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Dear CCMA Family,

Welcome to the third edition of the quarterly CCMA *InTouch* Newsletter. In this edition we cover an array of stories and activities that took place in the third quarter (October – December).

We also bid farewell to 2022 which has been rife with numerous activities and developments in the labour market, locally and abroad. In comparison, 2022 has been a rather less challenging year in so far as the Covid Pandemic is concerned since we saw the Covid-19 infections subside significantly and restrictions being lifted paving the way for our country's economic recovery.

While we are all feeling the effects of rising interest rates, there are encouraging signs of economic recovery and the small dent in the country's unemployment rate, as reported in the Quarterly Labour Force Survey, is worth noting.

Most of you are already in the festive mood, unwinding, reflecting on the year that was and most importantly, recharging for 2023. As part of this edition, in noting that the festive season is known as another spending period, we give you tips on how to eliminate the financial strain and remain financially buoyant during this season.

We also reflect on the CCMA's contribution to labour peace and social justice in the third quarter. The CCMA as a labour dispute resolution body has been kept busy, in efforts to maintain labour market stability. Of note, is the CCMA's successful intervention and conciliation of the Transnet wage dispute which brought back economic activity after Transnet workers embarked on a strike which sparked an economic outcry.

This feat and many others attained in this third quarter and throughout the year can be attributed to the selfless and dedicated contribution of our CCMA Commissioners. In 2022, the CCMA also achieved a historic clean audit and 100% performance appraisal against its 2021/22 Annual Performance Plan. After a two-year hiatus, the CCMA held its Annual Labour Conference in September 2022 to commemorate its 25th Anniversary. In this regard, Users and Stakeholders should keep an eye out for the CCMA's 25 Year Anniversary Coffee Table Book, which will be released/launched in **March/April 2023**.

In this edition, our main story is the 2022 CCMA Indaba which was held early this month under the theme: **reflecting on the past 25 years of social justice: Re-building together post the Covid-19 Pandemic**. The CCMA Service Excellence Awards wherein top achievers were announced and crowned also forms part of the main story. Also included in this publication, are issues related to mental health and wellness.

As the New Year of 2023 beckons, the CCMA would like to assure its stakeholders, strategic partners, and its users that it will continue to champion social justice through expeditious dispute resolution and prevention services. Users are also reminded that CCMA statutory services are **FREE**, and that they must stay alert and not fall prey to unscrupulous touters who offer help at a cost.

Thank you for your unwavering support which continually empowers us to keep working towards delivering Ndabe'zinhle to you. We wish you and your loved ones a safe and happy holiday season.

Till we meet again in 2023...Stay safe during this festive season.

Thank you



#WeGotThis



Reflecting on the past 25 years of social justice

The Commission for Conciliation, Mediation and Arbitration (CCMA) convened its hybrid 2022 CCMA Indaba and Service Excellence Awards, after a two (2) year hiatus imposed by the COVID-19 pandemic. The ceremony was, attended by CCMA staff from all provincial offices and was accessible virtually as well as in person at the Birchwood Hotel and Conference Centre, in Boksburg, Gauteng Province, under the theme, **IMVUSELELO – Reflections on the past 25 years of Social Justice: Re-building together post the Covid-19 Pandemic.**

Opening this year's two-day gathering, CCMA Governing Body Chairperson, **Prof. Enos Ngutshane** welcomed everyone including the special guests, the CCMA government body, strategic partners, and all CCMA staff members inclusive of its executive management team. Prof. Ngutshane reminded attendees that the Indaba remains one of the significant events in the CCMA's annual corporate calendar that presents attendees with an opportunity to discourse with each other and other seasoned professionals in the labour market for reflective purposes and to celebrate the achievements attained by the CCMA in a given year. Attendees were encouraged to critically engage and share ideas that would mitigate any confronting issues in the current and emerging

labour market. "We have been commended as the CCMA for championing social justice, however, despite these positive sentiments, our journey has not been without challenges, and it is those challenges that we ought to speedily find solutions for, in order for us to maintain our world-class dispute resolution status," said Ngutshane. It is for these reasons that the conference is about reflecting, reviving, and rejuvenating our spirits, Ngutshane concluded.

Concurring with the Chairperson, the Director of the CCMA, Cameron Morajane gave the state of the organisation report, setting the scene for the **2022 CCMA Indaba and Excellence Awards**, Morajane, reflected on the successes and issues affecting the organisation's operations. He said in the current challenging economic climate one job lost was one too many. He reiterated that the CCMA's stance is "to remain a dispute resolution agent that prioritises its Users".

