

# CCMA InTouch



# HIGHLIGHTS

**ONE-ON-ONE WITH THE FIRST FEMALE PSC - MANDY COETZEE**

**WHILST PROGRESS TOWARDS PROTECTION IS NOTED, DOMESTIC WORKERS REMAIN VULNERABLE**

**THE NEXT NORMAL AND THE FUTURE OF THE EMPLOYMENT RELATIONSHIP – CDH ANNUAL EMPLOYMENT LAW WEBINAR**

**CCMA YOUTH IN LABOUR THINK TANK SHIFTS FOCUS TO COVID-19 VACCINATION**

CHIEF EDITOR

ANNAH MOKGADINYANE - EXECUTIVE GOVERNANCE AND STRATEGY

ANNAHMO@CCMA.ORG.ZA

EDITOR

BOITUMELO RAKAU - MANAGER: BUSINESS RESEARCH INTELLIGENCE &

COMMUNICATIONS BOITUMELOR@CCMA.ORG.ZA

EDITORIAL TEAM

KEFENTSE MOLOTSANE – TEAM LEADER: COMMUNICATIONS

KEFENTSEM@CCMA.ORG.ZA

ONKGOPOTSE MADITSE - INTERNAL COMMUNICATIONS OFFICER

ONKGOPOTSEM@CCMA.ORG.ZA

DITEBOHO SIMELANE – PHOTOGRAPHY AND GRAPHIC DESIGN

DITEBOHOS@CCMA.ORG.ZA

AMOS TSHABALALA – EXTERNAL COMMUNICATIONS OFFICER

AMOST@CCMA.ORG.ZA

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Governance & Strategy*



**From the desk of  
Annah Mokgadinyane**

**EXECUTIVE  
GOVERNANCE & STRATEGY**



**Dear CCMA Family,**

I hope you are all still well and are keeping safe during these trying times. I believe we are almost ready to say "the worst is almost over" since the roll-out of Vaccination campaign spear-headed by the Department of Health and other major stakeholders. It is always comforting and motivating to see actual results. In this case, the effectiveness of the Covid-19 vaccine was clearly sketched out by the recently published infographic by Cape Town's Groote Schuur hospital which depicted the number of vaccinated versus unvaccinated patients at the hospital.



The infographic sourced from Twitter - Groote Schuur Hospital

To all CCMA family members who have heeded the call vaccinate, thank you and thank you all for the pictures that you have sent in support of our vaccination campaign; they are indeed a point of motivation for all to vaccinate.

Surviving the scourge of Covid-19 should always be cause for celebration, especially if you were once hospitalised. In this issue, our very own Provincial Senior Commissioner (PSC) Lucky Moloi, who oversees the Free State and Northern Cape provinces, shared his personal encounter with the Covid-19 virus and also how he triumphantly conquered the virus.

We also had chance to catch up with, Ms. Mandy Coetzee, the Eastern Cape's first female PSC who gave us an insight on her previous work experience and how it shaped her in preparation for her new role. PSC Coetzee, also shares her source of inspiration for all to read.

We also received a heartfelt appreciation letter from one of the CCMA's longest serving family member who spoke of her 25 years journey with the CCMA and how it has made her appreciate the Commissioner profession as well as the roles fulfilled by the CCMA's Commissioners.

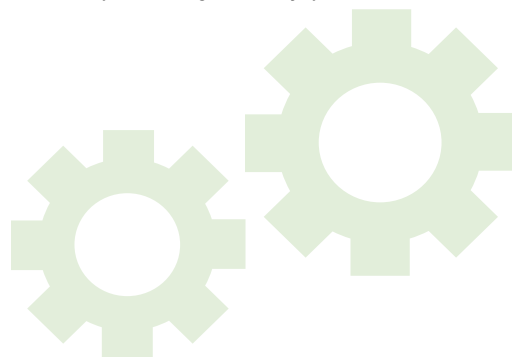
In commemorating Women's Month, the CCMA's Employee Wellness Sub-Unit hosted an hour-long interactive virtual motivational talk aimed at inspiring CCMA women to shatter the 'glass ceiling' by equipping them with strategies to embrace and nurture their greatest possible selves. **Womandla**, to all the phenomenal women out there.

A huge congratulations goes out to the Eastern Cape Provincial Office for scooping the award for the Best Performing Province overall during the year 2020. *The CCMA Family is proud of your contributions to the CCMA and most importantly to the labour market.*

In the meantime, please do keep your letters, stories of upliftment or article ideas coming. We love reading them. Simply send your submissions via the [communications@ccma.org.za](mailto:communications@ccma.org.za) email address for our speedy processing. Feel free to also share your achievements and empowering stories that may help others navigate life through this Pandemic.

Until next time, Keep Safe. Keep Your mask on. Keep Sanitizing. Keep Social Distancing.

Happy Reading and Enjoy





The past year has been filled with uncertainty, with the Covid-19 Pandemic having woven much disruption into society's lives that the influx of lives lost nationwide and within the CCMA warranted the CCMA Director's attention and concern.

In a bid to bring much needed comfort and encouragement, the CCMA Director, Mr. Cameron Morajane, on 13 July 2021, called a **family meeting** in efforts of ascertaining how CCMA employees were coping amidst the number of colleagues (CCMA family members) the organisation had lost during the second quarter of 2021/2022. In the latter's regard a tribute to all CCMA family members who had since passed was extended.

The Director used the opportunity to extend his empathy towards the families affected by the Covid-19 pandemic as well as to those affected by the untimely social unrest and violent riots that transpired in the Gauteng and KwaZulu Natal provinces.

Speaking as both the CCMA Director and an employee of the CCMA, the Director intimated that this period had also taken its emotional toll on him, but that as the captain of the ship, he was also here to encourage his CCMA family members to remain positive, steadfast and strengthened during the current challenges affecting not only the CCMA, but the larger nation. He assured the virtual attendants that he would not be dissuaded from supporting his CCMA family, *"because, we are family"*, he emphasized.

In awakening the principle of Ubuntu, the CCMA Director reminded attendants of the CCMA's organisational strategy; the *Imvuselelo-The Revival 2020/21 – 2024/5* of which its purpose behind the name was to revive a sense of community; each CCMA employee having a communal responsibility to

care for the next CCMA employee, for each South African citizen to afford the same care to the next South African citizen, *"since we all have a social responsibility to one another"*, he added. *"Therefore, let us continue to keep safe by abiding by health regulations at all times. because it is the only way we will truly understand the obligations that come with being a family"*.

