



QUARTER 1-2021/22

CCMA InTouch



Invuselelo - The Revival
The 2020/21 - 2024/25 Strategy
“I am because you are”

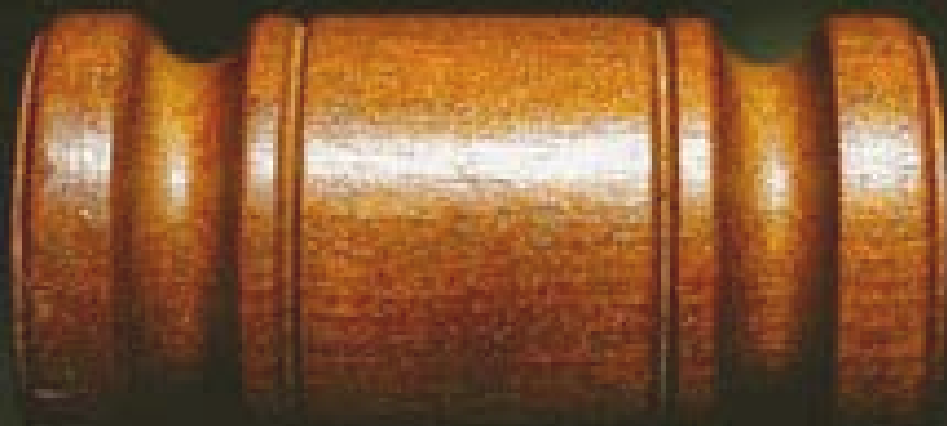
HIGHLIGHTS

CCMA & SALGA PARTNERSHIP

CELL C TAKE A GIRL CHILD TO WORK

**CCMA DIRECTOR'S INAUGURAL CASE LAW CHAMBER
WITH CCMA FULLTIME, PART TIME AND CANDIDATE
COMMISSIONERS**

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**From the desk of
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**EXECUTIVE
GOVERNANCE & STRATEGY**



To our lovely readers,

Welcome to issue 01 of the 2021/22 CCMA Intouch quarterly Newsletter. I trust that you and yours have been keeping safe and keeping warm as the winter season is now in full swing.

As we distribute this newsletter, many of us thought that our lives would have returned back to normal at this point, but unfortunately our country is still battling with the effects of the Covid-19 pandemic, which has had devastating consequences on human life and also the labour market.

On the other hand, the CCMA has performed exceptionally well in fulfilling its mandate of promoting labour stability, social justice and job security. It is very encouraging to report that, during the preceding year, a total of **58 165** jobs were saved through the CCMA's various job saving interventions. This can easily be attributed to a collective collaboration made by all CCMA employees.

We are delighted to report on the latest strategic partnership that the CCMA has entered into with the South African Local Government Association (SALGA) which will see the CCMA utilising some of SALGA's municipal entities' facilities for selected CCMA processes/cases. We strongly believe that, the three-year partnership will benefit the labour market and most importantly the people of South Africa; our CCMA Users.

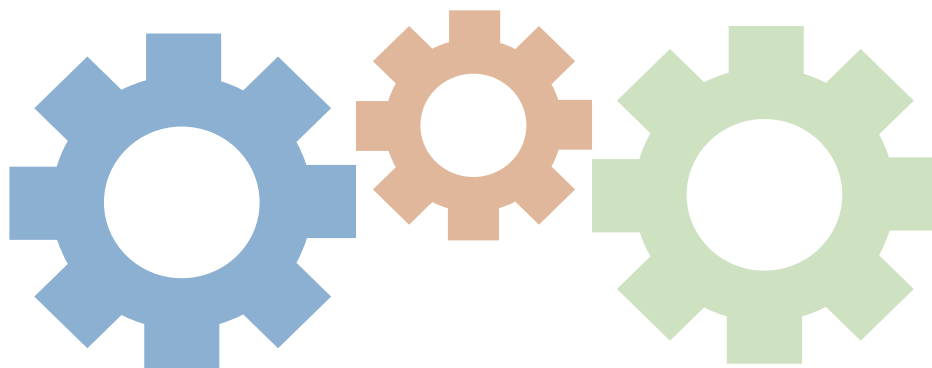
CCMA commissioners including candidate commissioners were also afforded a learning and knowledge sharing opportunity from the Director, during his first Case Law Chamber webinar, where he dissected two most recent prominent cases in the South African Labour market with the purpose of ensuring that CCMA commissioners heeded important principles arising from these judgements in their daily operations.

Congratulations also to our colleagues in the East London Regional Office for their being able to save the organisation much needed funds when they took it upon themselves to negotiate a 25% savings on the office's lease agreement. This will really go a long way, especially during these trying times of the budget cuts and austerity measures.

As always, we encourage all our readers to share this publication with external stakeholders and to also write back to us with any article ideas that you may have or to simply make article submissions via the communications@ccma.org.za email address for our speedy processing. Feel free to also share your achievements, struggles and empowering stories that may help others navigate life through this Pandemic.

Our country has just been put under Level 4 Lockdown restriction and I would like to urge you all to continue staying at home and remaining safe by adhering to all health protocols as we navigate the 'the new normal'. This is not going to be an easy road for any of us, but we should all remain committed to the goal of flattening the curve. Until we speak again, mask-Up and Social Distance.

"We got This"!



CCMA DIRECTOR'S INAUGURAL CASE LAW CHAMBER

In an effort to share knowledge on best practice requirements and to ensure that valuable insight is imparted for the betterment of Commissioners' engagement with their functional role, the CCMA Director, Advocate. Cameron Morajane recently convened a webinar which was attended by two hundred and fifty (250) fulltime, part time commissioners as well as candidate commissioners on the 25th of June 2021.

The two (2) hour virtual session known as the CCMA Director's Case Law Chamber entailed an extensive analysis of two (2) groundbreaking judgements of vital importance in terms of the legal principles outlined in both which set quite a precedence in the labour market and the labour law space. **These judgements were as follows: 1) Eskom Ltd v Stuurman Mogotsi & Others and 2) Food and Allied Workers' Union obo Gaoshubelwe vs Pieman's Pantry (Pty) Limited [2018] ZACC 7**

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Kick starting the webinar, Advocate. Morajane said, "the purpose behind today's session is to ensure that new commissioners heed important principles which will be highlighted in the two cases in their everyday work such as the CCMA guidelines on arbitration and for old commissioners to revert back to the basics."

