

# CCMA InTouch



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

# HIGHLIGHTS

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## **'OUR ABILITY TO DELIVER ON THE CONSTITUTIONAL MANDATE WITH LESS'**

Greetings to our resilient CCMA Family and our trusted stakeholders. As usual, I am pleased to bring you the latest copy of our quarterly newsletter; the **CCMA InTouch**. This platform is just one of the means we use as the CCMA to remain in continuous engagement with our stakeholders whilst also keeping you abreast of all strategic engagements or developments transpiring within the CCMA; nationwide.

With the month of March having been dubbed "**Human rights month**", it is only pertinent that we use this time, as a nation, to reflect on the historic events that led to our celebration of this month and most specifically, our commemoration of Human rights day 21 March 1960.

Each year on the 21<sup>st</sup> of March, we as a nation remember the Sharpeville massacre that took place 62 years ago and claimed the lives of some 250 or more people who participated in that march. Those who lost their lives formed part of the anti-pass campaign; a campaign that was intrinsically connected to the right to dignity. The notion of human dignity has its basis in both Western philosophy and African tradition and has been described as a universal right as also supported by our country's Constitution.

As the embodiment of the protector of **human rights**, particularly labour rights in South Africa, the CCMA

has and continues to play a significant and valuable role in the transformation of the South African labour market through the advancement of economic development, **social justice**, **labour peace** and the democratisation of the workplace. Human rights month is therefore so much more than just planned activities at the CCMA; it is about giving effect to the values enshrined in the Constitution by building a nation that upholds human dignity.

During the production of this edition, which marks the closure of the CCMA's fourth quarter, it offered us an opportunity to reflect on some of our achievements that were realized despite the challenges brought on by the Covid-19 Pandemic and the general budget cuts affecting all public entities. The below is but a synopsis of these major feats attained by the CCMA in the last financial year:

- The CCMA has performed at 100% during the quarter 1 and quarter 2 with all targets being achieved, despite the budget constraints and vacancy challenges that the organisation found itself in.
- During the quarter 3 of the 2021/22 financial year, 13 858 (44%) jobs were saved, rising from the CCMA's facilitation of Section 189A processes from a total of 31 653 employees likely to be retrenched.
- In quarter 4, the CCMA has heard a number of Covid-19 mandatory vaccination cases, all of which have been redlined.

Whilst the CCMA is currently contending to an influx in its caseload, this more than anything speaks to the labour markets immobilized understanding or awareness of their labour rights. This above all, speaks to the ease at which the labour market; specifically the CCMA's users are finding the CCMA's services relatively accessible.

We hope that you will enjoy this quarter's publication as we usher in the new financial year; 2022/23 under our organizational strategy; *Imvuselelo-The Revival*. Let us, together, work towards reviving our labour market.

Enjoy the read.

#WeGotThis



## CCMA DIRECTOR ADDRESSES THE 4TH ANNUAL LOCAL GOVERNMENT LABOUR LAW SEMINAR

On Tuesday, 29 March 2022, the CCMA Director Adv. Cameron Morajane delivered his keynote address at this year's 4<sup>th</sup> Annual Local Government Labour Law seminar.

One of the objectives of the seminar was to create an enabling environment for effective advocacy and constituency immersion on South African Local Government Association (SALGA) programmes and interventions in the arena of employment/labour law and labour relations management. Having started in 2018 under the theme "Advancing an Effective Labour Relations System that Promotes Compliance and Good Governance" the seminar continues to provide a platform for discourses centered on labour practice, labour relations management, performance management, etc.

This year's seminar which was held over two days (29-30 March 2022) in Sandton was also attended by the following thought leaders; Rio Nolutshungu: Chief Officer, Municipal Capabilities & Governance – SALGA, Dumisani Magagula: General Secretary – SAMWU and Johan Koen: General Secretary – IMATU. Adv. Cameron Morajane's address focused on 'Covid-19 Experiences – A Perspective from the CCMA' which touched on some of the critical issues that has since arisen in the labour market as brought on by the Covid-19 Pandemic.

"As we deal with and submit cases of Covid-19 mandatory vaccination disputes to the CCMA, we must keep in mind that these cases are supported by a plethora of legislation, not just employment law and that this is the package to have whenever you appear in front of a commissioner to argue these matters. That is significant," Morajane said.

When dealing with such disputes, he stressed the importance of understanding the Labour Relations Act 66 of 1995, Employment Equity Act 55 of 1998, Occupational Health and Safety Act 85 of 1993, Disaster Management Act 57 of 2002, and subordinate legislation. The CCMA is mandated by the constitution and other statutes' legislative framework to promote social justice and fairness in the workplace by delivering ethical, qualitative, innovative, and cost-effective dispute resolution services. "Dealing with Covid-19 mandatory vaccination case requires a clear mind, as these cases have a plethora of legislation that applies to them," Morajane added.

He also stated that when cases are presented to the CCMA, the majority of them are heard based on the Labour Relations Act, 66 of 1995 (as amended) which is a shortcoming on the decision making process because when dealing with mandatory Covid-19 vaccination cases, various legal frameworks, such as the disaster management Act, etc. need to be considered. "At all costs, we must visit the original and sub-original of the legislation in order to win the battle and be fair in our representations," Morajane stated.



All cases presented to the CCMA that cited mandatory Covid-19 vaccination issues were red-lined and centralized to the Director's office. The CCMA Director then determined on the basis of the Commissioners' skills who would oversee each matter due to strategic and national importance each matter or outcome carried.

Adv. Morajane concluded his presentation by sharing some of the challenges and experiences as pertains to the mandatory Covid-19 vaccination matters before the CCMA in order to allow for robust engagements amongst those in attendance:

- ❖ Most of these cases were settled based on financial terms and only a few called for the reinstatement of the applicants; which invariably translated to an influx in job losses as a settlement meant that the applicant, whilst privy to the money-paid out, would be in effect without employment.
- ❖ The increase in settlement was more often than not brought on by the failure of employer's to follow due procedural fairness in their decision making; making it far more challenging for the applicant to consider reinstatement due to the broken trust.
- ❖ The conflation of issues usually brought on by the lack of communication between the parties on what exactly the employees are being charged for.
- ❖ There needs to be a balancing of realities between the employer and the employees especially as it pertains to issues of mandatory Covid-19 vaccinations and the balance of individuals' human rights.

The CCMA Director emphasized the need for social justice and labor peace as the core drivers when dealing with cases before the CCMA, "both these parameters help with the stabilization of our labour market and the rebuilding of our economy, which has been direly affected by the Covid-19 pandemic.

## A CELEBRATION OF THE LIFE OF CCMA'S FALLEN HEROES

**"Gone, but never forgotten"**, that was the theme of the CCMA's virtual candle-light ceremony held via on Thursday, 17 February 2022, in efforts of paying tribute to the members of the CCMA family who had recently passed on during the 2021/22 financial year.

The hybrid event; held both virtually and

involved in the planning and execution of such an important and remarkable gathering and further emphasised its importance.