At the time of the virtual family meeting, (13 July 2021), the CCMA had recorded 273 positive Covid-19 cases, from these 234 had recovered, 28 cases were still active and 11 deaths were recorded.

***"THEREFORE, LET US CONTINUE TO KEEP SAFE BY ABIDING BY HEALTH REGULATIONS AT ALL TIMES. BECAUSE IT IS THE ONLY WAY WE WILL TRULY UNDERSTAND THE OBLIGATIONS THAT COME WITH BEING A FAMILY."***



### **Q: Please introduce yourself?**

I am the second born of three daughters raised by a strong single mother and a hardworking grandmother. My grandmother's employer as a token of appreciation for her years of commitment created a trust fund for my sisters and I, so that we would have the opportunity to receive an education. I completed my matric at a public school in the community, St Thomas Senior Secondary, before enrolling for tertiary education at the then University of Port Elizabeth, where I completed my LLB Degree. After completing my articles of clerkship, I was admitted as attorney and later discovered a passion for labour law. Having been raised by strong, hardworking women, shaped the person I am, my work ethic and my approach to make work of opportunities given to you in life.

### **Q: Who or what inspires you and why?**

I am inspired by people who rise against all odds, who despite life's challenges find the confidence to tackle each day and still have enough in their cup to uplift someone in need of encouragement, support or help. With my grandmother and mother, it did not matter how little we had, there was always enough to help someone else!

### **Q: What does being the first female appointed PSC mean to you?**

Being the first female appointed PSC has been both unnerving and yet an extraordinary experience. A colleague I look up to said to me, "Mandy it's time to be that girl! Don't worry about anything, just do well!" I am overwhelmed by the amount of women in the organisation, some that I have never even met, that have reached out to me conveying their well wishes, messages of support and how my journey in the organisation has inspired them and reassured them that, there is place for women in leadership roles within the organisation. Our Head of Governance and Strategy is a woman! Our Chief Financial Officer is a woman! Our Chief Audit Executive is a woman! The Director has on several occasions advocated his stance for the empowerment of women and organisation certainly provides equal opportunities for all.

### **Q: And what does it mean to also head a provincial office that was recently crowned the best performing provincial office?**

The year 2020 was a very challenging year, particularly for the Eastern Cape due to our own dynamics, that is often not understood by all. Apart from the pandemic, financial constraints, we also had the East London and Port Elizabeth regions merging to form the province and during all of this, the PSC role was also vacant. While I might be the newly appointed head of the province, due recognition must be given to the entire team, without whom the accolades would never have been possible.

Despite very trying times, the synchronised and supportive leadership in the regional management teams has been key to the success of the province. I am thus very privileged to be a part of that team and pay tribute to each one in the Eastern Cape Province for the contribution they continue to make.

### **Q: What challenges have you encountered in your career trajectory as a woman and how have you overcome them?**

When I started my career in the male-dominated motor industry, I was met with quite a lot of resistance.

My superior at the time was significantly threatened by my work ethic and achievements and often attempted to thwart my efforts. I set out to show that integrity and work excellence will yield success and indeed they did. I have applied the approach throughout my career and so far, it has fared me well.

### **Q: Being a mom, a PSC and the numerous other roles that you fulfil, how do you ensure that you have a work-life balance?**

As clichéd as it may sound, it is extremely difficult to manage a career while being a student, wife and a mother. A woman is the matriarch of the household. Mothers are responsible for taking care of the family, coordinating school projects and now with instances of home schooling brought about by Covid-19, our responsibilities have increased.

In the CCMA, the work that we do impacts on so many vulnerable people that we often place the needs of those whom we serve before the needs of our own families. While it is perfectly fine to be passionate about the work we do, I have had to learn very fast, the importance of balance. Not only for my family but also for my own health & wellness.

### **Q: What advice do you have for young women seeking to enter into the Commissioner profession?**

My advice to all future Commissioners is to be passionate about what they do, to remember those whom we serve, to be unapologetic about their determination as a woman and to give support other women.



## CCMA'S EASTERN CAPE PROVINCIAL OFFICE RECEIVES RECOGNITION FOR SERVICE EXCELLENCE

The CCMA's Eastern Cape Provincial Office, which comprises of the East London and Port Elizabeth Regional Offices, was on Monday, 13 September 2021, officially recognised as the best performing province for the 2019/20 financial year. This follows the virtual CCMA Indaba's Service Excellence Awards held in December 2020 wherein the province being was crowned the best performing province overall.

In the virtual award handover ceremony, the acting Executive: Shared Services, Mr. Mthembeni Ncanana explained that the delay in officially handing over the award can be attributed to the Covid-19 Pandemic which, in abiding by government regulations, forbade any interprovincial travelling. Mr. Ncanana extended his congratulatory remarks to the province and encouraged staff to vaccinate before handing over to the CCMA Director, Mr. Cameron Morajane.

Mr. Cameron Morajane acknowledged the sentiments shared by Mr. Ncanana before thanked the Eastern Cape office for their stellar performance which was testament to the teamwork and determination from each staff member within the two regional offices. Mr. Morajane added that the celebratory mood of the Eastern Cape province should not be dampened by the fact that the celebration has been hosted virtually; promising that the organisation will soon celebrate in –person once it is safe to do. In this breath, he also encouraged staff to vaccinate.

Ms. Mandy Coetzee, who was recently appointed as the first female Provincial Senior Commissioner for the Eastern Cape provincial office, said that the outstanding performance was due to a collective effort from all staff, *"The culture here in the Eastern Cape is to always be the winning team, together,"* said PSC Coetzee.

**CONGRATULATIONS TO THE EASTERN CAPE PROVINCE**



## UNPACKING THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013 (THE POPI ACT OR POPIA)

Ever received a phone call from an unknown number, with people who want to introduce you to a service or product out of the blue or have you found your email or phone swamped with unwanted emails (usually junk mail) or unwanted SMSs.

The good news is that the POPIA (Protection of Private Information Act 4 of 2013), which was already promulgated by the government in 2013, was approved earlier this year and came fully into effect on 1 July 2021.