The first case (Eskom Ltd v Stuurman Mogotsi & Others) deals with a recent judgement of the Johannesburg Labour Court (LC) in which Judge Edwin Tlhotlhemaje upheld the dismissal of an employee who failed to adhere to Covid-19 health and safety protocols in the workplace.

Judge Tlhotlhemaje said the case raised a topical issue surrounding the fairness of the dismissal on account of gross misconduct and gross negligence. "The facts of this case are indeed extraordinary. They are indicative of the need for more to be done, both in the workplace and in our communities, in ensuring that employers, employees, and the general populace are sensitised to the realities of this pandemic, and to further reinforce the obligations of employers and employees in the face of, or event of an exposure to COVID-19," read the judgement delivered on the 28th of March 2021.

CASE BACKGROUND

Mogotsi, who worked as an assistant butcher manager at a national meat

supplier, Eskom Limited, was dismissed last year after being found guilty of gross misconduct for failing to disclose that he had undergone Covid-19 testing and was waiting for his results. Mogotsi was also charged with gross negligence for putting the lives of his colleagues at risk for reporting for duty knowing he had tested positive with Covid-19 and did not practice social distancing while at work.

Following the dismissal, Mogotsi alleged an unfair dismissal at the CCMA. During arbitration, Mogotsi claimed to have informed management about his contact with his Covid-19 positive colleague who was eventually hospitalised but that the employer failed to give clear directive as to what he ought to do. He said he did not know that he needed to self-isolate and alleged the company was victimizing him.

CCMA RULING

The CCMA commissioner after having assessed the evidence from the parties and with due regard to 'the provisions of the Labour Relation Act, CCMA Guidelines, the Code of Good Practice, and relevant case law', ruled that while Mogotsi's conduct was extremely irresponsible, the company had deviated from its own disciplinary code and procedure in dismissing him and he should rather be given a final written warning as an appropriate sanction. The commissioner therefore ruled that Mogotsi be reinstated retrospectively without back-pay and a final written warning be placed in his file.

Eskom Limited lodged a review application at the labour court.

LABOUR COURT FINDINGS

In evaluating the matter, Judge Tlhotlhemaje said the commissioner's findings were "entirely disconnected with the evidence that was placed before him, making the award reviewable."

Judge said Mogotsi's conduct was not only irresponsible and reckless, but was also inconsiderate and nonchalant in the extreme. "He had ignored all health and safety warnings, advice, protocols, policies and procedures put in place at the workplace related to COVID-19, of which he was fairly aware of given his status not only as a manager but also part of the 'Coronavirus Site Committee'."

Judge further said the gross nature of Mogotsi's misconduct is such that a trust and working relationship between him and the employer is irreparable. The Judge therefore, considering the evidence led in the arbitration proceedings, the egregious nature of Mogotsi's conduct and its impact on

employment relationship, ruled that the arbitration award of the commissioner completely fell outside the bounds of reasonableness. The award was set aside and substituted with an order that Mogotsi's dismissal was substantively fair.

Concluding his analysis of the judgement, Advocate. Morajane agreed with Judge Tlhotlhemaje that where issues of sanctions are concerned, disciplinary code and procedure is not prescriptive but merely a guideline.

"Ultimately, irrespective of what the disciplinary code and procedure stipulates, in determining the appropriateness of a sanction of dismissal, the commissioner is obliged to make an assessment of the nature of the misconduct in question, determine if whether, combined with other factors and the evidence led, the misconduct in question can be said to be of gross nature. Once that assessment is made, and the invariable conclusion to be reached is that the misconduct in question is of such gross nature as to negatively impact on a sustainable employment relationship, then the sanction of dismissal will be appropriate," read the LC judgement.

Advocate. Morajane also warned commissioners against the lip-service principle, where a commissioner in the ruling clearly states that he/she had regard to the case law and CCMA arbitration guidelines among others, but in actual fact that was not the case.

He used the Stuurman case to also warn CCMA employees against being complacent when it came to adhering to the Covid-19 health and safety measures in the workplace as South Africa was in the midst of the third wave. "I urge you to take Covid-19 workplace protocols very seriously and report any employee who disregards the workplace health and safety directives," he said declaring that as at 24 June 2021, the CCMA had 228 confirmed cases of Covid-19, with 16 active cases and 7 deaths.

ARE CLAIMS FOR UNFAIR DISMISSALS SUBJECT TO THE PRESCRIPTION ACT?

In the second case of **Food and Allied Workers' Union obo Gaoshubelwe v Pieman's Pantry (Pty) Limited [2018] ZACC 7**, the Constitutional Court had to assess whether the Prescription Act 68 of 1969 applies to claims for unfair dismissals and secondly, whether the referral of a dispute to the CCMA interrupted the running of prescription. Employees affiliated to FAWU were dismissed on 1 August 2001 by the employer, Pieman's Pantry, for allegedly participating in an

unprotected strike. On 7 August 2001, FAWU on behalf of the dismissed employees referred a dispute to the CCMA for conciliation. The matter remained unresolved during conciliation on 3 September 2001 and was referred for arbitration on 15 March 2002, the CCMA ruled that it did not have jurisdiction to arbitrate the dispute because the dismissal related to participation in a strike that did not comply with the provisions of Chapter IV of the LRA.

Three and a half years after the certificate of non-resolution was issued by the CCMA, FAWU referred the dispute to the Labour Court for adjudication. The employer filed a statement of defence, alleging that the employees' claim for reinstatement had prescribed. FAWU argued that the Prescription Act did not apply to unfair dismissal claims, and alternatively that the referral of the dispute to the CCMA for conciliation interrupted the running of prescription,

The LC held that the Prescription Act does apply to claims under the LRA and it accordingly upheld Pieman's special plea of prescription. FAWU appealed to the Labour Appeal Court (LAC) on September 2016 and the court held that the Prescription Act applies to all litigation under the LRA, including claims under section 191 of the LRA. Therefore, LAC rejected FAWU's contention that the referral of the dispute to the CCMA interrupted prescription. FAWU appealed to the Constitutional Court (CC).