"This event is an opportunity to pay tribute to, reflect on, and acknowledge the contributions made by our CCMA fallen heroes", said Adv. Morajane. "As

*come again and receive you unto myself, that where I am you may be also. This is the living text that I want us to have in mind as we celebrate the lives of our departed. I think for as long as we live, we will never forget this period. Today we want to take the time and really think about our fallen heroes, our health, our families, and life in general. Let us all be happy as we do not know or have the timeline of the days left of us on this earth".*

The CCMA family and, particularly the managers, were encouraged to support their subordinates as these were indeed trying times where the precious gift of life had to be appreciated. In his closing remarks, the director pleaded for unity in the CCMA in order to inculcate the ideals of a true family; the CCMA Family.



in-person across all CCMA offices,, under the helm of Programme Director – Mr. Mthembeni Ncanana, celebrated the contributions made by the late CCMA family members in efforts of delivering on the organization's mandate. In his opening remarks, the Acting Executive: Corporate Services indicated that the service was held to celebrate the lives of the CCMA's fallen heroes, to honour their memory and to remember the contributions made by each of the fallen heroes to the CCMA and also towards their families.

In ushering the delivery of prayers from the identified religious/spiritual leaders (**Christian religion:** Malathisi Qamgana, **Hindu religion:** RSC Ravi Naidoo, **Muslim religion:** Muhammad Jassat, **Jewish religion:** Peter Fine), attendants were requested to set their candles alight signifying the fallen heroes' transition from this world. Beautiful, heartfelt, impactful and purposeful prayers and well wishes were imparted by the various religious/spiritual leaders in efforts to uplifting the colleagues, families and friends of the fallen heroes and a reminder that "He heals the brokenhearted and binds up their wounds"

Before giving his words of encouragement, the CCMA Director Adv. Cameron Morajane, thanked all teams who were

such, it is important that such events are honoured and attended by all CCMA staff in order for all of us to collectively pray and heal as a family".

Below is an excerpt from the CCMA Director's address:

*"It is well-known that Covid-19 has come with many life-threatening complications, some of which include the loss of life, employment and the influx of numerous psychological ailments such as Anxiety and Depression. As the CCMA, we are not immune to these challenges. We have heard, seen, and felt the pain our colleagues and some of us, have gone through. Whilst some were admitted to hospitals, some chose to resign and sadly, some lost their lives. It is for these reasons that I as the CCMA Director, opted to draw my strength in order effectively lead the organization, from John Chapter 14, which talks of a time like this; a time of pain and loss, a time of suffering and struggles.*

*The John chapter 14 verse 1 to 3 says, "let not your heart be troubled. You believed in God, believe also in me. In my father's house there are many mansions, if it were not so I would have told you so. I go to prepare a place for you. Verse three says, If I go and prepare a place for you, I will*

As a lasting token of remembrance, Mr. Ncanana introduced a video of all the CCMA fallen heroes who had passed away during the July 2021- February 2022 period. This was accompanied by a musical item from Jo Dee Messina – **Heaven Was Needing a Hero.**

"We pray for their families; we pray that we remember these heroes and that we reach out to each other during this difficult time. Those who have experienced death, pain, and suffering in their families know that we are all in this together, seek help when the pressure of life overwhelms you," Ncanana closed.





CANDLE LIGHT CEREMONY IN PICTURES





*Spearheaded by the national car tracking company, **Tracker**, the Tracker Tomorrow's Man event is aimed at empowering young men by exposing them to positive role models, giving them career guidance, and exposing them to the world of work thereby inspiring the career goals.*

As part of the CCMA's Corporate Social Responsibility (CSR) initiative, on 16 March 2022, the CCMA together with the Department of Basic Education visited and hosted 15 grade 12 boys from Simunye Secondary School based in Bekkersdal. The event was also attended by representatives from NYDA.

The various officials' presentations covered a wide range of topics, including how the young boys could get funding to further studies and also if they were interested in securing funding for their business ventures. Presenters also spoke about the need for the young men to look after themselves, how they could better equip themselves for the world of work and also the various career options accessible from the various entity's that the presenters worked within.

The boys actively engaged with the presenters and followed up with a number of questions signaling their enthusiasm

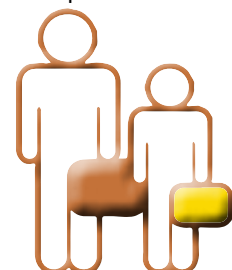
in the programme at hand. Mr. Amos Tshabalala, the CCMA's External Communications & Media Liaisons Officer, facilitated the session and gave the following overview to the programme: "Our participation in the Tomorrow's Man initiative ties in well with our Cell C Take a Girl Child to Work Initiative. However, today's session is more focused on the varying avenues made available for young men in order to assist you in making critical subject and career choices," Amos said in his opening address, "We want you, as South Africa's young men to grow up to be responsible citizens and future leaders of our country."

The Tracker Tomorrow's Man event aims at prioritizing the needs of young men as it has been noted that they have since been sidelined in most societies leading them to partake in behaviors that would otherwise be deemed socially immoral. Any society's future is dependent on the positive shaping of its youth as they are recognized as the custodians of a country's future. Thereby by creating an enabling environment, it is believed that the young people; specifically the young men in this regard, can realize their potential and recognise the significance of their contribution to South Africa's

development.

"The ethos of the programme really resonates with us at the CCMA because education and the youth are close to our hearts," said Commissioner Nhlanhla Ndaba. "We want to remind these young men that the world is their oyster and that they can aspire to be more than what society makes them feel they are. They are our future, and we hope we can do what we can through such initiatives to ensure that we contribute to the development of South Africa."

The day ended on a high note, with the boys' receiving certificates and goodie bags that served as memoirs for them to remember the day's event. Ms. Tsholofelo Mogatusi, a clearly ecstatic Department of Basic Education life skills coach, facilitator, and teacher thanked the CCMA's leadership in this regard as well as their unwavering support and a keen interest in reviving the importance of education.





## TRACKER TOMORROW'S MAN IN PICTURES





## THE NEED TO DEEPEN WORKPLACE DEMOCRACY

Workplace Democracy - is the application of democracy in various forms (examples include voting systems, debates, democratic structuring, due process, adversarial process, systems of appeal) to the workplace. It can be implemented in a variety of ways, depending on the size, culture, and other variables of an organization. (Ref: Ranuka (2008) and Centre for learning in action (2017)),



Given the current challenges to our Constitutional democracy, the deepening of workplace democracy should become a high priority. The events of the recent past in the country show an overwhelming expression of impatience and anger in the face of those in power, both politically and economically, not listening to the disquiet prevailing across vulnerable sectors of our society. The July 2021 unrest showed in the starkest form what organised unrest can look like. The levels of poverty and unemployment, coupled with gross inequalities, produced the ideal tinder for the fires of unrest spreading beyond simple unhappiness with the arrest of previous President Jacob Zuma. Economic losses and damages are said to have been in the vicinity of R50bn, coupled with tens of thousands of lost jobs plus hundreds of thousands of lost job opportunities.