The purpose of the Act is to protect the constitutional right to privacy by safeguarding personal information when it is processed by what is known as a responsible party. A responsible party includes natural (i.e. yourselves and your colleague) and juristic (i.e. public and private organisations) persons.

To do this, the Act regulates how personal information is processed and also advises on what circumstances personal information can be processed without there being a need for any required permission.

Basically, the POPIA is an information-processing code of conduct that all businesses must comply.

## What is personal information?

Personal information is a broad term and relates to an identifiable, natural or legal entity and includes, but is not limited to:

- Contact information – telephone number, email address etc.
- Private correspondence – emails, WhatsApp texts etc.
- Biometric information – blood group etc.
- Demographic information – age, gender, race, date of birth, ethnicity etc.
- Opinions of and about a person or group
- History – employment, financial information, medical history, criminal history as well as educational history

The POPIA applies to every business in South Africa, even international companies that do business in South Africa, that collects, uses, stores or destroys personal information from a data subject (the natural or legal entity to whom the information belongs), whether or not such processing is automatic.

There are a number of things that can be done to ensure the protection of personal information, such as the below:

- Confidentiality must always be upheld at all times.
- Only ask for personal information that is needed for a specific, explicitly defined and lawful purpose related to the functions and activities of the CCMA.
- CCMA case files must be secured at all times, and not left in a space where these may be accessed by an unauthorised person.
- All personal information on CCMA case files, must be removed before being shared with a third party.
- Should there be a need to process and share documents containing personal information with a third party, permission or authorisation from the data subject must be sought and received.
- And, lastly, CCMA employees are encouraged to never share their CCMA log-on passwords with anyone, unless such authorisation has been communicated in writing.

For further information, please contact [popia@ccma.org.za](mailto:popia@ccma.org.za)



**Picture by TSI Central Station - Transport & Freight**





Picture taken from Bedfordview Edenvale News

The November 2020 landmark judgment from the Constitutional Court in relation to domestic workers is hailed as a victory by many stakeholders in the sector. The apex court ruled that the exclusion of domestic workers from the Compensation for Occupational Injuries and Diseases Act (COIDA), 1993 was unconstitutional, thus effectively allowing domestic workers previously injured to lodge claims, retrospectively from 27 April 1994.

Following the Constitutional Court's order which called for the amendment of the COIDA, the Department of Employment and Labour (DEL) issued a directive officially opening the claims process for previously injured domestic workers to lodge claims until November 2021.

The Commission for Gender Equality (CGE), which is actively involved in the protection of domestic workers, convened a webinar on Thursday, 23 September 2021, with key stakeholders in the domestic sector who deliberated on the impact of the recently gazetted regulation of the COIDA.

CGE Commissioner, Advocate Nthabiseng Sepanya-Mogale, said the discussion with stakeholders was necessitated by the plight of domestic workers and the need to ensure that domestic workers understood the provisions of COIDA, amongst other legislative regulations intended to protect domestic workers.

CCMA Commissioner, Ms. Urmilla Patel, said the CCMA continues to work with organisations representing domestic workers to ensure that workers are educated on their constitutional rights to fair labour practices and on how they can access CCMA services.

"The CCMA recognises the domestic sector as a vulnerable and marginalised sector for reasons such as low wage and the profession being undervalued, majority of workers being African females with a high level of illiteracy, workers being suscepti-

ble to various kinds of abuse, non-organised and employers often being ignorant of workers' rights in terms of labour legislation," said Commissioner Patel. Commissioner Patel added that disputes recorded at the CCMA from the sector included unfair dismissals, unfair labour practices, non-payment or underpayment of statutory entitlements and unfair discrimination.

The South African Domestic Service and Allied Workers Union (SADSAWU), which organises, mobilises and educates workers employed in the domestic sector, raised concerns about employers who continued to disregard the legislative provisions and were not registering their workers with COIDA and Unemployment Insurance Funds (UIF).

Advocate Jade Naidoo who represents domestic workers in their disputes with employers echoed similar concerns as raised by SADSAWU and bemoaned the level of compliance in the sector. *"The trend we have noted is that individual employers undermine the employment relationship with their domestic workers, they disregard statutory protections employees are entitled to, there is neither mutual agreements nor written contracts, and failure to act in accordance with employment law"* said Adv. Naidoo.

Compensation Fund Commissioner, Mr. Vuyo Mafata emphasised during the webinar, that the obligation rests solely with the employer to ensure their workers are registered with the Fund as per COIDA. Commissioner Mafata said they were encouraged by an increase in the registration numbers of domestic workers with Compensation Fund and UIF.

General Secretary of SADSAWU, Ms. Myrtle Witbooi called for public education on COIDA and urged the Department of Employment and Labour and all stakeholders in the domestic sector to work together to ensure domestic workers are mobilised and educated on their rights using the language that they will understand.

Advocate Asenati Tukela from the Socio-Economic Rights Institute of South Africa (SERI) said the Constitutional Court judgement in essence placed the responsibility on all key role players in the labour market to ensure domestic workers are treated with dignity and respect and enjoy the full protection all employment provisions.

*"The trend we have noted is that individual employers undermine the employment relationship with their domestic workers, they disregard statutory protections employees are entitled to, there is neither mutual agreements nor written contracts, and failure to act in accordance with employment law"*



With Covid-19 bringing massive disruption to the workforce, the Cliffe Dekker and Hofmeyr (CDH) 2021 Annual Employment Law webinar, looked at the next normal and considered the future of remote working, digitisation, mental health, and the absolute need to build resilience into employment strategies. The webinar also delved into the strategic reimagining of the workplace, mandatory vaccinations, B-BBEE obligations and the Employment Equity Act (EEA) 55 of 1998, data protection and the interplay between retrenchments and business rescue proceedings.

CDH hosted its Annual Employment Law webinar on Thursday, 16 September 2021. The webinar, themed *The Next Normal And The Future Of The Employment Relationship* saw a myriad of experts from labour, business rescue, B-BBEE and international experts on POPIA and East Africa discuss the impact of the Covid-19 Pandemic, exploring topics such as **What is the next norm? Ways business can thrive and remain compliant in the next normal and whether our understanding of the employment relationship still holds.**

Delivering the keynote address, CCMA Director, Mr. Cameron Morajane, discussed *The Efficacy and Sustainability of Remote Hearings and the Future of Dispute Resolution in the Employment Arena*. The CCMA Director set the scene for delegates on the future of dispute resolution within South Africa and perhaps abroad.