CONCOURT'S FINDINGS

Having had regard to section 210 of the LRA, the CC said the provisions of the LRA are not in conflict with the provisions of the Prescription Act. Unfair dismissal claim activates proceedings for the recovery of a debt as contemplated in section 16(1) of the Prescription Act.

The CC ruled that claims for unfair dismissals and unfair labour practices as contemplated in section 191 of the LRA are subject to the Prescription Act. Prescription of such claims are interrupted upon the employee's referral of the dispute to the CCMA for conciliation. A failure to

timeously prosecute such claims will lead to them prescribing – reached its time limits.

Concluding the second case, Mr. Morajane urged commissioners to consider prescription before dealing with condonation: "when you get a referral after three years, prescription takes precedence and within three years' period we talking condonation."

He urged commissioners to read as many judgements on labour law as possible. "Reading the Labour Relations Act alone will not cut it. Make sure that as a commissioner, you must read both the LRA and court's findings on every section of the LRA," he advised.

He added that when commissioners interpret the LRA, they are actually executing the constitution. "As confirmed in the Constitutional Court judgement of *Myathaza v Johannesburg Metropolitan Bus Services (SOC) Limited t/a Metrobus and Others* [2016] ZACC 49, the interpretation of the LRA and Employment Law equates to discharging the Constitutional mandate," he said.

He urged commissioners that when they draft awards they should do so as if that award will end up in the ConCourt, "that way it means you will apply the basics".

In what he said was "closing the deal", he said commissioners must take interest in the awards they have rendered. "If an award is reviewed, your immediate duty as a commissioner is to read the review application so that where there is a need to provide clarity, that can be done to help the courts understand the basis of your ruling," he said.

In conclusion, Advocate. Morajane told attendees that the 'CCMA Director Case Law Chamber' will be convened on a quarterly basis and as such, he invited all commissioners to put forward issues of interest that they felt needed to be ventilated in such sessions. The session was well received by the attendants who participated in the discussions via the question and answer chat function in the webinar.



THE CCMA AND SALGA ENTERS INTO A MEMORANDUM OF UNDERSTANDING

On Thursday, 13 May 2021, during the Special South African Local Government Association (SALGA) National Members Assembly, Mr. Xolile George, the Chief Executive Officer (CEO) of SALGA, and Mr. Cameron Morajane, the Executive Director of the Commission for Conciliation, Mediation and Arbitration (CCMA), signed a three (3) year Memorandum of Understanding (MOU) to solidify their strategic partnership aimed at promoting labour peace and equity through inspired as well as accessible service delivery.

It is envisaged that the momentous strategic partnership will effectively dispense social justice through the following initiatives:

- CCMA to utilise SALGA's municipal and municipal entities' facilities for selected CCMA processes/cases;
- CCMA and SALGA to collaborate on labour market thought leadership, such as the development of a labour market policy and discourses surrounding the following areas; labour law, collective bargaining, governance and dispute resolution and strategic research;
- CCMA and SALGA to collaborate on data analytics and business intelligence on matters referred by local government to the CCMA to enable SALGA to better understand local government labour challenges and their root causes;
- CCMA to assist SALGA with dispute management and prevention services through CCMA programmes, such as Managing Conflict Management (MCM) and Building Workplace Relations (BWR); and
- CCMA to consider local government as an area of Commissioner specialisation in order to enable Commissioners to better intervene in local government labour-related matters.



Morajane said, "The strategic partnership between SALGA and the CCMA, established in the crucial year of local government elections, will see, in the near future, selected CCMA processes/cases being conducted at SALGA and its municipal facilities, where availability and practicality measures allow. Geographically, SALGA and its municipal facilities are closer to the people and have facilities in many nodal areas of the country, including rural areas where the CCMA currently does not have a footprint. This means that the CCMA's dispute prevention, management and resolution services will be brought closer to where people work, live, worship and play."

"SALGA is ushering its 5th term of being a Democratic and People-Centered Local Government. Therefore, the CCMA is pleased to be contributing to this broader national developmental agenda", Morajane concluded.

Both the CCMA and SALGA are optimistic that the three (3) year strategic partnership will greatly benefit the labour market and the people of South Africa, whilst ensuring that both entities continue to deliver on their respective mandates.



RAPID EVOLUTION IN THE EDUCATION AND DEVELOPMENT NECESSITATED BY THE COVID-19

The era of Information Management has changed drastically since the World Health Organization (WHO) declared the Covid-19 virus a global pandemic in early 2020. As a result, there has been an abrupt shift in the world of work compelling employers to move with speed in aiding employees with technological resources to ensure continued operations and skills development in the new normal that called for the implementation of remote working strategies.

The Covid-19 pandemic has changed the traditional ways of how information is accessed and shared in the world of work. Organisations have had to move from contact knowledge sharing sessions to those facilitated virtually which has led to a rapid increase in the usage of various digital communication software such as Microsoft Teams, ZOOM and Skype for business. The new normal has exacerbated the use of e-learning platforms wherein various organisations have relied on same to ensure the continuous learning and professional development of its workforce in order to enhance productivity. To further its mandate, which is to compile and publish information and statistics about CCMA activities, the Business Research Intelligence & Communications (BRICs Unit) Unit within the Commission for Conciliation, Mediation and Arbitration (CCMA)'s Governance & Strategy Department, embarked on an innovative drive with the aim of enhancing its library's accessibility through the use of virtual platforms such as Microsoft Teams and Skype for Business.

The CCMA library ensured that staff, in particular Commissioners and the Users, continued to receive and access educational material in the new normal. As part of adjusting to the new normal which restricts gatherings, the CCMA library hosted a virtual roadshow with CCMA's provincial offices in Polokwane and Port Elizabeth. The purpose of these workshops was to encourage CCMA staff and Users to use the CCMA Info Hub and the CCMACONNECT mobile applications as safer and convenient methods of accessing library services and products such as E-Books, Audio Books and Podcasts. The latter platform also allowed Users a digital avenue to track and trace their referred cases.