The non-registration of millions of youth people for the local elections held on 1st November '21 and the additional millions of registered voters staying away from the elections can only be seen as a growing rejection of the current political system of how democracy is practised in the country. How will these disenchanted sectors of society express their views in the future – on the streets and in lawlessness as we see in numerous countries across the world? What impact will this have on our economy and jobs market?

'Research has shown that workers employed in the South

African economy and in the public service have a union density of 23%, meaning that employers can determine the conditions of employment and wages as they see fit for 77% of the workforce. It is a reality that unions lose members to rival unions in the same workplace, sector, or industry; unions fish in the same pond and do little to organise the unorganised workers; and service to union members has taken a back seat,

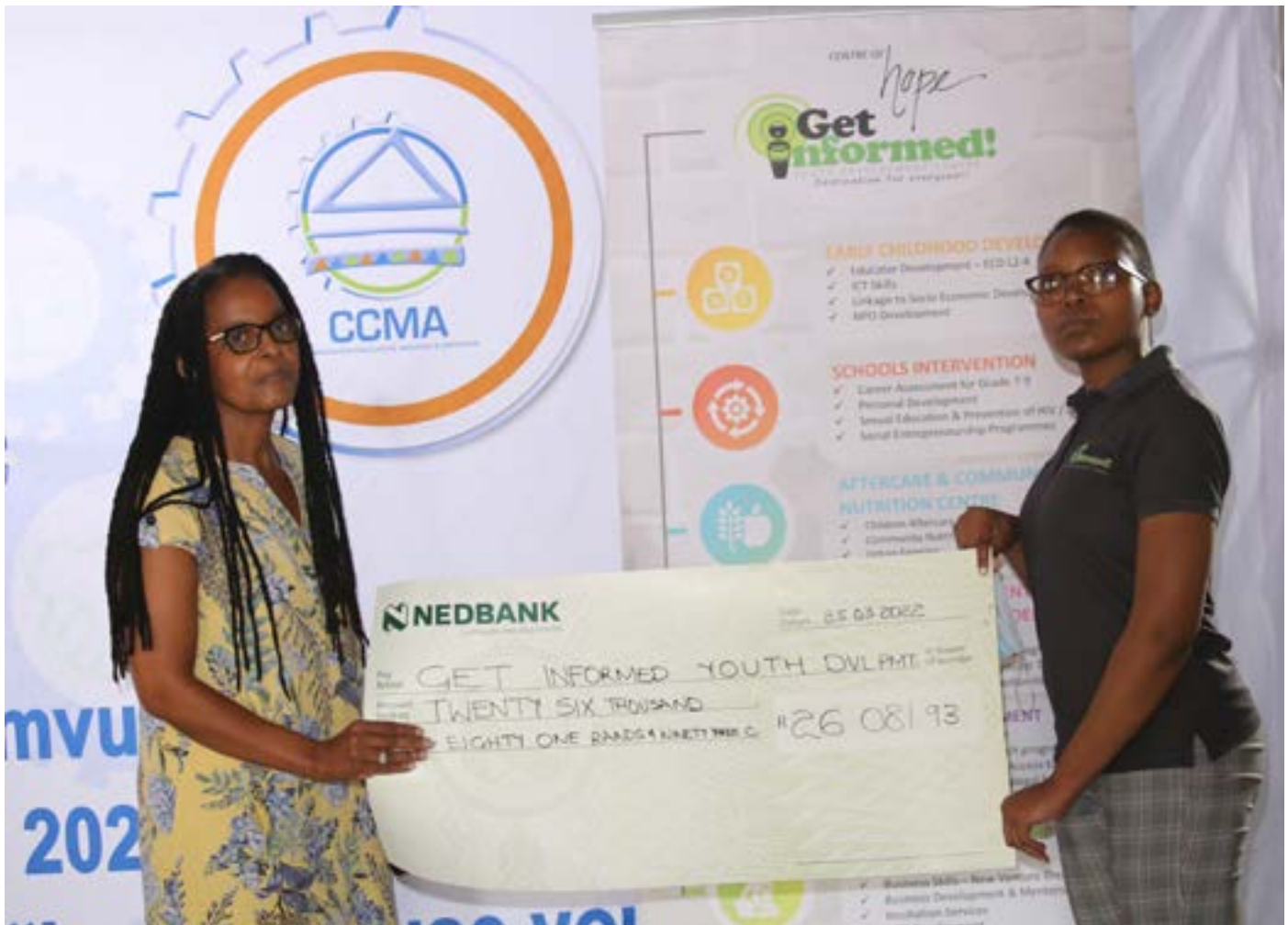
and union organisers are occupying most of their working hours at the CCMA and the dispute resolution centres' (Daily Maverick March 2021).

In addition, the CCMA experiences hundreds of s73A claims and unilateral changes to terms and conditions disputes. Research also highlights the disturbing non-compliance factors relating to labour legislation, with agriculture at a high of 35% - 40% non-compliance levels. Our economy keeps sliding; social justice remains an elusive dream for thousands if not millions; jobs are being lost to technological and climate change realities, and youth unemployment increases. These challenges may soon be visualised in increasing unprocedural industrial actions across the labour market, as workers respond to the socio-economic pressures in the absence of capacitated worker leadership.

The CCMA with its respected brand name can still influence these happenings to a greater extent, whilst significantly reducing the number of labour disputes (possibly targeting a 25% reduction in referrals) through a more concerted focus on deepening democracy in workplaces, including the promotion of workplace forums in non-organised workplaces. The promotion of meaningful organised labour unity, facilitated by the CCMA, should provide the foundation platform for this initiative - encouraging the doubling or trebling of union membership numbers across the labour market. This should secure belief in the system of collective bargaining, rather than workers opting to take to the streets in unprocedural actions. Allocation and dedication of CCMA resources, even in the face of budgetary constraints, should provide the necessary return on investment if a critical mass change is targeted and achieved.

### Reference

*Rayasam, Renuka (24 April 2008). "Why Workplace Democracy Can Be Good Business". U.S. News & World Report. Retrieved 2021-06-24.*



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**YOUTH IN LABOUR  
THINK TANK**

## BUSINESS CONTINUITY – A SHORT STORY

### WHAT IS BUSINESS CONTINUITY PLANNING?

**Business continuity** is the ability of an organisation to continue its critical operations in the event of a disaster or other unexpected disruption. Unexpected disruption may take place in the form of ICT system failure, natural disasters such as floods and/or fires which may prevent access to resources such as your premises, pandemics whereby governmental regulation affects service delivery, and/or strike action whereby key staff/skillsets may not be available. These are just a few examples in which business disruption may occur.

