningful alternatives in order to avoid job losses has contributed to reducing the number of job losses of employees facing retrenchment. The CCMA targets to save 20% of jobs of employees likely to be retrenched in large scale referrals in the 2020/21 financial year.

## 3. INSTITUTIONAL POLICIES AND STRATEGIES OVER THE NEXT FIVE (5) YEARS

The CCMA has prioritised the following key policies and strategies for the next (5) years:

- Dispute Prevention and Workplace Outreach strategy and service delivery model;
- Dispute Resolution and Enforcement service delivery model;
- Information Communication and Technology (ICT) Strategy;
- Human Resources Strategy;
- Talent Management and Succession Planning; and
- Integrated Corporate Governance Strategy.

## 4. PROPOSED NEW LEGISLATION

The below are Bills which may have an impact on the CCMA's operations once enacted into law:

### • THE PUBLIC PROCUREMENT BILL

The Public Procurement Bill was published for comment and approved by Cabinet in February 2020. The Bill is part of Government's efforts to empower black and emerging businesses and advance radical economic transformation. Once passed into law, the Bill will repeal the Preferential Procurement Policy Framework Act, 2000 (Act no. 5 of 2000) and amend other procurement-related laws.



- **DRAFT CODE OF GOOD PRACTICE ON THE PREVENTION AND ELIMINATION OF VIOLENCE AND HARASSMENT IN THE WORLD OF WORK**

Equity in the workplace is regulated and codified in the EEA. Section 54 of the EEA empowers the Minister of Employment and Labour to issue Codes of Good practice on the advice of the Commission of Employment Equity (CEE). This Code of Good Practice is intended to address the prevention, elimination and management of Violence and Harassment that pervade the world of work, guided by the International Labour Organisation Convention 190 and its Recommendation on eliminating and preventing Violence and Harassment in the World of Work, 2019; the Discrimination (Employment and Occupation) Convention 111 of 1958 (Convention 111) and The ILO Convention 151, relating to Occupational Health and Safety.

- **LAND COURT BILL**

The Justice and Constitutional Development Department plans to table a draft Land Court Bill in Parliament during the current financial year. Under this Bill, the Land Court will have the jurisdiction to deal with certain identified national laws which have a bearing on land. This Bill also promotes and provides for Alternative Dispute Resolution structures similar to those of the CCMA. The aforesaid could necessitate an expanded statutory mandate of the CCMA and its Commissioners to deal with land-related disputes arising from legislation identified in the Land Court Bill.

## 5. RELEVANT COURT JUDGEMENTS

A number of landmark judgements have also influenced CCMA processes and approach. Key to note is the following court judgements: -

- **Constitutional Court judgment in AMCU v Royal Bafokeng** (CCT 181/18) (judgment handed down on 23 January 2020). The majority judgment upholds the principle of majoritarianism<sup>4</sup>. The majority judgment also upholds the constitutionality of Section 23(1)(d) when a collective agreement is extended and the constitutionality of section 189A (hierarchy as to whom to consult when retrenchment is contemplated). This judgment is of importance for Commissioners who conduct Section 189A facilitations in large scale retrenchments. The Constitutional Court upheld the decision of the Labour Appeals Court (LAC).
- **Labour Appeal Court judgment in Adams v NBCRFLI** (CA 2/19) (judgment handed down on 18 May 2020) – Court dealt with Rule 4 of Bargaining Council Rules (who may sign a referral). The CCMA has the same Rule. The LAC overturned the decision of the court a quo and held that the conduct of the referring party in attending a subsequent process under the auspices of the Council/CCMA is considered ratification of a referral not previously properly signed. This judgment is of importance for all Commissioners in the event points in limine are raised regarding defective referrals and assists the CCMA during these times of a pandemic when parties are encouraged to submit referrals electronically in instances where a referral is not signed.
- **Labour Appeal Court judgment in Naidoo v Parliament SA** (CA 4/2019) (judgment handed down on 7 May 2020). Since the Labour Appeal Court adopted the narrow interpretation (deals with a specific issue and the significance of a case), as opposed to the broad interpretation (deals with all the issues raised on a wide spectrum), to any other arbitrary ground, as found in Section 6(1) of the EEA, this judgment is important for all specialist Commissioners conducting unfair discrimination disputes under the auspices of the CCMA. The LAC upheld the decision of the Labour Court.

<sup>4</sup> Majoritarianism is the idea that collective decisions are made rightly when they reflect the views of the majority.









# PART B

## OUR STRATEGIC FOCUS





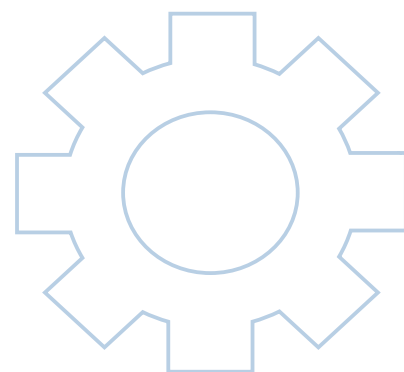


Figure 4: Core values and operating principles of the CCMA

Respect	<ul style="list-style-type: none"><li>• In the execution of our duties, to act with respect for all, valuing those whom we serve and those whom we work with.</li></ul>
Excellence	<ul style="list-style-type: none"><li>• We continuously do our best in delivering on our mandate and in service to our people, executing our duties with a sense of urgency, professionalism and world class quality.</li></ul>
Accountability	<ul style="list-style-type: none"><li>• We hold ourselves responsible for our actions and the outcomes of our work.</li><li>• In being accountable, we are committed to each other and all we do, and take responsibility for our actions and our performance.</li></ul>
Diversity	<ul style="list-style-type: none"><li>• By embracing diversity and inclusivity, we learn from each other daily, while sharing and celebrating who we are and what we do. We embrace inclusivity and celebrate the differences of our people.</li></ul>
Integrity	<ul style="list-style-type: none"><li>• We act impartially without fear, favour or prejudice, objectively balancing the diverse needs of social partners, being honest and ethical in all we do, doing the right thing, even when no-one is looking.</li></ul>
Transparency	<ul style="list-style-type: none"><li>• We work in a manner that is open, fair and transparent</li><li>• Guided by our statutory obligations and commitment, we are open in our dealings with everyone we serve.</li></ul>



## 5. UPDATED SITUATIONAL ANALYSIS

### 5.1. UPDATED EXTERNAL ENVIRONMENTAL ANALYSIS

#### 5.1.1. RECENT DEVELOPMENTS ON THE GLOBAL ECONOMY

A year ago, very few would have predicted a global recession in 2020. And even after the pandemic caused the global economy to crater in March and April of 2020, few would have predicted that most types of businesses would be able to function with most of their employees working remotely. The point is that it was a year in which most assumptions went out the window and most predictions were wrong. Thus, 2021 is started with humility.

As 2021 begins, the world is faced with promise and peril simultaneously. On the positive side, the distribution of vaccines is under way, offering the promise that, sometime later in the year, the negative impact of the virus could ultimately abate. On the negative side, the virus continues to threaten economic stability, especially in those parts of the world where the outbreak has not been controlled. This is true in the United States and the United Kingdom and threatens to be a problem elsewhere as the new strains of the virus spread further. The challenge for policymakers will be to stifle the current outbreak, protect those who are disrupted by the outbreak, and speed up distribution of the vaccine. The US economy clearly weakened toward the end of 2020. Personal income and consumer spending both declined in November and some measures of housing activity weakened after many months of stellar performance. The weakness likely resulted from the impact of the massive surge in the virus. Although the number of new infections began to abate toward the end of December, public health officials worry that the increase in holiday travel in late December will result in yet another surge in infections in early January<sup>5</sup>.

Against this backdrop, South Africa has been basking in the glow of risk-on sentiment, the benefits of which are perhaps most evident in our local bond and currency markets. But, much like holidaymakers who allow festive cheer to tempt them into spending freely on credit, South Africa's bill will eventually come due, forcing government to return to reality and face its fiscal demons. Even before COVID-19 hit, South Africa had travelled a long way down the road towards a fiscal cliff on the back of an unsustainable and unhealthy government budget – the pandemic simply accelerated the journey to the precipice. If we are to avoid a sovereign debt crisis or the risk of defaulting on our loans, government will urgently need to implement long-awaited structural economic reforms, and markets will be watching for evidence of action rather than simply more talk over the next twelve (12) months.

So far, foreign investor support from the local bond market together with the International Monetary Fund's (IMF) loan have kept the country from feeling the worst effects of the pandemic's devastation<sup>6</sup>.

A January 2020 World Bank publication on developments on global economy painted a dire picture from a global perspective. The global finance institution had forecasted that it was highly likely that the global economy would register slow growth at a rate of 2.5% for 2020<sup>7</sup>. The June 2020 Global Economic Prospects highlights that the COVID-19 pandemic has brought about unprecedented disruption to global economic activity as nations implement a variety of measures in an effort to curb the spread of the pandemic. It is noted that the resultant economic fall-out represents an epic global economic shock that has not been witnessed in recent decades. The World Bank now forecasts a 5.2% contraction in global Gross Domestic Product (GDP) resulting in an even slower growth rate for the global economy. This forecast stands in spite of efforts by numerous governments to lessen the impacts of the pandemic through carefully crafted fiscal and monetary policy support. In the long term, it is anticipated that it is highly likely that there will be lower rates of investment, an erosion of human capital through lost work and schooling and fragmentation of global trade and supply linkages<sup>8</sup>.

Emerging market and developing nations have not been spared from the disruptions on the global markets (induced by the COVID-19 pandemic). In order for these nations to stabilise economically urgent attention needs to be paid to strengthening of public health systems, addressing the challenges that arise due to informal economies and the need for suitable economic reforms in a bid to ensure sustainable economic growth after COVID-19 has been contained<sup>9</sup>.

While it is anticipated that economic recessions will be the norm for the remainder of 2020 into 2021 the attendant economic shrinkage for advanced economies is forecasted at 7% while, a 2.5% rate applies for emerging and developing nations. It is anticipated that the emerging market and developing nations will face economic headwinds on several fronts which include:

<sup>5</sup> <https://www2.deloitte.com/us/en/insights/economy/global-economic-outlook/weekly-update.html>

<sup>6</sup> <https://www.moneyweb.co.za/investing/whats-next-for-sa-and-the-global-economy/>

<sup>7</sup> The World Bank's Global Economic Prospects Report, January 2020

<sup>8</sup> The World Bank's Global Economic Prospects Report, June 2020

<sup>9</sup> The World Bank's Global Economic Prospects Report, June 2020



- Pressure on weak healthcare systems;
- Loss of trade and tourism;
- Dwindling remittances;
- Subdued capital flows; and
- Tight financial conditions amidst mounting debt<sup>10</sup>

From a global viewpoint, demand has been subdued for oil, metals and other commodities. This development poses a significant challenge for nations such as South Africa who rely on commodities to enhance economic prospects. The current global economic outlook raises serious concerns around the humanitarian and economic toll a global recession would have on emerging markets and developing markets alike given the high proportion of these economies that are informal. Nations which fall under the aforementioned category were more likely to have been experiencing weak economic growth prior to the COVID-19 pandemic, thus economic recovery to pre pandemic levels will be a significant challenge<sup>11</sup>.

In a jointly published report by the International Labour Organisation (ILO) and the United Nations (UN) agencies for economic development, it was widely acknowledged that development goals are closely linked to developments on the global economic front. Long standing trade disputes throughout 2019 into 2020 as well as widespread policy uncertainty were seen as major contributors to the slow growth experienced by the global economy. The implications included a high likelihood that efforts aimed at reducing poverty, creation of decent jobs and broadening access to affordable and clean energy (among other sustainable development goals) would be negatively affected<sup>12</sup>.

As a result of the economic crisis envisaged, a large number of informal economy workers (representing the most vulnerable in the labour market), are in a risk of losing their jobs. This is also as a result of the lockdown measures and/or because they work in the hardest-hit sectors. As a consequence of the above foreseeable declines in the economic growth, the labour market will be exposed to several volatile shocks particularly the significant rise in the unemployment rate. Further analysis of the implication is dealt with in the Situation Analysis sections.

The COVID-19 pandemic is simultaneously a health crisis and a global economic crisis. The South African government has acted decisively to prioritise the health and lives of all South Africans. Yet the economy, which was already weak before the emergence of the pandemic, has been heavily hit by interlocking shocks to its supply and demand. The immediate priority is to use the joint levers of fiscal and monetary policy to support economic activity and alleviate any economic hardships. Whilst the government had adopted a risk-adjusted approach to reopening the economy, with the initial easing of lockdown measures on 1 May 2020 to the then Level 1 nationwide lockdown. Due to the noted influx of daily positive infections and the introduction of a new COVID-19 variant, the country reverted back to nationwide lockdown Level 3 on 29 December 2020, calling for the limitation of social gatherings, the sale of alcohol and the pronouncement of strict regulations governing the use of the noted recreational beaches and water sources within South Africa.

The below table outlines the short-term economic support measures put in place by the South African government in order to avert the adverse effects brought on by the second wave of the COVID-19 pandemic.

Table 2: Summary of short-term economic support measures introduced by the South African Government

Healthcare Support	<ul style="list-style-type: none"> <li>• Increased healthcare spending by the government, including additional support provided for the increase in mass-testing and tracing</li> <li>• The procurement of health support resources was streamlined and centralised</li> </ul>
Support provided for Companies and Employees	<ul style="list-style-type: none"> <li>• Temporary Employer/Employee Relief Scheme (TERS) benefit</li> <li>• Tax deferral and the postponement of new taxes</li> <li>• The provision of loan guarantees for companies with a turnover below R300 million</li> <li>• Provided assistance to distressed companies</li> </ul>
Relief provided for hunger and societal distress	<ul style="list-style-type: none"> <li>• The government called for an expansion of social grants, particularly those targeting the vulnerable</li> <li>• Social relief provisions were provided for those in distress due to their inability to access Unemployment Insurance Fund (IMF) benefits or social grants</li> </ul>
Reopening the economy in phases	<ul style="list-style-type: none"> <li>• In order to ease economic constraints, with due considerations given to health priorities, re – opening of the economy allowing for more trade within the restaurant and tourism industries</li> </ul>
Intervention in monetary and financial marketsa	<ul style="list-style-type: none"> <li>• Repo rate reduction in bank's regulatory measures</li> <li>• Financial sector support</li> </ul>

<sup>10</sup> The World Bank's Global Economic Prospects Report, June 2020

<sup>11</sup> The World Bank's Global Economic Prospects Report, June 2020

<sup>12</sup> The World Economic Situation and Prospects, 2020



## 5.1.2. RECENT DEVELOPMENTS ON THE SOUTH AFRICAN LABOUR MARKET

### 5.1.2.1 Significant movements into the labour market in the third quarter of the 2020/21 financial year

In the third quarter of 2020, there were significant movements in the South African labour market. According to the Quarterly Labour Force Survey (QLFS) a large number of persons moved from the “other not economically active” category to either the “employed” or “unemployed” category status between quarter two (2) and quarter three (3) of 2020. The movement was proportionately more towards the unemployed than for the employed, which resulted in a significant increase of 7,5 percentage points in the unemployment rate to 30,8%. This is the highest unemployment rate the QLFS has ever recorded since the Global financial crisis in 2008<sup>13</sup>.

The results noted in the QLFS report indicate that the number of employed persons increased by 543 000 to 14, 7 million in the third quarter of 2020, and the number of unemployed persons increased by 2, 2 million to 6, 5 million compared to quarter two (2) of 2020. This resulted in an increase of 2, 8 million in the number of people in the labour force. In spite of the increase in the number of discouraged work-seekers (up by 9,1%), the number of people who were not economically active for reasons other than discouragement decreased by 2,9 million between the two (2) quarters, resulting in a net decrease of 2,6 million in the not economically active population<sup>14</sup>. According to the projections, the unemployment rate will continue to rise drastically from 2023 - 2025 if the distressed economic sectors continue to experience the severe effects posed by the economy of South Africa.

### 5.1.2.2 Other issues arising in the labour market

- **Exploring the growing Informal Sector**

The informal sector is an integral part of several Sub-Saharan African (SSA) countries and plays a key role in the economic growth of these countries. Presently, formal employment as is generally known in the developed and developing countries has been transformed by globalisation and the shifts in economic incentives as well as policies. This has resulted in larger portions of manufacturing as well as the service industry being outsourced from organised and regulatory factories to non-centralised, flexible, production units. The latter of which is characterised by unregulated employment agreements with un-unionised employees, which unfortunately favour the employer due to the reduced costs in operations realised from such agreements. The new trend across the globe, including in South Africa, which may have existed previously, but has since gained prominence due to the COVID-19 pandemic is the excessive use of part-time/part-year employment, flexible/fixed-term employment contracts, casual employment contracts, contract labour, and services outsourced to workers working remotely with flexible working schedules. Unfortunately, all these forms of employment directly or indirectly feed into the growth of the informal sector, which remains largely unregulated, but still the easiest form of income individuals can consider in order to sustain their livelihoods.

Generally, the informal sector (consisting of unpaid workers in family enterprises, casual wage employment, home-based workers, street vending, etc.) is a means of survival for the most under privileged. The inadequacies of national/local government and the formal sector to cater to the sudden surge in migration is a slippery slope that ultimately leads to migrants finding it easier to be economically active in the informal sector out of necessity regardless of the limited social protection/or social benefits.

- **Trends in remote working**


Internationally, virtual working arrangements are increasingly becoming part of the traditional organisational structure (Ingham, 2006). However, due to the COVID-19 pandemic, this has recently been catapulted as the most beneficial means of ensuring that operations capable of functioning remotely, are able to do so without any operational interruptions. Whilst this transition occurred quite rapidly due to the nationwide lockdown instituted throughout the country, giving employers limited time to plan and employees limited opportunity to acclimatise to the new norm, around 63% of South African based professionals have asserted that their productivity has increased while working from home, with 31% sharing that their productivity stayed the same even after transitioning into the remote work set up due to the pandemic. Remote working also didn't lead to less motivation, on the contrary, more than 50% of employees in South Africa felt even more motivated and 41% saying their motivation levels stayed the same<sup>15</sup>.

<sup>13</sup> <http://www.statssa.gov.za/publications/P0211/P02113rdQuarter2020.pdf>

<sup>14</sup> <http://www.statssa.gov.za/publications/P0211/P02113rdQuarter2020.pdf>

<sup>15</sup> Michael page-how professional in South Africa coped with remote working





Employees are equally positive about their job satisfaction: 41% percent of job applicants in South Africa were just as satisfied with their work during tele-working as they were before the lockdown, with 46% of them feeling even more satisfied. Most of the respondents (82%) said they adopted flexible start/finish hours during their workdays, with 87% sharing also that they did not reduce their working hours<sup>16</sup>. With the rise of teleworking strategies being largely introduced in a number of organisations, this calls for the development of COVID-19 driven teleworking policies in order to ensure that this new norm is supported by the requisite governance frameworks, such policies and performance management protocols.