The Director added that, on the eve of Covid-19 the CCMA was in the process of embarking on several innovations and these had to be shelved. He said now that the risks associated with Covid-19 have since subsided it was time for the organisation to function differently.

"We must evolve with the passage of time. We must all adjust, adapt, and evolve with the passage of time without going backwards. Covid-19 altered the course of history. It changed the way we did things, our attitude towards work, and how we dealt with cases," he explained. Morajane stated emphatically that CCMA Users will continue to be a top priority. He begged Commissioners to consider their positions as a calling and also

urged Commissioners to avoid unnecessary case delays and to always engage with Users.

Morajane concluded by urging Commissioners to use the South African language that the referring Users know and understand. He further noted that we should not undermine our Users' constitutional right and encouraged Commissioners and provinces to write awards in the official South African languages that were understood by the parties before them.

Many speakers spoke on various themes, including but not limited to, employment review on domestic workers, collective bargaining in times of crisis, the impact of social dialogue, reviewing key historical awards, the interpretation and application of the law relating to Section 198A-D, the interpretation and application of the Employment Equity Act's arbitrary grounds provisions, and so on. The first day of the conference concluded with the CCMA honouring its fallen heroes i.e. staff members who have passed on in 2021 and 2022 and showcasing the Nelson Mandela Legacy program.

On the second day of the conference, part-time and full-time commissioners convened for a roundtable discussion moderated by Adv Cameron Morajane to discuss collective bargaining and industry best practices. Mduduzi Khumalo, Moe Ally, Dudu Madubanya, Malesela Maboya, and Berlin Mayager spoke on the panel about their experiences dealing with Sibanye, Transnet, and other cases they facilitated. They provided guidance, and best practices for dealing with such cases. They all agreed that



such cases were indeed difficult, but that everyone must work together, remain resilient, and handle these cases with care and diligence.

As the discourse took place on both days, the **CCMA Indaba 2022 Service Excellence Awards Gala Dinner** also took place on 01 December 2022 themed: **A NIGHT WITH THE STARS**, a night that served to honour and celebrate exceptional Commissioners and CCMA provincial offices for their continued contribution through exceptional and excellent service delivery. These individuals were issued with the CCMA's Excellence Awards and the night was also peppered with a segment where Commissioners were taking their Oaths and Affirmations. Staff members who were under the employ of the CCMA for 25 years were also celebrated and served with Long Service Award. "We are celebrating the hard work and the attention to excellence you each contribute in efforts of making the CCMA such a highly rated and highly regarded institution," said **Cameron Morajane**.

Judge President Basheer Waglay also congratulated the winning Commissioners and the CCMA's provincial offices. He stated that employees are not independent of one another and that it was truly inspiring to see employees celebrating their respective successes together. "Every job is a self-portrait; and you are to autograph your work with excellence," he said. Judge Basheer concluded his presentation by providing practical

guiding principles of how Commissioners should handle their cases so that they are not challenged in the various Courts. He indicated that 5% of the matters referred to the Labour court should not even be there at all, as they impede the efficiency of the Courts. He emphasized the importance of collaboration in resolving issues confronting dispute resolution institutions. Ms. Ntsoaki Mamashelo: CCMA Governing Body Member, emphasised that the purpose of these awards was to honour, recognise and reward excellence in dispute resolution and fostering labour peace. The awards serve as a point of motivation to everyone. The awardees for service excellence included or were honoured under the following categories:

AWARD CATEGORIES 2021 & 2022

A. DISPUTE RESOLUTION CATEGORY:

BEST PERFORMING FULL – TIME COMMISSIONERS:

The Winners were:

STEPHEN LUCKY MTHETHWA - GAUTENG, EKURHULENI (2021)

NOMSA BELINDA MAGAKWE – GAUTENG, EKURHULENI (2022)

BEST PERFORMING PART – TIME COMMISSIONER

The Winner for the 2021 and the 2022 year were:

BENJAMIN POPPY WAUCHOPE – GAUTENG, EKURHULENI (2021)

BENJAMIN POPPY WAUCHOPE – GAUTENG, EKURHULENI (2022)

BEST PERFORMING PROVINCE

The winners were:

MPUMALANGA (2021)
LIMPOPO (2022)