Speaking on the current situation, the CCMA Director said during March 2020 and 15 September 2021, the CCMA had conducted 4 791 online pre-conciliations while the online arbitration statistics stood at 2 184. The CCMA Director also informed delegates that the CCMA uses a hybrid system for hearing its cases, which allows for cases to be heard both online and also in-person.

“This hybrid solution is the best possible system that the CCMA can use, since the CCMA services Users with different means and from diverse socio-economic backgrounds”, he said.

“A fully online process cannot be considered due to the unequal nature and inequity in our society even more so, the human factor of social justice does not allow the CCMA to provide a fully online service”, he added.

The physical aspect of the system, on the other hand, is strengthened by three aspects, the CCMA's strategic partnership with South African Local Government Association (SALGA), which has a bigger reach than the CCMA thus enabling the CCMA to use SALGA offices for hearing its cases. The second aspect is the CCMA's ICT infrastructure and lastly, parties agreeing to the facilitation of their hearings in specifically identified venues outside the CCMA's offices.

The CCMA Director also informed delegates that the CCMA, whilst successful in this deployment of its online solution, had also experienced a number of challenges implementing this online solution allowing it to attend to cases digitally, such as administrative delays and connectivity issues experienced by Users. However, these are challenges that were and are still being averted with proper planning.

## PROS AND CONS OF REMOTE HEARINGS



### REMOTE HEARING PROS

- ☐ Comfort of working from home.
- ☐ Balance between home and work.
- ☐ Minimum travelling.
- ☐ Saving of costs: Income.
- ☐ No limitations of time.
- ☐ Encourages online picketing.
- ☐ Technology becoming inherent.






### REMOTE HEARING CONS

- ☐ Access to internet/Data.
- ☐ Quality of sound & video.
- ☐ Coaching witnesses.
- ☐ Parties in the same room.
- ☐ Interpretation services.

- ☐ Availability of parties.
- ☐ Load shedding.
- ☐ Sharing of case files.
- ☐ Hybrid system.
- ☐ Stable network.
- ☐ Access to electronics (laptop, wifi etc.)



Mr. Cameron Morajane also introduced the need for the creation of a digital file. Looking at CCMA rules, he said that almost every process can be done online such as the submission of written arguments, condonation applications, determining employee status, dismissals (S192), construction dismissal (s1866(1) (c) etc. The presentation was well received by the virtual audience.

Head of CDH Employment Law, Aadil Patel, spoke on the CDH Employment Practice saying that producing case law booklets, videos, and marketing of same remotely was not feasible for their organisation without any physical inputs from various operational and legal professionals support. “During these challenging times, these internal services remain essential to our continued ability to remain functional and produce the kind of services and value add that our clients expect from us,” he said. *“Traditional ways of engaging with clients and the means towards enhancing clients’ service experience when engaging with the CDH are gone”*. According to Mr. Patel, to ensure that the CDH Africa wide employment team remains relevant, it has adopted a future-fit mindset interrogating global employment trends.

In parallel, they closely followed the countries’ challenges in seeking to fight and contain the Covid-19 pandemic with its inevitable missteps, the consequence on lives and livelihoods and frankly the sustainability of clients. The CDH’s new normal has grown into far more proactive engagements with clients regarding their needs on what keeps them up at night. An

office, as a physical structure is no longer as foundational as it was previously.

Tobie Jordaan, Director at CDH discussed the interplay between the Business Rescue Processes (BRP) and retrenchments. Mr. Jordaan believes that the devastating effect of Covid-19 pandemic on industries all over the world, and particularly in South Africa, has fast-tracked the need for many legal disciplines to overlap. This was evident in the employment and business rescue space where many companies have had to contemplate retrenching their employees while faced with a business rescue process.

According to Mr. Jordaan, during this process, employees have certain rights such as representation by unions, participating in court proceedings and meetings and the drafting of terms of the business rescue process. Furthermore, section 136 of the Companies Act, affords employees special protection in that its employees employed before the commencement of the BRP remain employees on the same terms of conditions, but subject to changes occurring in the ordinary course of attrition or the employees in the

company agree to different terms which comply with applicable labour laws. This means that even during the business rescue, employees are afforded the same rights in terms of the LRA and BCEA which includes the right to a fair dismissal.

Mr. Jose Jorge, Director at CDH, said employers need to follow a certain process before settling on implementing mandatory vaccinations. If companies intend to do so, there is a process flow that should be followed. Firstly companies need to conduct a risk analysis, following this, organisations must develop or update existing workplace plans and outline measures that they intend to implement in respect of Covid-19 vaccinations, then commence with the consultation process on the risk assessment and workplace plans with representative Trade Unions and Health and Safety committee/representatives. The plan must then be finalised and made available for inspection by the Department of Employment and Labour (DEL) and its safety committee. It is only once this is complete that the company can make a determination of whether or not to implement mandatory vaccinations.





## SURVIVING COVID-19: A REFLECTION FROM PSC LUCKY MOLOI

It was last year in August, when all of a sudden after conducting a Dispute Prevention & Management activity in Bethlehem, I felt extremely tired. However, I managed to drive back to Bloemfontein and thankfully arrived home safely. Since I had previously had chest issues which affected my heart and breathing, I did not think much of it when these very symptoms recurred, hence my treating these with the medicine was initially prescribed with.

As the instances of rapid short breath ensued uncontrollably, I combated these using the same prescribed medication. Since most of these symptoms only escalated and got severe at night, in order to find some relief I opted to stay awake throughout the night, which unfortunately rendered me extremely fatigued; with me dependent on work to keep me active and awake during the day.

Finally, I went for a Covid-19 test and the results came back positive, but still, I tried and relied on numerous different kinds of medication, only for the situation to get worse...finding myself on the floor in the early hours of the morning was the final straw. Fortunately for me, my family called in an ambulance and. I was kept in a special ward dedicated to Covid patients for a few days. During this very challenging time I kept in constant contact with the CCMA Director including a few of my colleagues.

