



CCMA InTouch



THE CCMA WISHES YOU A MERRY CHRISTMAS AND HAPPY NEW YEAR

HIGHLIGHTS

BRAZIL LAW WITHOUT BORDERS LABOUR LAW CONFERENCE

COMMISSIONER OATH TAKING CEREMONY

CCMA & BUSA LABOUR ADVICE MOBILE APP

**SOUTH AFRICA MOVES TO RATIFY ILO CONVENTION 190 TO
DEAL WITH VIOLENCE AND HARASSMENT IN THE WORKPLACE**

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***From the desk of
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***EXECUTIVE
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Dear CCMA Family,

Welcome to our Quarter 3 edition of the CCMA's InTouch Newsletter. Indeed, it has been another whirlwind of a year, but we made it through. The year 2021 was no better than its predecessor, as fiscal constraints and COVID – 19 continued to pose a threat to all facets of life. The two mutations of the Coronavirus which presented us with the Delta variant and very recently the Omicron variant, have also had major setbacks on our country's economic recovery.

Despite all these challenges, the CCMA rose to the occasion and continued to deliver on its mandate - to advance economic development, social justice, labour peace and the democratisation of the workplace. In the current financial year, from 1 April 2021 to 30 November 2021, the CCMA received a total of 105 445 case referrals across all sectors. From these a total of 77 712 conciliations were attended to including telephonic conciliations with 91% of them (70 775) having been heard and closed from which 46% were settled. A total of 42 884 arbitrations were heard and of these, 88% were finalised.

During the month of November, we welcomed a total of 60 newly appointed Commissioners to the CCMA Family. The new Commissioners received well-wishes from both the CCMA Director and the Governing Body Chairperson; you can read more on this inside the newsletter.

We also covered the Director's two virtual engagements, one in Brazil where he gave Brazilian Labour Law Practitioners a South African Labour



Law perspective and one at this year's Virtual Human Resources Summit where he spoke about the fairness of retrenchments.

In this issue, read more on why some of our CCMA Family members opted to get the Covid-19 vaccination and why they felt that it was important to do so. We also received a few appreciation letters from participants in the University of the Witwatersrand (Wits) Scholarship programme, in which they shared their journey and expressed their immense gratitude to the CCMA. Read more on this inside.

As the year draws to a close and we reflect on our journey travelled in 2021, we would like to express our gratitude to all our CCMA users and our stakeholders for all their unparalleled support this year.

To all our readers, our CCMA Family, please continue sharing your stories about your achievements, struggles you have overcome and your empowering stories so that we can continuously learn new means at





On 07 October 2021, the Law Without Borders organisation from Brazil convened an online Labour Law Conference with South Africa's CCMA Director, Adv. Cameron Morajane and the Judge President of the Labour Court and Labour Appeal Court, Justice Basheer Waglay.

The purpose of the seminar was to enlighten and give the Brazilian Labour Law Practitioners a South African Labour Law perspective, historical context of the country's employment law, the role of the CCMA and the judicial make-up for dispute resolution.

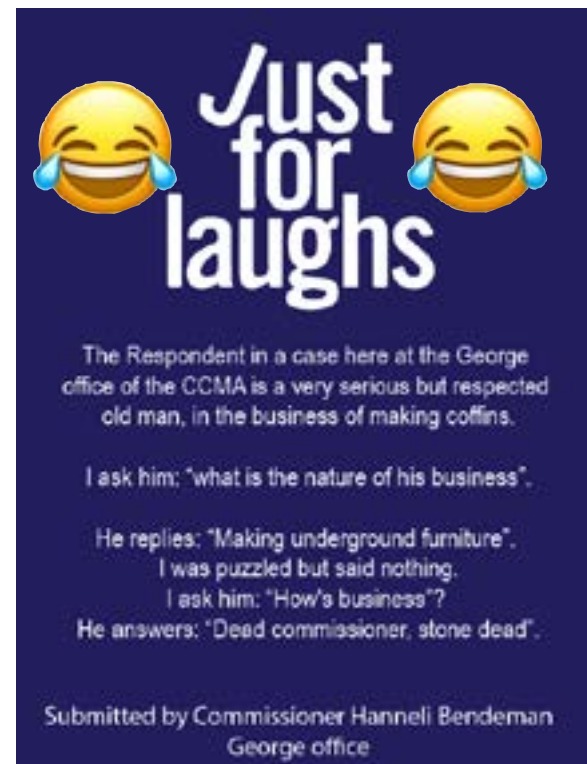
Delivering his virtual lecture, Adv. Morajane cited the preamble of the South African Constitution, the historical background and fundamental events that led to the birth of the Labour Relations Act and ultimately, the CCMA.