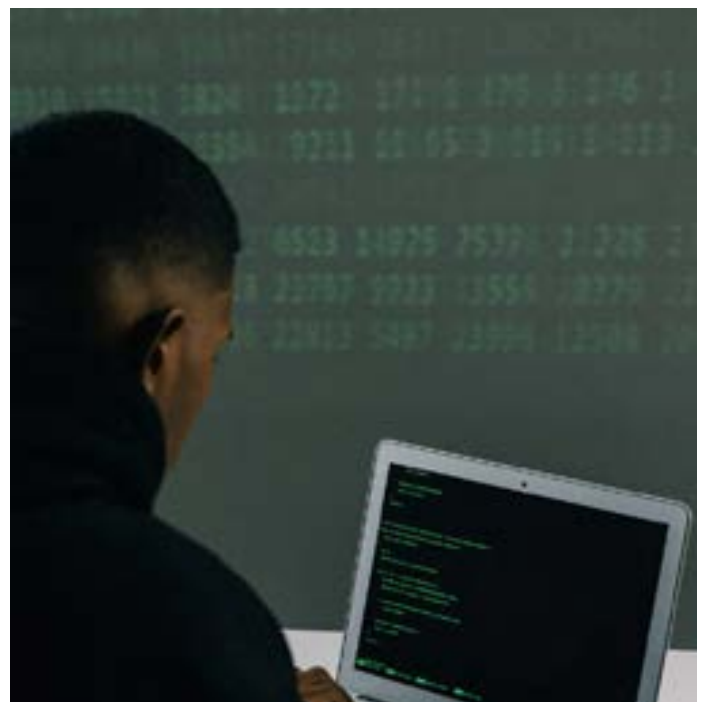
The roadshow workshops were facilitated by Thandi Chauke – CCMA Librarian, who ensured that staff and Users were equipped with the practical knowledge on how to access and use all of the CCMA's digital platforms, including the online case referral and applications portal. There was positive feedback from the roadshow attendees as they were thrilled by the idea that users can access services offered by the CCMA in the

comfort of their homes without physically visiting the offices. Attendees also echoed a call for the CCMA to cast the net wider and take this initiative to other provincial offices. The latter is being effected as the roadshows are conducted throughout all provincial offices, albeit virtually.

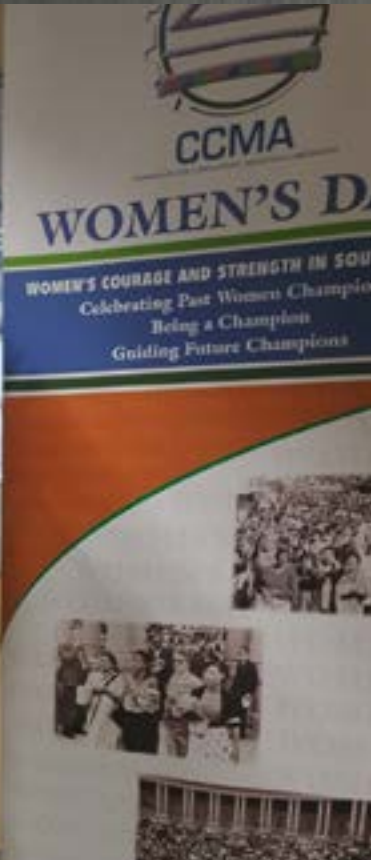
The CCMA library, through the roadshow has learnt that continued learning can still be resultant even in the *new normal* with full adherence to Covid-19 protocols. It was noted that such workshops were important as they provided Users with practical knowledge on the usage of new technological platforms. Librarian, Ms Chauke recommends that educational workshops with a large group of attendees be held virtually as a precaution in the new normal while with a smaller group such workshops may be held physically with strict adherence to social distancing protocols.

"The CCMA Commissioners are dependent on the library to get research articles, case law and judgements. Access to the aforementioned information is essential in assisting Commissioners with delivering high level dispute prevention and resolution services to CCMA users", added Chauke.

Since the start of the Covid-19 Pandemic, the CCMA library has ensured that Commissioners have unlimited access to the literature that contributes to their professional development in dispute management and prevention. The CCMA library has learnt that whilst any unplanned change may be disruptive to business processes, it is adaptable and presents an opportunity for innovation to take place.



COMMEMORATING THE YOUTH MONTH



45TH ANNIVERSARY - 16 JUNE 1976



YOUTH HAVE A VITAL ROLE IN FIGHTING THE SPREAD OF COVID-19



**#YOUTHMONTH
#LIMITLESSYOUTH**



The Year of **Charlotte Mantshe Maseke**: Growing youth employment for an inclusive and transformed society



CCMA PARTICIPATES IN THE 2021 EDITION OF 'CELL C TAKE A GIRL CHILD TO WORK DAY'

On the 27th of May 2021, female young professionals within the Commission for Conciliation, Mediation and Arbitration (CCMA), provided career guidance and motivation to girl learners from the TM Letlhake Secondary School during a virtual career workshop held as part of the CCMA's 2021 Cell C Take a Girl Child to Work Day.

The career workshop was held virtually to ensure compliance with Covid-19 safety regulations with learners being connected from the school premises in Westonaria, west of Gauteng province and presenters also being remotely connected to the virtual engagement.

According to an official from the Gauteng

Department of Education, Tsholofelo Mogatusi, TM Letlhake is one of the struggling schools in the Gauteng-West region in terms of its Matriculants' pass rate. The CCMA, as part of its corporate social responsibility, saw this as an opportunity to motivate and inspire the girl learners from the school in order to bolster their dedication to



their current studies. The Cell C initiative started in 2003 and has seen more 1.2 million high school girl learners enjoy an on-site visit into the corporate working environment where potential career opportunities are showcased to better equip the learners with a variety of professional options that they can study towards.

The theme for the 2021 Cell C Take a Girl Child to Work Day was **#MoreThanADay**.

Speakers were thrilled at the opportunity to inspire and ignite the girls' determination to aim for greater heights and to believe that anything is possible, even from such humble beginnings.

In her opening address, Annah Mokgadinyane, CCMA's Executive responsible for Governance and Strategy, said the organisation and

fellow colleagues present at the workshop were proud to spend a day empowering the girls. Ms. Mokgadinyane commended the positive impact Cell C's initiative has and continues to have on girl learners throughout the country. Having been a beneficiary of the programme itself in her earlier high school days, she said: "I am happy that today I address you under the same programme which our then high school class was one of its first beneficiaries."