### OBJECTIVE OF BUSINESS CONTINUITY PLANNING

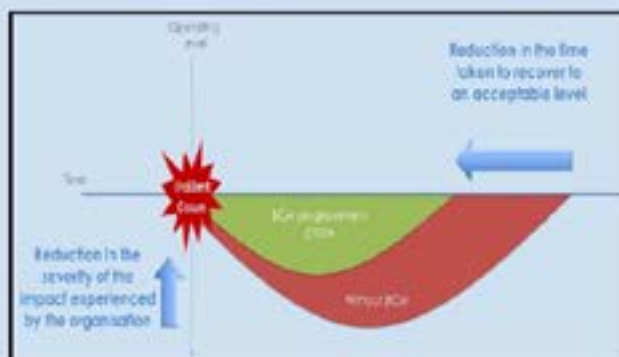


Figure 1: Objective of BCM



Figure 1 portrays the main objective of a business continuity management (BCM) programme, which is to limit the potential impact an organisation may be exposed to, as well as to reduce the time taken to recover from unforeseen incidents / disasters. The forward-thinking approach will assist and enable organisations to respond and react to unforeseen incidents more effectively and efficiently.

### CCMAS APPROACH TO IMPLEMENTING A ROBUST BCM PROGRAMME

The CCMA is implementing the BCM programme in alignment with the Business Continuity Institutes (BCI) "Good Practice Guidelines." The approach follows six professional practices which encompass both Management Practices and Technical Practices as displayed by Figure 2. A high-level detail of the approach entails collaboration between key stakeholders such as executive management, business unit heads and operational staff, to provide inputs in identifying key requirements to enable business continuity. The information is analysed and utilised to develop business continuity strategies, business continuity plans, and governance documents.



Figure 2: Good Practice Guideline Implementation Lifecycle

In summary, a business continuity programme allows an organisation to take a proactive approach in identifying known and unknown variables. The successful application of business continuity increases an organisation's resilience which, in turn, contributes to higher corporate performance. Resilience is widely defined as the ability of an organisation to absorb, respond to and recover from disruptions. Business continuity uniquely provides the framework to understand how value is created and maintained within an organisation and establishes a direct relationship to dependencies or vulnerabilities inherent in the delivery of that value.



# DEPRESSION – THE SILENT KILLER THAT OFTEN TRIGGERS SUICIDE

Talking about Depression and suicide can save a life - South African Depression and Anxiety Group (SADAG)

Depression is one of the most common psychological mental disorder that has gained prominence both globally and in South Africa. According to a 2012 World Health Organisation report, Depression will be the worst epidemic ever noted come the year 2030; in comparison to other illnesses/disorders worldwide. "When only the disability component is considered in the burden disease calculation, mental disorders account for 25.3% and 35.3% of all lived-with disabilities in low- and middle-income countries, respectively," the report stated.

Annually in February, the South African government commemorates Teen Suicide Prevention Week between 14 – 17 February in partnership with the South African Depression and Anxiety Group (SADAG) and the National Department of Health to create an awareness on how, through taking action, one can help support a teenager or any person who may be struggling with either Depression or Anxiety prompted suicidal thoughts.

Since the outbreak of the Covid-19 pandemic, South Africa has lost close to two million jobs; meaning approximately more than 10 million people have since lost their jobs. This equates to one in every four adults who are ready and willing to work but being unable to find a job. For young people, the statistics are even worse; owing to the inflated number of youth being unemployed as recently reported by Stats-SA. This is, without a doubt, a national emergency.

This dire situation should prompt us to consider what we can do differently, as the continued use of the same methodology will only reap dire results especially for the Youth population. In response to this national plight, the South African government has taken prompt steps to stimulate the economy by introducing a series of infrastructure-related projects, seeing to the reformation of state-owned enterprises and the reduction of "red tape" being accelerated. Whilst this has been a key priority for the said government, little focus has been granted to the psychological plight of the Teenage or young adult without an viable opportunity to generate an income in the dire economy that the country finds itself in.

Mr. Nevem from SADAG and Clinical Psychologist Ms. Sharon Auld state that suicidal thoughts are frequently triggered by a

strong desire to escape despair and pain or the recurrence of traumatizing events. In South Africa, mental illness is still widely stigmatised, preventing most people from seeking help and or talking openly about their problems.

Whilst still taboo, the recent suicides of local popular artists such as, HHP (Hip Hop Pantsula) Jabulani TsamboRiky Rick (Rikhado Makhado) and veteran actor Patrick Shai have reignited the importance of taking one's mental health very seriously. The authors further state that "despite profound sociocultural changes we have experienced since the beginning of the new millennium, mental illness continues to be stigmatised. It is equated to labels such as 'being defective', 'weak' and 'failure', which often intensifies the reasons for those affected to rather opt for keeping mum about their issues; unfortunately making them most susceptible to suicidal thoughts.

The death and cries of our citizens; young and old, affected by either Depression and Anxiety need to be the wake-up call the nation needs to start having vital conversations about the mental health issues in efforts of immobilizing the development of more support-based initiatives aimed at; quite importantly; saving lives.

The notion that Mental illness is not a legitimate medical condition; needs to be eradicated.

## **WHEN AND WHERE TO GET HELP**

If you are unable to cope with feelings of despondency, limited zeal to be productive at work, irrational thoughts that evoke irrational fear, feelings of being worthless, increased idealization of suicide or the increased interest in suicide, etc PLEASE, seek help immediately. The following institutions provide mental health support free of charge:

- SADAG: 080 012 1314
- Adock-Ingram Depression and Anxiety Hotline: 080 070 8090
- Lifeline SA: 086 132 2322
- Befrienders Bloemfontein: 051 444 5000

You can also consult your general practitioner, who will either prescribe medication or refer you to a specialist, counsellor, therapist, or support group.

Help is available. Seek Help.



## FOSTERING AN EQUITABLE WORKPLACE

The Commission for Conciliation Mediation and Arbitration (CCMA) has a library of legislations that it has to comply with. One such legislation is the Employment Equity Act, 1998 (Act No. 55 of 1998) (the EEA) as amended.

### WHY THE EEA?

South Africa has a history of varying kinds of discrimination, ranging from those based on one's race, gender and/or disability, all of which have consequently denied the majority of South Africans access to education, employment, promotion and wealth creation opportunities. The EEA was therefore enacted to address this legacy inequality and inequity with the primary purpose to "achieve equity in the workplace by promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination, and the implementing affirmative action measures to redress the disadvantages in employment, experienced by designated groups, in order to ensure their equitable representation in all occupational categories and level in the workforce."

### WHY EQUITABLE WORKPLACES?

Given the historical discriminatory practices in the national labour market which served as barriers on the advancements of designated groups (African, Coloured, Indian, women and people with disabilities), it is important, as envisaged on the EEA, for organisations to create and promote employment equity.

A report from the Department of Labour (2013), now referred to as the Department of Employment and Labour (DEL), indicated the prevalence of discrimination in South African workplaces in relation to the types of positions occupied in organisation, remuneration disparities and the extent to which some individuals in senior positions still lack decision-making influence in an organisation. Another report released by Statistic South Africa (2019) titled "Inequality Trends in South Africa" further corroborated the above submission in that it painted a dire situation of the extent of discrimination in the South African labour market. In essence, the findings alluded to a heavily racialised and gender-biased labour market which accounted for 74,2% of the overall income inequality that was noted; affirming the notion that South Africa is still one of the most unequal countries in the world (Statistic South Africa, 2019).