"The advent of the LRA sought to create a legal framework in which employers, trade unions and worker

representatives or employees could regulate their own relations and resolve their disputes," read Adv. Morajane's presentation on historical overview of the LRA.

"In July 1994, a Ministerial Task Team was appointed to overhaul the laws regulating labour relations, to shift from an adversarial dispute resolution procedure characterized by high levels of conflict. The draft labour law bill called for the establishment of an accessible, efficient and independent public dispute resolution structure that could conciliate and arbitrate dispute expeditiously," said Adv. Morajane, outlining historical background of the birth of the CCMA.

Adv. Morajane continued to give an overview of the CCMA mandate, the CCMA's dispute resolution process including the role of the bargaining councils as accredited by the CCMA. "As at August 2021, the CCMA received a total of **3 580 705 referrals since 11 November 1996**" concluded Adv. Morajane.



COMMISSIONER OATH TAKING CEREMONY

The Commission for Conciliation, Mediation & Arbitration held its annual Commissioners' oath and affirmation ceremony on the 8th of December 2021. The hybrid ceremony was conducted both in –person and virtually through the use of Yealink a meeting and conferencing solution which heralded the CCMA's commitment to the increased utilisation of digital innovations.

A total number of 60 newly appointed Commissioners took the Commissioners Oath whilst two commissioners instead undertook to recite their affirmations, led by Acting National Senior Commissioner, Mr. Elias Hlongwane who administered the oath-taking and the affirmations aspect of the Ceremony. The CCMA Director; Advocate Cameron Morajane thereafter gave a word of encouragement to the 2021 appointed Commissioners.

He started off by giving a background of his journey from being an Attorney in private practice to being a Commissioner after joining the CCMA. Adv. Morajane shared the importance of embracing the value attained from the practicality of any profession and that this must be considered even when delivering a settlement award. "At all times when you are confronted by challenges, the first thing you never forget, while theory may feat, but I have got to be practical. Even when a settlement is viewed, it is not just about the settlement being enforceable, but the settlement must be practical", he said.

Morajane encouraged the Commissioners who were appointed with conditions, to take the condition as a motivation and reminded them that they are almost there.

The Director emphasized the importance of the role embodied by the newly sworn in Commissioners in the CCMA, but most importantly in the labour market, "Part of the

training tells you a number of steps to follow when conciliating. The methods that need to be prescribed on conciliation must always be followed. It is important that as you enter a room you enter with dignity and treat your parties with respect at all times. It does not matter which process it may be, whether it is a 189 facilitation, Conciliation or even when mediating a big dispute or an Arbitration....People come from different walks of life and different places coming to ask you for help. They put their hope in your hands and you cannot favour... you cannot fail them" Director added.

"As you take office as CCMA Commissioners, remember that our priority is social justice and it must be achieved. So take this profession with the utmost pride it deserves. Be exemplary. Be the type of Commissioner that we can all be proud of"

The Governing Body (GB) Chairperson, Prof. Enos Ngutshane, rubberstamped the Director's utterances and emphasized that the newly appointed Commissioners were now stepping into a selfless profession where they would be teachers to the ignorant and saviors to the disadvantaged.

"Of course at the CCMA, we need to make it a point that we comply effectively to the CCMA's legislated and discretionary mandates and that this is done consistently without favour or fear," he encouraged.

Prof. Ngutshane also reminded the new Commissioners to align themselves with the imperative policy of the government.. "This also goes together with the need for you to understand the needs of the labour market. Labour peace and equity have become immensely important more especially during the current COVID-19 pandemic and its subsequent variants. Our socio-economic context dictates that we ensure that we save any affected jobs".

In closing, the GB Chair shared the following, "As the chairperson of the governing body and the governing body as a whole, we would like to take this opportunity to really wish you well. We want to see you succeeding, we want to you see flying the CCMA flag very proudly and we want to see and hear about all the good work that you will be doing"

The CCMA wishes to congratulate all the newly appointed Commissioners.



THE IMPORTANCE OF A RISK CULTURE WITHIN THE CCMA

The Commission for Conciliation, Mediation and Arbitration (CCMA) is required to comply with Section 51(1)(a)(i) of the Public Finance Management Act no 1 of 1999 (PFMA), which requires that the Accounting Officers/Authorities ensure that their institutions have and maintain effective, efficient and transparent risk management systems as well as internal controls. As such, various policy guidelines have been developed and are being implemented within the CCMA. This is to ensure that the CCMA is compliant to the above-mentioned legislation requirement, to also support the CCMA's ability to sustain and improve organisational performance.