B. DISPUTE PREVENTION & WORKPLACE OUTREACH CATEGORY:

BEST PERFORMING PROVINCE

The winners were:

GAUTENG (2021)
WESTERN CAPE (2022)

C. COLLECTIVE BARGAINING CATEGORY:

BEST PERFORMING PROVINCE

The winner for both the 2021 and 2022 year:

LIMPOPO (2021 and 2022 respectfully)

D. BEST PERFORMING PROVINCE OVERALL:

LIMPOPO & GAUTENG (2021)
GAUTENG (2022)

Additionally a total of 21 Commissioners took their Commissioner Oath & Affirmation and a total of 37 long-service staff members were also awarded.

Indeed hard work, dedication paid off for all nominees and winners.

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CCMA'S INDABA AND SERVICE EXCELLENCE AWARDS 2022 IN PICTURES



CCMA'S INDABA AND SERVICE
EXCELLENCE AWARDS 2022
IN PICTURES



COMMISSION FOR CONCILIATION, MEDIATION & ARBITRATION

CCMA'S INTERVENTION SAVES THE DAY DURING TRANSNET STRIKE



Maintaining labour peace and ensuring that there is stability in the workplace will always remain the core function and mandate of the CCMA. This comes after the CCMA successfully facilitated the recent Transnet strike which lasted 11 days.

The Transnet facilitation was a unique and delicate matter for two CCMA Commissioners who succeeded in helping the state-owned Freight and Railroad Company and its unions reach a multi-year wage agreement effectively ending the strike.

Transnet plays a critical role in the broader South African economy and therefore with each day when workers were on strike, the economy including international traders who relied on Transnet to move their goods, stood to lose colossal revenue.

The stakes were high, jobs were on the line and the economy was reportedly losing millions and even billions on daily. The impact was far-reaching, and a resolution to the matter had to be reached with speed between Transnet and its recognized unions, United National Transport Union (UNTU) and South Africa Transport and Allied Workers Union (SATAWU), for workers to return to work.

The national responsibility of ending the Transnet strike rested on the shoulders of Senior Part-Time Commissioner, Berlin Nayager and Full-Time Commissioner

Malesela Maboya. The duo, who form part of the national panel of CCMA Commissioners who deal with redline matters, were assigned to mediate the wage dispute between Transnet and aforesaid unions.

Transnet approached the CCMA to intervene in terms of Section 150 of the Labour Relations Act after it could not reach an agreement with bargaining unions at the Transnet Bargaining Council. A certificate of non-resolution was issued to the unions at the Bargaining Council, paving the way for a strike, but tensions stood in the way averting Transnet and the unions from agreeing on picketing rules.

Despite non-availability of picketing rules, workers were emboldened and went on strike action. In response, Transnet sought an urgent interdict at the labour court with the belief that the strike was illegal.

On the first conciliation meeting which was on Monday the 10th of October 2022, the drafting of picketing rules was the first hurdle the Commissioners had to overcome. *"Talks continued well over the night and only in the wee hours of Tuesday the 11th of October, at about 1:30am were we only able to have parties sign picketing rules"* both Commissioners recall.

"With the picketing rules now out the way, it was now time to get to the real dispute – the wage dispute. "Unions were demanding an inflation-linked wage hike of 8% while Transnet claimed financial distress and remained on their position of 1.3% wage increase," said the Commissioners. "In the 2015/16 financial year, Transnet freight

volume stood at 240 tons, and this decreased to 173 tons in 2021/22," adds Senior Commissioner Nayager.

"With this situation, Transnet felt unions' demands were unreasonable and out of touch with the financial state of Transnet. It took some convincing for Transnet to shift from their initial offer of 1.3% to 3%. Labour was steadfast on their demands of 8% or nothing below inflation," says Commissioners.

Both Commissioners recall that another breakthrough in the negotiations was to unify the unions to speak with one voice. *"First breakthrough in the negotiations was to get unions to act jointly and unify their position as labour," says Nayager.*

The breakthrough – multi-year settlement

Having assessed both parties' positions and engaged thoroughly, Commissioners had to do the balancing act and strike a middle ground. At this stage the pressure had elevated, workers had intensified their strike action and the affected business community were vocal on the impact of strike. Commissioners drew a proposal wage agreement compelling the parties to shift away from their positions and strike a mid-point. The proposal entailed a three-year wage agreement, with 6% wage increase for 1st year, 5.5% for second and 6% for third and financial year. Commissioner Maboya recalls the anxiety he had following the presentation of the proposed wage agreement. *"I knew that the entire country, my colleagues and my family had their hopes pinned on us to have parties reach an*

CCMA'S INTERVENTION SAVES THE DAY DURING TRANSNET STRIKE...



agreement and end the strike,” says the charismatic Maboya, adding that his heart almost stopped when he saw news on one of the news broadcasts channels that one union rejected the CCMA-facilitated wage proposal.