- **Retrenchments at glance**

Since the inception of the COVID-19 nationwide lockdown, financial strain has been noted in numerous sectors calling for the retrenchment of most staff; where businesses felt that they could no longer afford their wage bill. In response to this, government has introduced a number of measures aimed at minimising the impact of the COVID-19 pandemic on businesses. In this regard, the CCMA has also championed its Job Savings Strategy which aims at assisting employers considering retrenchments to find alternatives to retrenchments, thus safeguarding many families' livelihoods. One other important initiative was the tax relief afforded to businesses through the Disaster Management Tax Relief Administration Bill B12 of 2020 (the Bill). Once passed, the Bill will extend to employment tax incentives, which were first introduced through the Employment Tax Incentive Act 26 of 2013. Incentives in terms of this legislation have been available to be claimed by employers in respect of qualifying employees between the ages of 18 and 29. The Bill aims to extend the benefit for the period 1 April to 31 July 2020, and doing away with age limitations and ensuring that employers are incentivised for keeping their workforce intact.<sup>17</sup>

### 5.1.2.3 The effect of the COVID-19 pandemic on the South African labour markets

The first confirmed case of COVID-19 in South Africa was reported on 5 March 2020. Decisive, early action was taken by the government: a national state of disaster was declared on 15 March 2020, and a nationwide lockdown was enforced on 27 March 2020 to avoid the first wave overwhelming the health system. The five (5) level COVID-19 alert system has been introduced to manage the gradual easing of the lockdown. This risk-adjusted approach is guided by several criteria, including the level of infections and rate of transmission.

The economic impact of the COVID-19 Pandemic has caused downward revisions of economic growth for over 170 countries across the world (IMF, 2020a), aggregating to an overall economic outlook predicting a global contraction of GDP in 2020 by -5.2% (World Bank, 2020). Sub-Saharan Africa is projected to decrease by 2.8 % (IMF, 2020b), eroding much of the progress in economic development made over the last ten years on indicators such as poverty and inequality. Finally, South Africa's economy is projected to decrease by 8% in 2020 (IMF, 2020b), giving it an unfortunate distinction as a country as it is expected to have the worst economic performance on the continent.

In this context, it is extremely important to monitor employment trends, since it is one of the most important factors affecting transitions into and out of poverty (Leibbrandt, Woolard, Finn & Argent, 2010; Leibbrandt, Finn & Woolard, 2012; Zizzamia, Schotte & Leibbrandt, 2019; Zizzamia, 2020). The nature and composition of employment has drastically changed during COVID-19 lockdowns around the world, with tourism grinding to a halt and global supply chains being disrupted like never before (Guan et al, 2020). Not only will South African employment trends mirror some of the international influences of economic activity, but they will also reflect domestic trends associated with the drivers of economic contraction since 2018. It is within this context that the CCMA finds itself operating within; with a now increased dependency aimed at ensuring labour market stability through the exploration of alternatives to retrenchments and other strategies employed in the wake of such industry halts.

<sup>16</sup> Michael page-how professional in South Africa coped with remote working

<sup>17</sup> <http://www.derebus.org.za/COVID-19-impacting-the-workplace-outlining-retrenchments-in-good-faith/>



Table 3: PESTEL Analysis

MARKET CONSIDERATION/TREND	CURRENT IMPACT	FUTURE IMPACT
<b>POLITICAL</b>		
Favourable perception of the CCMA by Government	The continuous expansion of the jurisdiction of the CCMA which has resultantly led to an increase in its caseload	Additional case referrals may be anticipated considering the current and anticipated poor economic outlook which has and will continue impacting the labour market
The existence of varying opinions from political parties on matters heard by the CCMA	This may expose the CCMA to political tensions and possible attempts by vested political parties to interfere in CCMA's processes and procedures	The CCMA faces the risk of its objectivity and independence coming into question Source: <a href="https://www.polity.org.za/article/da-welcomes-legal-intervention-to-stop-political-interference-in-sabc-retrenchments-2020-12-02">https://www.polity.org.za/article/da-welcomes-legal-intervention-to-stop-political-interference-in-sabc-retrenchments-2020-12-02</a>
<p>The political implications for the CCMA: The wave of political unrest in South Africa is undoubtedly slowing down the economic development process. Therefore, winning the support and confidence of the public and investors, considering these political challenges, becomes very critical if economic advancement is to be achieved. The ongoing political unrest ultimately affects the large investment, as a result job creation suffers greatly with job losses being more eminent. The continuous increased tensions between the government and the political parties as well as respective supporters bring about a high likelihood of protest action as a result denting business confidence with further retrenchments and an increased workload for the CCMA</p>		
<b>ECONOMIC</b>		
Constrained fiscus	The constrained fiscus resulted in the CCMA's 2020/21 budget was adjusted downwards mid-year, impacting negatively on the operations of the organisation as well resulting in the temporary suspension of Part-Time Commissioners' utilisation.	Further budget cuts will have more dire and long-term effects on the CCMA's ability to sustain expeditious dispute resolution and speedy service delivery. This may result in operational efficiencies not being met and may resultantly hamper social justice.  Source: <a href="https://img.co.za/business/2020-12-12-what-ccma-budget-cuts-mean-for-workers/">https://img.co.za/business/2020-12-12-what-ccma-budget-cuts-mean-for-workers/</a>
South Africa's National Treasury has introduced and is implementing a variety of interventions to curb government spending	Due to the recent budget cuts, the CCMA is compelled to focus on solely on statutory activities.	Certain discretionary activities will have to be placed on hold until there is a positive change in the organisation's financial outlook. Although discretionary, these activities added value in labour market by supporting the CCMA's proactive labour market interventions aimed at preventing and managing disputes as well as advancing social protection through advocacy and public education.  Sources: <a href="http://www.treasury.gov.za/documents/National%20Budget/2020S/2020%20Supplementary%20Budget%20presentation.pdf">http://www.treasury.gov.za/documents/National%20Budget/2020S/2020%20Supplementary%20Budget%20presentation.pdf</a> <a href="https://www.oecd-ilibrary.org/economics/oecd-economic-surveys-south-africa_2218614x">https://www.oecd-ilibrary.org/economics/oecd-economic-surveys-south-africa_2218614x</a>



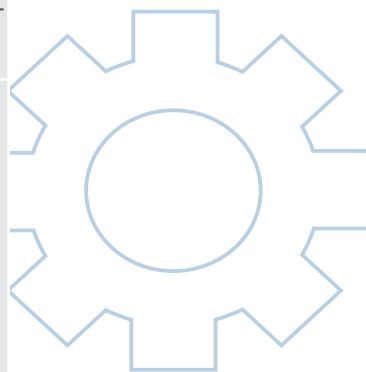
Modest economic growth prior to the 2020 recessions was negatively affected by electricity shortages, rising government debt and policy uncertainty.	This has resulted in lower rates of investment and almost stagnant economic growth. This may mean that the CCMA will have a notably higher caseload to contend with, in spite of reduced financial capacity. CCMA forecasting projections indicate that for the 2021/22 financial year, there will be an anticipated increase in referrals related to dismissals due to misconduct issues (approximately 69 692 cases), followed by dismissals due to unknown reasons (approximately 47 130 cases) and then requests for the enforcement of awards due to employers failure to abide by the set arbitration awards - (approximately 44 346 cases)	<p>It is anticipated that economic recovery will be gradual and not necessarily realised in the short term period. The CCMA will need to conduct its affairs in a manner that does not negatively impact on service delivery or social justice.</p> <p>Sources:</p> <p><a href="https://www.afdb.org/en/countries/southern-africa/south-africa/south-africa-economic-outlook">https://www.afdb.org/en/countries/southern-africa/south-africa/south-africa-economic-outlook</a></p> <p><a href="https://www.afdb.org/sites/default/files/documents/publications/afdb20-04_aeo_supplement_full_report_for_web_0705.pdf#page=60">https://www.afdb.org/sites/default/files/documents/publications/afdb20-04_aeo_supplement_full_report_for_web_0705.pdf#page=60</a></p> <p><a href="https://www2.deloitte.com/content/dam/Deloitte/za/Documents/about-deloitte/za-Deloitte-Scenarios-for-Resilient-Leaders-April-2020-2.pdf">https://www2.deloitte.com/content/dam/Deloitte/za/Documents/about-deloitte/za-Deloitte-Scenarios-for-Resilient-Leaders-April-2020-2.pdf</a></p> <p><a href="https://www.gov.za/sites/default/files/gcis_document/202010/south-african-economic-reconstruction-and-recovery-plan.pdf">https://www.gov.za/sites/default/files/gcis_document/202010/south-african-economic-reconstruction-and-recovery-plan.pdf</a></p> <p><a href="https://www.undp.org/content/undp/en/home/news-centre/news/2020/South_Africa_GDP_will_take_at_least_five_years_to_recover_from_COVID19_impact_says_UNDP_study.html">https://www.undp.org/content/undp/en/home/news-centre/news/2020/South_Africa_GDP_will_take_at_least_five_years_to_recover_from_COVID19_impact_says_UNDP_study.html</a></p>
MARKET CONSIDERATION/TREND	CURRENT IMPACT	FUTURE IMPACT
Growing informal economy/sector	<p>As a result of the growth noted in the informal economy, this increases workers susceptibility to unfair labour practices, that is, unfair dismissals, discrimination and unfair wages, amongst others.</p> <p>Workers in the informal economy may be found to have little knowledge about their rights, therefore the CCMA would need to increase its visibility through the use of strategic partnerships.</p>	<p>The CCMA will need to align its strategic partnerships to ensure unprejudiced service delivery to the entire labour force, and in particular, the vulnerable sectors. The CCMA will also be challenged to ensure advocacy, awareness and public education, amidst budget constraints. Furthermore, accessibility of CCMA services and products in rural and remote areas where vulnerable sectors are primarily located, will need to be a continued focus of the CCMA.</p> <p>Sources:</p> <p><a href="https://www.cde.org.za/south-african-informal-sector-in-the-time-of-COVID-19/">https://www.cde.org.za/south-african-informal-sector-in-the-time-of-COVID-19/</a></p> <p><a href="https://www.researchgate.net/publication/342611467_The_Effects_of_COVID-19_on_The_South_African_Informal_Economy_Limits_and_Pitfalls_Of_Government's_Response">https://www.researchgate.net/publication/342611467_The_Effects_of_COVID-19_on_The_South_African_Informal_Economy_Limits_and_Pitfalls_Of_Government's_Response</a></p> <p><a href="https://theconversation.com/south-africa-needs-to-focus-urgently-on-how-COVID-19-will-reshape-its-labour-market-141137">https://theconversation.com/south-africa-needs-to-focus-urgently-on-how-COVID-19-will-reshape-its-labour-market-141137</a></p> <p><a href="https://www.wits.ac.za/media/wits-university/faculties-and-schools/commerce-law-and-management/research-entities/scis/documents/SCIS%20Working%20Paper%204.pdf">https://www.wits.ac.za/media/wits-university/faculties-and-schools/commerce-law-and-management/research-entities/scis/documents/SCIS%20Working%20Paper%204.pdf</a></p>



MARKET CONSIDERATION/TREND	CURRENT IMPACT	FUTURE IMPACT
Fiscal policy reacted forcefully to the crisis, mobilising ZAR 500 billion (10% of GDP) for new spending, reprioritisation, tax relief and loan guarantees	This development comes with costs such as increased government spending in order to fund adjustments. This may result in increases in the tax regime in order to cope with the debt repayments while the economy is being resuscitated. Continual job loss is not improbable given the pressure under which businesses are required to operate. This affects funding streams for CCMA service delivery and may impact on the delivery of quality services	Operational challenges may be experienced by the CCMA over the short to medium period, such as the impact of the temporary deferment of Part - Time Commissioners' services. It is expected that the temporary deferment which was effective 1 December 2020 may have already led to an increase in an increased workload for Full Time Commissioners, negatively impacting the meeting of operational efficiency targets and posing a risk to expeditious resolution of matters referred to the CCMA.  Source:  <a href="http://www.treasury.gov.za/comm_media/press/2020/20200731%20OECD%20Economic%20Survey%20SA%202020.pdf">http://www.treasury.gov.za/comm_media/press/2020/20200731%20OECD%20Economic%20Survey%20SA%202020.pdf</a>
The government wage bill is considered as high at 12% of the national GDP. Contentious debate around lowering the government wage bill is ongoing	<p>The current impact realised led to the freezing of all vacant positions and the decision not to increase salaries between 2021 and 2024</p> <p>Whilst this may require that "more is done by the current staff complement", this may give rise to opportunities to introduce new systematic means of ensuring that staff are not overburdened and that quality outputs are not impacted</p>	<p>It is expected that the financial sustainability of most entities affected by budget cuts needs to be prioritised, meaning current positions need to be reconfigured to ensure continued service delivery and to justify the wage bill that is under contention</p> <p>Source:  <a href="https://www.oecd-ilibrary.org/sites/ab7e582d-en/index.html?itemId=/content/component/ab7e582d-en">https://www.oecd-ilibrary.org/sites/ab7e582d-en/index.html?itemId=/content/component/ab7e582d-en</a></p> <p><a href="http://www.treasury.gov.za/documents/National%20Budget/2020S/2020%20Supplementary%20Budget%20presentation.pdf">http://www.treasury.gov.za/documents/National%20Budget/2020S/2020%20Supplementary%20Budget%20presentation.pdf</a></p>



MARKET CONSIDERATION/TREND	CURRENT IMPACT	FUTURE IMPACT
<p>The economic implications for the CCMA:</p> <p>The onset of 2020 brought about projections for the performance of the global economy. These projections indicated a global economy plagued by slow growth and policy related challenges. While the projections for economic growth for developed economies were rather low, a few larger economies in the developing/emerging category were to anticipate significant economic growth rates. South Africa's growth rate in the 2020/2021 financial year has been affected by weak investment, energy shortages and a high unemployment rate. The GDP per capita was not expected to improve in 2020 due to continued policy uncertainties, weak business sentiment and limited fiscal space. The economic fallout due to the ongoing COVID-19 pandemic is impacting extensively on the South African economic outlook for 2020 and beyond. The unintended consequences of the economic lockdown are a tax revenue shortfall of ZAR300 billion. Whilst there was extensive debate around the government's proposal to secure International Monetary Fund (IMF) support to cover the revenue gap, opponents indicated their disagreement with the proposal instead petitioning the government to make use of state pension funds or central bank bonds to bridge the gap. The IMF has since approved the funding request by the South African government along with the unwanted requirements for certain structural changes. Whilst the full economic damage caused by COVID-19 is uncertain, it is anticipated that there will possibly be sharp declines in income, increasing unemployment and severe business disruption and possible business closures.</p> <p>Although South Africa is the most diversified and industrialised economy in Africa, economic performance has been rather subdued over the last ten (10) years. This has been attributed to low commodity exports, weak investor confidence policy uncertainty and rigid local labour markets. Key socioeconomic challenges also include high rates of poverty, social inequality, unemployment, disparities in access to public services and also unequal access to land (which remains a sensitive topic). Other issues include violent crime, periodic anti-immigrant violence, labour unrest and frequent protests over public service delivery and corruption. The impact of COVID-19 may further lessen economic growth with devastating results for the overall economic outlook.</p> <p>Against such a background, the CCMA is likely to find itself with an influx of referrals as unemployment (which was already high prior to the COVID-19 outbreak) continues to accelerate. Current political disagreements between the ruling party and minister responsible for the Finance ministry pertaining to key economic reforms which may be necessary for the country to move forward progressively in an economic sense, may potentially slow down the pace of recovery for the South African economy. Without the stated structural changes, together with the economic fallout from COVID-19, a higher rate of unemployment is anticipated. For the CCMA, such an outcome will probably translate to an increased caseload, specifically for retrenchments</p>		
<b>SOCIAL</b>		
Corruption and negative perceptions of public sector entities' performance	Due to the number of dismissals arising from officials found guilty of corruption, the public may lose faith in public entities such as the CCMA.	<p>Societal mistrust in officials in public entities may see an influx.</p> <p>Source:  <a href="https://www.worldpoliticsreview.com/articles/29255/in-south-africa-corruption-fight-gets-a-boost-from-arrest-of-anc-boss">https://www.worldpoliticsreview.com/articles/29255/in-south-africa-corruption-fight-gets-a-boost-from-arrest-of-anc-boss</a> </p>





High levels of inequality and poverty	<p>The immediate impact is the lack of transformed workplaces throughout the labour market giving rise to an influx of unfair discrimination and other EEA related cases</p>	<p>Such matters may have the potential to contribute to service-related protests within affected societies and an increased vulnerability of workers working in vulnerable sectors</p> <p>Sources:  <a href="https://openknowledge.worldbank.org/bitstream/handle/10986/29614/124521-REV-OUO-South-Africa-Poverty-and-Inequality-Assessment-Report-2018-FINAL-WEB.pdf?sequence=1&amp;isAllowed=y">https://openknowledge.worldbank.org/bitstream/handle/10986/29614/124521-REV-OUO-South-Africa-Poverty-and-Inequality-Assessment-Report-2018-FINAL-WEB.pdf?sequence=1&amp;isAllowed=y</a>  <a href="https://www.imf.org/en/News/Articles/2020/01/29/na012820six-charts-on-south-africas-persistent-and-multi-faceted-inequality">https://www.imf.org/en/News/Articles/2020/01/29/na012820six-charts-on-south-africas-persistent-and-multi-faceted-inequality</a>  <a href="https://www.za.undp.org/content/south_africa/en/home/library/socio-economic-impact-of-COVID-19-on-south-africa.html">https://www.za.undp.org/content/south_africa/en/home/library/socio-economic-impact-of-COVID-19-on-south-africa.html</a>  <a href="https://www.oxfam.org.za/wp-content/uploads/2020/11/oxfam-sa-inequality-in-south-africa-report-2020.pdf">https://www.oxfam.org.za/wp-content/uploads/2020/11/oxfam-sa-inequality-in-south-africa-report-2020.pdf</a>  <a href="https://www.ilo.org/africa/countries-covered/south-africa/WCMS_227655/lang--en/index.htm">https://www.ilo.org/africa/countries-covered/south-africa/WCMS_227655/lang--en/index.htm</a> </p>
High levels of unemployment	<p>Weakened economic participation may result in proclivity towards the participation in criminal activities and societal unrest, for example. Furthermore, increased social pressure on the employed to support unemployed relatives is also probable.</p>	<p>This may lead to increased demands on the working class for salary increases for those supporting an increased fraction of unemployed family members</p> <p>Sources:  <a href="https://www.statssa.gov.za/publications/P0211/P02111stQuarter2020.pdf">https://www.statssa.gov.za/publications/P0211/P02111stQuarter2020.pdf</a>  <a href="http://www.statssa.gov.za/publications/P0211/Presentation%20QLFS%20Q2_2020.pdf">http://www.statssa.gov.za/publications/P0211/Presentation%20QLFS%20Q2_2020.pdf</a>  <a href="http://www.statssa.gov.za/?p=13633#:~:text=unemployment%20levels%20drop-,SA%20economy%20sheds%20%2C%20million%20jobs%20in%20Q2%20but,Africa%20on%2029%20September%202020.">http://www.statssa.gov.za/?p=13633#:~:text=unemployment%20levels%20drop-,SA%20economy%20sheds%20%2C%20million%20jobs%20in%20Q2%20but,Africa%20on%2029%20September%202020.</a> </p>