I unfortunately ended up in the Intensive Care Unit (ICU). That is all I can recall.

When I eventually woke up, it was a Saturday in late October 2020. I heard the nurses and doctors saying that they had written me off and that they had gone to an extent of removing me from the Oxygen ventilation supply. As to how I managed to raise my finger as a show of my still being alive...I will never know. I heard someone...a nurse, perhaps, telling the people in the room that I was alive and that they should reconnect me to the ventilator. That was done. I recall even informing the office that the hospital had given up on me.

The next day, it was a Sunday. I woke up, fully conscious. Everyone in the ICU was clapping. I just looked on puzzled at the spectacle, until the entire story was narrated to me a few days later. I even had visitors who had come to see their family in the ICU telling me that I had reignited their hope that soon their relatives would also 'make it out'.

My mind cleared up and I now had to bear the brunt of seeing patients dying before me on a daily basis. It was bad. In order to mitigate the effects of the deaths I had witnessed on my psychological wellbeing and recovery, I was sedated each time there was a death in the ward. At times, I would even lie and say I did not witness any death just to avoid being sedated. It was a very uncomfortable feeling.

I was diagnosed with pulmonary embolism, which is the most fatal condition for people who have contracted Covid-19. Looking back, I pulled through, even though I'm still under medical treatment, I pulled through. CCMA Family, this virus leaves you with a number of permanent scars; there are still some ailments and complications that I am combating.

I am begging you, CCMA Family, it is up to us to fight this pandemic, not the hospitals and nurses. Let us protect each

other. Let us fight this pandemic by minimising our movements to shops and gatherings. Let us keep sanitising, washing our hands, avoiding close proximity contact, observing all Covid-19 protocols and schooling each other on how to conduct ourselves under this new norm.

People are dying out there and these are our family members and community members. It even pains me to witness the number of companies closing down. To me, that means loss of bread, high unemployment rate, depletion of country's economy and loss of business confidence and increase in criminal activities.

Let us remain committed to fighting this Covid-19 virus. We can beat this Pandemic.

Kind regards,

Lucky Moloi

Free State Provincial Senior Commissioner



## CCMA YOUTH IN LABOUR THINK TANK SHIFTS FOCUS TO COVID-19 VACCINATION

Following the government's move and announcement that from 17 August 2021, all individuals over the age of 18 who are eligible to register to vaccinate against Covid-19 can get vaccinated at any active vaccination site, the CCMA's Stakeholder Management and Projects (SMP) Unit saw an opportunity to convene an information sharing session as part of its bi-annual CCMA Youth in Labour Think Tank (YLTT) in efforts of encouraging CCMA youth to vaccinate.

The YLTT, which was held on 27 August 2021 under the theme "*CCMA Youth's views on Covid-19 vaccination*", not only served as a platform for frank discussions around the Covid-19 virus and vaccination programme, but also a platform for any myths or misconceptions surrounding the Covid-19 vaccine to be dispelled.

A youth representative from the Department of Health, Mr. Nnete Mothibi shared that the Covid-19 pandemic had severely disrupted the social and economic landscape of all humans. Therefore, in efforts of minimising further negative impacts brought on by the pandemic, vaccination against the Covid-19 virus was encouraged. Mr. Mothibi stated that the Department of Health was trying by all means "*to work with communities by making health facilities and vaccination sites accessible to people in an equitable, efficient and sustainable way*".

Addressing issues of misinformation about the Covid-19 vaccine, Mr. Mothibi emphasised that the misinformed stories currently in circulation make it hard for the department to carry out its vaccination mandate as citizens are increasingly reluctant to get vaccinated as result of false information spread in these stories.

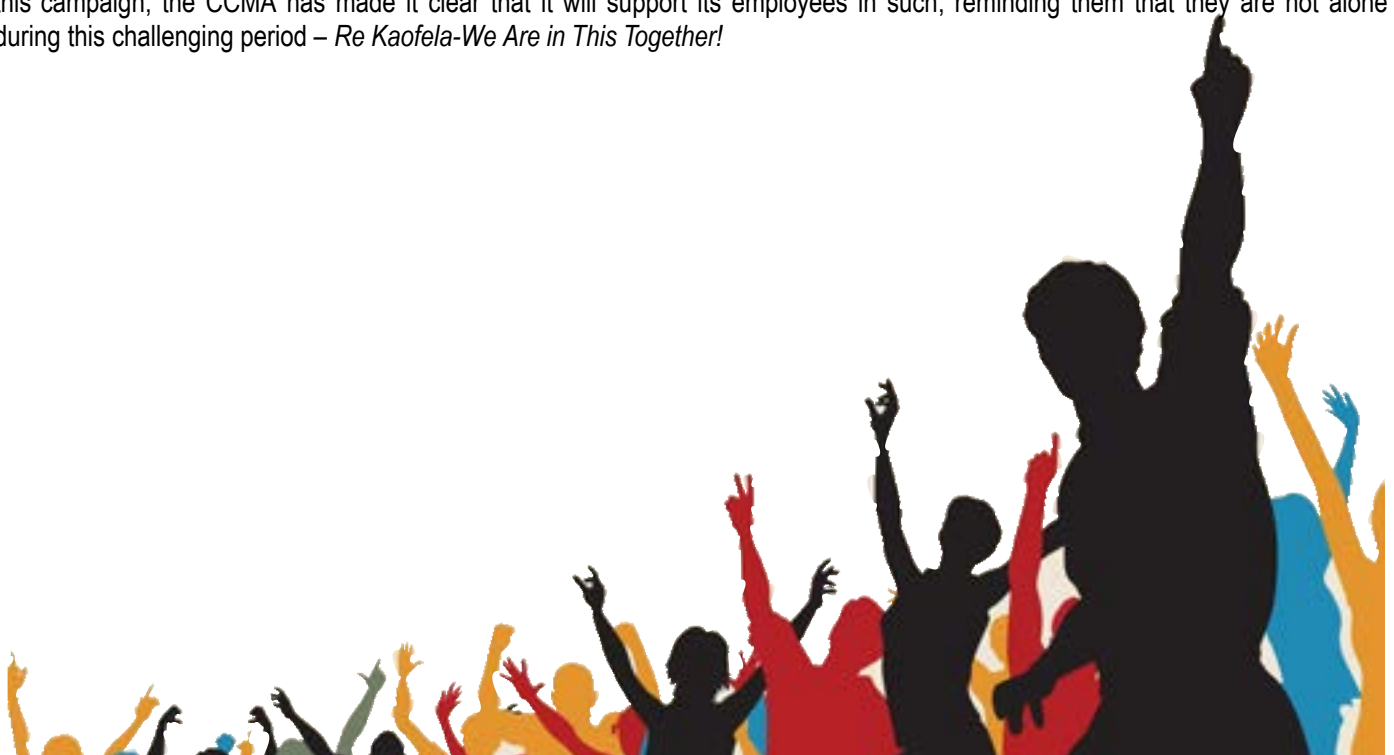
According to Mr. Mothibi, the department has learnt hard lessons from the pandemic, such as the need to always be prepared for the unexpected, referring to the hospitals that were overwhelmed by the increased numbers of patients needing care during the three waves of the pandemic, with the country currently still in the third wave with a fourth wave expected. Mr. Mothibi admitted that technology had played a crucial role in ensuring the services of the department continued with little or no disruption.