WHAT IS MEANT BY A RISK CULTURE?

Mind-sets and behaviours of individuals inside an organisation play a crucial role in the execution of that organisation's risk management strategy. "*Risk culture*" is a term used to describe the values, beliefs, knowledge, attitudes, and understanding about risk management. It also encompasses the general awareness and behaviours of an organisation employees towards risk and how risk should be managed within the organisation.

WHY IS RISK CULTURE IMPORTANT?

- It is a key indicator of how widely an organisation's risk management policies and practices have been adopted.
- It ensures that the organisation's decisions, from planning to reporting, are taken through a risk management process.
- It is a major enabling factor for the establishment of an effective risk management process.
- It is a key element that can ensure that the risks are managed to achieve strategic and operational objectives.
- It is fundamental in risk management and should be addressed as part of a training programme.

CCMA INITIATIVES TOWARDS EMBEDDING A SUCCESSFUL RISK CULTURE

The following initiatives have been implemented in the CCMA in efforts to embed a successful risk culture:

- Developing, monitoring and reviewing of risk registers on a periodic basis.
- Facilitating risk maturity assessments in line with the National Treasury Maturity Model for the 2021/22 financial year.
- Conducting project risk assessments as per the approved 2021/22 Procurement Plan (for high-risk areas as and when required).
- Identifying and monitoring emerging risks.
- Monitoring loss and incidents through insurance management.
- Monitoring the Risk Appetite and Tolerance (RAT) thresholds on key risk indicators.

CHARACTERISTICS OF A SUCCESSFUL RISK CULTURE

A successful risk culture enables and rewards individuals to take calculated risks in an informed manner. The following are indicators of a successful risk culture (amongst others):

- Common acceptance of the importance of continuous management of risk.
- Risk – based decision making.
- Commitment to ethical principles.
- Transparency of internal process.
- Risk management skills and knowledge is valued, encouraged, and developed.

When adequate attention and efforts to embed a risk culture exist, there will be a recognition of risk management benefits. A research study has been commissioned to better understand the risk management culture of the CCMA. The findings from the survey will be communicated in due course.



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THE FUTURE OF HR VIRTUAL SUMMIT AND AWARDS

The CCMA Director, Advocate Cameron Morajane, graced the 7th annual Future of HR Summit as one of the keynote speakers during the two-day Summit held virtually on 23 and 24 November under the theme: *Professionals who manage teams and value people*.

The Summit brought together forward-thinking Chief Executive Officers (CEOs), Directors, Technology “gurus” and Business specialists to share innovative strategies in preparation for the new world of work and the need to now align themselves with new practical methods of employee engagement and talent acquisition in the digital age.

Given the negative impact the Covid-19 Pandemic has on the national and global labour market, especially small medium enterprises, Morajane gave an overview of the Temporary Employer Employee Relief Scheme (TERS) that was administered by the CCMA in efforts of helping businesses in distress to consider alternatives to retrenchments thus averting any job losses.

In efforts of clearing-up any confusion, Morajane emphasized the difference between the TERS scheme administered by the CCMA and the Covid-TERS administered by the Unemployment Insurance Fund (UIF) by outlining that Covid-19 TERS was introduced by Government to cushion workers against loss of income as a result of Covid-19 and lockdown restrictions, while the TERS overseen by CCMA were meant to assist business in distress. Speaking on collective bargaining in the digital age, Morajane affirmed that, “Collective bargaining processes and systems will never be the same again. One of the most interesting innovations I have noticed in European is the online picketing process which has not yet taken-off in South Africa. It is a very interesting concept to consider when looking at the future of Human Resources (HR). It beckons the question that if introduced, how would one ensure that workers exercising their constitutional right do not in turn abuse the system”. *“Another issue to look at is the definition of a worker, which excludes independent contractors and online platform workers. Whilst independent contractors are socially protected by the South African employment law, I think it is time we consider an expansion of the definition of who an employee is in order to include gig-workers”*, he said. Another important element that the CCMA Director touched on in his address was the issue related to the fairness of the retrenchment process.