#### The social implications for the CCMA:

The result of a substantial poor population, a defining feature of economic inequality, is a less effective lower-income work force characterised by higher disease and mortality rates, higher health care costs and progressively deepening poverty for afflicted groups. The impact of the societal analyses on the CCMA both internally and externally speaks to the need for the organisation, within its reduced fiscus, to find innovative means towards ensuring that staff is continuously upskilled by leveraging on its strategic partnerships and introducing new policies aimed at ensuring that the basic conditions of employment (lunch breaks, safety, etc.) are adhered to during teleworking engagements. Externally, the CCMA must continue to ensure that users are fully and effectively serviced by ensuring that the services are accessible at all times to the public and that users are not exposed to touts and fraudsters claiming to be representatives of the CCMA. Given the limited resources available to the CCMA, the continuous use of mutually beneficial strategic partnerships must be sustained. As noted significantly in the forecasting of unemployment, it is well noted that vulnerable sectors are currently (during the new variant of COVID-19 pandemic) and will see much more influx and a higher demand for CCMA services across the country



MARKET CONSIDERATION/TREND	CURRENT IMPACT	FUTURE IMPACT
<b>TECHNOLOGICAL</b>		
State sponsored online courses for unemployed South African youth through collaboration with the Coursera educational platform	The government has collaborated with a leading online service provider for digital education aimed at enhancing the livelihoods of unemployed South African youth in this digital age	<p>In spite of the challenges associated with the “gig economy” from a labour law perspective, it may be a requirement that the CCMA together with other labour market stakeholders lobby for amendments to better monitor developments in this sector as this is where the future world of work seems to be going towards</p> <p>Source:  <a href="https://www.sanews.gov.za/south-africa/free-online-courses-offered-unemployed-youth">https://www.sanews.gov.za/south-africa/free-online-courses-offered-unemployed-youth</a></p>
<b>MARKET CONSIDERATION/TREND</b>		
Developments in Information and Communications Technology (ICT) present opportunities to improve business process efficiency and enhance service delivery	<p>The ongoing COVID-19 pandemic has introduced ICT related opportunities that have enhanced the capacity of the CCMA to respond to service delivery requirements. Through ICT improvements the CCMA has a fair number of remote workers with the capacity to deliver on work requirements thereby maintaining productivity</p> <p>Improved ability of CCMA to meet case load through efficient systems and processes</p>	<p><b>FUTURE IMPACT</b></p> <p>It may be useful in the future for the CCMA to continue to adapt to technological advancement in an effort to ensure the organisation enhances its dispute resolution service delivery and becomes a modern and efficient employer</p> <p>More effective dispute prevention enabled through predictive analytics</p> <p>Sources:  <a href="https://www.ccma.org.za/Media/ArticleID/512/ANNOUNCEMENT-ON-THE-INTEGRATION-OF-CCMAS-DIGITAL-CASE-REFERRAL-WITH-THE-CASE-MANAGEMENT-SYSTEM-CMS">https://www.ccma.org.za/Media/ArticleID/512/ANNOUNCEMENT-ON-THE-INTEGRATION-OF-CCMAS-DIGITAL-CASE-REFERRAL-WITH-THE-CASE-MANAGEMENT-SYSTEM-CMS</a>  <a href="https://www.engineeringnews.co.za/article/ccma-launches-digital-platform-for-case-processes-2020-06-09">https://www.engineeringnews.co.za/article/ccma-launches-digital-platform-for-case-processes-2020-06-09</a></p>
The use of social media platforms by the CCMA to connect with users	The CCMA has enhanced its presence on social media resulting in brand enhancement and improvement of certain business functions such as the Information Centre, which is more active, especially with lockdown restrictions. Furthermore, the CCMA brand has been enhanced	<p>Increased utilisation of social media platforms may have enhanced the reach of the CCMA and may result in improved brand awareness</p> <p>Develop a social media monitoring mechanism to manage possible news that may negatively impact the CCMA brand</p> <p>Source:  <a href="https://www.facebook.com/1984006708347579/posts/dear-valued-usersstakeholdersthe-ccma-is-pleased-to-inform-you-of-the-newly-laun/3004364822978424/">https://www.facebook.com/1984006708347579/posts/dear-valued-usersstakeholdersthe-ccma-is-pleased-to-inform-you-of-the-newly-laun/3004364822978424/</a></p>
4IR-driven specialised and super specialised skills	Application of a precautionary principle in a working environment if there is a threat to human health	Increased retrenchments of low skilled workers



The technology implications for the CCMA:

While the COVID-19 pandemic presents challenges to a number of businesses, it also presents opportunities. Other organisations can take this opportunity to re-assess their business model taking advantage of the technological infrastructure which has received a renewed appreciation especially during this pandemic and the remote working from home strategies. The CCMA has not been spared in this regard as this is a chance to try out new paradigms and consider retaining the ones that fit, even after the current pandemic has passed.

It is still far too early to understand the ramifications of the pandemic on the country, our economy, and institutions. However, one immediate and obvious consequence has been the rapid adoption of digital technology. This is driven by necessity as the world has been catapulted into rapid digital transformation. It may be useful in the future for the CCMA to continue to adapt to advancements made in the technological sphere to ensure that the organisation remains modern and responsive to current dynamics considering the budget cuts the organisation is facing. In efforts of ensuring efficient and effective case referral and application processes, during the COVID-19 pandemic, the CCMA introduced a free digital platform for CCMA users to use when referring conciliation and arbitration disputes and make enforcement and/or condonation applications. Although introduced pre and within the pandemic the continued use of this platform even after the pandemic remains a point of certainty giving the CCMA opportunities to enhance the platform by introducing new service offerings in a technologically savvy manner

## ENVIRONMENT

Implementation and impact of land redistribution and restitution

Expropriation without compensation has the potential to result in disinvestment in agriculture and a decline in productivity and ultimately jobs

Potential increase in retrenchment cases

Sources:

<https://www.news24.com/news24/columnists/guestcolumn/opinion-problematic-assumptions-raise-questions-about-south-africas-new-land-reform-plan-20201028>

<https://www.blsa.org.za/assets/Uploads/2017-July-Possible-impact-of-land-expropriation-on-the-agric-sector-27-July2.pdf>

<https://www.afriforum.co.za/wp-content/uploads/2019/08/Expropriation-without-compensation.pdf>

<https://www.cde.org.za/wp-content/uploads/2019/01/Agriculture-land-and-jobs-Summary-report-CDE.pdf>

Accelerated job losses due to cost cutting measures to combat electricity costs

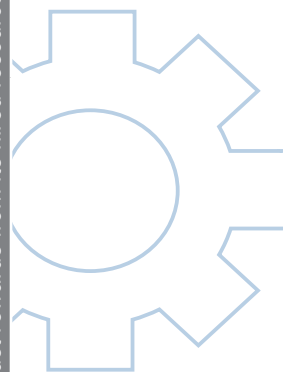
Implications on working conditions for some industries e.g. agriculture where workers may not be permitted to work in the presence of pesticides

The environmental implication for the CCMA:

The other dimension of sustainability in the CCMA is its contribution to preserving environmental quality; commonly referred to as environmental impact. Disinvestment in the agriculture sector is likely to follow this key policy change resulting in significant job losses. Given the low skills and vulnerability of the majority of workers in this sector, ensuring social justice for them will be a challenge; giving ample field for the CCMA to intervene by empowering these vulnerable groups. The CCMA may also need to expedite the processes and systems in place to ensure that vulnerable sectors are not marginalised



MARKET CONSIDERATION/TREND	CURRENT IMPACT	FUTURE IMPACT
<b>LEGAL</b>		
Implementation and impact of land redistribution and restitution	Expropriation without compensation has the potential to result in disinvestment in agriculture and a decline in productivity and ultimately jobs	Potential increase in retrenchment cases  Sources:  <a href="https://bit.ly/3ba12GQ">https://bit.ly/3ba12GQ</a>  <a href="https://mg.co.za/news/2020-06-08-study-shows-land-redistribution-can-create-new-jobs-in-agriculture-in-south-africa/">https://mg.co.za/news/2020-06-08-study-shows-land-redistribution-can-create-new-jobs-in-agriculture-in-south-africa/</a>
Changes to the LRA	Some proposed LRA amendments aim at reducing the nature of violent strikes and the hostility in the same circumstance by requiring parties to make use of picketing rules and for ballots to be conducted prior to strike action	In efforts of carrying this forward, the CCMA will be introducing its digital secret balloting tool in order to make this process easier and less arduous for members. Thus, increasing its service accessibility during the COVID-19 pandemic where pen and paper methods are deemed riskier
National Minimum Wage Act  Public Sector Wage Increases	Several employers have failed to implement the minimum wage requirements  The Labour Appeal Court vindicated the government's decision not to implement salary increases of between 4.4% and 5.4% in April 2020 for public servants, saying the increases are unaffordable for a fiscus that has deteriorated due to the COVID-19 pandemic.	Increased case referrals to the CCMA  In the short term, public service employees may be unable to cope financially. In the long term, this may be useful for supporting economic reforms required to enable positive economic growth and indirectly a stable labour market.  Source: <a href="https://www.businesslive.co.za/bd/national/big-victory-for-state-as-unions-lose-bid-to-force-public-sector-wage-increases/">https://www.businesslive.co.za/bd/national/big-victory-for-state-as-unions-lose-bid-to-force-public-sector-wage-increases/</a>
<p>The legal implication for the CCMA:</p> <p>The COVID-19 pandemic resulted in a change in the conventional way of working and the setup thereof with many employees having to work remotely. Appropriate policies and legislation may need to be introduced and implemented to ensure that employees' rights and the employer's obligations are met and governed accordingly.</p> <p>Looking at the CCMA, as an employer, policy provisions for the governance of teleworking may need to be introduced especially in efforts of ensuring sufficient and stabilised productivity levels and the management of staff remotely. Issues dealing with employees' working hours, log on times, servicing of laptops, etc. need clear guidelines driven towards protecting the rights of its employees whilst ensuring that the organisation reaps its just rewards from its hired resources.</p>		





In order to encapsulate the latest developments in the South African labour market the above tabulated PESTEL analysis was undertaken also outlining each analyses implications on the CCMA.

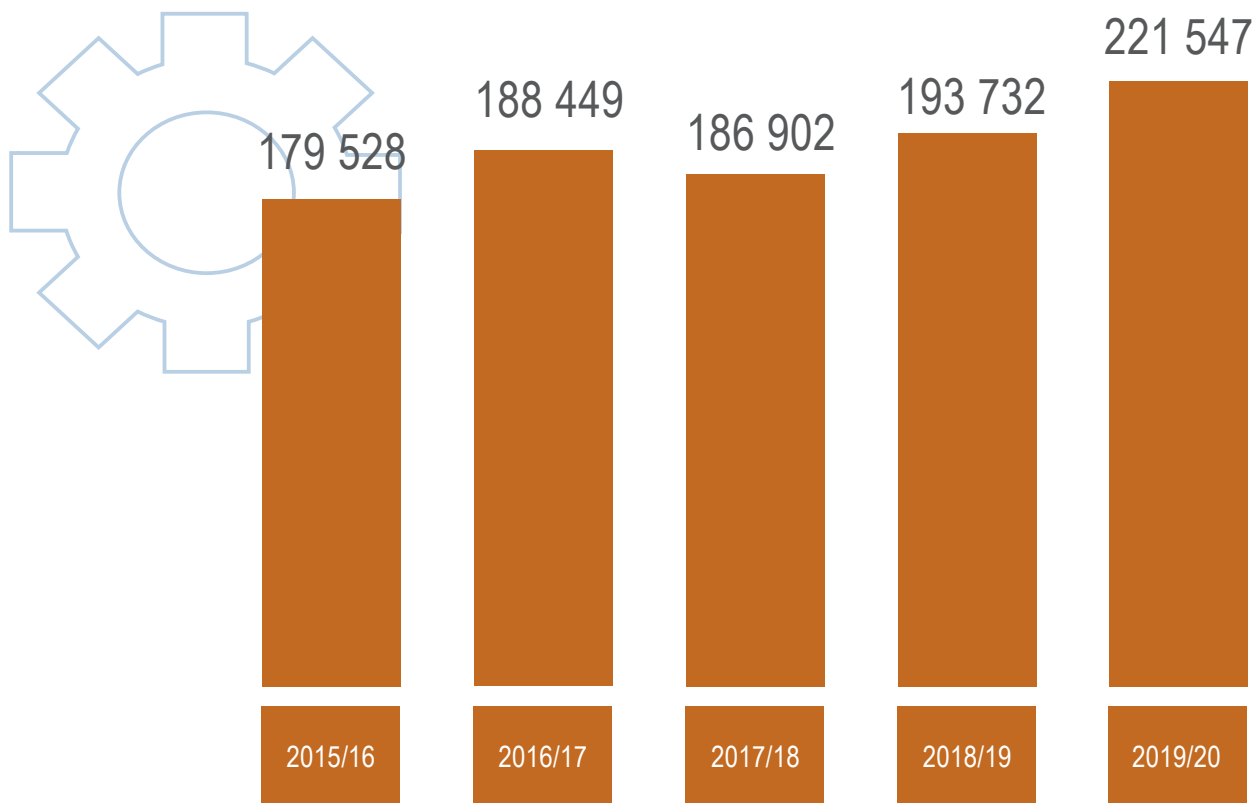
## 5.2. INTERNAL ENVIRONMENTAL ANALYSIS

It should be noted that the CCMA's operating environment is influenced by external factors at a global, regional, national and sectoral scale. The objective of the organisational environment is to give an understanding of how the organisation is structured and configured to deliver on the mandate of the institution and to explore other internal institutional factors which may impact on the organisation's ability to achieve its set outcomes. The following constitutive factors of the CCMA were analysed: organisational structure, organisational performance, operating model and the financial performance relative to dispute-resolution-based services.

### 5.2.1. THE CCMA'S SERVICE DELIVERY ENVIRONMENT

Cases are referred to the CCMA either collectively or individually. For the 2019/20 financial year, a total of 221 547 cases were referred to the CCMA, compared to the 193 732 cases referred in the 2018/19 financial year, and 186 902 in the 2017/18 financial year. Figure 5 shows the CCMA five (5) year case referral comparison:

Figure 5: Five (5) year case referral comparison



The growth trajectory of the caseload is indicative of an increased effort by the CCMA in creating awareness of the organisation to meet its mandate of creating labour peace and ensuring that its services are accessible to the public. The legislative amendments in late 2018 had a drastic impact on the CCMA case load. Between the 2018/19 and 2019/20 financial years, the case load increased from 193 732 to 221 547. Between the 2018/19 and 2019/20 financial years, the case referral rate increased by fourteen percent (14%). An average of 879 new cases were thus referred to the CCMA every working day during the 2019/20 financial year. Despite this, the CCMA managed to successfully deliver on its mandate. It is forecasted that the CCMA case load will increase by 20% in 2020/21 – 2024/25.

The CCMA has, for the past three (3) financial years, consistently had an average of 12% case carry-over, with 19 693 cases carried over in the 2016/17 financial year, 18 695 cases in the 2017/18 financial year and 19 266 in the 2018/19 financial year. During 2019/20 financial year, there was a 1% decrease in the case carry-over from the previous year to 11% with 18 515 cases.



Most individual cases were received from the business/professional services sector followed by safety/private security sector and retail sector in the 2019/20 financial year. The COVID-19 pandemic has caused an increase in certain categories of disputes, such as small scale (Section 189) and large – scale (Section 189A) retrenchments.

The operational efficiency analysis revealed that the CCMA can be more efficient and enhance its impact if it focuses on reconfiguring its business processes by adopting appropriate technology. In this regard, there are a number of initiatives that have been put in place and are still in the process of implementation. For example, as part of the internal integration processes within the CCMA, ICT has commenced the process of integrating online referral forms application with Case Management System (CMS). The introduction of the online forms is also part of the CCMA's initiative to move away from paper-based processes towards automated based processes. These initiatives are also being introduced as part of the efforts to enhance service delivery. For instance, online referrals enhance the capturing and screening of cases by Case Management Officers (CMOs) with minimum human interferences. The integration of systems allows users' information to be automatically transferred into the CMS wherein case numbers are automatically created. The implementation of this initiative is now in Phase 2, which is the last phase. In this phase, the ICT will be primarily performing testing procedures. Furthermore, as part of system integration, the CCMA is in engagement with Department of Employment and Labour (DEL) to ensure that Home Affairs grants them access to ID numbers that will help to validate the information provided by users in the referral forms.

### 5.2.2. THE CCMA STRATEGIC INTENT

The strategic intent of the Imvuselelo – “The Revival”, the 2020/21 – 2024/25 Strategy focuses on internal revival of the organisation, transforming it into a modern, optimised institution - a strategic imperative towards realising a high-performance organisation. The key defining features for this period are high unemployment levels, the COVID-19 pandemic and national lockdown which together have a negative impact on the CCMA's operating environment.