The EE Act recognises that the extent of the inequalities

realised cannot merely be remedied by the country's repealing of the discriminatory laws and practices, but it was important to enforce the elimination of unfair discrimination in employment and ensure implementation of employment equity to redress the effects of discrimination. To give impetus to the realisation of the objectives of the Act, the South African government, civil society, and the larger labour market were urged to adhere to the provisions outlined in the EEA, which seeks to remedy the inequalities imposed by the historic apartheid regime along with its accompanying discriminatory laws.

The importance of an equitable workplace is thus crucial if economic development is to be realised resulting in labour market stability wherein the labour force is treated with dignity in accordance with the EEA. Therefore, the implementation of the EEA is not only a legal requirement, but it is also a principle of adequate human resource management aimed at realising long-term growth and returns on human-resource development investments.

The EEA further emphasises "fair opportunities in the workplace" in efforts to enforce all employees being privy to equal opportunities and fair treatment. The law as stipulated in the act, protects employees and employers from unfair treatment and any form of discrimination. The law states that an employer cannot discriminate against any employee directly or indirectly through employment policy or practice on the grounds of race, gender, pregnancy, marital status, family responsibility, ethnic or social origin etc.

This means for the CCMA to achieve the aims of the EEA, it is required that the implementation of fair opportunities must be made available to all the employees. The CCMA must create fairness in processes such as the recruitment process, remuneration and benefits, amongst others. This will create an enabling environment for the employees to effectively conduct their duties. Furthermore, regular awareness training interventions must be conducted to address issues of diversity, unfair discrimination, and fairness.

In accordance, the EEA aims to redress injustices of the past by implementing [affirmative action](#) measures. According to the EEA, it is not unfair discrimination to take affirmative action consistent with the purpose of EEA or to prefer or exclude any person based on an inherent job requirement. Section 15(1) of the EEA states that "affirmative action measures are measures designed to ensure that suitably qualified people from designated groups have equal employment opportunities and are equitably represented in all occupational levels in the workforce of a designated employer". It is



## FOSTERING AN EQUITABLE WORKPLACE...

for these reasons that employment equality in the workplace is a prerequisite for any organisation. Examples of the Case Law on EEA cases are outlined as follows:

- In *University of South Africa v Reynhardt*, the Labour Appeal Court found that the failure to appoint a white male constituted unfair discrimination where the employer's employment equity targets had been met and its employment equity plan expressly stated that, once the targets had been met, employment equity would no longer be a relevant consideration in appointments.
- In *PSA obo Tlowana v MEC of Agriculture* the Court held that affirmative action is not a valid defence where the successful candidate is not suitably qualified for the position.

### DUTIES OF A DESIGNATED EMPLOYER

According to Section 13 (1) (2) of the EEA, every designated employer must-

- 1) Consult with its employees as required by section 16 of the EEA;
- 2) Conduct an analysis of its employment policies, practices, procedures and the working environment to identify employment barriers which adversely affect employees.;
- 3) Conduct an analysis of the workforce profile to determine the degree of under-representation of the various groups in terms of race & gender per occupational level, as required by section 19 of the EEA;
- 4) Prepare an employment equity plan as required by section 20 of the EEA; and
- 5) Report to the Director-General on progress made in implementing its employment equity plan, as required by section 21.

### HOW CAN THE CCMA MITIGATE NON-COMPLIANCE TO SECTION 15 OF THE ACT?

The CCMA must:

- 1) Provide equitable access for all employees;
- 2) Ensure that job descriptions are accessible for all the advertised positions;
- 3) Empower employees with resources to do work;
- 4) Ensures that equitable benefits are available for all the employees;
- 5) Ensure that there is open and transparent recruitment processes for all positions; and
- 6) Make reasonable accommodation for people from

designated groups in order to ensure that they enjoy equal opportunities and are equitably represented in the workplace.

### MEASURES IN PLACE BY THE CCMA TO ADHERE TO THE EEA:

- 1) Approved Human Resource Policy and Manual;
- 2) Approved Employment Equity plan is in place;
- 3) Employment Equity consultative forums have been established; and
- 4) Diversity awareness training are conducted across the CCMA offices.

### COMPLIANCE RISKS THAT THE CCMA MAY FACE FOR NON-COMPLIANCE TO THE EEA ACT:

- 1) Audit findings;
- 2) Control failures; and/or
- 3) Reputational damage.

### REFERENCE LIST:

- 1) CCMA (2002) EMPLOYMENT EQUITY IN THE WORKPLACE. Accessed on (<https://www.safmh.org/wp-content/uploads/2020/09/Employment-Equity-in-the-Workplace.pdf>)
- 2) Department of Labor (2013). Commission for Employment Equity: Annual Report 2012-2013. Pretoria: Government Printers
- 3) Employment Equity Act No 55 of 1998. Accessed from <https://www.labour.gov.za/DocumentCenter/Acts/Employment%20Equity/Act%20-%20Employment%20Equity%201998.pdf> Accessed date: xxxx
- 4) Extract from CCMA training material-CCMA-M311-2021-1
- 5) Hundenborn, J., Leibbrandt, M. & Woolard, I. (2018). Drivers Of Inequality In South Africa. WIDER Working Paper 2018/162 Helsinki: UNU-WIDER, 2018.
- 6) Statistics South Africa (Stats SA) 2019b. Quarterly Labour Force Survey (QLFS): Quarter 3: 2019. Statistical Release P0211. 29 October 2019. Pretoria: Stats SA.
- 7) Western Cape government (2019), Employment Equity Act Summary. Accessed on (<https://www.westerncape.gov.za/general-publication/employment-equity-act-summary#:~:text=What%20is%20the%20Employment%20Equity.and%20any%20form%20of%20discrimination.>)

# UNDERSTANDING RISK APPETITE AND TOLERANCE WITHIN THE CCMA

## Background

Principle 11.4 (a)(b) of the King IV Report on corporate governance requires that an organisation's Governing Body (GB) needs to evaluate and agree on the nature and extent of the risks that the organisation should be willing to accept. In this regard, the Governing Body should, with management's assistance, approve the following:

1. The organisation's risk appetite: namely its propensity to take appropriate levels of risks; and
2. The potential loss that the organisation has the capacity to tolerate.

In determining the risk appetite and tolerance levels, the following concepts should be understood:



## The CCMA's Risk Appetite Determination Process

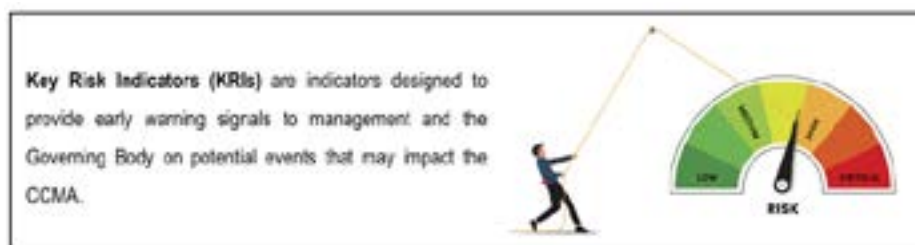


The benefits of defining risk appetite and setting tolerance thresholds are as follows:

- It enables the Governing Body to exercise appropriate oversight and corporate governance by defining the nature and level of risks it considers acceptable (and unacceptable – beyond our tolerance) and thus setting boundaries for organisational activities and behaviours;
- It aligns strategic goals and operational activities;
- It promotes a risk culture that empowers management to make informed risk-based decisions;
- It articulates and indicates the point at which a risk becomes serious enough for the organisation to start committing time and effort into the management of that risk;
- It improves the allocation of risk management resources by bringing focus to higher priority issues, and
- It can enhance organisational performance and increase stakeholder confidence in an organisation.