“Section 189A of the Labour Relations Act 66 of 1995 explicitly tells you who ought to be consulted when a company

contemplates retrenchment. There is a hierarchy in terms of S189A consultation processes, which is constitutionally confirmed to be the correct procedure. The collective agreement is your first point of entry as it will indicate who the majority union is. However, this does not mean that the minority union must be neglected during consultation”, he added.

Morajane indicated that there were a number of significant questions that needed to be confronted which borders on the world of work in the time of Covid-19. “Covid-19 affects our employment law and the Occupation Health and Safety Act. In closing, Morajane said it was important for the summit to share knowledge on best practices and solutions to key questions posed by technology and Covid-19, such as: “What is the workplace in era of remote working? If an employee gets injured while working at home, does that employee have a claim in terms of OHS?”.

The summit was preceded by the Africa Tech Awards which recognised excellence and innovation and included categories such as Chief Executive Officer (CEO) of the Year Award (Adv. Cameron Morajane won this award category in 2019), Leader of the Year Award, Technology Innovation of the year Awards, Digital Transformation Award, amongst other categories.





CCMA & BUSA

LABOUR ADVICE WEB TOOL FOR SMALL
BUSINESSES ●●●●



CCMA & BUSA Labour Advice App

MOBILE APP NOW AVAILABLE

This user-friendly mobile App can be downloaded from the Apple App Store and Google Play Store. Once downloaded, the information is available off-line on your mobile device

TOPICS INCLUDE

Recruiting and
Appointing
Managing
Employees
Ending
Employment
Covid-19

USER-FRIENDLY CONTENT

- Information sheets
- How-to-guides
- Templates
- Infographics

CONNECT WITH THE CCMA



<https://www.ccm.org.za/>

CONNECT WITH BUSA



<https://www.busa.org.za/>

<https://smelaboursupport.org.za>

On 22 November 2021, the Commission for Conciliation, Mediation and Arbitration (CCMA) in collaboration with Business Unity South Africa (BUSA) launched a free-to-use Labour Advice Mobile Application (App), known as the 'CCMA & BUSA Labour Advice App' which offers practical labour-related guidance and support to South African small businesses and the public, in general. The content of the Mobile App is also available on the CCMA / BUSA Web Tool accessible on this link <http://smelaboursupport.org.za/>. Funding for the development of this Mobile App was acquired from the International Labour Organisation (ILO) in their quest to support initiatives supporting small businesses in the formal and informal sector in their application of fair labour practices.

WHAT SORT OF INFORMATION CAN SMALL BUSINESSES AND THE PUBLIC EXPECT TO FIND ON THE MOBILE APP?

The information was developed by experienced CCMA Commissioners, under the auspices of the CCMA's Training Development Unit (TDU) as well as the support of other labour practitioners appointed by BUSA.

The information is categorised under four key themes.

a) Recruiting and appointing employees. Information within this theme includes –

- Who may be employed, including the legal requirements for employing a foreign national.
- How to ensure that the recruitment process does not discriminate unfairly against applicants.
- How to contract employees – this includes the provision of easy to use contract templates that may be downloaded and adapted for use.
- How to compile job descriptions, etc.

b) The management of employees

- Guidelines and checklists related to managing poor work performance, incapacity (ill health or injury) and misconduct in the workplace.
- Probation
- Dealing with employee grievances
- Unfair labour practices
- Retrenchment processes, etc.

c) The termination of employment relationships

- Rights and responsibilities relating to retirement, resignations and dismissals
- Different forms of dismissals, including automatically unfair dismissals
- What happens when a fixed-term contract comes to an end.
- Resources available to try to prevent retrenchment processes – e.g. Contributions from Productivity SA and the Temporary Employer / Employee Relief Scheme (not the Covid version) are enclosed herein
- Obligations of an employer when the contract terminates, etc.

d) Covid-19 information

- This includes general information on ensuring a safe workplace under Covid-19 conditions.
- Information on the processes to follow should an employer wish to introduce a mandatory vaccination policy in a workplace.
- Resources made available to small businesses by the Department of Small Businesses

WILL THE MOBILE APP SERVE AS A ONE-STOP SHOP FOR LABOUR LEGISLATION AND JUDGMENTS?

The Mobile App covers content from most of the key labour statutes, including the Labour Relations Act (LRA), National Minimum Wage Act (NMWA), the Basic Conditions of Employment Act (BCEA) and the Employment Equity Act (EEA).

While judgments are not downloadable on the Mobile App, key learnings from important judgments are incorporated in the information sheets made available on the Mobile App.

HOW CAN THE LABOUR ADVICE MOBILE APPLICATION BE DOWNLOADED AND IS IT FREE?