However, he recalls that the optimism from Senior Commissioner Nayager helped calm his nerves. “Things changed when I received an email of the copy of the signed agreement between the Majority union UNTU and Transnet; from there I knew we had delivered,” says Commissioner Maboya.

“The feeling is unexplainable. You know when you are in labour, the pain leading up to the delivery and the delivery process, but once you have delivered – the pain fades away and you are overtaken by joy, that is how the Transnet facilitation felt,” says Maboya

Senior Commissioner Nayager adds, *“We have done many mutual interest matters, but the Transnet one was unique and massive. We knew jobs were on the line, people had to be fed, clothed and so forth. So, the stakes were high, and I am proud we delivered.”*

What is Section 150 of the LRA

According to both Commissioners, the 2002 amendments of the Labour Relations Act was as the realization that the legislation was limiting CCMA's efforts to assist parties reach an agreement and avert industrial actions. The introduction of S150 and S150A was to give the CCMA more teeth to deal with mutual interest matters and ultimately as per its mandate, maintain labour peace.

While S150 is a voluntary process, S150A allows the CCMA to summon the parties to the negotiating table to resume talks until an agreement is reached. This was to curb the volatile industrial

actions and embed a culture of mediation. The latest amendments to the LRA also requires the CCMA and registered bargaining councils to issue a non-resolution certificate and administer picketing rules if the union with to go on strike or the employer to lock out the workers.





Business Turnaround and Recovery Awareness Webinar

04 November 2022, 10:00 – 12:00

#	ITEM	PRESENTER	Allocated Time
1.	Opening: Programme Director	Mr. Neo Lekaowa Senior Practitioner, Productivity SA	10:00 – 10:05
2.	Welcome Address	Mr. Mochunye Mthiba CEO, Productivity SA	10:05 – 10:15
3.	Remarks by the National Bargaining Council for Clothing Manufacturing Industry (NBCCMI)	Mr. Steady Mukondiwa Director of Productivity and Training Institute National Bargaining Council for Clothing Manufacturing Industry (NBCCMI)	10:15 – 10:25
4.	Overview of the Business Turnaround and Recovery (BT&R) Programme	Ms. Chanzell Beyers BT&R Specialist, Productivity SA	10:25 – 10:40
5.	Commission for Conciliation, Mediation and Arbitration (CCMA) Overview	Mr. Shimane Kgantse Commissioner, Commission for Conciliation, Mediation and Arbitration (CCMA)	10:40 – 10:55
6.	Department of Trade, Industry and Competition (the dtic) Support Programmes	Mr. Kenneth Bosoma Deputy Director, Department of Trade, Industry and Competition (the dtic)	10:55 – 11:10
7.	Unemployment Insurance Fund (UIF) Overview	Ms. Rachel Masha Deputy Director, Unemployment Insurance Fund (UIF-LAP)	11:10 – 11:25

A focused analysis of South Africa's productivity and a highlight of the business support opportunities offered by different entities and productivity SA business and turnaround solution programme was presented at the Productivity SA's Business Turnaround Recovery Awareness Webinar which took place on Friday, 04 November 2022 on Zoom.

Opening the programme, Mr Neo Lekaowa (Senior Practitioner: Productivity SA) gave a brief introduction on why the need to host the webinar. He noted that October was Productivity Month celebrated in South Africa and under the theme: **Adopting & growing stronger, together** the organisation felt a need to grow stronger together and host this webinar. "We are gathered here today with various stakeholders so as to reflect and discourse on how we can work together to unlock South Africa's productivity potential for sustained competitiveness and economic growth post-COVID-19," said Mr Lekaowa.