The operationalisation of the Imvuselelo – “The Revival”, the 2020/21 – 2024/25 Strategy will be delivered through five (5) programmes. Below is an illustration of the programmes and the associated statement of intent per programme: Figure 6: The Imvuselelo – “The Revival”, the 2020/21 – 2024/25 Strategy programme names and purpose. The following is a tabulation of the strategic initiatives planned per programme:



Figure 6: The Imvuselelo – “The Revival”, the 2020/21 – 2024/25 Strategy programme names and purpose





Table 4: Strategic initiatives per programme

PROGRAMME	PLANNED STRATEGIC INITIATIVES (SUB PROGRAMMES)
Administration	<ul style="list-style-type: none"> <li>• Enhance financial viability for organisational sustainability</li> <li>• Improve organisational culture in a bid to make the CCMA an employer of choice</li> <li>• Improve employee turn-over rate</li> <li>• Concentrate on Talent and Succession Planning</li> <li>• Reform and modernise the organisation through technology</li> <li>• Implement internal programmes that support the environment and contributes to climate change initiatives</li> </ul>
Proactive and relevant labour market interventions	<ul style="list-style-type: none"> <li>• Implement the targeted workplace interventions through the CCMA's DP&amp;WO Strategy</li> <li>• Facilitate the Collective Bargaining Support processes with strategy identified users</li> <li>• Facilitate social protection through social dialogue, advocacy and outreach</li> <li>• Capacitate, train and build knowledge and skills in the labour market</li> <li>• Offer support and advisory services to the labour market as and when required</li> <li>• Promote democratisation and best employment practices in workplaces in order to transform workplaces</li> </ul>
Special interventions and support	<ul style="list-style-type: none"> <li>• Implement Phase 2 of the CCMA/BUSA Web tool</li> <li>• Prioritise and streamline TERS applications</li> </ul>
Efficient and quality dispute resolution and enforcement services	<ul style="list-style-type: none"> <li>• Comply with legislative prescripts in dispute resolution</li> <li>• Improve access to CCMA services</li> <li>• Improve the quality of service delivery</li> <li>• Intensify employment security measures</li> <li>• Better support to Bargaining Councils and Agencies</li> <li>• Implement the CCMA's Enforcement Strategy</li> <li>• Improve the effectiveness and efficiency of the ESC legislated mandate</li> <li>• Proactive intervention with the aim of promoting effective dispute resolution in essential services</li> <li>• Conclude the review of old designations</li> <li>• Ensure that parties are assisted when negotiating Minimum Service Agreements (MSAs), would continue to direct parties to conclude MSAs when making new designations</li> <li>• Develop programmes and interventions to ensure protection of the vulnerable and promote accountability, aimed at promoting behavioural change amongst the role players in essential services</li> <li>• Create awareness to the beneficiaries of essential services, in order to promote accountability on the part of the providers of essential services.</li> </ul>



#### Effective strategy management and governance

- Generation of business intelligence through continuous environmental scanning (strategic hindsight and foresight) to keep abreast of changing nature of work to enable appropriate response and impact by the organisation
- Embed good governance in order to protect organisational value by mitigating governance failure, anticipate and respond to the changing contextual environment and legislative reforms and achieve a clean administration
- Better anticipate strategic risks to enable the organisation to mitigate timeously
- Ensure the organisation complies with all applicable legislation and policies
- Intensify strategic partnerships and alliances to support strategy delivery

### 5.2.3. THE DEMAND FOR CCMA SERVICES

Taking into consideration the external and internal environment analysis, and in considering the strategic focus of the CCMA over the 2020/21 – 2024/25 period, it is important to determine the demand and context of CCMA services. The CCMA anticipates its caseload to grow by 3% in the 2021/22 financial year as a result of the expanded jurisdictional mandate and impact of COVID-19 pandemic<sup>18</sup>. The CCMA case load will increase to 239 717 where majority of cases will come from Gauteng with 98 542 referred cases, followed by KwaZulu Natal with 32 712 referred cases and Western Cape with 31 555 referred cases. The table below depicts the provincial forecasting of case referrals for 2021/22 financial year and the percentage increase.

Table 5: Provincial demand for CCMA services for the 2021/22 financial year

Province	Forecast	Percentage
Gauteng	98 542	4%
Kwa-Zulu Natal	32 712	2%
Western Cape	31 555	3%
Eastern Cape	18 437	4%
Limpopo	15 129	4%
Free State/Northern Cape	14 886	2%
Mpumalanga	14 154	3%
North West	9 427	5%

The forecasting further reveals that the majority of referred cases by sector will come from the business professional services sector which will contribute 73 730 cases, private security with 32 762 cases to be referred and the retail sector with 21 320 cases to be referred as at the end of 2021/22 financial year. The table below depicts the demand for CCMA services at a sector level and percentage increase of referred cases.

<sup>18</sup> The calculation does not include the 2020/21 case load referrals. The 2020/21 figure was not used because it was considered an outlier with the possibility of skewing the forecasting.



Table 6: Forecasted demand for CCMA services per sector for the 2021/22 financial year

Sector	Forecast	Percentage
Business/Professional Services	73 730	7.5%
Private Security	32 762	5.3%
Retail Sector	21 320	0.4%
Construction Sector	14 783	0.1%
Domestic Sector	13 651	-1.5%
Food Sector	7 814	1.9%
Agricultural Sector	7 661	0.4%
Mining Sector	6 694	0.1%

#### 5.2.4. ORGANISATIONAL STRUCTURE AND HUMAN CAPITAL

The organisation is structured in a manner to support the statutory mandate of the CCMA. The CCMA's macro-structure has been revised to purpose fit the strategy for successful implementation. The CCMA currently employs 975 full time employees of which 434 (44.5%) are male and 541 (55.5%) are female. Further there are nine (9) employees (two (2) male and seven (7) female) on fixed term contracts. In addition, the CCMA uses the services of Part-Time Commissioners and Senior Commissioners who are independent contractors, 558 commissioners of whom 382 (68.5%) are male and 176 (31.5%) are female. There are twenty-one (21) full time employees who have declared disabilities. The CCMA Employment Equity Plan (2016 – 2021) addresses gaps, for example, the number of women in senior management positions. However, the challenge is that the curb on employment and remuneration will place pressure on the organisation to not meet the planned targets.

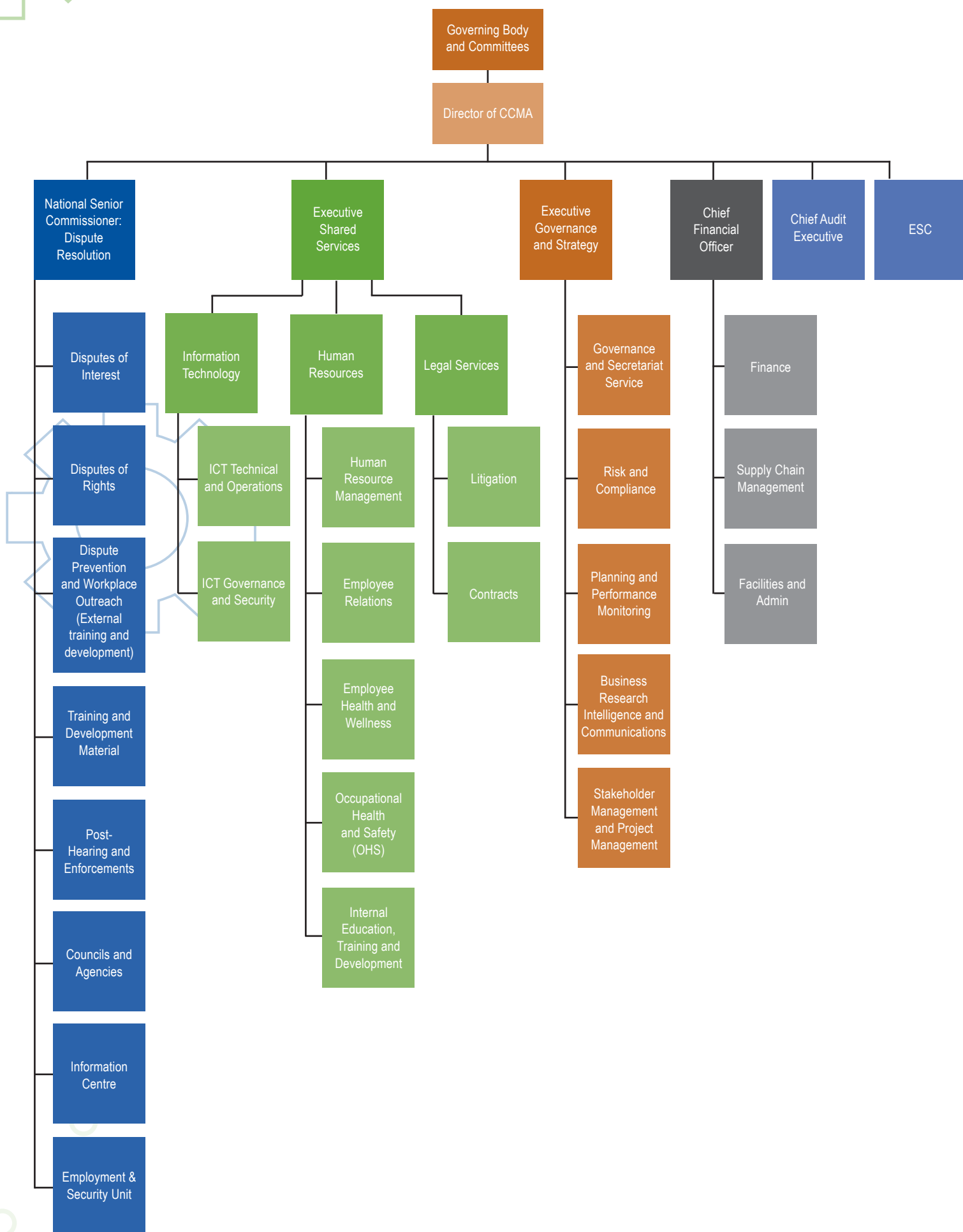
Table 7: CCMA Employment Equity statistics as at 31 December 2020

Employees	Race				Total
	African	Coloured	Indian	White	
Full Time Employees	837	77	18	34	966
Contract Employees	6	0	1	2	9
Total	843	77	19	36	975

The following illustration is the CCMA's macro-structure for the next five (5) years:



Figure 7: CCMA organisational structure





## 5.2.5. SWOT ANALYSIS

To support strategy development, the institution underwent a process of re-configuration to better position it to achieve its strategic intent. In so doing, following the analysis of the external environment, an internal review was conducted in order to ascertain whether the organisation has the capacity to deliver on its mandate. A summary of the SWOT analysis is provided in the table below:

Table 8: SWOT Analysis

STRENGTHS	WEAKNESSES
<b>Brand and reputation</b> <ul style="list-style-type: none"> <li>Increased awareness of the CCMA's constitutional mandate, services and products</li> <li>The CCMA brand is recognised and respected by the public and all stakeholders</li> </ul>	<b>Financial constraints</b> <ul style="list-style-type: none"> <li>CCMA's reduced grant is becoming insufficient to meet the statutory mandates of the CCMA</li> </ul>
<b>Skills</b> <ul style="list-style-type: none"> <li>Forefront in dispute resolution in South Africa</li> <li>CCMA employees have a diverse skill set and CCMA maintains a good retention of skills</li> <li>Good relationship with external stakeholders</li> </ul>	<b>Weak performance management system</b> <ul style="list-style-type: none"> <li>The performance management system remains largely manual with a lot of human interferences which make it susceptible to human error</li> <li>Misalignment between the organisational performance management and personnel performance management system</li> </ul>
<b>High performance</b> <ul style="list-style-type: none"> <li>Legislated mandate is implemented efficiently and effectively, in meeting statutory requirements</li> <li>High performance in public interest disputes contribute to labour market stability and healthy labour relations</li> <li>The CCMA is resilient despite additional requests and dynamic environment</li> <li>The CCMA plays a positive role in ensuring good labour practices, providing support and guidance in collective bargaining processes</li> </ul>	<b>Personnel capacity constraints</b> <ul style="list-style-type: none"> <li>Capacity constraints throughout the CCMA</li> <li>Limited capacity to respond to retrenchment matters (experienced Commissioners who can deal with large - scale (Section 189A) retrenchment matters)</li> </ul>
<b>Good training delivery capability</b> <ul style="list-style-type: none"> <li>The CCMA training and capacity building interventions are valued by the CCMA's Users and the public at large</li> </ul>	<b>Constant interruptions of operations</b> <ul style="list-style-type: none"> <li>Interruptions to operations due to office closures relating to the COVID-19 pandemic</li> </ul>
<b>Competent personnel</b> <ul style="list-style-type: none"> <li>The culture of high performance, excellence and maximised service delivery is progressively being embedded in the organisation</li> <li>Proactive approach</li> <li>Skilled engineers within the ICT Department</li> </ul>	<b>Lack of technology integration</b> <ul style="list-style-type: none"> <li>Lack of integration between core ICT systems</li> <li>Lack of strategies and tools to manage and maintain business data (for example, archiving, data retention, amongst others)</li> <li>Lack of policy on contingency plan</li> </ul>



OPPORTUNITIES	THREATS
<b>Leveraging technology</b> <ul style="list-style-type: none"> <li>• Optimise online conciliation, arbitrations and training platforms</li> <li>• Developments in ICT to enhance service delivery and improve business efficiency and internal and external communications</li> <li>• Cloud computing</li> <li>• Increase mobile platforms for CCMA Users</li> <li>• The new way of doing things for those who have resources has proved to be expedient</li> <li>• Increasing accessibility</li> <li>• Usage of the DEL's infrastructure and the roll-out of mobile offices</li> <li>• Outreach material to be written and published in all official languages as a possibility of increasing accessibility</li> <li>• Utilisation of radio and television for reaching Users with limited network access.</li> </ul>	<b>Fourth Industrial revolution (4IR)</b> <ul style="list-style-type: none"> <li>• Insufficient knowledge as to what the impact will be and when it will come into effect</li> <li>• Impact on the unemployment rate</li> <li>• Increased cyber risk with the new normal where remote working has become predominant</li> </ul>
<b>Playing a role in policies</b> <ul style="list-style-type: none"> <li>• Influence on the future Employment Law Amendments to the LRA (1995, as amended) and other policy interventions</li> </ul> <b>Project Management function</b> <ul style="list-style-type: none"> <li>• Establishment of project management function within the director's office</li> </ul>	<b>Increased rate of referrals (impact/outcome)</b> <ul style="list-style-type: none"> <li>• Constant high referral rate received by the CCMA exerts pressure on CCMA business processes and poses a risk on the efficiency and effectiveness of the organisation</li> <li>• Non-alignment between employment law amendment, expanded jurisdiction and available CCMA resources</li> </ul>
<b>Enhancing and creating new partnerships</b> <ul style="list-style-type: none"> <li>• Exploration of partnerships focused on survival mechanisms for retrenched workers</li> <li>• Working closely with the UIF to streamline the TERS to improve its efficiency and effectiveness</li> <li>• Partnerships with universities to provide qualification for the training of prospective commissioners and stakeholders</li> </ul>	<b>External stakeholder's threats</b> <ul style="list-style-type: none"> <li>• Risk of bargaining councils being rendered ineffective which will increase caseload</li> <li>• Civil society organisations placing the independence of the CCMA at risk</li> <li>• Media publish information on cases that will be referred before CCMA has sight of these cases</li> <li>• Increased functions transferred to the CCMA without additional budget</li> <li>• Potential for COVID-19 related strikes due to non-compliant workplaces</li> </ul>
<b>Enhancing awareness</b> <ul style="list-style-type: none"> <li>• Optimise all types of media including social media platforms in order to increase awareness of the CCMA mandate, services and products</li> </ul>	<b>Economic challenges</b> <ul style="list-style-type: none"> <li>• Global and local economic challenges</li> <li>• State of the economy will impact negatively on budget availability</li> </ul>





OPPORTUNITIES	THREATS
<b>Enhanced services and enhanced training</b> <ul style="list-style-type: none"> <li>• Playing a more proactive role in the Collective Bargaining</li> <li>• Monitoring of wage agreements and provide support to minimise industrial action</li> <li>• Conducting of pre-bargaining conference and verification</li> <li>• Provision of customised Executive and Management Development Programme</li> <li>• Creating continuous awareness training in anti-corruption measures, value-based business/ business ethics</li> </ul>	<b>Financial constraints</b> <ul style="list-style-type: none"> <li>• Insufficient budget poses a threat to the execution of the strategy, prohibits the full roll out of DM&amp;P programmes, disempowers the CCMA's attempts to digitise as well as introduce innovations, and paralyses the sourcing of critical talent</li> <li>• Internal resources to respond to the ICT outsourcing</li> </ul>

### 5.2.6. CHALLENGES EXPERIENCED BY THE CCMA

In taking into consideration the demand for CCMA services and the contextual environment, it is important for the CCMA to consider how it will respond to these demands and leverages on opportunities.

The limited financial resources have negatively impacted the effective execution of the strategy. Government grant is the main source of revenue for the CCMA and it constitutes over 97% of the organisation's revenue. There was a decrease in the allocated budget for 2020/21 of R935.8 million compared to R978.7 million in 2019/20 financial year. The CCMA has recently experienced a budget cut of an estimated R42.9 million in 2020/21, which means that an increased caseload due to retrenchments will increase pressure on an already strained organisation. The budget allocation appears not to support the strategy. There are numerous challenges that need to be addressed to ensure effective execution of CCMA's strategy. These include, but are not limited to, resources allocation and the optimal usage of same and optimised service delivery operating model.


A dwindling budget allocation coupled with a growing case load as a result of COVID-19 has made it difficult for the organisation to improve its effective service delivery. Macro-economic indicators forecast a further increase in case load and the enforcement of the NMWA and the BCEA expanded the functions of the CCMA as well as the effect of COVID-19. As at 31 March 2020, CCMA had received nearly 35 767 additional case load which equates to 16% due to the expanded jurisdiction.

There are also challenges that are experienced at a provincial level. These challenges pertain to accessibility by Users. This is mainly in the context of the COVID-19 pandemic that has negatively impacted on their operations. The national lockdown and the need to adhere to the regulations resulted in delays of capturing cases and negatively affected the ability of the provinces to fully render the services to users. There have been instances where a backlog of cases has been reported. While online platforms have been identified as an alternative to physical/face-to-face conduct and conducting virtual meetings and trainings, there was a challenge emanating from the fact that commissioners were not fully capacitated to utilise the online platforms.

A further challenge of reduced budgetary allocations as well as a potential wage freeze is that there are implications for employees which could negatively affect the morale. It is evident that a prolonged freeze on new appointments will be necessary and this together with a wage freeze does not create an environment that is conducive to employee engagement whilst the turnover rate at the CCMA is well below the market average the lack of opportunities in the market could cause employees to feel trapped in their jobs at the CCMA. The budget constraints will require employees to do more which could create stress for individuals. This stress is in addition to the stress that employees are already exposed due to, but not limited to the economic pressures as well as the impact of COVID-19. Stress is one of the key health challenges that requires significant support. Employee Wellness support is there for critical employees and a number of cost-effective strategies are being used to support employees.

Despite the ICT initiatives highlighted in the previous sections, the CCMA still experiences inefficiency as a result of processes that are either still manual or not fully integrated. This results in some of the departments failing to respond to the changing technological environment. For example, the case management system is using static reports instead of





modern reporting tools such as Microsoft Power-BI. In terms of data security, there is a need for the CCMA to also develop and implement strategies to manage and safeguard data.

The ESC has highlighted several challenges that are negatively impacting on their operations. The main challenges relate to budgetary limitations. Due to these budgetary constraints, the ESC has been unable to expand its capacity that will enable it to fully render services demanded by Users. Furthermore, the Committee has been operating with minimum resources. While, the ESC has the responsibility to promote effective dispute resolution in essential services, its role is not to resolve disputes involving employees who perform essential services. For example, disputes arising in public health are dealt with by the respective Bargaining Council. Furthermore, the ESC experiences a limited buy-in on the conclusion of Minimum Service Agreement, particularly from the Public Service Bargaining Councils. Part of the ESC's role is to promote effective dispute resolution systems within essential services. To this end, the ESC discovered that some of the strikes in the health services were caused by the parties not having an effective dispute resolution mechanism. This has been discussed by the ESC and the CCMA so as to ensure that Bargaining Councils' dispute mechanisms are accredited by the CCMA.