The CCMA & BUSA Labour Advice App is available for Apple and Android users on Google Play and the Apple App store. The downloading of the Mobile App is at no cost to the Users. Once downloaded, you do not need data to read the documents.

The role played by the CCMA's Business Research Intelligence & Communications (BRICS) Unit in developing the marketing material and steering the marketing of the Mobile App and the Web Tool is greatly acknowledged.





The Minister of Employment and Labour, Thulas Nxesi, acting on behalf of the South African Government, on 29 November 2021, officially handed over SA's documents for registration and ratification with the International Labour Organization (ILO's) convention dealing with violence and harassment in the workplace.

The ratification is a significant milestone and coincides with the 16 days of Activism for the elimination of Gender Based Violence and Femicide (GBVF). Minister Nxesi said violence and harassment are a human rights violation and abuse and this instrument (the convention) provides a clear guideline for course of action to deal with the 'pandemic'.

Minister Nxesi said the documents have been endorsed by the SA government and the instruments will now be submitted for ratification with the Director-General of the International Labour Office of the ILO. He said the submission of ratification documents has been in the making for the past two years.

According to ILO, the C190 is important - because violence and harassment in the world of work cannot be tolerated.

"The C190 – provides a solid policy base to fight discrimination and gender based violence. The department in partnership with social partners have now developed a draft code of good practice for comment," said Minister Nxesi.

The Convention 190 (C190) provides for protection of workers



International
Labour
Organization

and other persons in the world of work, including employees as defined. Once a member signs the C190, they commit taking appropriate measures to:

- Monitor and enforce national laws and regulations regarding violence and harassment in the world of work;
- Convention shall be binding only upon those members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office;
- Ensure easy access to appropriate and effective remedies and safe, fair and effective reporting and dispute resolution mechanisms and procedures in cases of violence and harassment in the world of work.

A country signing the C190 has an obligation to ensure enforcement and appropriate remedies.

By submitting the instruments South Africa joins Argentina, Ecuador, Italy, Fiji, Mauritius, Namibia, Somalia, and Uruguay – that have ratified the convention.

ILO's SA-based Executive Director Joni Musabayana said the C190 was the first Convention which truly reflect the African continent's input.

Source: Department of Employment and Labour





On 28 October 2021 CCMA Emalahleni Office hosted a Take a Girl Child to Work with the Witbank High School grade 11 students.

Even with challenges experienced with getting permission from the school to release the students due to COVID-19 regulations and other internal budget constraints, the event was a success.

Mr Sipho Mlangeni, the Provincial Administration Manager so availed his car to make 2-3 trips picking the young girls from school to the office and back without any cost to the CCMA.

The CCMA Emalahleni had representative from all internal departments and also added Mr. Mothibedi Bosiu to talk about the role of Communications Sub-unit in the CCMA whilst Ms. Mankeke Mmamakoko, Case Management Officer (CMO) spoke on the importance of ICT.

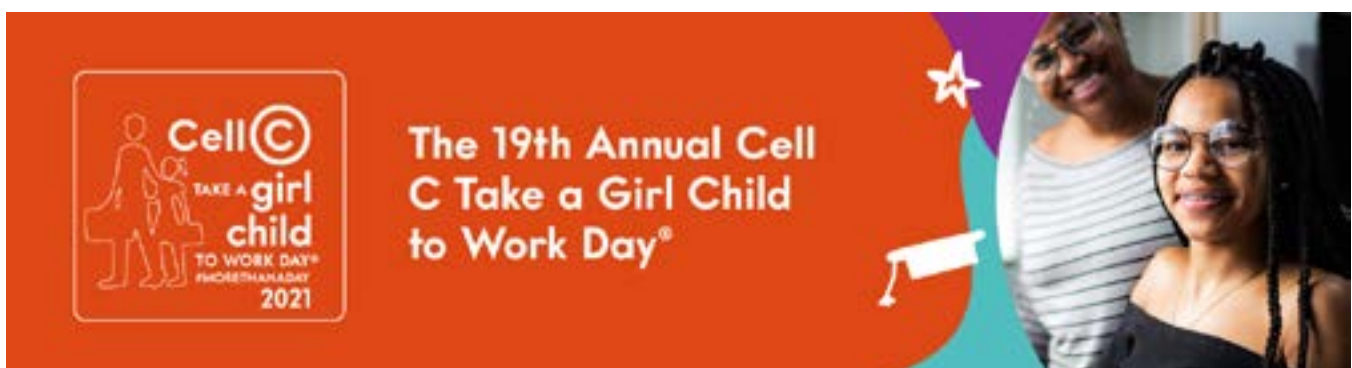
The young girls from the Witbank High School were given a brief historical background on the origins of the CCMA, its duties and mandate and thereafter all speakers gave a presentation on the different departments and what they do.