Whilst explaining the mandate of the CCMA to the learners and the various career disciplines found at the CCMA, Ms. Mokgadinyane added that in the year 2021 the CCMA will be celebrating its 25th anniversary, which coincides with the 25th anniversary of the Constitution of South Africa and as such this year marks a pivotal milestone for the CCMA as well as the country's Constitution and it is only fitting that this year's Cell C

initiative move mountains and barriers to empower all the learners in attendance.

Another speaker, Soso Motloun from Cisco Systems shared a few motivational quotes with the learners with the hope that they would stir something in their spirits and inspire them to work harder and chase after their dreams despite their respective backgrounds.

Prior to heading the multinational technology company's Corporate Social Responsibility in the Sub-Saharan Africa, Ms. Motloun was the Chief Solutions Engineer within a very male dominated industry; the Information Communication Technology (ICT) industry. CCMA's Litigation Officer, Petunia Soni spoke about her career in litigation and the different career choices in the legal

CCMA PARTICIPATES IN THE 2021 EDITION OF 'CELL C TAKE A GIRL CHILD TO WORK DAY'

fraternity. "To be a litigation officer one must have a law degree (LLB)," she said providing a distinction from Litigation and the Commissioner profession.

To speak on the Commissioner profession was Nokuthula Mhlungi from the CCMA's Tshwane Regional Office. Commissioner Mhlungi was happy to field a handful of questions from learners following her presentation on the functions of the CCMA and in particular, the role of Commissioners and how she felt about being a CCMA Commissioner.

One learner who took advantage of the workshop and made sure she was armed with enough information was Tshegofatso Sebago. The inquisitive matric pupil said she was interested in the Commissioner profession. "I definitely want to pursue a career as a CCMA Commissioner hence I was asking Commissioner Mhlungi all those questions," she said after the virtual

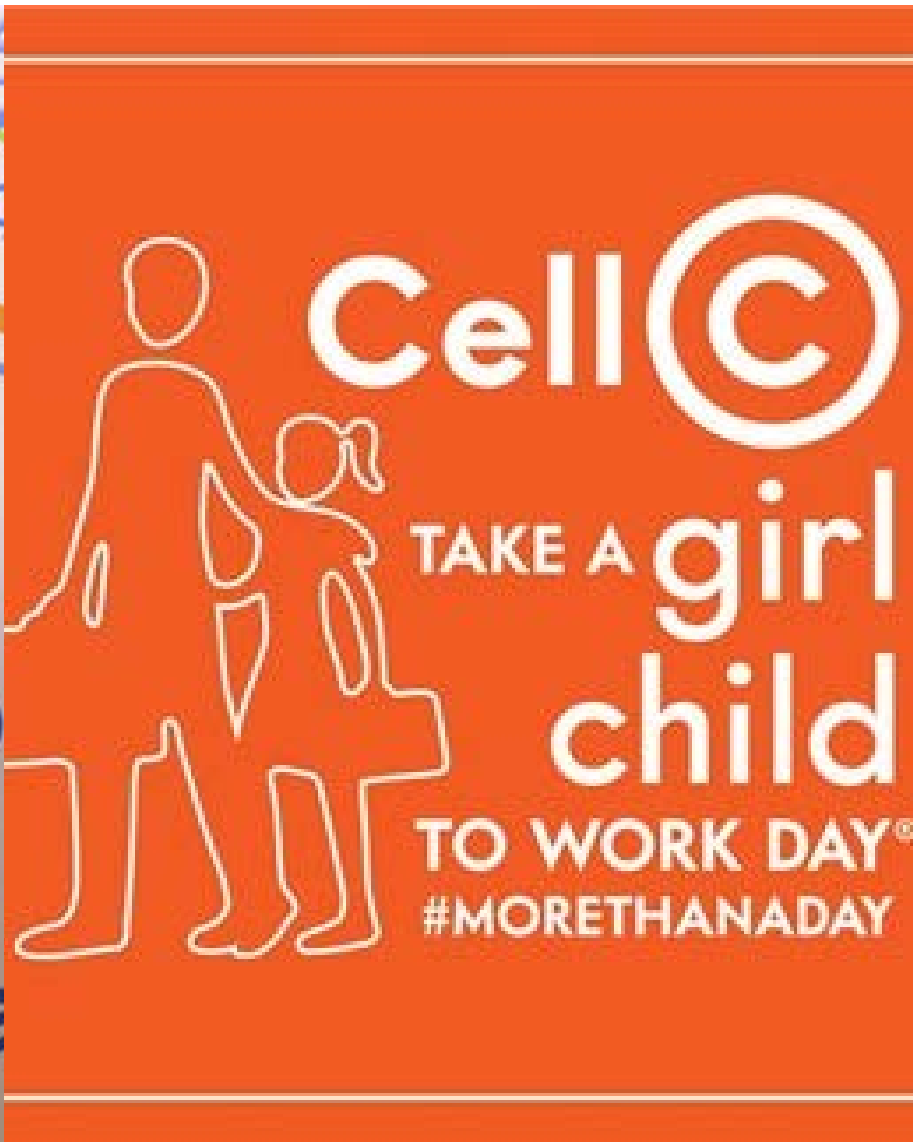
engagement, adding that she was settled on studying either Business Law or Human Resources Management in the following year.

Also, part of the workshop was Hazel Goba from the Internal Audit Department and Norma Mutongerwa from the Business Research Intelligence sub-unit within the CCMA. Ms. Goba shared insights on the Auditing career while Ms. Mutongerwa emphasised that for one to have a successful career as a Social Sciences Researcher, one needs to have a strong will and love for academics and that they should have the ambition to study all the way up to Doctorate level, in the event they wished to make contributions in the academic field.