Once the risk appetite has been defined, it will be operationalised into the day-to-day activities of the entity and will be monitored on a monthly /quarterly basis.

## Key Risk Indicators



Purpose of KRIs are as follows:

- To monitor the status of the risks and the controls in place on an ongoing basis;
- To enable management and the Governing Body an opportunity to proactively identify the potential impacts on the organisation's risk portfolio; and
- To enable decision makers to be in a better position to proactively manage events that may be emerging in the future on a more strategic basis.

## Reference List

- CCMA Risk Appetite and Tolerance Framework.



# 10 FACTS THAT YOU NEED TO KNOW ABOUT THE CCMA'S WHISTLEBLOWING HOTLINE

## 1. THE CCMA'S STANCE ON FRAUD AND CORRUPTION

The Commission on Conciliation, Mediation and Arbitration (CCMA) has a zero-tolerance stance against fraud and corruption.

## 2. WHAT IS "WHISTLEBLOWING"?

"Whistleblowing" is an act of raising a concern about illegal, unethical or dishonest conduct noted within an organisation or outside an organisation, in which the said conduct has an impact on the organisation's operations". Whistleblowing assists organisations to detect unethical practices before it is too late, thus helping to avert reputational damage, loss of funds, regulatory investigation and/or fines.

## 3. THE CCMA'S WHISTLEBLOWING HOTLINE

The CCMA has appointed an off - site independent third-party (Advance Call) to host the CCMA's Whistleblowing Hotline, to provide its internal and external stakeholders (users, service providers, and employees) with a platform to disclose any suspected unethical behaviour anonymously.

## 4. HOW AND WHERE CAN I REPORT ANY SUSPECTED UNETHICAL BEHAVIOUR?

Your suspicion(s) can be reported to the CCMA Whistleblowing Hotline twenty-four (24) hours a day, seven (7) days a week and three hundred sixty-five (365) days a year, using the following platforms:

<b>Toll-Free</b>	<b>0860 666 348</b>
<b>WhatsApp</b>	<b>0860 004 004</b>
<b>Online Chat</b>	<b><a href="http://www.behonest.co.za">www.behonest.co.za</a></b>
<b>Email address</b>	<b><a href="mailto:ccma@behonest.co.za">ccma@behonest.co.za</a></b>

## 5. WHAT WILL HAPPEN AFTER I HAVE REPORTED THE SUSPECTED UNETHICAL INFRINGEMENT?

The off-site-independent service provider will record your report and escalate it through the established protocols. The reported incident will be processed in line with the CCMA Policy on Fraud Prevention and Anti-Corruption and other related governance frameworks. If the investigation culminates in evidence indicating any criminal, civil or labour law contraventions, the CCMA will take the necessary legal action against the parties involved as part of the CCMA's commitment to zero tolerance.

## 6. WHAT SHOULD BE REPORTED THROUGH THE WHISTLEBLOWING?

Any knowledge or suspicion of any unethical behaviour. Unethical behaviour is a collective term that

includes, but not exhaustively, the following: fraud, corruption, theft, nepotism, conflicts of interest, non-compliance with applicable legislation and regulations and the CCMA's rules and policies.

## 7. WHAT SHOULD NOT BE REPORTED THROUGH THE WHISTLEBLOWING HOTLINE?

Human Resources matters do not form part of the issues that need to be reported via the CCMA's whistleblowing hotline. Matters such as, for example, grievances, discipline management and performance management assessments are to be dealt with in terms of the Policy on Human Resource and related Manual. Service delivery related complaints are dealt with in accordance with the CCMA Policy on Complaints Management and Procedures, and these can be reported via the following designated email address: [Complaints@ccma.org.za](mailto:Complaints@ccma.org.za).

## 8. WILL I REMAIN ANONYMOUS SHOULD I USE THE WHISTLEBLOWING HOTLINE?

Yes. The Protected Disclosures Act 26 of 2000 (the PDA) protects whistle-blowers who wish to disclose possible unlawful or irregular conduct by their employer or fellow employees. The PDA states that whistleblowers have the right to remain anonymous when making a disclosure. In compliance with PDA. The CCMA's whistleblowing platform provides for anonymous disclosures. In the event of a request for more information, Advance Call will communicate with the whistleblower to obtain more information, thereby increasing the chances of full disclosure investigated and concluded.

## 9. IF I SELECT TO DISCLOSE MY IDENTITY, WILL I BE PROTECTED AGAINST VICTIMISATION?

Yes, as long as you are bona fide in submitting your report, which means that you do not have ulterior motives and it affirms that you are acting in good faith (not conjuring a report against someone based on malice, revenge, or falsely seeking to discredit an individual).

## 10. CAN I OBTAIN FEEDBACK ON WHAT HAS TRANSPIRED SINCE MY DISCLOSURE?

Yes. You can at any time enquire about the status of disclosure and possible further steps taken, as well as provide more information and/or evidence. Please use your reference number obtained when you made your disclosure to protect your identity as a whistleblower.

GOOD NEWS

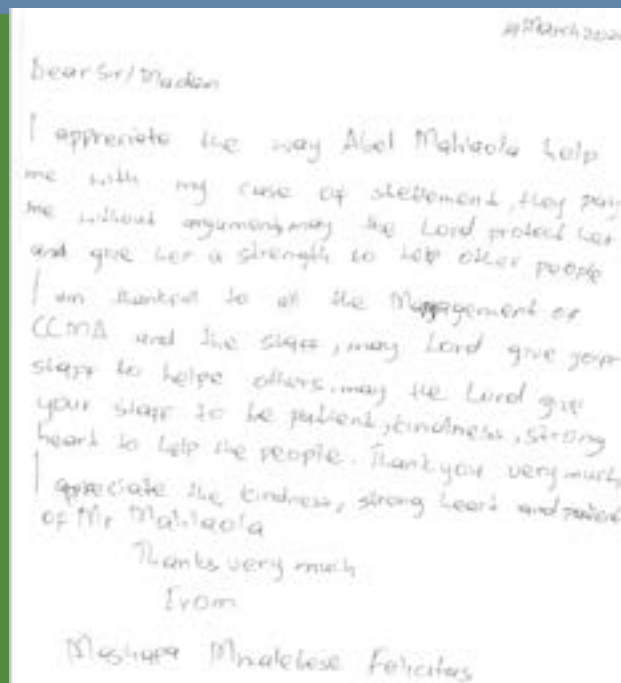
## ACKNOWLEDGMENT LETTERS FROM USERS

GOOD NEWS

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



Abel Mahlaule  
Case Management Officer  
Tshwane



I want to appreciate Mr Joe Raholang ,sorry i am not sure if it is the correct spelling of his name, the person who helped me with my case and the case number was LP7988-21.Thank you so much sir, i am really grateful for all the effort you put in, your service is exceptional. Thank you very much and keep it up!!