To say the student were active will be an understatement because for a session that was set to start at 12:00 – 14:00 it ended up ending at 16:00 because of their interest and participation was on other level” said Pinkie Setladi.

The students were further taken on a tour of the CCMA office which started from the security desk and ended in the archives unit.

The students were very excited and thankful for the invitation and the learning experience.

During their vote of thanks, the students mentioned that they have learned a lot, not only about CCMA, but corporate world as whole and showed interest in observing CCMA processes in future.



WHY DID YOU GET VACCINATED?

RATWA PHILLIMON RAKALE

I have seen a number of very healthy people passing away, especially those who were buried as a family of five in Mamelodi (Parents and three siblings). I always prefer taking health precautions when I know that they will assist in protecting my life. I have also seen a health professional who is my neighbour, testing positive after having vaccinated and it was a positive sign for me that confirmed that when you are vaccinated there is basically no complications at all compared to when you are not vaccinated. That was the basis of my decision, plus "I am a good citizen" (laughing).

ROY ELS

I was initially skeptical of the Covid-19 vaccination, being even newer that the Coronavirus itself. I heard and read a lot on social media, from friends and colleagues and unfortunately their skepticism made me hesitate even more. I started seeing friends, colleagues, fellow churchgoers, neighbours and other community members becoming extremely ill and many dying of the virus. However, I was still hesitant. Then Covid-19 hit me in October 2020. I became very ill and realised how easy one could just stop breathing and pass away. The feeling was of the proverbial 'elephant on the chest' as it was extremely difficult for me to breathe, get up, walk and do anything else...trying to survive was extremely hard. . I thankfully reached the peak and started recovering... a blessing that many people did not have. I then realised that I wanted to be able live as we had before the outbreak. I miss being able to get together with my extended family for holidays and going to fun places like waterparks/ theme parks. I then started looking into the Covid-19 vaccinations and that is when the Pfizer product became available. The reasons spurring my vaccination were the need for me to preserve my health, those around me... I needed to allay my fears and ultimately get vaccinated. I hope my story will assist others with the same fears.

MPHO SEHLOHO

I got vaccinated because I believe the vaccine is effective and can reduce the risk of getting and spreading the COVID-19 virus. It reduces the chances of me being sick and hospitalised and the need for incubation well as death from the virus. For me as someone living with a chronic condition, getting vaccinated meant increasing my chances of survival if I were to get test positive for COVID-19. It reduces the chance of transmission. Hence, I chose to be vaccinated.



DARREN COLBY

Being in the work environment, experiencing all these events and personally contracting the COVID-19 virus, I am, without a shadow of any doubt, lucky to be alive. I was diagnosed with the virus early in 2020 and regrettably, I did not qualify for the vaccination prior to my contraction. Whilst in isolation, I lost more than seven (7) kilograms (kg) during the ordeal. I recovered at home and, as luck would have it, my physical fitness, positive attitude and the support from my wife and family helped me recover from the disease.

Firstly, I am of the belief that the Covid-19 vaccination that I took helped me stay healthy because it has always been recommended that vaccinations be taken throughout our lives in order to protect us against the many infections; time immemorial. When you skip vaccines, you leave yourself vulnerable to illnesses. It is important to note that vaccine-preventable infections can be deadly. Additionally, when I observed the trends during the covid-19 pandemic I realised that young and healthy people were also getting very sick as well. Moreover, when you get vaccinated, you are protecting yourself and your family as well as those in your community who may not be able to be vaccinated. These reasons were the main motivation behind my getting vaccinated.

With my testimony presented, I would like to encourage everyone not to only protect themselves, but their friends and family as well; by vaccinating. If you are unsure and do not know whether or not to take the vaccination, consult your medical doctor or conduct your research about the same.

AMOS TSHABALALA

Greetings CCMA Family. I saw it overly important, given the severity and potency of the virus upon our midst, to vaccinate against Covid-19.

This was no longer about my health, I needed to protect my family and in the bigger scheme of things, my beloved country and its people. I believe that if we all vaccinate, our economy will quickly be on its way to speedy recovery. I overcame my anxiety about the COVID-19 vaccine and I can confidently state that the vaccination process was seamless and that after my first jab I only had a mild headache and tiredness after vaccinating, which soon vanished after two days.