Ms. Goba said she was delighted to be part of the career guidance that had the potential to positively influencing the future of female children in South Africa in light of the unemployment rate. "I've always wanted to have a men-tor, someone who would guide me through life as a teen. Having to share insights on careers and have 'girl-

talk' with the learners was a great honour for me," she said. Ms. Goba further added that it was a great initiative for the CCMA to be part of. "These programmes are a great source of upliftment for female learners especially those from pre-viously disadvantaged communities as they make young girls feel much confident about life and it also assists them to make right choices and bet-ter-informed decisions for their lives after matric," she said.

The National Student Financial Aid Scheme (NSFAS) and the National Youth Development Agency (NYDA) were also invited to the workshop to enlighten the learners on the higher learning funding opportunities available, such as bursaries and other funding prospects for youth-owned businesses.



DISPLAYING OF BASIC CONDITIONS OF EMPLOYMENT RIGHTS TO EMPLOYEES

The Commission for Conciliation Mediation and Arbitration (CCMA) has a library of legislations that it has to comply with. One of these legislations is the Basic Conditions of Employment Act (BCEA).

WHY BCEA?

The purpose of the Act is to "Give effect to the right to fair labour practices referred to in section 23 (1) of the Constitution by establishing and making provisions for the regulations of Basic Conditions of Employment". According to Section 30 of the Act, "An employer must display at the workplace where it can be read by employees a statement in the prescribed form of the employee's rights under this Act in the official languages which are spoken in the workplace".

WHAT ARE EMPLOYEES RIGHTS?

Every employee has the right not to be unfairly dismissed, to be treated with dignity and respect, to be paid the agreed wage on the agreed date, to be provided with appropriate resources and equipment to enable him/her to do the job, to have safe working conditions, to fair labour practices, to non-victimisation in claiming rights and using procedures and to all the protection and benefits of the Basic Conditions of Employment Act (Sources: <https://www.labourguide.co.za>).

HOW CAN THE CCMA MITIGATE NON-COMPLIANCE TO SEC 30 OF THE BCE ACT?

- Displaying of the Basic Conditions of Employment rights at all the CCMA Offices
- Creating awareness on the Basic Conditions of Employment rights to employees
- Developing the governance documents that will govern the basic conditions of employment
- Provide channels for the employees to lodge grievance where they feel their rights have been violated

MEASURES IN PLACE TO ADHERE TO THE LEGISLATION

- The Basic Conditions of Employment Rights are displayed at all CCMA offices
- The Human Resource Unit conducts awareness on the Policy Human Resource
- Implementation of the approved Policy a Manual on Human Resource is ongoing

- The employee's employment contracts have the provisions of the Basic Conditions of Employment Act

COMPLIANCE RISKS THAT THE CCMA MAY FACE FOR NON-COMPLIANCE TO BCE ACT

- Any magistrates' court has jurisdiction to impose a penalty for
- an offence provided for in this Act to a maximum of 3 years
- imprisonment
- Possible audit findings
- Reputational damage
- Control failures



REPORTING AND PREVENTION OF WORKPLACE INCIDENTS



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CRISIS MANAGEMENT - PHASE 1: PRE-CRISIS SERIES 2

The previous article on Crisis Management highlighted the fundamentals of crisis management, an overview of the design and implementation of the process used by best practice (British Standard 11200). This article aims to focus on Phase 1: Pre-Crisis within the Crisis Management Plan. In any organisation, the uncertainty of a crisis occurring is probable. Because such events are, by definition of a crisis, is unexpected—often impossible to imagine, much less predictive. Organisational leadership need to develop solid strategies for quickly responding to any crisis that might arise to ensure that their businesses can survive and thrive.

CRISIS MANAGEMENT is broken down into three (3) phases depicted below:

Phase 1: Pre - Crisis – Crisis Management Plan (steps taken to prepare for a potential crisis);

Phase 2: Crisis Response – The actual response undertaken during the crisis; and

Phase 3: Post - Crisis – Lessons learnt post-event

Phase 1: Pre-Crisis”

This phase highlights four (4) critical elements listed below that need to be encapsulated within a Crisis Management Plan for it to be effective, namely:

1. Crisis Management Triggers:

Various internal and external situations could result in the need for executive intervention and strategic decision-making. Any sudden event that poses a threat to an organisation's strategic objectives, reputation or existence may be deemed a crisis. The Crisis Management Plan (CMP) focuses primarily on potential, “worst case scenario” crisis that can arise within the CCMA and disrupt the CCMA business but not limited to; Loss of premises; Denial of access to CCMA premises as a result of, for example, leasing

Technological failures, Strike action, Sabotage, and Illegal behaviours to name but a few.

2. Crisis Management Team:

Within the CCMA, a Crisis Management Team (CMT) will be established. The CMT will comprise of Executive Committee Members who will provide strategic direction to the rest of the organisation in times of crisis. In addition, a subsidiary team will be formed to ensure that requests and actions are efficiently executed. These teams will aim to promote rapid problem solving under strenuous conditions. With this structure being implemented, the Leadership can better equip the organisation by setting clear priorities for the response and empowering others to discover and implement solutions that serve those priorities.

3. Guidelines and Processes

The Crisis Management Plan highlights key guidelines and processes to be followed in the event of a crisis. From both internal and external communication to dealing with media. The guidelines provide a benchmark on how to respond and manage incidents.

4. Roles and Responsibilities:

Now that the team has been established, another important component to crisis management is training and awareness of role-players. Each role-player must understand their roles and responsibilities when it comes to responding to a crisis.

Now that the key elements have been discussed, a fit for purpose crisis management plan should be stress-tested. This will occur at least once a year. This will test each role-players capability/understanding and highlight any potential weaknesses or gaps in the plan. Scenario testing, simulations, and role-playing are examples of how the CCMA will perform testing.



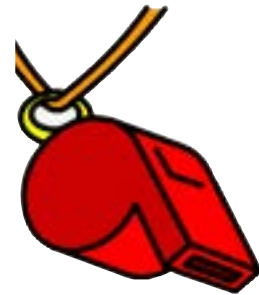
ROBUST WHISTLE-BLOWER PROTECTION: WILL ENSURE A BETTER WORKING PLACE FOR ALL

The Commission for Conciliation, Mediation and Arbitration (CCMA) as a public entity is required by law to act in compliance with the Protected Disclosures Act 26 of 2000 (hereinafter the "PDA") in its day-to-day duties. As a part of the CCMA acknowledging and expanding protection of whistle-blower's rights for confidential and anonymous reporting. The CCMA has a Fraud Whistle-blowing Hotline, which is managed independently by a service provider (Advance Call), to ensure independence and integrity on the reporting of fraud or similar irregularities by CCMA employees, users and stakeholders.