Regards  
Hildah



Johannes Rebhone Raholang  
Case Management Officer  
Polokwane

Dear Lerato and Duduzile,

Your prompt response and effective communication to CCMA users like myself is highly appreciated. Your willingness to take calls outside of the normal CCMA working hours, is an indication of your dedication to high levels of service delivery and that has to be commended.

Seeing that I do not know the person that you are reporting to, I took the liberty to copy SC Shimane Kgantse .

Kind regards



Lerato Pilusa  
Case Management Officer  
Head officer



Duduzile Mahlangu  
HO-Assistant Manager:  
Collective Bargaining  
Head officer



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Dories Mahlodi  
Interpreter Tshwane

Dear Puleng

My name is Lenah Nkasa Tshabalala from Ext 4 Soshanguve. Am writing this e-mail to say thank you to Doris. She has played a big role on my case, when I came there I was hopeless but her patience and passion for helping others made me a happy client.

I received my money and I am satisfied with her work ethics, she knows the meaning of batho pele principles. May she continue helping others they way she helped me and I pray to Jehovah that her hard work will pay off one day.

Regards

Good day Ma'am

Please receive my profound gratitude to your organisation for having Mr Isaac Hlongo as part of your team. This is prompted by his "value for money" kind of service. The guy's interpersonal relation is of note, especially when it comes to responding to enquiries and emails forwarded to him, he is so prompt, something one hardly receive in public service and chapter institutions these days.

I wish and your entire team the best of luck in your service delivery.

Kindest of regards



Isaac Hlongo  
Interpreter Witbank



Jimmy Loots  
Senior Case  
Management officer  
Head Office

Sir

UNTU want to send its thanks to Mr Jimmy Loots for his Professional work ethic and prompt response to all our cases , It is a pleasure to deal with Jimmy and know that he is a trust worthy and reliable assist to CCMA.

Thank you

Neels Haasbroek

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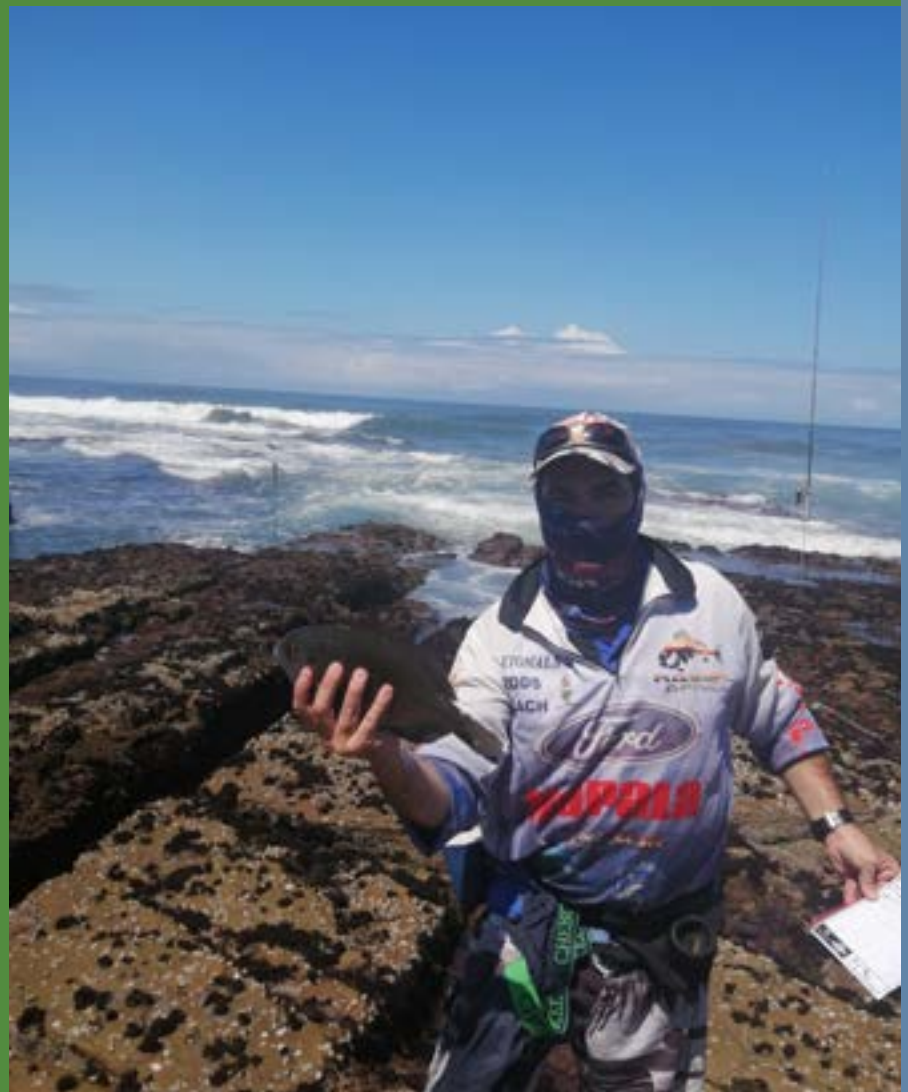
### A 'REEL' ACHIEVEMENT FOR CCMA EAST LONDON COMMISSIONER

Fishing is more than just a recreational activity for sophomore Jean Van Zuydam, who is a member of the Border Black Tips, which is one of the many teams under the national organisation called the Rock and Surf Super Pro League.

On the weekend of the 5<sup>th</sup> of March 2022, the final edition of the catch-and-release competition took place between Morgan Bay and Black Rock in the Eastern Cape. In this competition, Mr. Jean managed to catch four different species of fish and finished in the 5<sup>th</sup> position out of fifty-six anglers.

The basis of a catch and release competition was that participants whilst allowed to catch fish, they were not allowed to keep any fish; even if they are edible. The crux of the competition is that participants ought to aim at catching different species of fish in order to get points in that catching for example, 10 of the same species of fish will only amount to two points whereas catching varying species, especially the most rare species, awards one more points. For quality measures, a strict recording method of species is utilised where 3 photos are required for each different species of fish caught from which the scorecard must be signed off by another angler to confirm the fish caught.

"Fishing is not only recreational, but has now become a recognized sport. There is nothing more therapeutic than standing on the rocks, on a beautiful day, staring into the ocean. One tends to appreciate the beauty of one's surroundings. If you catch a fish, it's simply a bonus!





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### “REASONS TO BE PROUD”

Mr. Macjon Maarman was born and bred in the small town of Willomore, which lies on the border between the Eastern Cape and the Western Cape. He describes himself as a committed family man and draws strength from various Bible verses and particularly likes the various passages in the book of Psalms as written by King David.