The designation of services as essential in terms of the Disaster Management Act has created some confusion as the ESC received disputes from workplaces that were designated in terms of this Act and not the LRA. The COVID-19 lockdown necessitated that most of the processes be conducted virtually. However, some of the parties do not have the necessary resources to participate in virtual hearings.

Whilst the creation of MSAs and MSDs by the legislature restores the right to strike to those employees who conduct essential and maintenance services and who did not previously enjoy the right to strike, some unions look beyond the rights created by minimum service agreements/determinations and are more worried about the number of employees who can strike.



#### **5.2.7. STRATEGIES TO ADDRESS THREATS AND WEAKNESSES**

As the CCMA, it remains an important task to manage and mitigate the identified weaknesses while exploiting the opportunities. It is quite regrettable that the strategies that will be implored to address the threats and weaknesses are also hampered by the limited budget and the COVID-19 pandemic which is having enormous impact in the country and all sectors. Thus, the CCMA strives to do more with less and explore the opportunities identified. In exploring avenues to do more with less, the CCMA realises that services being rendered have the potential of not being of high performance and in the meantime compromising quality.



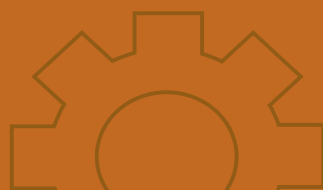






# PART C

## MEASURING OUR PERFORMANCE





# 1. INSTITUTIONAL PROGRAMME PERFORMANCE INFORMATION

## 1.1 PROGRAMME ONE (1): ADMINISTRATION

**PURPOSE:** The CCMA aims to successfully deliver on its objectives through a cohesive, well-structured organisation, in which people, processes and systems perform optimally. As a publically accountable entity, focus will continue to be on a clean administration and resource optimisation. Focus is on the development of human and organisational capacity towards building a world-class institution. This requires a series of strategic human resource interventions aimed at attracting, developing and retaining talent. By its very nature, the CCMA is an information-intensive organisation, requiring strong, reliable and integrated Information Management Systems, underpinned by the best in range IT platforms, leveraging on opportunities presented by the 4IR to sustain a high performing institution.

Table 9: Outcomes, Outputs, Performance Indicators and Targets for Programme One (1): Administration

Outcome	Outputs	Output Indicators	Annual Target						
			Audited/Actual Performance			Estimated Performance	MTEF Period		
			2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
1.1. Enhanced financial viability for organisational sustainability	1.1.1. Sustainable and well-resourced organisation	1.1.1.1. Percentage of net surplus achieved	New	New	New	1%	1%	1%	1%
		1.1.1.2. Ratio of safety to cash margins achieved	New	New	New	1.1:1	1:1	1:1	1:1
1.2. Improved employee turn-over rate	1.2.1. Improved Human Resource Management	1.2.1.1. Percentage of Human Resources Plan implemented	New	New	New	100%	100%	100%	100%
1.3. Improved ICT Service quality	1.3.1. Improved efficiencies	1.3.1.1. Percentage automation and integration of case disbursement (Dispute Resolution Processes) deployed	New	New	New	25%	50%	100%	100%
		1.3.1.2. Percentage of uptime ICT critical systems implemented	New	New	New	85%	95%	99.9%	99.9%



Table 10: Output Indicators, Annual and Quarterly Targets for Programme One (1): Administration

Output Indicators		2021/22 Annual Target	Q1	Q2	Q3	Q4
1.1.1.1.	Percentage of net surplus achieved	1%	N/A	N/A	N/A	1%
1.1.1.2.	Ratio of safety to cash margins achieved	1:1	N/A	N/A	N/A	1:1
1.2.1.1.	Percentage of Human Resource Plan implemented	100%	N/A	N/A	N/A	100%
1.3.1.1.	Percentage automation and integration of case disbursement (Dispute Resolution Processes) deployed	50%	N/A	N/A	N/A	50%
1.3.1.2.	Percentage of uptime ICT critical systems implemented	95%	N/A	N/A	N/A	95%

## 1.2 PROGRAMME TWO (2): PROACTIVE AND RELEVANT LABOUR MARKET INTERVENTION

**PURPOSE:** Through the implementation of the Dispute Prevention and Workplace Outreach Strategy and Programme to transform and build relations and capacity in the workplace. Respond appropriately and timeously to labour market developments through focused proactive and reactive labour market interventions for successful dispute prevention and management and workplace transformation whilst promoting and supporting social dialogue, democratisation, best employment practices and relationship building in workplaces.

Table 11: Outcomes, Outputs, Performance Indicators and Targets for Programme Two (2): Proactive and Relevant Labour Market Intervention

Outcome	Outputs	Output Indicators	Annual Target						
			Audited/Actual Performance			Estimated Performance	MTEF Period		
			2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
2.1. Enhanced dispute prevention and workplace outreach interventions	2.1.1. Orderly Collective Bargaining Processes	2.1.1.1. Number of Collective Bargaining Support processes conducted for strategically identified Users	6	13	8	6	6	6	6
		2.1.1.2. Number of Pre-Collective Bargaining Conferences conducted for strategically identified users	New	3	3	3	3	3	3
2.2. Improved workplace relations	2.2.1. Engaged workplaces	2.2.1.1. Number of targeted workplaces engaged to implement transformation of workplace relations project(s)	New	New	New	12	8	8	8
		2.2.1.2. Number of vulnerable sector projects delivered to targeted Users	New	New	12	12	8	8	8
		2.2.1.3. Percentage of positive rating on participant evaluation outcomes attained	New	New	New	60%	65%	70%	70%



Outcome	Outputs	Output Indicators	Annual Target						
			Audited/Actual Performance			Estimated Performance	MTEF Period		
			2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
2.3. Effective essential services dispute management prevention and resolution	2.3.1. Improved essential service dispute resolution and compliance	2.3.1.1. Number of interventions conducted to promote effective dispute resolution in essential services	New	New	New	12	9	12	12
		2.3.1.2. Number of stakeholders engaged to make inputs on legislative changes	New	New	New	4	3	4	4
		2.3.1.3. Number of entities engaged to ensure that there are minimums to be maintained during industrial action in essential services	New	New	New	106	84	106	120
		2.3.1.4. Number of essential service designations, minimum services agreements, minimum service determinations and/ or maintenance service determinations monitored for compliance and observance	8	10	12	8	6	8	8
		2.3.1.5. Number of awareness sessions on essential services designation conducted	New	New	New	14	10	14	14

Table 12: Output Indicators, Annual and Quarterly Targets for Programme Two (2): Proactive and Relevant Labour Market Intervention

Output Indicators		2021/22 Annual Target	Q1	Q2	Q3	Q4
2.1.1.1.	Number of Collective Bargaining Support processes conducted for strategically identified Users	6	N/A	N/A	N/A	6
2.1.1.2.	Number of Pre-Collective Bargaining Conferences conducted for strategically identified users	3	N/A	N/A	N/A	3
2.2.1.1.	Number of targeted workplaces engaged to implement transformation of workplace relations project(s)	8	N/A	N/A	N/A	8
2.2.1.2.	Number of vulnerable sector projects delivered to targeted Users	8	N/A	N/A	N/A	8
2.2.1.3.	Percentage of positive rating on participant evaluation outcomes attained	65%	N/A	N/A	N/A	65%
2.3.1.1.	Number of interventions conducted to promote effective dispute resolution in essential services	9	2	3	2	2
2.3.1.2.	Number of stakeholders engaged to make inputs on legislative changes	3	1	1	N/A	1
2.3.1.3.	Number of entities engaged to ensure that there are minimums to be maintained during industrial action in essential services	84	21	31	12	20
2.3.1.4.	Number of essential service designations, minimum services agreements, minimum service determinations and/ or maintenance service determinations monitored for compliance and observance	6	1	2	1	2
2.3.1.5.	Number of awareness sessions on essential services designation conducted	10	2	3	2	3



### 1.3. PROGRAMME THREE (3): SPECIAL INTERVENTIONS AND SUPPORT

**PURPOSE:** To be the mediatory and arbitration organisation of choice and support national interventions. The CCMA interventions through this programme are aimed at promoting dispute resolution through special mediation processes and social dialogue. The CCMA interventions through this programme aimed at promoting consensus, community participation, efficient and effective use of financial and human resources in the dispute resolution process.

Table 13: Outcomes, Outputs, Performance Indicators and Targets for Programme Three (3): Special Interventions and Support

Outcome	Outputs	Output Indicators	Annual Target						
			Audited/Actual Performance			Estimated Performance	MTEF Period		
			2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
3.1. Effective support to Presidential projects	3.1.1. Contribution to Presidential priorities	3.1.1.1. Percentage of Phase 2 of the CCMA/ BUSA SME Labour Support Web Tool implemented	New	New	New	100%	100%	100%	100%

Table 14: Output Indicators, Annual and Quarterly Targets for Programme Three (3): Special Interventions and Support

Output Indicators		2021/22 Annual Target	Q1	Q2	Q3	Q4
3.1.1.1.	Percentage of Phase 2 of the CCMA/BUSA SME Labour Support Web Tool implemented	100%	N/A	N/A	N/A	100%

### 1.4. PROGRAMME FOUR (4): EFFICIENT AND QUALITY DISPUTE RESOLUTION AND ENFORCEMENT SERVICES

**PURPOSE:** Advance accessible, efficient and quality resolution and enforcement mechanisms, to sufficiently address the growing inequality in the labour market due to external factors changing the nature of work, a proactive approach to the advancement of social justice is required in order to adequately maintain social cohesion, contribute to labour peace and human advancement and progress. The CCMA will focus on initiatives that will ensure increased and effective access to the CCMA in vulnerable areas and amongst vulnerable groups through collaboration with strategic partners and increased access points, as well as initiatives that will enhance the efficiency of service delivery, quality of settlements and enforceability of awards.

Table 15: Outcomes, Outputs, Performance Indicators and Targets for Programme Four (4): Efficient and Quality Dispute Resolution and Enforcement Services

Outcome	Outputs	Output Indicators	Annual Target						
			Audited/Actual Performance			Estimated Performance	MTEF Period		
			2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
4.1. Improved service quality	4.1.1. Resolved disputes	4.1.1.1. Percentage of conciliable cases heard within 30 days at first event (excludes agreed extensions, where certificates were issued, out of jurisdiction cases/ withdrawn/ settled by parties cases prior to the matter being scheduled, no process cases and cases which are not conciliable or where conciliation is not the first process)	99%	88%	98.75%	80%	95%	98%	98%



Outcome	Outputs	Output Indicators	Annual Target						
			Audited/Actual Performance			Estimated Performance	MTEF Period		
			2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
		4.1.1.2. Percentage of arbitration awards rendered sent to parties within 14 days of the conclusion of the arbitration proceedings (excludes extensions Granted and heads of arguments filed)	99%	99%	99.76%	98%	98%	98%	98%
		4.1.1.3. Percentage of disputes of interests resolved	New	New	New	52%	52%	55%	55%
		4.1.1.4. Percentage of Section 71 of the LRA cases conducted (as and when referred)	New	100%	100%	100%	100%	100%	100%
		4.1.1.5. Percentage of Section 73 of the LRA cases conducted (as and when referred)	New	New	New	100%	100%	100%	100%
		4.1.1.6. Percentage of Section 75 of the LRA cases conducted (as and when referred)	New	New	New	100%	100%	100%	100%
		4.1.1.7. Number of self-initiated cases conducted in order to determine whether or not the whole or a part of any service is an essential service	New	2	3	2	2	2	2
	4.1.2. High quality of services Rendered	4.1.2.1. Quality of awards index achieved	New	New	New	98%	97%	97%	98%
4.2. Improved access to CCMA services	4.2.1. Improved access and knowledge of CCMA services	4.2.1.1. Number of Users who access CCMA services from identified sectors reached	New	New	New	43 618	80 000	80 000	96 800
		4.2.1.2. Percentage of advocacy campaign plan implemented	New	New	New	100%	100%	100%	100%
4.3. Jobs Saved	4.3.1. Averted job losses	4.3.1.1. Percentage of jobs saved compared to employees likely to be retrenched (as per the cases referred to the CCMA)	36%	41%	42%	20%	38%	38%	38%
		4.3.1.2. Return to Work index achieved	New	New	New	6%	8%	10%	10%
4.4. Reduced potential for industrial action	4.4.1. Reduced labour market volatility	4.4.1.1. Percentage of public interest disputes resolved	60%	60%	60%	60%	64%	66%	68%



Table 16: Output Indicators, Annual and Quarterly Targets for Programme Four (4): Efficient and Quality Dispute Resolution and Enforcement Services

Output Indicators		2021/22 Annual Target	Q1	Q2	Q3	Q4
4.1.1.1.	Percentage of conciliable cases heard within 30 days at first event (excludes agreed extensions, where certificates were issued, out of jurisdiction cases/ withdrawn/ settled by parties cases prior to the matter being scheduled, no process cases and cases which are not conciliable or where conciliation is not the first process)	95%	N/A	95%	N/A	95%
4.1.1.2.	Percentage of arbitration awards rendered sent to parties within 14 days of the conclusion of the arbitration proceedings (excludes extensions granted and heads of arguments filed)	98%	N/A	98%	N/A	98%
4.1.1.3.	Percentage of disputes of interests resolved	52%	N/A	N/A	N/A	52%
4.1.1.4.	Percentage of Section 71 of the LRA cases conducted (as and when referred)	100%	N/A	N/A	N/A	100%
4.1.1.5.	Percentage of Section 73 of the LRA cases conducted (as and when referred)	100%	N/A	N/A	N/A	100%
4.1.1.6.	Percentage of Section 75 of the LRA cases conducted (as and when referred)	100%	N/A	N/A	N/A	100%
4.1.1.7.	Number of self-initiated cases conducted in order to determine whether or not the whole or a part of any service is an essential service	2	N/A	1	N/A	1
4.1.2.1.	Quality of awards index achieved	97%	N/A	N/A	N/A	97%
4.2.1.1.	Number of Users who access CCMA services from identified sectors reached	80 000	N/A	N/A	N/A	80 000
4.2.1.2.	Percentage of advocacy campaign plan implemented	100%	N/A	N/A	N/A	100%
4.3.1.1.	Percentage of jobs saved compared to employees likely to be retrenched (as per the cases referred to the CCMA)	38%	N/A	N/A	N/A	38%
4.3.1.2.	Return to Work index achieved	8%	N/A	N/A	N/A	8%
4.4.1.1.	Percentage of public interest disputes resolved	64%	N/A	N/A	N/A	64%

## 1.5. PROGRAMME FIVE (5): EFFECTIVE STRATEGY MANAGEMENT AND GOVERNANCE

**PURPOSE:** The continuous scanning of the organisation's internal and external operating environment through research and strategic forecasting is core to successful strategy implementation and service delivery. This will result in the organisation's ability to forecast strategy effectiveness and proactively respond to changes. To sustain the catalytic environment for successful strategy implementation and governance, within the changing organisational environment, the CCMA will also focus on initiatives that deploy risk and governance failure mitigation strategies through the development and implementation of an integrated governance, compliance and risk framework. Good governance ensures organizational integrity, operational excellence and enables the maintenance of partnerships and impactful implementation of the strategy.

Table 17: Outcomes, Outputs, Performance Indicators and Targets for Programme Five (5): Effective Strategy Management and Governance

Outcome	Outputs	Output Indicators	Annual Target						
			Audited/Actual Performance			Estimated Performance	MTEF Period		
			2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
5.1. Optimised Governance level	5.1.1. Generation of business intelligence	5.1.1.1. Number of strategic Forecasting and Situational analysis conducted	New	New	New	1	1	1	1
		5.1.1.2. Number of impact assessments conducted	New	New	New	N/A	N/A	1	N/A
	5.1.2. Good governance	5.1.2.1. Percentage of Compliance Management Plan implemented	100%	100%	100%	100%	100%	100%	100%
		5.1.2.2. Percentage of Risk Management Plan implemented	N/A	N/A	125%	100%	100%	100%	100%



Table 18: Output Indicators, Annual and Quarterly Targets for Programme Five (5): Effective Strategy Management and Governance

Output Indicators		2021/22 Annual Target	Q1	Q2	Q3	Q4
5.1.1.1.	Number of strategic forecasting and situational analysis conducted	1	N/A	N/A	N/A	1
5.1.1.2.	Number of impact assessments conducted	N/A	N/A	N/A	N/A	N/A
5.1.2.1.	Percentage of Compliance Management Plan implemented	100%	N/A	N/A	N/A	100%
5.1.2.2.	Percentage of Risk Management Plan implemented	100%	N/A	N/A	N/A	100%

## 2. EXPLANATION OF PLANNED PERFORMANCE OVER THE MEDIUM-TERM PERIOD

### PROGRAMME ONE (1): ADMINISTRATION

OUTCOME: 1.1. ENHANCED FINANCIAL VIABILITY FOR ORGANISATIONAL SUSTAINABILITY		
OUTPUT: 1.1.1. SUSTAINABLE AND WELL-RESOURCED ORGANISATION		
Rationale	Contribution towards enhanced financial viability	Contribution towards economic development and labour market stability
The CCMA will efficiently manage its resources to at least balance all operating costs, strategic outflows and forecasted risks to achieve the mandate and expectations of the stakeholders in the short to medium term under changing conditions.	Given that there are budgetary constraints from the National Treasury, as witnessed by year-on-year budget cuts, cost optimisation has become an important consideration for the CCMA. Cost optimisation contributes towards the organisation's sustainability, allowing the CCMA to offer more with less.	It is envisaged that the ability of the CCMA to offer its services in a cost effective manner will have ripple effects on the labour market.

OUTCOME: 1.2. IMPROVED EMPLOYEE TURN-OVER RATE		
OUTPUT: 1.2.1. IMPROVED HUMAN RESOURCE MANAGEMENT		
Rationale	Contribution towards improved employee turn-over rate	Contribution towards economic development and labour market stability
Poor human resource management can cause employee turn-over to increase to an excessive level. Therefore, the CCMA will improve its management of human resources, which in turn will lead to the delivery of quality services and reduce the turn-over.	The ability of the CCMA to deliver on superior and quality service to the public resides mainly with its employees. It is envisaged that having a succession plan in place, effectively utilising the human potential, having engaged employees and focusing on employee retention will contribute substantially to the ability of the CCMA to deliver quality services.	The reduction of employee turnover is seen as a mechanism to preserve institutional memory, retain skilled employees and development of future leaders. Employee retention enables the CCMA to maintain consistence in its service provision and cost saving in terms of recruitment and training of new employees. Developing a pool of trusted leaders and managers who together with staff facilitate the achievement of CCMA mandate.