In an effort to protect Whistle-blowers, the PDA makes it criminal or irregular conduct in state and private institutions, which is detrimental to people reporting fraud or any irregular activities. As a form of Corporate Governance tool to promote robust whistle-blowing protection, the CCMA has adopted the PDA in its Fraud Prevention and Anti-Corruption Policy and Standard Operating Procedure, moreover to heighten the protection and the rights of whistle-blowers. The PDA sets out various procedures that employees can follow to report fraudulent or irregular activity, such as the right to remain confidential and anonymously.

PDA places an onus on employers to protect employees from any occupational detriment, which may occur due to making a protected disclosure. The PDA contains a closed list of what constitutes a 'disclosure' to be protected, which includes disclosing information regarding conduct that would amount to inter alia:

- Committing a criminal offence, fraudulent or similar offences;
- Failing to comply with legislation;
- Endangering the health or safety of an individual; or
- Unfair discrimination.



The PDA set out a clear and simple framework to promote robust whistle-blowing by:

- Reassuring workers that silence is not the only safe option;
- Providing strong protection for employees who raise concerns internally;
- Reinforcing and protecting the right to report to public protection agencies, such as the Public Protector and the Auditor General; and
- Protecting more general disclosures provided a valid reason for the disclosure and that the disclosure is done in good faith.

Whistle-blowers are critical role-players in fraud and corruption strategies in uncovering fraud, corruption, and wrongdoing. As a result, the CCMA depends on whistle-blowers to report any wrongdoing within the organisation. Robust protection of whistle-blowers will not only encourage further whistle-blowing, but it will also ensure that those blowing the whistle, even sometimes at great personal cost, are always protected. The CCMA encourages honest employees to raise their concerns and to report any wrongdoing within the workplace without any fear.



HELP STOP FRAUD AND CORRUPTION.
PLEASE REPORT ANY KNOWN OR SUSPECTED
IRREGULARITIES TO ONE OF THE FOLLOWING
ANONYMOUS CCMA WHISTLEBLOWING CHANNELS:

 WhatsApp 0860 004 004	 Email ccma@ behonest.co.za	 Online behonest.co.za	 Toll-free number 0860 666 348
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CCMA


CCMA Whistleblowing Channels facilitated by  Advance Call

The CCMA maintains a zero-tolerance policy against fraud and corruption. We urge all Employees, CCMA Users, and Stakeholders to play their role in supporting the CCMA fight against Fraud and Corruption.

References: Protected Disclosures Act, 26 of 2000, International Principles for Whistle-blower Legislation by Transparency International, A Best Practice Guide for Whistleblowing Legislation by Transparency International Whistleblower Reward Programs: An International Framework for the Detection of Corruption and Illegal Bribery by National Whistleblowers

NB. THE PUBLISHED LETTERS WERE NOT EDITED TO PRESERVE THE ORIGINALITY AS SUBMITTED BY THE USERS

CCMA EAST LONDON SAVINGS

Like many other government departments and entities, the 2020 government wide budget cuts compelled the Commission for Conciliation, Mediation and Arbitration (CCMA) to review its operations and reprioritise its spending in order to allow it to continue giving effect to its legislative mandate; which is to stabilise the labour market and provide expeditious dispute resolution services

The CCMA's East London Regional Office has had a longstanding relationship with its current landlord and it is because of this ten (10) year relationship, that the office was able to discuss the financial challenges experienced by the office as brought on by the parastatal-wide budget cuts in order negotiate lowered rates.

Under the leadership of the then Regional Senior Commissioner (now, Acting PSC: Eastern Cape), Kagiso Nthite, the CCMA East London Regional Office was able to save the regional office and the organisation much needed funds by successfully negotiating 25% savings on its monthly lease, lowering its monthly payment from R184 749.80 to R138 000.00 per month over the next 12 months. This effectively saved the office R500 000 .00.

"Considering the budget constraints and economic challenges we are faced with as the organisation, this feat could not have come at a better time. We are grateful that the landlord was amiable to our plight" said the then RSC Kagiso Nthite. "The money saved will be redirected towards executing some of the regional office's core functions as well as maximise its footprint," she concluded.



CCMA team responsible for the successful negotiations

L-R: Bongo Ngxabani (Team Leader), Sinovuyo Bambata (HR Intern) and Christopher Blayi (the now Acting Regional Senior Commissioner)

NB. THE PUBLISHED LETTERS WERE NOT EDITED TO PRESERVE THE ORIGINALITY AS SUBMITTED BY THE USERS

Good afternoon

I would like to place my appreciation in record in regard to the employee by the name of Mmatshupo. I called CCMA for the first time in my life without deep knowledge about the institution on behalf of Ivy Mokele who brought an appeal against her employer.

The appreciation is directed to the employee called Mmatshupo who I called on the 23,24,25 March 2021 who gave me an advise in regard to the online service and I was confident on the advise she gave to an extent of applying online. At first I could not understand the process and I kept on calling but she never even in any call discouraged me from calling. We need people like Mmatshupo in our South African institution because she knows that she will assist different people and she was helpful as I have applied online and even got the case number. This shows that you having a good team behind you sir.

Regards
Calvin Chavalala



Mmatshupo Mabelane
Case Management Officer
Limpopo

Dear Harold,

The above matter refers.

I would like to take the opportunity to thank you for your kind and prompt assistance at all time. I really appreciate the manner in which you assist all parties at the ccma!

Kind regards,
Christie de Villiers



Harold Tebele
Case Management Officer
Limpopo



Maggie Kunutu
Information Service Officer
National Office

Good Day All

Hope this finds you well. I would like to commend one of your team members Ms Maggie Kunutu for such an excellent and exceptional service she always renders whenever I encounter correspondence with her. The first time I spoke to her, she was so polite, kind and placed herself in my shoes as I was complaining about my arbitration matter which was a disaster, but she was reassuring and comforting a stranger to a point I found myself laughing in the midst of anger, her voice is clear and confident, yet polite which is quite rare when dealing with the public.