Sharing the CCMA's perspective, the Change Management Practitioner, Ms. Kerry Shear, presented the CCMA's plans on how it intends to deal with the impact of Covid-19 on its operations and, most importantly, how the organisation will continue to safeguard the well-being of its employees, users and stakeholders.

Ms. Shear said the CCMA has recognised the need to put together a Covid-19 care plan which entails the roll-out of the CCMA's vaccination campaign nationally, which was accompanied by a change management plan aimed at highlighting the importance of getting vaccinated.

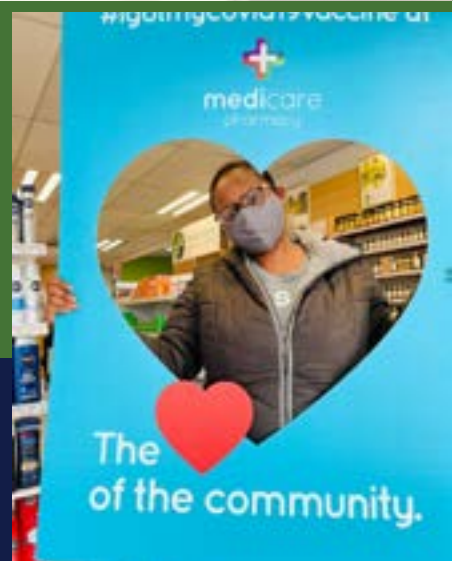
To promote the national vaccination campaign and increase the uptake of vaccinations within the CCMA family, the organisation has been championing its ***Re Kaofela – We Are in This Together*** vaccination campaign which has seen 585 employees vaccinated at the time of compiling this newsletter. As part of the campaign, the CCMA also shares on a regular basis, medical information about the virus and the vaccine to address any issues of misinformation and to allay any concerns about the Covid-19 vaccination.

"The CCMA will be running a set of focus groups to make interactions on Covid-19 more interactive", added Ms. Shear. Through this campaign, the CCMA has made it clear that it will support its employees in such, reminding them that they are not alone during this challenging period – *Re Kaofela-We Are in This Together!*



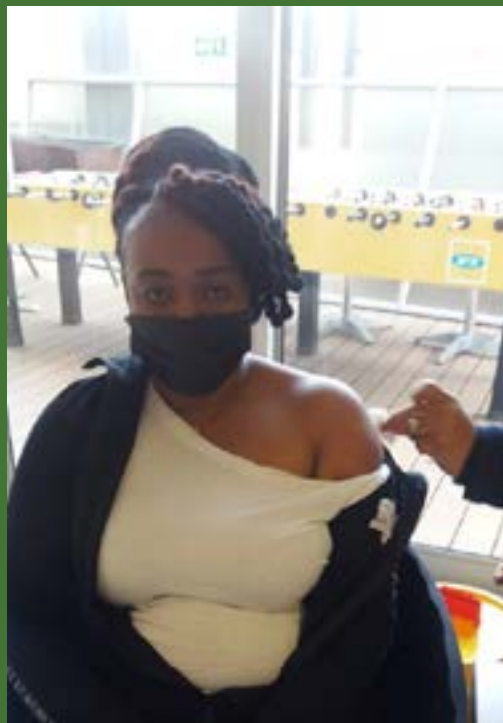


## CCMA EMPLOYEES GET JABBED





## CCMA EMPLOYEES GET JABBED





I have been with the CCMA since its inception in 1996 and I am presently based at the CCMA's Johannesburg regional office as a Part-time Senior Commissioner. My 25-year journey with the CCMA has been a long and memorable one; giving me unique insights into the workings of the CCMA and its Commissioners.

I have always suspected that those Commissioners who remain with the CCMA for many years are motivated by a force greater than money and status, and due to their experience, bring valuable additional competencies into CCMA processes.

These suspicions were confirmed after being intimately involved with fourteen highly experienced Part-time Senior Commissioners from the Johannesburg and Ekurhuleni offices whilst collecting data for the completion of my research report for my Masters Degree.

The participating Commissioners were required to apply coaching competencies to Mediation processes involving senior and executive employees from other organisations and were thereafter subjected to intense interviews for purposes of debriefing. These interviews revealed incredible insights and I was compelled to share the wealth of skill and competencies that our 'oldies' have and to further highlight the qualities that all newly appointed Commissioners must possess to effectively resolve complex disputes at the CCMA.

What emerged was that, these Commissioners are a passionate bunch of dispute resolution practitioners who consider being a Commissioner a calling to serve the people, rather than just a job.

What emanated from the interviews was that, they are strong communicators, they gain the parties' trust easily and often go beyond the call of duty to effectively get to the resolution of disputes and that they show a deep commitment to the Mediation process. The strong communication skills include keen and active listening skills, the ability to probe and ask purposeful questions, adapting their style and approach to the parties' level



of sophistication, correctly interpreting the parties' body language, mood and emotions, and being able to read between the lines.

They easily gain the parties trust by always showing respect to both the parties and their representatives, interacting with both parties with tact, diplomacy and patience; allowing the parties to vent and giving respect to their emotions around the dispute.

The commissioners also showed incredible maturity and strong emotional intelligence especially by exercising restraint and self-regulating their emotions during the process.