**OUTCOME: 1.3. IMPROVED ICT SERVICE QUALITY****OUTPUT: 1.3.1. IMPROVED EFFICIENCIES**

Rationale	Contribution towards improved ICT services quality	Contribution towards economic development and labour market stability
The CCMA will enhance and leverage on technologies to improve efficiencies.	Over the next five (5) years, the CCMA thrives to be up-to-date with technological trends and to leverage on the opportunities presented by 4IR. On the main, the CCMA is geared towards the automation of its processes and to move towards paperless based processes.	The strategic implementation of ICT infrastructure and services should respond to the business requirements of the organisation. It is envisaged that proper systems will result in the streamlining of processes, allowing the CCMA to timeously and effectively respond to the needs to the Users. Improved ICT service quality results in an optimised organisation, which enhance the ability of the CCMA to provide quality services at a low cost to the public.

**PROGRAMME TWO (2): PROACTIVE AND RELEVANT LABOUR MARKET INTERVENTION****OUTCOME: 2.1. ENHANCED DISPUTE PREVENTION AND WORKPLACE OUTREACH INTERVENTIONS****OUTPUT: 2.1.1. ORDERLY COLLECTIVE BARGAINING PROCESSES**

Rationale	Contribution towards reduced referrals	Contribution towards economic development and labour market stability
CCMA seeks to promote orderly and healthy labour relations to encourage investor confidence by proactively and reactively providing guidance and support to the labour market and collective bargaining matters.	The CCMA places importance of capacitating users (organised labour, businesses and/or government) and ensuring that they are empowered to resolve disputes on their own and not necessarily rely on resolving them through the CCMA. Reduced referrals to the CCMA will also mean lessened pressure on its already constrained budget and also at the same time free resources to focus and channel its resources towards other pertinent labour market issues.	CCMA interventions in the workplace are aimed to promote orderly and healthy labour relations, thereby promoting labour market stability and growth in the labour market.

**OUTCOME: 2.2. IMPROVED WORKPLACE RELATIONS****OUTPUT: 2.2.1. ENGAGED WORKPLACES**

Rationale	Contribution towards reduced referrals	Contribution towards economic development and labour market stability
CCMA will intensify dispute prevention and workplace outreach interventions to reduce disputes in the workplace. Therefore, reduced referrals to the CCMA mean lessened pressure on its resources.	The CCMA places importance of capacitating users (organised labour, businesses and/or government) and ensuring that they are empowered to resolve disputes on their own and not necessarily rely on resolving them through the CCMA.	CCMA interventions in the workplace are aimed to promote orderly and healthy labour relations, thereby promoting labour market stability and growth in the labour market.

**OUTCOME: 2.3. EFFECTIVE ESSENTIAL SERVICES DISPUTE MANAGEMENT, PREVENTION AND RESOLUTION****OUTPUT: 2.3.1. IMPROVED ESSENTIAL SERVICES DISPUTE RESOLUTION AND COMPLIANCE**

Rationale	Contribution towards labour market stability	Contribution towards economic development and labour market stability
The ESC aims to measure the impact of its success by changing in minds and behaviour of the labour market in essential services. This would be evidenced through better compliance with essential services law.	The ESC's focus on promoting effective dispute resolution, particularly in ensuring that the dispute resolution systems of sectors that render essential services, are effective in the enforcement of collective agreements will minimise the number of unnecessary strikes in essential services. Ultimately, this will contribute towards labour market stability.	ESC provides proactive intervention and effective essential service facilitations/ engagements to successfully prevent the disputes within the essential service environment and assist parties to comply with the essential service laws.



## PROGRAMME THREE (3): SPECIAL INTERVENTIONS AND SUPPORT

### OUTCOME: 3.1. EFFECTIVE SUPPORT TO PRESIDENTIAL PROJECTS

#### OUTPUT: 3.1.1. CONTRIBUTION TO PRESIDENTIAL PRIORITIES

Rationale	Contribution towards labour market stability	Contribution towards economic development and labour market stability
The overall objective for the development of the Web Tool was for the CCMA and BUSA to collaboratively develop a free to use, self-service, web-based tool for SMMEs.	Providing SMMEs with labour relations best practice and guidance helps with an enhanced employer and employee understanding in the SMME space. It is envisioned that this understanding will result in an improved SMME compliance of employment law, leading to workplace stability and certainty in SMME workplaces.	The attainment of workplace stability and certainty in SMME workplaces coupled with reducing red-tape and the associated costs related to labour law advice for SMMEs creates an enabling environment for job creation and growth in the country.

## PROGRAMME FOUR (4): EFFICIENT AND QUALITY DISPUTE RESOLUTION AND ENFORCEMENT SERVICES

### OUTCOME: 4.1. IMPROVED SERVICE QUALITY

#### OUTPUT: 4.1.1. RESOLVED DISPUTES

Rationale	Contribution towards Improved Service Quality	Contribution towards economic development and labour market stability
The CCMA will effectively and efficiently resolve disputes referred within the legislated period.	The effectiveness of the CCMA processes and procedure should result in improved quality of the services to the users. Focusing on improving service quality will mean that the CCMA's process design is user oriented, aiming to enhance a better experience for users while they are interacting with the CCMA. To achieve these outcomes, the focus will be more on ensuring expeditious resolution of disputes, leveraging on technology to expand the reach, enhance efficiencies and effective dispute resolution.	The CCMA's consideration on how the users perceive the quality of its services is an indication of the organisation's commitment to the fulfilment of its legislative mandate of advancing social justice. The assumptions inherent in this indicator is that when users are satisfied through their interaction with the CCMA, the social justice is achieved.

### OUTCOME: 4.1. IMPROVED SERVICE QUALITY

#### OUTPUT: 4.1.2. HIGH QUALITY OF SERVICES RENDEREDS

Rationale	Contribution towards Improved Service Quality	Contribution towards economic development and labour market stability
Advance accessible, efficient and quality dispute resolution through expeditious service delivery.	The effectiveness of the CCMA processes and procedure should result in improved quality of the services to the users. Focusing on improving service quality will mean that the CCMA's process design is user oriented, aiming to enhance a better experience for users while they are interacting with the CCMA. To achieve these outcomes, the focus will be more on ensuring expeditious resolution of disputes, leveraging on technology to expand the reach, enhance efficiencies and effective dispute resolution.	The CCMA's consideration on how the users perceive the quality of its services is an indication of the organisation's commitment to the fulfilment of its legislative mandate of advancing social justice. The assumption inherent in this indicator is that when users are satisfied through their interaction with the CCMA, social justice is achieved.

### OUTCOME: 4.2. IMPROVED ACCESS TO CCMA SERVICES

#### OUTPUT: 4.2.1. IMPROVED ACCESS AND KNOWLEDGE OF CCMA SERVICES

Rationale	Contribution towards improved access to CCMA services	Contribution towards economic development and labour market stability
CCMA will capacitate users through various platforms on CCMA services.	It is envisaged that when users have knowledge of the services provided by the CCMA, they will actively seek justice and more information about their rights at the workplace.	Improved access to the CCMA services suggests that disputes will be resolved amicably and in fair manner, which eventually leads to economic development and labour market stability.



**OUTCOME: 4.3. JOBS SAVED****OUTPUT: 4.3.1. AVERTED JOB LOSSES**

Rationale	Contribution towards reduced job losses	Contribution towards economic development and labour market stability
The CCMA will intensify its job saving efforts by ensuring that strategic partnerships with relevant stakeholders are maintained, to ensure that support for businesses' and employees' distress is provided and options explored to avoid job losses.	Employment security through preservation of existing jobs is one of the CCMA's strategic priorities. The ability of the CCMA to ensure that job losses are kept to a minimum has a positive knock-on effect on reducing other socio-economic challenges such as inequality and poverty.	The job saving initiatives by the CCMA provides job security and looks at alternatives to retrenchments. The CCMA in the process ensures that existing jobs and incomes are pre-served. Economic development is promoted through maintenance of income levels, which maintains the demand for goods and services necessary to drive economic growth. Preserved incomes will also mean that those employees will maintain a decent livelihood, maintain their dignity and are able to attend to their basic human needs.

**OUTCOME: 4.4. REDUCED POTENTIAL FOR INDUSTRIAL ACTION****OUTPUT: 4.4.1. REDUCED LABOUR MARKET VOLATILITY**

Rationale	Contribution towards reduced potential for industrial action	Contribution towards economic development and labour market stability
Focusing on the output of reduced labour market volatility is of essence to the CCMA. Prolonged and violent work stoppages are counterproductive and have a negative impact on business sustainability and the income of workers which affects the South Africa labour market.	Labour market volatility may negatively affect productivity within the workplace. Improved productivity may lead to sustainable income levels that assist in reducing income inequality and business sustainability.	<p>Achievement of this outcome by the CCMA contributes to the MTSF outcome of increased investment. Reduced potential for industrial action could result in higher productivity and in itself creates an enabling environment for investment. Protracted work stoppages as a result of industrial action are considered an impediment to investment. Therefore, the CCMA by focusing on reduced potential for industrial action contributes towards creating an environment that is attractive for both local and foreign investors. Ultimately, this will translate into economic transformation and job creation.</p> <p>In achieving this outcome, the CCMA aims to deliver interventions at capacitating employers and labour to manage disputes at the workplace. Building capacity contributes to the MTSF outcome of education, skills and health.</p>

**PROGRAMME FIVE (5): EFFECTIVE STRATEGY MANAGEMENT AND GOVERNANCE****OUTCOME: 5.1. OPTIMISED GOVERNANCE LEVEL****OUTPUT: 5.1.1. GENERATION OF BUSINESS INTELLIGENCE**

Rationale	Business Intelligence	Contribution towards economic development and labour market stability
The output involves the generation of business intelligence to enable relevant and appropriate organisational planning and focused strategic direction.	The CCMA provides its services to the public and get its finances from the National Treasury. This means that it is important for the CCMA to be transparent, accountable and responsible. The achievement of this outcome will result in full compliance with the legislation, enhance risk management, improved strategic management, and stronger internal controls.	The CCMA will be responsive to labour market needs based on research and strategic forecasting.

**OUTCOME: 5.1. OPTIMISED GOVERNANCE LEVEL****OUTPUT: 5.1.2. GOOD GOVERNANCE**

Rationale	Contribution towards maintaining matured level of good governance, risk and compliance reached and sustained	Contribution towards economic development and labour market stability
The priority will be gearing towards ensuring full compliance with the regulatory requirements.	The CCMA provides its services to the public. It is important for the CCMA to be transparent, accountable and responsible. The achievement of this outcome suggests that priority will be given towards ensuring full compliance with the legislation, enhance risk management, improved strategic management, and stronger internal controls.	Adequate compliance will minimise governance failure and risk of audit findings, thus preserving the reputation of the organisation, which is necessary for public trust.



# 3. CAPACITY OF THE CCMA TO DELIVER ON THE MANDATE

## 3.1. FINANCE AND RESOURCE CONSIDERATION

### 3.1.1 Programme 1: Administration

This programme is allocated a budget of R636 million (22%), which will be mainly utilised to strengthen the human capital and ICT infrastructure. The improved ICT infrastructure will allow the organisation to provide services in an efficient and expeditious manner that will increase accessibility of the CCMA to its users. In this regard, over the MTEF, the CCMA has allocated R239.3million to embark on ICT initiatives such as enhancement of the Case Management System (CMS) and a hardware refresh to improve the ICT environment. Furthermore, the CCMA will also embark on activities to strengthen its human capital and retain talent over the MTEF period.

### 3.1.2. Programme 2 and 4: Proactive and relevant labour market intervention and efficient and quality dispute resolution and enforcement services

A budget of R2.3 billion (74%), has been allocated to advance access, proactive dispute prevention activities, efficient and quality dispute resolution and enforcement mechanisms for the organisation. This allocation is over the MTEF period. The CCMA will embark on proactive activities aimed at advancement of social justice. The CCMA will focus on initiatives that will ensure increased and effective access to the CCMA services amongst vulnerable groups and improve quality of settlements and enforceability of awards. A dispute prevention and management strategy will be rolled-out, as a means to prevent and manage disputes with the objective of promoting labour peace and stabilising the labour market. The Commission has allocated R1.4 billion towards efficient and quality dispute resolution and enforcement services over the MTEF period. This amount is set aside for the compensation of both, full-time and part-time commissioners, including interpreters. The remainder is allocated for travel and subsistence and the hiring of venues for hearings across the country. Furthermore, the CCMA allocated an amount of R 906.4 million to fund regional activities in order to enable efficient and effective services delivery to the labour market.

### 3.1.3. Programme 3: Special interventions and support

A budget of R43 million (1%) over the MTEF period, is allocated for national request on special mediation and arbitration intervention required. In an endeavour to address rising unemployment, the CCMA will continue to implement its job saving strategy, which seeks to find meaningful alternatives to job losses.

### 3.1.4. Programme 5: Effective strategy management and governance

A budget of R102 million (3%) is allocated to governance, to enable successful strategy implementation, operational excellence, innovation and good governance over the MTEF period.



Table 19: Spending trends per programme

Programmes	Audited Outcome			Approved Budget	Medium-Term Estimates		
	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
	R'000	R'000	R'000	R'000	R'000	R'000	R'000
Administration	412 077	485 109	514 324	208 665	221 386	207 194	207 194
Proactive and Relevant Labour Market Intervention	30 796	27 192	27 047	12 091	13 842	13 548	13 548
Special Interventions and Support	16 278	16 244	16 254	14 335	14 767	13 975	13 975
Efficient and Quality Dispute Resolution and Enforcement Services	362 752	410 351	453 496	685 294	722 384	746 537	750 092
Effective Strategy Management and Governance	30 143	37 511	42 294	34 746	34 120	34 135	34 135
Total	852 046	976 407	1 053 415	955 131	1 006 499	1 015 389	1 018 944

Table 20: Economic Classification over the MTEF Period

Statement of Financial Performance	Audited Outcome			Revised budget	Medium-term estimate		
Financial Year	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
	R'000	R'000	R'000	R'000	R'000	R'000	R'000
<b>Revenue</b>							
Transfers received	867 173	965 905	978 731	935 810	991 984	1 007 293	1 011 163
Other non-tax revenue (Interest from Investments)	11 763	14 762	13 420	7 586	4 960	5 036	5 056
Other Income	6 466	5 998	7 517	11 735	9 555	3 060	2 725
Tax benefit	-	-	-	-	-	-	-
Outside shareholders Interest	-	-	-	-	-	-	-
Total revenue	885 402	986 665	999 668	955 131	1 006 499	1 015 389	1 018 944
<b>Expenses</b>							
Current expenses	828 951	941 303	1 009 010	924 293	983 270	988 069	991 624
Compensation of employees	455 330	520 985	546 669	590 089	598 888	581 765	588 032
Goods and services	373 621	420 318	462 341	334 204	384 383	406 304	403 592
Depreciation	15 690	27 277	38 559	22 105	19 029	24 000	24 000
Interest, dividends and rent on land	-	-	-	-	-	-	-
Transfers and subsidies	7 405	7 827	5 846	8 733	4 200	3 320	3 320
Total expenses	852 046	976 407	1 053 415	955 131	1 006 499	1 015 389	1 018 944
Surplus/(Deficit)	33 356	10 258	(53 747)	0	0	0	0



# INFORMATION TECHNOLOGY

Table 21: ICT Projects

NO	ICT INITIATIVE	DESCRIPTION
1	eLearning	Develop a complete end-to-end eLearning platform.
2	CMS Re-engineering	Digitise the Dispute Resolution Processes as well as the associated Systems.
3	IT Infrastructure Refresh	Replace aging ICT Infrastructure with amongst others Cloud computing
4	Define Enterprise Architecture	Document As-Is and To-Be Architecture that is linked to business direction and strategy.
5	Enhance CCMA/BUSA Webtool	Update and integrate the Webtool with the rest of the digital tools of CCMA.

## 4. 2021/22 KEY STRATEGIC RISKS

The table below depicts the key strategic risks that affect the CCMA's business strategy and core strategic outcomes. These risks were identified through a rigorous review of the CCMA's organisational business mandate and its ever-changing environmental landscape.