When I took my second Pfizer jab, I honestly suffered no symptoms. I therefore encourage all eligible persons to vaccinate against the COVID-19 Virus.



The below are "Thank you letters" received from staff members who had/have received the Wits scholarship opportunity

By Bongi Sosibo

It was a great pleasure and privilege to be amongst CCMA staff who were awarded a scholarship to study for the Labour Dispute Resolution Practice (LRDP) qualification at the University Of Witwatersrand (WITS). The scholarship which entailed training on the CCMA Commissioner process, covered numerous aspects, including, amongst others, the Conciliation process; the Mediation process and the drafting of Arbitration awards. It was an eye-opening experience that gave us a practical experience of what we have long theorized. The practical platform helped me understand the reasoning behind the CCMA processes.

The highlight of the training was us learning about Empathy during hearings. The training also coincided with the prevalent Covid-19 Pandemic and exposed us to new experiences as traditionally this would have been a class set-up with the lecturer and students all in one venue, however, it was undertaken virtually

We were very fortunate to have been provided with a very committed team of facilitators thus leaving us to concentrate on our studies without being a burden on the ETD team that provided us the assurance that they were merely a call away.

I would like to congratulate the ETD Unit on a job-well-done; in most cases one finds themselves going back and forth between the Unit and the service provider. However, this time this was not the case.

In conclusion; thank you ETD for affording my colleagues and I an opportunity to advance our professional careers by ensuring that we are suitably qualified to take on the responsibility of fulfilling the CCMA's mandate.



Bongi Sosibo

By Nokuthula Phakathi

I will forever be grateful to the sponsors and the CCMA for the remarkable experience and the support I received from the ETD Unit throughout the course of study, amidst the Covid-19 pandemic. It was a very challenging period especially when it comes to lectures as one could not attend physically. However, the ETD unit together with management assisted us with connectivity issues and allowed us to login into our sessions through the CCMA network for study purposes. We were accommodated from inception until the final lap of the study period. Studying LRDP has been a huge gain on my academic profile. It has also equipped me a lot, work-wise, in that I have attained more information that underpins my daily operations. I am a Case Management Officer and I deal mainly with the Employment Security Unit portfolio wherein I am expected to carry out my obligations in a manner that will enhance the values of the organization as well as social justice. I can now give telephonic advice on labour affairs with a full understanding of the factors applicable in the labour dispute resolution exercise. There is a lot more to mention, however this is just a tip of the iceberg. The sponsorship has really been generous to me and I have no words enough to extend my gratitude for having received such an auspicious moment.



Nokuthula Phakathi

By Kim van der Merwe

I would like to thank the ETD unit and everyone who was involved in assisting me to make the process easier and ensuring that I was in constant contact with the university. It is not always easy to do online learning, but I had a pleasant time working with everyone involved; everyone was always available to help me. I really enjoyed this course as tough as it was, but I made it through. I hope to be working together with you again in the future.



Kim van der Merwe



The Commission for Conciliation Mediation and Arbitration (CCMA) has a library of legislations that it must comply with. One of these legislations is the Public Finance Management Act (PFMA), 1999 (Act No.1 of 1999) (the PFMA).

WHY THE PFMA?

The purpose of the PFMA is “to regulate financial management, ensure that all revenue, expenditure, assets and liabilities are managed efficiently and effectively and provide for the responsibilities of persons entrusted with financial management and to provide matters connected therewith”.

According to Section 53(1) of the PFMA, “the Accounting Authority must submit, at least six (6) months before the start of the financial year, a budget of estimated revenue and expenditure for that financial year, for approval by the Executive Authority. Section 53 (4) on the other hand, states that “the Accounting Authority is responsible for ensuring that the expenditure is in accordance with the approved budget”.

WHY THE NEED FOR BUDGET PRIORITISATION?

The emergence of the COVID-19 pandemic has brought on unprecedented challenges for the South African government, where the National Treasury had to implement drastic fiscal measures to re-prioritise government funds to manage the COVID-19 pandemic. One of the implemented fiscal measures was in-year budget cuts for all government departments and public entities. The CCMA as a public entity was also impacted by the budget cuts. It was, therefore, necessary for the CCMA to re-prioritise its limited budget in adherence to National Treasury requirements. From the CCMA point of view, the in – year cuts resulted in the CCMA suspending the use of Part – Time Commissioners, halting User walk – ins into CCMA offices as well as putting on hold training, conferences and other value – add activities, amongst others.