They are courageous, bold and creative when assisting parties seek possible solutions and

remained positive about the outcome throughout.

They are resilient, resourceful and remain authentic as well as completely present in every Mediation process observed during my research. They retain a strong belief in and an aptitude for conciliation tending to rely on a facilitative rather than a problem-solving approach to conciliation. The Commissioners are also keenly aware of their role as dispute prevention practitioners, summed up by one Commissioner as helping parties "think right about their disputes".

This intensive interaction with the Commissioners proved to be an eye-opening and humbling experience and has made me a better Commissioner. I am indebted to their generosity and kindness. The confidentiality agreements prevent me from naming the Commissioners, but they know who they are.

I am comforted that the CCMA processes remain in such competent hands and if future Commissioners meet the Commissioner criteria, the CCMA will continue to remain a force to be reckoned with in the labour dispute arena.

This year, on 9 August 2021, marked 65 years since the historic 1956 women's march in South Africa which saw more than 20 000 women march to the Union Buildings in protest against the extension of Pass Laws to women. Every year, the month of August is celebrated as Women's Month in honour of the courageous women and in appreciation of their contribution to the struggle for liberation.

In commemorating Women's Month, CCMA's Employee Wellness Sub-Unit hosted a 1-hour interactive motivational talk for CCMA women. The guest speaker for the day was Ms Mookho Mhlayivana, an international motivational speaker, a Neuro-Linguistic Practitioner and a qualified Life Coach.

Themed "Womandla!" (we get the word WOMANDLA by joining the word 'Ämandla-power' with 'Woman'), the talk focused on the innate power that lies within women and how despite all the storms brought by the Covid-19 pandemic, there is still a reason to have hope.

The session explored the most common pitfalls that hold women back from fulfilling their dreams and in this regard, equipped them with strategies to help them embrace and nurture their greatest possible selves.

Ms. Mhlayivana encouraged women to use the setbacks they have experienced and still experience as a springboards to greater things and that they should ultimately "rise above of these challenges". She closed the session by urging women to do the following "Making quality decisions, is a means to start a new hopeful journey."

**Zazi (Know Yourself)**

**Zithande (Love Yourself),**

**Zihoye (Take care of yourself)**

**Womandla!**





CELEBRATING SOUTH AFRICA'S INTANGIBLE CULTURAL HERITAGE



## PRINCIPLE 15: COMBINED ASSURANCE

In its endeavours to adhere to corporate governance practices and to mitigate the risk of governance failures, the Commission for Conciliation, Mediation and Arbitration (CCMA) adopted the King IV Report on Corporate Governance. The CCMA has also created and implemented Governance Risk Registers that track and report, on a quarterly basis, to the CCMA GB (GB) any progress made towards attaining each King IV principle. One of the principles being monitored is Principle fifteen (15), which recommends that the CCMA's GB must ensure that assurance services and functions enable an effective control environment that supports the integrity of information for internal decision-making and the CCMA's external reports. The recommendation mentioned above can be achieved in the following manner:

1. The GB should assume responsibility for assurance by setting the direction concerning the arrangements for assurance services and functions. The GB should delegate to the Audit and Risk Committee (ARC), if in place, the responsibility for ensuring that the arrangements are effective in achieving the following objectives:

- a. Creating a conducive atmosphere for effective internal control.
- b. Assisting management, the GB, and its sub-committees to maintain the integrity of the information utilised for internal decision-making purposes.
- c. Support the integrity of external reports.

2. Satisfy itself that a combined assurance model is applied which incorporates and optimises the various assurance services and functions so that these support the objectives for assurance

3. Ensuring that the combined assurance model is developed and implemented to effectively cover the organisation's significant risks and material matters by combining the following assurance service providers and functions as needed:

- a. Organisation's line functions that own and manage risks.

b. Risk Management and Compliance are facilitated and overseen by the organisation's specialist functions.

c. Internal auditors, internal forensic fraud examiners auditors, safety and process assessors, and statutory actuaries are all known examples of internal auditors.

d. External assurance service providers that are independent, such as external auditors.

e. Other external assurance providers include sustainability and environmental auditors, external actuaries, and external forensic fraud examiners and auditors.

f. Regulatory inspectors.

4. The GB and its Committees must evaluate the output of the organisation's combined assurance with objectivity and professional scepticism, form their own opinion on the integrity of information and reports, and the degree to which an effective control environment has been achieved by applying an enquiring mind.

5. Assuming the responsibility for the integrity of the organisation's external reports by directing how they should be approached and addressed.

6. Taking into account legal assurance needs, as well as the following extra considerations:

a. Whether assurance should be provided to the underlying data used to generate a report, the report preparation and presentation process, or both.

b. Whether the assurance's type, scope, and extent are appropriate for the report's intended audience and purpose.

c. The definition of applicable criteria for measuring or evaluating the report's underlying subject matter.

7. Showing satisfaction that the combined assurance model is effective and sufficiently strong for the GB to rely on.

8. In addition to the independent, external audit views supplied following legal requirements, external reports





## PRINCIPLE 15: COMBINED ASSURANCE

should disclose information about each report's type of assurance process.

The following details should be included:

- a. A brief overview of the assurance activities, services, and procedures that underpin the report's production and presentation, including their nature, scope, and extent; and
- b. A statement from the GB regarding the report's integrity and the grounds for this statement regarding the assurance used.

9. The GB should take on internal auditing responsibilities by directing the internal audit arrangements required to offer objective and appropriate assurance that adds to the efficacy of governance, risk management, and control systems. If an ARC exists, the GB should assign oversight of internal audits to it.

10. Establishing an internal audit charter that outlines the internal audit function's mission, responsibilities, authority, and role as pertains to combined assurance and the internal audit standards to be implemented.

11. Ensure that internal audit arrangements include the skills and resources needed to address the organisation's complexity and volume of risk.

12. Internal audits are supplemented with specialist services such as forensic fraud examiners and auditors, safety and process assessors and statutory actuaries as needed.

13. Assuming that internal auditing arrangements include a Chief Audit Executive (CAE) role, the GB should provide that the post is set up to work independently from management, which controls designing and implementing the controls in place and wielding the appropriate authority.