Today I was chatting to her via your Facebook portal without knowing who the person was, and I was amazed by the efficiency and eagerness to assist me, when the person I was communicating with phoned to confirm the outcome of the matter, it was Maggie... Same politeness, friendliness and reassurance. Often we are so quick to report unkind or bad behavior and forget to also report when one does good. I came across a LinkedIn post which I would like to share with you about kindness which I agree with despite my own kindness being misused, I am sure in your case you will put that to good use. @Maggie Kunutu keep it up ses i the world needs people like you especially during these uncertain and unpredictable times.

NB. THE PUBLISHED LETTERS WERE NOT EDITED TO PRESERVE THE ORIGINALITY AS SUBMITTED BY THE USERS

Ms Matlala .

I do not remember meeting you face to face but you were always listening and responding to our challenges professionally without any favours . I must say it was nice working with you for the all the years and thank you very much for everything . I am leaving Exxaro effectively from 14 May 2021 .

Isaac Nyaka



Constance Matlala
Senior Case Management officer
Limpopo



Johannes Raholang
Case Management officer
Limpopo

Dear Johannes Rebhone Raholang:

Thank you for your help and assistance with obtaining a re-issue of the Enforcement of Award for case; LP10653-19. Your effort is highly appreciated and noted.

Sincerely,

Helen Kay
Lephalale Service Office Coordinator

Just did a case at one of your branches in Tzaneen and your facilities are the cleanest in the country. Well done to the leadership and most importantly the cleaning staff.

From Twitter user
@PukwanaLazola



Eveline Tladi
Cleaner
Limpopo



Paul Mampa
Cleaner
Limpopo



Florah Senetla
Cleaner
Limpopo



Nkele Galane
Cleaner
Limpopo



IMPORTANT NOTICE – SCAM ALERT

The CCMA wishes to alert its Users of fraudsters (touts), who falsely identify themselves as employment law expert working with the CCMA in order to lure unsuspecting workers with the promise of helping them refer cases and representing them at the CCMA. Users are advised to be on high alert of such advances and to report them using the CCMA's provided fraud reporting channels. CCMA Users are reminded that all CCMA statutory services are available to all for free. CCMA referral forms are available for download at no cost on the CCMA's website www.ccma.org.za

Alternatively, Users may use, at the safety and comfort of their place of residence, the CCMA's digital case referral and application platform to refer cases for conciliation, arbitration and to apply for late referrals (condonation) - <https://cmsonline.ccma.org.za/>. Matters can also be referred to the CCMA via email to different CCMA provincial/regional offices' designated email addresses and fax numbers. For general enquiries, please email info@ccma.org.za or get in touch with us on our social media platforms (Twitter: [CCMA_SA](#) and Facebook: [CCMA SA](#))

USE THE BELOW CCMA FRAUD REPORTING PLATFORMS TO REPORT ANY SUSPECTED IRREGULARITIES:

Toll-free telephone number: 0860 666 348
WhatsApp number: 0860 004 004
Secure email address: ccma@behonest.co.za
Online and chat: www.behonest.co.za

THE CCMA MAINTAINS A ZERO-TOLERANCE POLICY AGAINST FRAUD AND CORRUPTION. ALL EMPLOYEES, CCMA USERS AND STAKEHOLDERS ARE URGED TO PLAY THEIR ROLE IN SUPPORTING THE CCMA.

CCMA PROVINCIAL OFFICES EMAIL ADDRESSES AND FAX NUMBERS

BELOW IS THE LISTING OF ALL EMAIL ADDRESSES, FAX AND CALL CENTRE NUMBERS ASSIGNED NATIONALLY.

CCMA Office	Email Address	Fax Number	Call Centre Number
1. Bloemfontein	blm@ccma.org.za	051 448 4468/9	Tel:051-411-1700
2. Cape Town	ctn@ccma.org.za	0214657193/97/87/0214625006	Tel:021-469-0111
3. Durban	kzn@ccma.org.za	031 301 1344/0988	Tel:031-362-2300
4. East London	el@ccma.org.za	043 743 0810	Tel:043-711-5400
5. Ekurhuleni	Ekurhuleni@CCMA.org.za	011 421 4723/48	Tel:011-845-9000
6. Emalahleni	wtb@ccma.org.za	013 656 2885/6	Tel:013-655-2600
7. George	ctn@ccma.org.za	044 873 2906	Tel:044-805-7700
8. Johannesburg	johannesburg@ccma.org.za	011 220 5101/02/03/04	Tel:011-220-5000
9. Kimberley	kmb@ccma.org.za	053 831 5947/8	Tel:053-836-7300
10. Klerksdorp	kdp@ccma.org.za	018 462/4148	Tel:018-487-4600
11. Mbombela	wtb@ccma.org.za	013 753 3835/2785	Tel:013-655-2601
12. National	ho@ccma.org.za	011 834 7351	Tel:011-377-6650
13. Newcastle	kzn@ccma.org.za	034 312 5964	Tel:034-328-2400
14. Pietermaritzburg	kzn@ccma.org.za	033 345 9790	Tel:033-328-5000
15. Polokwane	ptb@ccma.org.za	015 297 1649	Tel:015-287-7400
16. Port Elizabeth	pe@ccma.org.za	041 586 4410/4585	Tel:041-509-1000
17. Portshepstone	kzn@ccma.org.za	039 684 1771	Tel:039-688-3700
18. Richards Bay	kzn@ccma.org.za	035 789 7148	Tel:035-799-3300
19. Rustenburg	kdp@ccma.org.za	014 592 5236/4746	Tel:014-591-6400
20. Secunda	wtb@ccma.org.za	013 656 2885/6	Tel:013-655-2602
21. Tshwane	pta@ccma.org.za	012-320-6600/6602/6597/6598	Tel:016-440-2700
22. Vaal	johannesburg@ccma.org.za	0164226837/5285/1859/1959	Tel:016 440 2780
23. Vryburg	kdp@ccma.org.za	053 927 0157	Tel:053 927 0089
24. Welkom	blm@ccma.org.za	0573 528 774	Tel:057-910-8300