HOW CAN THE CCMA MITIGATE AGAINST NON-COMPLIANCE TO SECTION 53 (1) AND (4) OF THE ACT?

The CCMA must ensure that:

- There is a process in place to facilitate the design and submission of its budget.
- Organisational expenditure is in line with the allocated budget.
- There is an enforcement process on the approved CCMA PFMA's Delegation of Authority on expenditure.

WHAT INTERNAL CONTROLS ARE IN PLACE IN THE CCMA TO ENSURE COMPLIANCE?

- Approved PFMA Delegations of Authority.
- Approved Policy on Financial Management.
- Approved Standard Operating Procedure on Budget Management and Reporting.
- Approved budget.
- Mid-term budget reviews are conducted.

NON-COMPLIANCE TO THE ACT MAY RESULT IN THE FOLLOWING:

- Accounting Officer being found guilty of an offence and may be liable to a fine or imprisonment for a period not exceeding 5 years.
- Control failures.
- Reputational damage.
- Audit findings.



The King IV Report on Corporate Governance in South Africa (2016) advocates for an inclusive stakeholder management approach, in which the Governing Body of an organisation must genuinely consider the perspectives of their stakeholders when making decisions on good governance, including issues of social well-being, environmental integrity, and other sustainability considerations, with a focus on seeing the organisation as an integral part of society valuing good corporate citizenship. According to King IV (2016), stakeholders can be defined as a group of individuals who can be reasonably expected to be significantly affected by an organisation's business activities, outcomes, and outputs, or whose actions can reasonably be expected to substantially affect the ability of an organisation to create value over time. Research posits that organisations become responsive to challenges and opportunities presented by the triple context (social, economic, and natural environment) in which they operate by considering material stakeholders' expectations, needs and interests rather than prioritising the interests of financial capital providers (OECD, 2016).

Therefore, the King's principle 16 recommends that in order for the Governing Body to know and understand the legitimate and reasonable needs, interests and expectations of the organisation's categorised stakeholders, it must implement the following practices:

1. Undertake the responsibility for the governance of stakeholder relationships by establishing how stakeholder relationships should be treated and managed in the organisation.
2. Approve policy that articulates the direction of stakeholder relationships.
3. Delegate to Management the responsibility for implementing and executing effective stakeholder relationship management.
4. Maintain ongoing oversight of stakeholder relationship management and ensure the following:
 - a. That there are methods for identifying individual stakeholders and stakeholder groupings;
 - b. That there is a process of determining material stakeholders centred on how they affect or are affected by the activities and outcomes of the organisation; and
 - c. That stakeholder risk is managed as an integral part of organisation-wide risk management.
5. Ensure formal methods for engagement and communication with stakeholders, including the use of dispute resolution mechanisms and associated processes.
6. Measure the quality of material stakeholder relationships and appropriate responses to the outcomes.
7. Disclose the following information concerning stakeholder relationships:
 - a. A summary of the arrangements for governing and managing stakeholder relationships;
 - b. Main areas of focus during the reporting period; and
 - c. The steps taken to monitor the effectiveness of stakeholder management and how the outcomes were addressed.
8. Identify future areas of focus.

CCMA COMPLIANCE WITH PRINCIPLE 16

- The CCMA's Governing Body is responsible for the governance of stakeholder relationships by setting the strategic direction on how stakeholder relationships should be treated and managed.
- The Governing Body approves policy and frameworks that articulate the direction of stakeholder management in the CCMA.
- The Governing Body has delegated the oversight of stakeholder management to the Governance, Social, and Ethics Committee (GSEC) to appraise the Governing Body of any critical matters that arise in relation to stakeholder relationship management.
- The CCMA has established a Stakeholder Management and Projects Unit that is responsible for implementing the Integrated Communications and Stakeholder Management Policy, Stakeholders Management Framework and Strategy, as well as creating, monitoring and evaluating critical strategic partnerships that align with the CCMA's brand.
- The CCMA engages in open and transparent, mutually beneficial relationships, and the risks that may arise from stakeholder relationships are managed as an integral part of an organisation-wide risk management process.
- The CCMA discloses, in its Annual Report, information such as for governing and managing stakeholder relationships, focus areas for the financial year and steps to monitor the effectiveness of stakeholder management function.





CCMA

COMMISSION FOR CONCILIATION, MEDIATION & ARBITRATION

1996-2021

*The CCMA wishes you
and your family a
Merry Christmas and
Happy New Year*



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