The panellists at the webinar were Steady Mukondiwa (Director of Productivity and Training Institute · National Bargaining Council for Clothing Manufacturing Industry), Ms Chanzell Beyers (BT&R Specialist: Productivity SA), Mr Shimane Kgantse (Senior Commissioner: Collective Bargaining: CCMA), Mr Kenneth Bosoma (Deputy Director, Department of Trade, Industry and Competition), in her absentia Ms Rachel Masha (Deputy Director, Unemployment Insurance Fund). Officially welcoming the guests and panellists to the session and setting the

context of the webinar was Productivity SA CEO, Mr Mochunye Mthiba who open the session by acknowledging that knowledge is power and sharing it is key. He alluded that, the magnitude of these webinars is important for everyone but most important for businesses who are struggling, to assist in improving productivity, prevent job losses and enable companies and employees to be more vigilant about issues relating to job retention and to mitigate against poor performance or productivity decline that increases the likelihood of job losses.

"Under today's topic *"Business Turnaround Recovery awareness"* as already noted by the programme director, we have here today a team of capable experts who will help us unravel it; part of them will help us answer and unleash economic and business opportunities", he said.

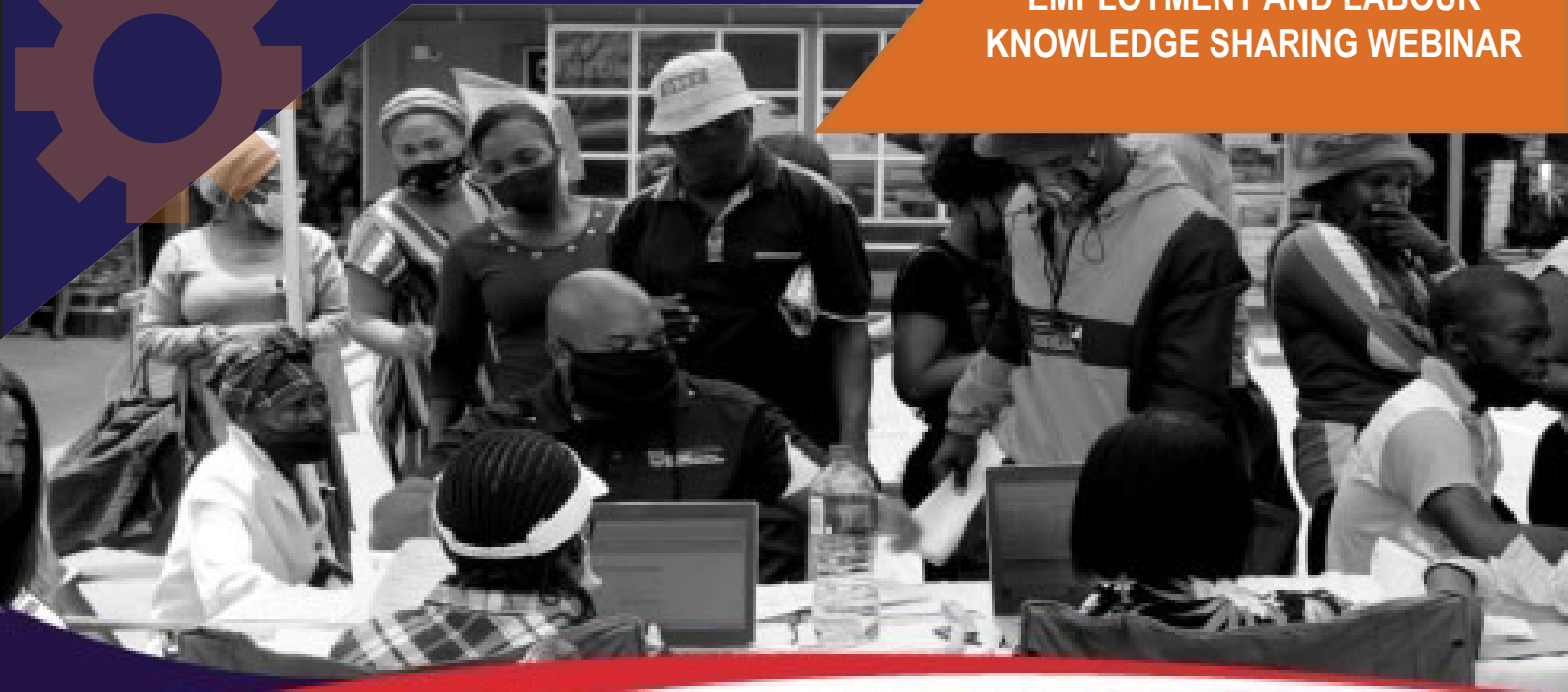
He reminded the audience about the recent unrest in July in some parts of KwaZulu-Natal and Gauteng Provinces in which a number of lives were lost, many were left injured and critical infrastructure was destroyed thus bleeding the already degenerative economy. To add to this, it has been reported that over 1,400 South African businesses have been liquidated in 2022 so far, with 170 more recorded in September, data from Statistics South Africa shows. Furthermore, we also noted that unions have decried the proposed retrenchment process by the world's largest platinum producer, Sibanye-Stillwater, saying the nearly 2,000 affected employees risk facing a "black Christmas" if it goes ahead. Reports alluded that Sibanye blames Eskom's load-shedding, inflation-beating increases, and operational challenges for its decision, which it said was not made lightly".