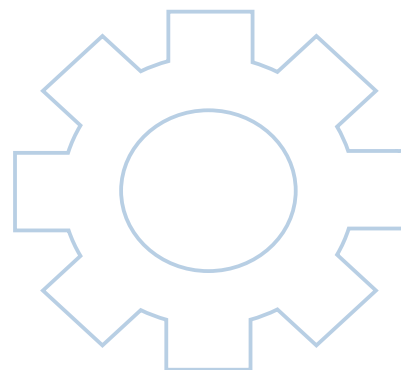




Table 22: 2021/22 Key Strategic Risks and Mitigations

RISK NR.	OUTCOME	RISK DESCRIPTION / INDICATOR	KEY RISK	ROOT CAUSE	CONSEQUENCE	MITIGATION	RESIDUAL RISK MAP
1.	Enhanced financial viability for organisational sustainability	Financial and Liquidity risks	Insufficient financial resources to sustain organisational needs	<ul style="list-style-type: none"> <li>Decreasing allocation from National Treasury due to fiscal constraints</li> <li>Increasing CCMA mandate without adequate funding</li> </ul>	<ul style="list-style-type: none"> <li>Inability to fully deliver on the achievement of the CCMA's strategic objectives</li> <li>Decrease in growth of investment affected by adverse economic conditions</li> </ul>	<ul style="list-style-type: none"> <li>Implementation of cost containment measures to curtail expenditure</li> <li>Continuous review and monitoring of expenditure in line with the budget allocation</li> </ul>	High
2.	Enhanced financial viability for organisational sustainability	Disaster and crisis response in relation to COVID-19 Pandemic	Negative impact of the Global Pandemic on the CCMA	<ul style="list-style-type: none"> <li>COVID-19 Pandemic</li> </ul>	<ul style="list-style-type: none"> <li>Prolonged National state of disaster and prevailing lockdown levels due to the COVID-19 pandemic peak impacting job growth in the Labour Market with an increase in CCMA Operations case loads</li> <li>Possible increase spreading of infectious disease within the CCMA and its offices, resulting in Office closures and business disruptions</li> <li>Increase in the number of Country wide COVID-19 related deaths and infection rates, has a negative impact on employee mental health and productivity</li> <li>Loss in productivity due to Increase in sick leave usage for COVID-19 positive cases and exposed employees</li> <li>Increase in the CCMA caseload due to the economic downturn and increased job loss/ retrenchments</li> <li>Scaling down of CCMA operations by prohibiting User walk-ins in order to limit the COVID-19 risk exposures within CCMA Provincial environments</li> <li>Non-Compliance to Disaster Management Act resulting in fines and penalties and office closures</li> </ul>	<ul style="list-style-type: none"> <li>Update the CCMA's Pandemic Response Plan and compliance to National Governments Disaster Management Regulations as and when regulatory changes occur</li> <li>Utilise Careways to provide Wellness interventions within the scope of the contract</li> <li>Utilise online/virtual platforms to provide awareness on mental health issues to staff</li> <li>Increase usage of virtual meeting platforms to mitigate against face-to-face transmission of the pandemic</li> <li>Provide stress management and resilience webinars</li> <li>Provide grief workshops</li> </ul>	High



RISK NR.	OUTCOME	RISK DESCRIPTION / INDICATOR	KEY RISK	ROOT CAUSE	CONSEQUENCE	MITIGATION	RESIDUAL HEAT MAP
3.	Improved employee turn-over rate	Human Capital to deliver on CCMA mandate	Inability to attract and retain the required/ critical skills and competencies due to budget constraints	<ul style="list-style-type: none"> <li>National budget cuts</li> <li>National Government salary freeze</li> <li>Career growth limitations</li> <li>Lack of attractive incentives</li> </ul>	<ul style="list-style-type: none"> <li>Loss of employee productivity and capacity</li> <li>Increased time and costs for training replacement of employee</li> <li>Limited return on training investment as a result of employee terminations for better remunerative opportunities</li> <li>High employee turn-over due to limited/no performance incentives and/or salary increases resulting in loss of scarce skill set</li> <li>Low staff morale impacting service delivery</li> <li>Loss of scarce and critical skills</li> </ul>	<ul style="list-style-type: none"> <li>Designing and implementation of Human Resource Priority Matrix</li> <li>Implementation of the HR Strategy (only funded HR plans)</li> <li>Reassigning of functions to appropriately skilled individuals to ensure maximum utilisation and outputs from existing resources</li> <li>Deliver relevant training as required by the organisation within the allocated budget. (Consider training interventions offered by full-time employees)</li> </ul>	High
4.	Improved employee turn-over rate	Human Capital to deliver on CCMA mandate	Inadequate talent management and succession planning	<ul style="list-style-type: none"> <li>National budget cuts</li> <li>National Government salary freeze</li> <li>Career growth limitations</li> <li>Lack of attractive incentives.</li> </ul>	<ul style="list-style-type: none"> <li>Inability to discharge CCMA business operations effectively</li> <li>Governance failures and organisational non-performance</li> </ul>	<ul style="list-style-type: none"> <li>Implementation of the Talent Management Framework</li> </ul>	High
5.	Improved ICT service quality	Cybersecurity and data security	Increased exposure to cyber-attacks.	<ul style="list-style-type: none"> <li>Automation of the current business manual processes in line with the CCMA's new strategic direction</li> <li>Lack of implementation of the Cyber Security Maturity model</li> <li>The evolving threat landscape and sophisticated threat attackers</li> <li>Unauthorised transmission of data from within the organisation to an external destination or recipient</li> </ul>	<ul style="list-style-type: none"> <li>Business disruptions</li> <li>Leakage of confidential information</li> <li>Financial losses</li> <li>Theft of intellectual property and CCMA sensitive data</li> <li>Hardware and software vulnerabilities</li> <li>Leakage of confidential information</li> <li>Phishing attacks</li> <li>Data fraud and theft</li> </ul>	<ul style="list-style-type: none"> <li>Implementation of the 2021/22 ICT Strategy</li> <li>Implementation of the ICT security policy and SOP's</li> <li>Review and enhance security governance and operational structures</li> <li>Development of Governance processes for data leakage process (Phase 2 Mitigation plans)</li> <li>Develop and implement a Data leakage plan (dependant on Data Classification)</li> </ul>	High

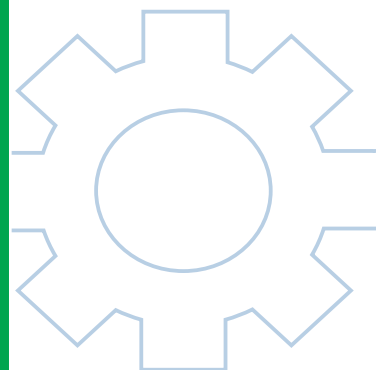


RISK NR.	OUTCOME	RISK DESCRIPTION / INDICATOR	KEY RISK	ROOT CAUSE	CONSEQUENCE	MITIGATION	RESIDUAL HEAT MAP
6.	Improved ICT service quality	Digitalisation, new technology	Outdated ICT systems that may fail to meet strategic business objectives	<ul style="list-style-type: none"> <li>Certain ICT systems are outdated, which may result in unproductive business processing</li> </ul>	<ul style="list-style-type: none"> <li>Poor service delivery</li> <li>Loss of productivity due to insufficient business resilience and inefficient ways of optimising business imperatives</li> <li>Failure to capitalise on opportunities arising from the Fourth Industrial Revolution</li> </ul>	<ul style="list-style-type: none"> <li>Design and implementation of the Business process reengineering of the dispute resolution process</li> <li>Phase 1: Business process reengineering of dispute resolution 31 March 2021</li> <li>Phase 2: Enhancements of the system-31 of March 2022</li> <li>Review and enhance security governance and operational structures</li> <li>Procurement of the new hardware infrastructure (dependant of ICT budget for 2021/22)</li> </ul>	High
7.	Improved ICT service quality	Digitalisation, new technology	Inadequate Business Continuity Management (BCM) processes	<ul style="list-style-type: none"> <li>Lack of implementation of the Disaster Recovery Management Plan</li> </ul>	<ul style="list-style-type: none"> <li>Inability for the CCMA to recover from disruptions/disasters</li> <li>Business Failure</li> </ul>	<ul style="list-style-type: none"> <li>Implementation of the Disaster Recovery (DR) plan</li> <li>Revise Business Continuity Road Map</li> </ul>	Medium
8.	Optimised governance level	Communication, Management and Reputation	Poor organisational reputation	<ul style="list-style-type: none"> <li>Speed and reach of negative social media</li> <li>Delays in responding/rectifying false media publications.</li> <li>Inability to pre-empt the context within which CCMA information will be used</li> <li>The CCMA's submitted information and data being misconstrued by the media to serve their agenda"</li> </ul>	<ul style="list-style-type: none"> <li>Negative perception by social partners/stakeholders/users</li> <li>Loss of stakeholder confidence and trust</li> <li>Reputational damage or difficulty in increasing CCMA Brand profile during the economic downturn</li> <li>Possible litigation should decision making not be aligned to approved Governance during media communication</li> <li>Negative media reports</li> </ul>	<ul style="list-style-type: none"> <li>Updating of the Communication and Stakeholder strategy to:</li> <li>Conduct workshops nationally to embed the Communications Policy and SOP through scheduled workshops</li> <li>Align with the turnaround time for media relations mailbox response time</li> <li>Employ a media marketing plan to identify prominent radio stations/TV</li> <li>Identify the key/most prominent stakeholders that the CCMA must engage with and ensure that they are continually kept abreast of all the latest details pertaining to the CCMA</li> <li>Ensure that communications are proactive (propose media advisories, media statements, staff addresses, etc.-which are then to be considered by Executive management</li> </ul>	High



RISK NR.	OUTCOME	RISK DESCRIPTION / INDICATOR	KEY RISK	ROOT CAUSE	CONSEQUENCE	MITIGATION	RESIDUAL HEAT MAP
9.	Optimised governance level	Regulatory Changes and Compliance	Governance Failures	<ul style="list-style-type: none"> <li>Ineffective governance processes/ mechanisms</li> <li>Non – compliance to established governance processes/mechanisms</li> <li>Principles of ethical culture not fully embedded within the CCMA</li> <li>Possible failure of governance</li> </ul>	<ul style="list-style-type: none"> <li>Inadequacies in the conflict of interest declarations process</li> <li>High increased number of complaints on alleged unethical conducts (commissioner related complaints)</li> <li>Inadequate investigative process in place of complaints received from the user</li> <li>Non-compliance to legislation, organisational policies and procedures</li> </ul>	<ul style="list-style-type: none"> <li>Implementation of the approved Ethics Management Plan</li> <li>Implementation of the approved Fraud and Anti-Corruption Plan and Strategy</li> </ul>	Medium
10.	Optimised governance level	Stakeholder Management/ Strategic partnership management	Stakeholder pressures (in different substance and form) which if not confirmed by the CCMA may lead to lack of buy-in	<ul style="list-style-type: none"> <li>Reprioritisation/ priorities by stakeholder</li> <li>No distinct collaboration mechanisms in place between the CCMA and its stakeholders</li> </ul>	<ul style="list-style-type: none"> <li>Inadequate collaboration between CCMA and their Stakeholders to effectively discharge their business operations effectively</li> </ul>	<ul style="list-style-type: none"> <li>Updating the current stakeholder management framework to categorise the level of interest and willingness of the stakeholders</li> </ul>	Medium

Heat Map Legend	
Residual rating	Rating
High	
Medium	
Low	

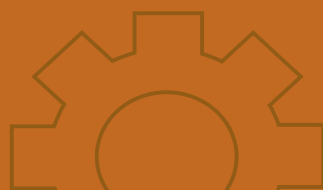






# PART D

## TECHNICAL INDICATOR DESCRIPTIONS





# PROGRAMME ONE (1): ADMINISTRATION

Indicator Title	1.1.1.1. Percentage of net surplus achieved
Definition	This indicator tracks the percentage of increase in own revenue generation capacity and optimise operational costs.
Source of Data	Quarterly Reports Annual Reports
Method of Calculation/Assessment	$(\text{Total revenue} - \text{Total expenditure}) / \text{Total revenue} \times 100$
Means of Verification	Quarterly financial reports Annual financial statements
Assumptions	This indicator aims to ensure that the organisation is optimising its financial resources annually to be able to deliver on its mandate
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation Type	Non-cumulative
Reporting Cycle	Annually
Desired Performance	Improved Net Surplus
Indicator Responsibility	Chief Financial Officer

Indicator Title	1.1.1.2. Ratio of safety to cash margins achieved
Definition	This indicator tracks adequate financial resources to meet the organisation short term liabilities
Source of Data	Quarterly Reports Annual reports
Method of Calculation/Assessment	Cash and cash equivalents /current liabilities.
Means of Verification	Quarterly financial reports Annual financial statements
Assumptions	Financial reports are reliable and accurate
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation Type	Non-cumulative
Reporting Cycle	Annually
Desired Performance	Improved cash margin
Indicator Responsibility	Chief Financial Officer

Indicator Title	1.2.1.1. Percentage of Human Resources Plan implemented
Definition	This indicator measures the implementation of the Human Resource Strategy Plan to improve sustainable and well-resourced organisation
Source of Data	Human Resources Plan
Method of Calculation/Assessment	$\text{Activities achieved} / \text{Activities planned} \times 100$
Means of Verification	Implementation Reports
Assumptions	There is budgetary support
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation Type	Non-cumulative
Reporting Cycle	Annually
Desired Performance	100% performance
Indicator Responsibility	Executive: Shared Services



Indicator Title	1.3.1.1. Percentage automation and integration of case disbursement (Dispute Resolution Processes) deployed
Definition	This indicator measures the migration of the paper-based case disbursement to a fully automated and integrated case disbursement system in the organisation
Source of Data	High Level Plan for automation and integration of case disbursement
Method of Calculation/Assessment	Activities achieved / Activities planned x 100
Means of Verification	Detailed implementation Plans Executive Implementation report
Assumptions	An automated and integrated case disbursement system should result to improved efficiencies, reduction in costs and improved service delivery for the organisation
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation Type	Non-cumulative
Reporting Cycle	Annually
Desired Performance	50% performance
Indicator Responsibility	Chief Information Officer

Indicator Title	1.3.1.2. Percentage of uptime ICT critical systems implemented
Definition	This indicator measures the ICT critical systems (Emails, CMS, Sage, Telephone) uptime which should be up and running for 365 days minus planned outages. The uptime relates to number of hours the system is up excluding the planned shutdown or maintenance.
Source of Data	Alert Monitoring System Dashboards
Method of Calculation/Assessment	Number of hours the system is up and running less planned down time / Total anticipated uptime x 100
Means of Verification	Quarterly reports
Assumptions	Maintained uptime ICT critical systems should result uninterrupted service delivery and efficiencies
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation Type	Non-cumulative
Reporting Cycle	Annually
Desired Performance	95% uptime ICT critical systems
Indicator Responsibility	Chief Information Officer

## PROGRAMME TWO (2): PROACTIVE AND RELEVANT LABOUR MARKET INTERVENTION

Indicator Title	2.1.1.1. Number of Collective Bargaining Support Processes conducted for strategically identified Users
Definition	This indicator aims to track a process conducted for the Users that were party to a collective bargaining agreement in order to establish and advance initiatives to improve collective bargaining. Users in this regard refer to organised labour, organised business and government
Source of Data	Collective Bargaining Support Processes, Outcome Reports or Agreements
Method of Calculation/Assessment	Simple count
Means of Verification	Attendance Registers Outcome Reports or Agreements
Assumptions	There is cooperation from the identified users
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation Type	Non-cumulative
Reporting Cycle	Annually
Desired Performance	100% performance
Indicator Responsibility	National Senior Commissioner: Dispute Resolution



Indicator Title	2.1.1.2. Number of Pre-Collective Bargaining Conferences conducted for strategically identified Users
Definition	This indicator aims to track the total number of Pre-Collective Bargaining Conferences conducted for users that are parties to a collective agreement. User, in this regard, refers to organised labour, organised business and/or government
Source of Data	Collective Bargaining Conference, Outcome Reports
Method of Calculation/Assessment	Simple count
Means of Verification	Attendance Registers Outcome Reports
Assumptions	There is cooperation from the identified Users
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation Type	Non-cumulative
Reporting Cycle	Annually
Desired Performance	100% performance
Indicator Responsibility	National Senior Commissioner: Dispute Resolution

Indicator Title	2.2.1.1. Number of targeted workplaces engaged to implement transformation of workplace relations project(s)
Definition	The indicator measures the delivery of a number of transformations of workplace relations projects in targeted workplaces. Targeted workplace in this regard refers to high referring workplaces in the respective provinces.
Source of Data	User trends analysis reports Engagements with the workplace role players Meeting Minutes Project Implementation Plans
Method of Calculation/Assessment	Simple count
Means of Verification	Quarterly Progress Reports Project Close-Out Reports
Assumptions	Workplaces may not be keen to take up CCMA interventions due to lost production time caused by the extended COVID-19 national lockdown. There is cooperation between employers, workers and worker representatives. Not all Users and Stakeholders have access to online video conferencing facilities and uncapped data. The number of people subject to the physical delivery of these projects per occasion may be reduced in line with COVID-19 Regulations.
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation Type	Non-cumulative
Reporting Cycle	Annually
Desired Performance	100% performance
Indicator Responsibility	National Senior Commissioner: Dispute Resolution



Indicator Title	2.2.1.2. Number of vulnerable sector projects delivered to targeted Users
Definition	The indicator measures the delivery of the vulnerable sector projects to targeted Users. Users in this regard refers to any one of the following vulnerable sectors: Agricultural, Mining, Domestic, Retail and Private Security.
Source of Data	Vulnerable Sector Project Plans Service Level Agreements signed by both parties (where possible) Quarterly Progress reports
Method of Calculation/Assessment	Simple count
Means of Verification	Attendance Register (Zoom/Skype/MS Teams, where possible) Project Close-out Report
Assumptions	Not all Users and Stakeholders have access to online video conferencing facilities and uncapped data. The number of people subject to the physical delivery of these projects per occasion may be reduced in line with COVID-19 Regulations. Access to suitable external venues may be reduced due to COVID-19 Regulations.
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation Type	Non-cumulative
Reporting Cycle	Annually
Desired Performance	100% performance
Indicator Responsibility	National Senior Commissioner: Dispute Resolution

Indicator Title	2.2.1.3. Percentage of positive rating on participant evaluation outcomes attained.
Definition	The indicator measures the impact of the Dispute Prevention and Workplace Outreach interventions delivered to Users
Source of Data	Participant evaluation forms
Method of Calculation/Assessment	Number of participant evaluation forms with a positive score/Number of participant evaluation forms completed X 100%
Means of Verification	Participant evaluation outcomes report
Assumptions	Users and Stakeholders will be willing to complete the participant evaluation forms. COVID-19 may impact negatively on the physical completion of the participant evaluation forms.
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation Type	Non-cumulative
Reporting Cycle	Annually
Desired Performance	65% as per set target
Indicator Responsibility	National Senior Commissioner: Dispute Resolution



Indicator Title	2.3.1.1. Number of interventions conducted to promote effective dispute resolution in essential services
Definition	ESC aims to conduct interventions in essential services that will be geared towards promoting effective dispute resolution mechanisms.
Source of Data	Engagement Meetings
Method of Calculation/Assessment	Simple count
Means of Verification	Engagement Attendance register (Zoom or Microsoft Teams) Engagement Outcome Report
Assumptions	The ESC seeks to promote effective dispute resolution and management within essential services
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation Type	Cumulative (year to date)
Reporting Cycle	Quarterly
Desired Performance	100% performance
Indicator Responsibility	Essential Service Committee

Indicator Title	2.3.1.2. Number of stakeholders engaged to make inputs on legislative changes
Definition	This indicator tracks efforts by the ESC in influencing the amendment of the legislation such as the LRA to give effect to effective enforcement and compliance with essential services designations
Source of Data	Submissions by the ESC to relevant forums in an effort to contribute to legislative changes
Method of Calculation/Assessment	Simple count
Means of Verification	Engagement Attendance Register (Zoom or Microsoft Teams) Engagement outcome reports
Assumptions	There is buy-in and support from employer and employees in the implementation of essential services law
Disaggregation of Beneficiaries	N/A
Calculation Type	Cumulative (year-end)
Reporting Cycle	Quarterly
Desired Performance	100% performance
Indicator Responsibility	Essential Service Committee

Definition	2.3.1.3. Number of entities engaged to ensure that there are minimums to be maintained during industrial action in essential services
Source of Data	This indicator aims to facilitate engagements on the Minimum Services Agreements (MSA's), and promote negotiation thereof, in various entities where essential services are rendered, and/or to determine the minimum service levels where no agreement is reached
Method of Calculation/Assessment	Project plan MSA / MSD Report
Means of Verification	Simple count
Assumptions	Outcome Reports/Determination/Ratified MSA/ MSD's Attendance register (Zoom or Microsoft Teams)
Disaggregation of Beneficiaries	The budget allocated is sufficient to support essential services dispute management and prevention initiatives
Spatial Transformation	N/A
Calculation Type	Cumulative (year to date)
Reporting Cycle	Quarterly
Desired Performance	100% performance
Indicator Responsibility	Essential Service Committee