For some time, the CCMA has encouraged employees to “self-develop” and enhance their careers. Employees were requested to make use of the bursary scheme as offered by the CCMA and to always apply for internal vacancies when they arose.

Mr. Macjon Maarman joined the CCMA in April 2015 as a Case Management Officer at the CCMA in Gqeberha (formerly known as Port Elizabeth) straight from university. In that role, he was exposed to all the practices in the Case Management/ Operations department. He was a Case Management officer until the end of January 2022.

He was exposed to the various pieces of training that the CCMA offered to its support staff including Substantive Fairness training, emotional intelligence training, etc. He also actively participated in the CCMA's internal staff trade union and was elected unopposed as the Regional Commission Staff Association Chairperson within the Gqeberha Region in 2018.

In addition to his LL. B (law) degree that Mr. Maarman arrived with at the CCMA he also acquired the Post Graduate Diploma in Practical Labour Law whilst within the employee of the CCMA. He is due for graduation at the Nelson Mandela University in Gqeberha with a Bcomm. Honours degree in Labour Relations and Human Resources from the Nelson Mandela University in April 2022.

Mr. Maarman has recently been appointed as a Part-Time Commissioner at the CCMA Western Cape Province after completing his mentorship successfully and undergoing the Commissioner Oath Taking ceremony in December 2021.

He is an excellent example of an employee that has embraced opportunities presented to him by the CCMA coupled with a supportive line manager just like numerous other line managers in the CCMA's management team.

Commissioner Maarman is settling in well in the Western Cape and just like other “new” Commissioners, he is receiving the necessary support both from the CCMA Western Cape Management and his fellow Commissioners.

During his free time, he enjoys spending time with his 3-year-old daughter and friends. He hopes to be more involved in community-based projects in the year 2022. The CCMA is looking forward to reaping the benefits of the skills Mr. Maarman has acquired and wishes him well in his new career path.

Congratulations



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### MY EXPERIENCE BEING SECONDED TO THE BRICS UNIT AT THE NATIONAL OFFICE

"Being seconded within the CCMA's BRICS (Business Research Intelligence and Communications) Unit at the National office, specifically the Communications Sub-Unit, is a defining momentous journey for my career experience; even though it came during a flare-up of a global pandemic that continues to threaten the labour market. My BA in Communication Science was awarded in 2017 and my enrolment in an Honours programme aided in the gravitation of being seconded within the Communication Sub-Unit.

The experience of being seconded within the Communication Sub-Unit team has had a large impact on me, not only personally, but professionally so. The team consists of an amalgam of personalities, highly disciplined individuals with the ability to facilitate, engage and disseminate information through internal and external communication in an open and flawless manner. To add, the team possess an unquestionable work ethic that nearly aggregates to insanity (said in jest). As an introvert, I was more especially intrigued by the flexibility, pressures and the fast paced environment. It has taken some time to adapt to the culture within the Communication Sub-Unit having to consider the fact that it is a total new role in my career journey.

Through this experience, I have also observed and learned the customary courtesy of how integrated communication has been recognised as a fundamental contributor to the implementation of the organisation's strategic focus. Integrated communication techniques are utilised by the Sub-Unit to reach out to the vast majority of the CCMA's Users, external stakeholders, strategic partners and internal staff members; the CCMA's Communications Sub-Unit has certainly proven to be innovative in such a rapidly changing environment characterised by evolving trends and technologies.

My secondment programme has encouraged the transfer of critical skills and I would strongly advise anyone within the CCMA family to seize this once-in-a-lifetime opportunity and make the most of it.

Equally, my experience within the Communication Sub-Unit, at least so far, has reinforced the values of respect and kindness, and given me the invaluable opportunity and space to be vulnerable and fail without fear of judgment, reflect on my mistakes, and develop resilience to show up the next day with a smile and try again.





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### *The East London Commissioner Nkosinathi Mkhwanazi completes the Buffs Marathon*

On your mark...get set...go!! Mr. Nkosinathi Mkhwanazi, a CCMA EL commissioner completed the Buffalo City 42,2km marathon in a stiff competition and uncomfortably hot weather on Sunday in East London.

On the weekend of 20 February 2022, the country's best marathon runners descended to the East London city in Eastern Cape province, for the annual Buffalo Marathon. Amongst the participants was our very own CCMA commissioner Mkhwanazi. "It was not an easy race especially against experienced runners like Kalideni and Hejana, but I was encouraged to start and complete what I started", said Mkhwanazi.

The Buffs Marathon 42,2km, organised by Buffalo Road Runners, was in its 48<sup>th</sup> season and is regarded as one of the Eastern Cape's most prestigious events, as well as an official comrade and two oceans ultra-marathon qualifier.

"This was the first 21km and 42km buffs Marathon since the country went into a state of emergency in 2020 and we lost one of our runners during the 2020 Buffs Marathon instalment. This was also an event to honour and remember those who had died/lost their lives, and you could see and feel mixed emotions among fellow athletes, including myself".

"While losing a fellow soldier was not the first time, it was the first time it happened within a whisker of oneself in a battlefield known as long distance road running. In most cases, we would lose a runner after the race who had fainted and had to be rushed to the hospital. Occasionally, an athlete would be hit by a car, but I had never witnessed it so close to home as in 2020, when I joined the sport.

"Following the incident in 2020, I believe most of us had a few questions about the sport we so dearly love. For me it was "What if this happened to me" and at that time I had been encouraged to continue as leaders do not stop learning and taking risks.

"Moments before the starting pistol went off, participants were requested to take a moment of silence in honour of the fallen

hero. That for me and possibly many others was a very emotional experience to an extent where a drop of tears was shed.

"Amazingly, none of us pulled out of the race, even though fear was prowling around. Running is a lonely sport, often you feel alone while surrounded by many of your companions. Normally when we start, we run in large groups, but as we continue to race, distance starts to open, and conversations gradually fade away. All that keeps you company is your endless thoughts. It is at this point where you come face to face with your demons.

"For me one of the things that motivated me to embark on this experience was to overcome my fears of what had occurred at the 2020 Buffs Marathon and that in life one must never entertain fear, for fear will torment you.

"There's also something to be said for the human voice. It is the instrument that we all play, and it has the most powerful sound in the world. It is this voice that can start or stop a war. You find people in terms of adversity asking themselves "Can I give more"?, "Do I have the capabilities" and usually the answers to that is "yes, you can". It all starts with the self. One to believe and have faith in life. In such instances, where one is lost home, faith and passion, I invite them to take part in sport and particularly marathon. It is because there you find genuine love, the unconditional support, the voices of spectators who, for the most part, do not even know you, but when they say "you are almost there!" that alone is very reassuring".

Road running, boxing, aerobics, and sport in general has taught me so much in this life and that is, to never give up, never stop pushing yourself. Be it a marathon, a pursuit of a career, divorcing yourself from toxic spaces and/or relationship of any kind.

All things considered, I want to say to the CCMA family members who have been meaning to start something new. "Dare to win African child, for your limits of what you can become are only in your mind".

It will be nice to run in CCMA colours one day.







# 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.