14. The removal of the CAE should be the duty of the governing authority.

15. Keeping an eye on internal audits regularly to ensure that:

- a. They follow a risk-based internal audit plan that has been authorised,
- b. They evaluate the organisation's risk profile regularly and recommends changes to the internal audit plan as needed.

16. Ensuring that Internal Audit submits an annual report on the effectiveness of the organisation's governance, risk management, and control systems to the GB.

17. At least once every five years, the GB should guarantee that the internal audit function is exposed to an external, independent quality assessment.

18. Obtaining certification from the CAE once a year that

internal audit follows a well-known industry code of ethics.

### CCMA COMPLIANCE WITH PRINCIPLE 15

The ARC is delegated by the GB to approve and monitor the combined assurance plan annually to ensure adequate assurance on the critical risks of the CCMA and avoid duplication in assurance services. In addition, a combined assurance model is applied to provide a coordinated approach to assurance activities.

These assurance activities are conducted by GB committees, external auditors and internal auditors. The ARC ensures that the combined assurance model appropriately addresses all the organisation's significant risks.

The CCMA's Internal Audit Charter is reviewed annually and approved by the ARC. The internal audit function is responsible for recruiting and retaining professional audit staff with sufficient knowledge, skills, experience, and professional certifications to meet the requirements of this Internal Audit Charter. The ARC approves the appointment of the CAE and annually reviews the performance and objectivity of the CAE and ensures that the CAE is sufficiently independent, has access to all functions, records and personnel. In addition, the CAE has full and unrestricted access to the ARC and provides the structure with a quarterly written report on internal control and risk management effectiveness.

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



## **THE EMERGING RISKS FROM CURRENT SOCIAL UNREST**

The COVID-19 pandemic has been a global point of distress for over a year since early 2020, presenting numerous risks to multiple organisations around the world and testing business resilience in the financial and operational environment. The Institute of Risk Management South Africa (IRMSA) has raised the below two (2) significant emerging risks that will have a ripple effect on the country, if not attended to by Government. Namely, Social unrest, and increased crime.

Over the past month, as a country, South Africa has seen these two significant risks, as highlighted by IRMSA, materialising. On the 9th -18th of July several provinces within the South African labour market were impacted by the social unrest, violence and looting, which resulted in business disruptions, loss of lives and a cause of much instability within communities. This also negatively impacted the Commission for Conciliation, Mediation and Arbitration's (CCMA) in that its offices within Gauteng and Kwa- Zulu Natal were closed for approximately five (5) days with Users having to rely on online CCMA services.

The 2022/23 Strategic Risk Register will be reviewed considering the PESTEL analysis which outlines potential negative impact that external factors could have on the CCMA's delivery of the mandate. The emerging risks identified above will be considered during the review of the strategic risk register and mitigations will be put in place to mitigate against the risk below:

### **Economic crisis**

The COVID-19 pandemic has resulted in most companies/organisations closing down and cutting the number of employees, potentially increasing the number of retrenchments leading to increased CCMA caseload and stretching the current resources. With the different risk adjustment strategies and levels implemented, industries such as the entertainment, conferencing, property management and travel were impacted. In addition, the social unrest and violence impacted businesses, and this has resulted in great losses for businesses such as shopping malls, retail stores and warehouses putting additional pressure on the economy.

### **Increased unemployment**

According to Statistics South Africa, South Africa's unemployment rate rose to 34.4% in the second quarter of 2021 from 32.6% in the previous period. Amongst others, retrenchments and national vacancy freeze contributed to the unemployment rate increase. The social unrest, violence and looting also increased the risks of job losses for small businesses and South African as a whole.

### **Increased unethical activities**

To curb the spread of the Covid 19 infections, organisations activated working from home strategies however, there are risks due to inadequate controls governing the work from home protocols, i.e abuse of working hours (Employees working lessor hours than they would normally do while working at the office), abuse of leave relating to Covid-19 quarantine and vaccination (Employees not providing evidence of vaccination).

### **Increased cyber attacks**

Cyber-attacks have since surged; ranging from attempts to acquire individuals' information to more sophisticated attacks on networks and information flows.

### **Data and security**

As remote working becomes the norm, more reflection is required around how data is accessed, used, and kept secure. In conjunction with the cybersecurity issues referenced above, employees can potentially work with sensitive data in less secure home-based environments increasing the risks around data security.

### **Financial stress**

The economic crisis has also resulted in both individuals and organisations being under significant new financial pressures, which may translate to uncharacteristic behaviours and enhanced risk-taking or internal fraud in the most extreme cases.

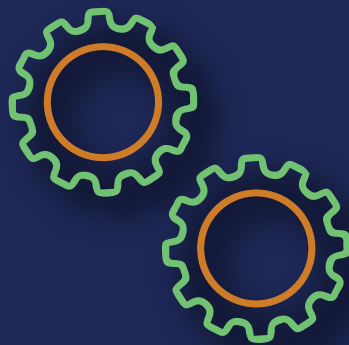
### **Reference List**

IRMSA: Letter to the president of South Africa

Article: COVID 19 insights – Emerging Risks

Wikipedia: 2021 South African unrest





# SPOT AND STOP FRAUDSTERS

## HOW FRAUDSTERS CAN TARGET YOU:

- By demanding a bribe or by promising a favourable CCMA outcome, favourable procurement or successful employment opportunities in exchange for monetary compensation.
- By pretending to be CCMA officials who require monetary compensation in exchange for assistance provided with any CCMA related services.
- By sending unsolicited scam or phishing emails in order to persuade you into disclosing your personal information for fraudulent use.

## HOW TO PROTECT YOURSELF AND HELP STOP FRAUD BY:

- By not paying any money in exchange for fraudulent favours and/or false promises that you will reap favourable opportunities from the CCMA.
- By reporting any suspected fraudulent activity to the CCMA.

## HELP STOP FRAUD AND CORRUPTION!

**PLEASE REPORT ANY KNOWN OR SUSPECTED IRREGULARITIES USING ANY OF THE FOLLOWING ANONYMOUS CCMA WHISTLEBLOWING CHANNELS:**

Email  
CCMA@BEHONEST.CO.ZA



WhatsApp  
0860 004 004



Online Chat  
BEHONEST.CO.ZA



Toll-Free Number  
0860 666 348



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.