Definition	2.3.1.4. Number of essential service designations, Minimum Service Agreements, Minimum Service Determinations and/or Maintenance Service Determinations monitored for compliance and observance
Source of Data	To strive for maximum enforcement of essential service designations, minimum service agreements, minimum service determinations and/or maintenance service determinations
Method of Calculation/Assessment	Registry of existing Essential Services Designations, minimum service agreements, minimum service determinations and/or maintenance service determinations
Means of Verification	Simple count
Assumptions	Monitoring and Evaluation Outcomes Reports
Disaggregation of Beneficiaries	Increased compliance in essential service designations, minimum service agreements, minimum service determinations and/or maintenance service determinations
Spatial Transformation	N/A
Calculation Type	Cumulative (year-end)
Reporting Cycle	Quarterly
Desired Performance	100% performance
Indicator Responsibility	Essential Service Committee

Definition	2.3.1.5. Number of awareness sessions on essential service designations conducted
Source of Data	This indicator aims to create awareness on essential service designations in various platforms. The targeted recipients are stakeholders, i.e. employers and employees in essential services; recipients of the service and those involved in essential service dispute resolution processes.
Method of Calculation/Assessment	Project plan
Means of Verification	Simple count
Assumptions	Attendance registers (Zoom or Microsoft Teams) Outcome reports
Disaggregation of Beneficiaries	To create awareness of services designated as essential
Spatial Transformation	N/A
Calculation Type	Cumulative (year to date)
Reporting Cycle	Quarterly
Desired Performance	100% performance
Indicator Responsibility	Essential Service Committee

## PROGRAMME THREE (3): SPECIAL INTERVENTIONS AND SUPPORT

Indicator Title	3.1.1.1. Percentage of Phase 2 of the CCMA/BUSA SME Labour Support Web Tool implemented
Definition	The free to use CCMA/BUSA SME Labour Support Web Tool is dedicated to help small, medium and micro-sized businesses, in particular, to access practical information and guidelines for the execution of fair labour practices in the workplace
Source of Data	CCMA/BUSA SME Labour Support Web Tool Project Plan Presidential Job Summit Framework Agreement - 2018
Method of Calculation/Assessment	Activities achieved / Activities planned x 100
Means of Verification	CCMA/BUSA SME Labour Support Web Tool Reports
Assumptions	There is cooperation between the CCMA and BUSA in terms of content development. Budget will be sourced and available for Phase 2 of the project.
Disaggregation of Beneficiaries	An estimated average of 420 new benefactors per quarter
Spatial Transformation	N/A
Calculation Type	Non-cumulative
Reporting Cycle	Annually
Desired Performance	100% performance
Indicator Responsibility	National Senior Commissioner: Dispute Resolution



# PROGRAMME FOUR (4): EFFICIENT AND QUALITY DISPUTE RESOLUTION AND ENFORCEMENT SERVICES

Indicator Title	4.1.1.1. Percentage of conciliable cases heard within 30 days at first event (excludes agreed extensions, where certificates were issued, out of jurisdiction cases/withdrawn/settled by parties cases prior to the matter being scheduled, no process cases and cases which are not conciliable or where conciliation is not the first process)
Definition	This indicator aims to track and measure conciliable cases heard within 30 days at first event (excludes agreed extensions, where certificates were issued, out of jurisdiction cases and withdrawn and settled by parties cases)
Source of Data	CMS System
Method of Calculation/Assessment	Number of conciliable cases heard within 30 days / Number of conciliable cases activated x 100
Means of Verification	Case Management Report and Information Reports Operations Reports
Assumptions	Reports from CMS are reliable and updated
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation Type	Non-cumulative
Reporting Cycle	Bi-Annually
Desired Performance	95% performance
Indicator Responsibility	National Senior Commissioner: Dispute Resolution

Indicator Title	4.1.1.2. Percentage of arbitration awards rendered sent to parties within 14 days of the conclusion of the arbitration proceedings (excludes extensions granted and heads of arguments filed)
Definition	This indicator aims to track all arbitration awards served to parties within 14 days of the conclusion of the arbitration proceedings. This excludes extensions granted and heads of arguments filed.
Source of Data	CMS system
Method of Calculation/Assessment	(Total number of arbitration awards sent to parties within 14 days minus awards sent outside 14 days / Total number of arbitration awards rendered less extensions and heads of arguments) x 100
Means of Verification	Case Management and Information Report
Assumptions	Expeditious resolution of disputes Disaggregation of Beneficiaries
(where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Calculation Type	Non-cumulative
Reporting Cycle	Bi-Annually
Desired Performance	98% performance
Indicator Responsibility	National Senior Commissioner: Dispute Resolution



Indicator Title	4.1.1.3. Percentage of disputes of interests resolved
Definition	This indicator aims to track and measure the percentage of cases closed as settled with the number of cases heard and closed in respect of disputes of interest in order to advance labour market stability and promote economic development
Source of Data	Case Management and Information Reports
Method of Calculation/Assessment	Number of disputes of interest cases settled / Number of disputes of interest cases heard and closed x 100
Means of Verification	Disputes of interest settlement rate Case Management and Information Reports
Assumptions	Contributes to labour market stability owing to the large number of disputes of interest matters referred to the CCMA
Disaggregation of Beneficiaries	Parties to collective bargaining negotiations at industry, sector or entity level
Spatial Transformation	N/A
Calculation Type	Non-cumulative
Reporting Cycle	Annually
Desired Performance	52% performance
Indicator Responsibility	National Senior Commissioner: Dispute Resolution

Indicator Title	4.1.1.4. Percentage of Section 71 of the LRA cases conducted (as and when referred)
Definition	This indicator aims to track whether all referred Section 71 cases were conducted through investigations and hearings in order to determine or not a service should be designated as essential.
Source of Data	Section 71 referrals Published notice of investigation Notice of set down
Method of Calculation/Assessment	(Actual Cases Investigated/ Actual Cases Referred) x 100
Means of Verification	Published notice of investigation Attendance registers Investigations Outcome report(s)/Designation(s)
Assumptions	The ESC Section 71 cases conducted through investigations and hearings
Disaggregation of Beneficiaries	N/A
Calculation Type	Non-cumulative
Reporting Cycle	Annually
Desired Performance	100% performance
Indicator Responsibility	Essential Service Committee

Indicator Title	4.1.1.5. Percentage of Section 73 of the LRA cases conducted (as and when referred)
Definition	This indicator aims to track whether all referred Section 73 cases were conducted through hearings in order to determine disputes about minimum services and whether a service is an essential service.
Source of Data	Section 73 referrals Notice of set down
Method of Calculation/Assessment	(Actual Cases conducted/ Actual Cases Referred) x 100
Means of Verification	Attendance registers (Zoom or Microsoft Teams) Notice of set-down Outcome reports/Ruling(s)/Determination(s)
Assumptions	The ESC Section 73 cases resolved through investigations and hearings
Disaggregation of Beneficiaries	N/A
Calculation Type	Non-cumulative
Reporting Cycle	Annually
Desired Performance	100% performance
Indicator Responsibility	Essential Service Committee



Indicator Title	4.1.1.6. Percentage of Section 75 of the LRA cases conducted (as and when referred)
Definition	This indicator aims to track whether all referred Section 75 cases were conducted through hearings in order to determine whether a service is a maintenance service.
Source of Data	Section 75 referrals Notice of set down
Method of Calculation/Assessment	(Actual Cases conducted/ Actual Cases Referred) x 100
Means of Verification	Attendance registers (Zoom or Microsoft Teams) Notice of set-down Outcome reports/Ruling(s)/Determination(s)
Assumptions	The ESC Section 75 cases conducted through investigations and hearings
Disaggregation of Beneficiaries	N/A
Calculation Type	Non-cumulative
Reporting Cycle	Annually
Desired Performance	100% performance
Indicator Responsibility	Essential Service Committee

Indicator Title	4.1.1.7. Number of self-initiated cases conducted in order to determine whether or not the whole or part of any service is an essential service
Definition	This indicator aims to monitor the number of self-initiated cases conducted by the ESC in terms of Section 70B (1)(d) of the LRA which empowers the ESC to decide, on its own accord or at a reasonable request of any interested party, whether to institute investigations into whether or not the whole or part of any service is an essential service
Source of Data	Published notice of investigation
Method of Calculation/Assessment	Simple count
Means of Verification	Investigation Outcome Reports/Determinations Attendance registers
Assumptions	It is important for the ESC to proactively pursue cases for investigation in order to determine whether a services is essential or not, with no need to wait for parties to refer matters for investigation, prompted by a variety of factors, such as a significant event in a particular sector or entity
Disaggregation of Beneficiaries	N/A
Calculation Type	Cumulative (year-end)
Reporting Cycle	Bi-annually
Desired Performance	100% performance
Indicator Responsibility	Essential Service Committee

Indicator Title	4.1.2.1. Quality of awards index achieved
Definition	This indicator aims to track and measure the Quality of Awards issued by a Commissioner. The measurement being against pre-set requirement template
Source of Data	Perusal certificates
Method of Calculation/Assessment	Number of awards compliant/Number of awards perused x 100
Means of Verification	Quality Awards Index Regional Reports on Quality Awards
Assumptions	All awards issued in the regions are perused in terms of perusal certificates
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation Type	Non-cumulative
Reporting Cycle	Annually
Desired Performance	97% performance
Indicator Responsibility	National Senior Commissioner: Dispute Resolution



Indicator Title	4.2.1.1. Number of Users who access CCMA services from identified sectors reached
Definition	This indicator aims to track, and measure improved access to CCMA Users
Source of Data	Accessibility Reports
Method of Calculation/Assessment	Simple count
Means of Verification	Accessibility Reports
Assumptions	<p>Demand for CCMA services that will lead to the need for increased CCMA services</p> <p>Not all Users and Stakeholders have access to online video conferencing facilities and uncapped data.</p> <p>The number of people subject to the physical delivery of these projects per occasion may be reduced in line with COVID-19 Regulations.</p> <p>Access to suitable external venues may be reduced due to COVID-19 Regulations.</p>
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation Type	Non-cumulative
Reporting Cycle	Annually
Desired Performance	100% performance
Indicator Responsibility	National Senior Commissioner: Dispute Resolution

Indicator Title	4.2.1.2. Percentage of advocacy campaign plan implemented
Definition	This indicator aims to tracks the delivery of advocacy campaign through a number of awareness raising activities such as workshops, radio shows and presentation, among others, no various topical labour market issues to Users and Stakeholders
Source of Data	Advocacy campaign implementation plan
Method of Calculation/Assessment	Actual activities implemented / Planned activities x 100
Means of Verification	<p>Attendance registers (Zoom/Skype/MS Teams recordings where possible)</p> <p>Proof of E-mails sent by Provinces</p> <p>Facilitator reports</p> <p>Radio talk-show activity report</p>
Assumptions	<p>Unavailability of funds to support the advocacy campaign.</p> <p>Not all Users and Stakeholders have access to online video conferencing facilities and uncapped data.</p> <p>Access to suitable external venues can be reduced due to COVID-19 Regulations.</p> <p>The number of people subject to the physical delivery of these projects per occasion may be reduced in line with COVID-19 Regulations.</p>
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation Type	Non-Cumulative
Reporting Cycle	Annually
Desired Performance	100% performance
Indicator Responsibility	National Senior Commissioner: Dispute Resolution



Indicator Title	4.3.1.1. Percentage of jobs saved compared to employees likely to be retrenched (as per the cases referred to the CCMA)
Definition	This indicator tracks and measures the percentage of jobs saved by the CCMA through Section 189A facilitations in relation to the total number of employees identified for retrenchment in respect of large scale-retrenchment facilitations referred to the CCMA. This indicator contributes to alleviating unemployment by saving jobs of employees likely to be retrenched
Source of Data	LRA 7.20 Referral Forms Outcomes Reports completed by Section 189A panellist
Method of Calculation/Assessment	Number of jobs saved of employees likely to be retrenched / Number of employees likely to be retrenched in S189A matters x 100
Means of Verification	Job Saving Statistics Collective Bargaining Reports
Assumptions	Contributes to alleviating the triple crisis and economic development owing to the dedicated focus to save jobs in large scale-retrenchment referrals to the CCMA
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation Type	Non-cumulative
Reporting Cycle	Annually
Desired Performance	38% performance
Indicator Responsibility	National Senior Commissioner: Dispute Resolution

Indicator Title	4.3.1.2. Return to Work index achieved
Definition	This indicator aims to track and measure the percentage of reinstatement and re-employment outcomes with total outcomes of settled cases in order to contribute to alleviating the triple crisis by promoting return to work outcomes
Source of Data	Case Management Report
Method of Calculation/Assessment	Number of RTW outcomes of cases settled / Number of conciliated cases heard and closed in respect of disputes rights x 100
Means of Verification	Collective Bargaining Report
Assumptions	Commissioners prioritise reinstatement and re-employment outcomes
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation Type	Non-cumulative
Reporting Cycle	Annually
Desired Performance	8% performance
Indicator Responsibility	National Senior Commissioner: Dispute Resolution

Indicator Title	4.4.1.1. Percentage of public interest disputes resolved
Definition	This indicator aims to track and measure the percentage of cases closed and settled with the number of cases heard and closed in respect of public interest disputes (S150) in order to advance labour market stability and promote economic development
Source of Data	Case Management and Information Reports
Method of Calculation/Assessment	Number of public interest (S150) cases settled / Number of public interest cases (S150) heard and closed x 100
Means of Verification	S150 settlement rate Collective Bargaining Reports
Assumptions	Contributes to labour market stability owing to the large number of mutual interest matters referred to the CCMA
Disaggregation of Beneficiaries	Parties to collective bargaining negotiations at industry, sector or entity level
Spatial Transformation	N/A
Calculation Type	Non-cumulative
Reporting Cycle	Annually
Desired Performance	64% performance
Indicator Responsibility	National Senior Commissioner: Dispute Resolution



# PROGRAMME FIVE (5): EFFECTIVE STRATEGY MANAGEMENT AND GOVERNANCE

Indicator Title	5.1.1.1. Number of strategic forecasting and situational analysis conducted
Definition	This indicator aims to track the strategic forecasting and situational analysis conducted to influence organisational planning
Source of Data	Strategic and situational analysis reports produced
Method of Calculation/Assessment	Simple count
Means of Verification	Strategic and situational analysis reports
Assumptions	External environment is dynamic and will change
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation Type	Non-cumulative
Reporting Cycle	Annually
Desired Performance	100% performance
Indicator Responsibility	Executive: Governance and Strategy

Indicator Title	5.1.1.2. Number of impact assessments conducted
Definition	This indicator aims to track the impact assessment conducted to influence organisational planning
Source of Data	Impact assessment report produced
Method of Calculation/Assessment	Simple count
Means of Verification	Impact assessment report
Assumptions	External environment is dynamic and will change
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation Type	Non-cumulative
Reporting Cycle	Annually (not applicable for the 2021/22 financial year)
Desired Performance	100% performance
Indicator Responsibility	Executive: Governance and Strategy

Indicator Title	5.1.2.1. Percentage of Compliance Management Plan implemented
Definition	This indicator aims to track the implementation of the Compliance Management Plan, executed in order to sustain the compliance maturity of the organisation
Source of Data	2021/22 Compliance Management Plan
Method of Calculation/Assessment	Activities achieved / activities planned x 100
Means of Verification	Compliance Management Reports
Assumptions	Full co-operation by implementing business units
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation Type	Non-cumulative
Reporting Cycle	Annually
Desired Performance	100% performance
Indicator Responsibility	Executive: Governance and Strategy

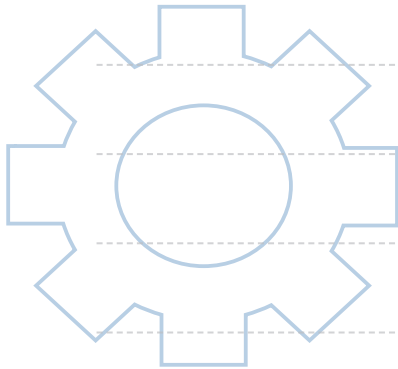


Indicator Title	5.1.2.2. Percentage of Risk Management Plan implemented
Definition	This indicator aims to track the implementation of the Risk Management Plan, executed in order to sustain the risk maturity of the organisation
Source of Data	2021/22 Risk Management Plan
Method of Calculation/Assessment	Activities achieved / activities planned x 100
Means of Verification	Risk Management reports
Assumptions	Full co-operation by implementing business units
Disaggregation of Beneficiaries	N/A
Spatial Transformation	N/A
Calculation Type	Non-cumulative
Reporting Cycle	Annually
Desired Performance	100% performance
Indicator Responsibility	Executive: Governance and Strategy

## ANNEXURE A: AMENDMENTS TO THE STRATEGIC PLAN

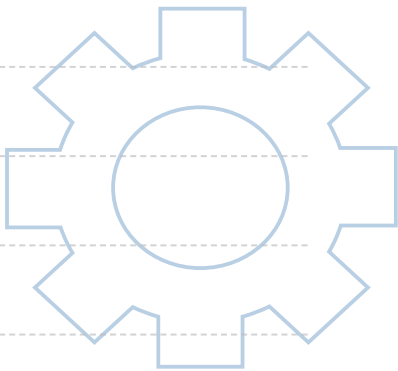
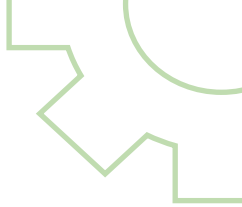
Description	Current in terms of CCMA 2020/21 – 2024/25 SP	New	Reason for change
Change of Programme 1 name	High Performance Institution	Administration	In line with National Treasury request to align to other institutions in naming of programme one (1)



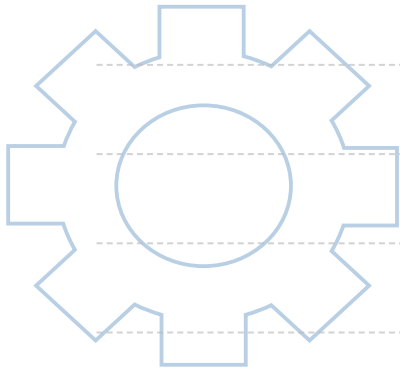




# NOTES

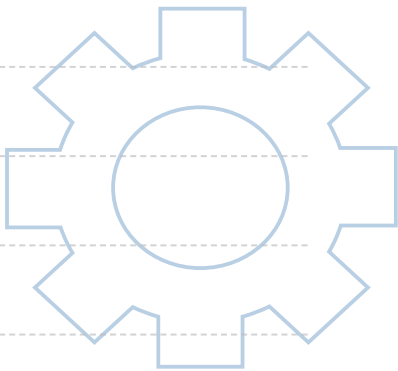
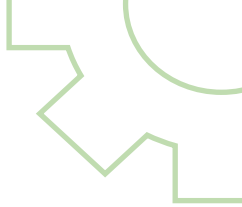








# NOTES







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**“I am because you are”**

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