"If we do not act and call all stakeholders to work together in finding a solution to our economic,

labour and productivity issues, we will be waiting for a ticking boom to explode" said Mthiba. Panellists took to the stage to present what their organisations do and how they can assist businesses to overcome the economic challenges faced by the country.

Mr Kgantse who first acknowledge that CCMA is doing its utmost to save jobs and negotiate for labour peace and justice in the labour market so as to realise the NDP goals. He alluded that the CCMA is working around to clock to engage organisations who approach it for assistance in their dispute and requested that some of the problems could be mitigated if only they are brought to the attention of parties in advance so that solutions can be implemented in advance.

Presenting the CCMA's Temporary Employer Employee Relief Scheme (TERS), Mr. Kgantse said, TERS was reaffirmed during the Presidential Jobs Summit in 2018, where the Social Partners signed an Agreement outlining mechanisms to minimize the loss of jobs and create new job opportunities. Rebranded and revitalized: Temporary Employer / Employee Relief Scheme –TERS [not the same as the Covid-19 TERS] is administered by the CCMA through the Single Adjudication Committee with 3 components: **TERS allowance paid by UIF, Training Programme at the cost to the SETA and Business Turn-around and Recovery Programme provided by Productivity SA.** "It is important to note that TERS is a 12-month (maximum) solution which benefits employers and employees in companies facing distress. This assists companies to not stress about salaries but use this period to focus on recovery and enable more competitiveness" said Kgantse.



In closing, the commissioner noted that for more information about the scheme all requests to participate in the TERS must be made via the CCMA, on the TERS Application Form and submitted to the CCMA (applications should be sent to TERSApplication@CCMA.org.za).

Giving closing remarks was Mr Justice Tshifularo (Executive Manager) – Productivity SA, “I am happy we had this session where we shared many difficulties that we are facing as a nation and the business sector, but we do note that the presentations shared by our partner

organisation give information and allow businesses to use the information to find solutions to the problems that do exist. Life is complex; at times when you find solutions to existing problems you may unintentionally create new problems, but this conversation took part as our practical measures as organisations present here today in search of ways to improve productivity, competitiveness and labour peace and social justice”.

“I want to thank the organisers of the webinar, the presenters who had made sure to enrich our minds so that we are better informed,” he said.



“IS IT TIME TO RE-THINK THE
STANCE ON INTEGRITY
TESTING?”



RIGHT



WRONG

It is common cause that the use of polygraph test outcomes alone as a reason to dismiss an employee for misconduct is globally regarded as unfair. This stance should not change or be tampered with!

However, does the current state of corruption and internal collusion with criminal activities that pervades our society, our organisations, and our institutions, including but certainly not limited to government departments and state-owned enterprises in South Africa, not call for a new approach to dealing with the concomitant issues of employee integrity and trust.

One may only think of the enormous damage this is causing our economy, and through this, limiting job security and creation of new opportunities. The *“cash-in-transit sector alone incurs more than one robbery a day with the gangs ranging in size from about 10 to 20 members who, when they strike, are well prepared: AK47s, other assault rifles and commercial-grade explosives - allowing them to blow the back of a van off, and then walk away with the money”* (a quote from Yusuf Abramjee – an anti-crime activist). Employees and members of the public are regularly injured or even killed.

The levels of theft of cabling and other infrastructure assets can be viewed as

economic sabotage. Transnet is a prime example of this, with entire rail and port networks disabled, causing billions of Rand lost to the economy and tax base of our country. On top of this, there are the allegations of 3000 plus ghost workers employed for years at PRASA – someone must of known about them, despite their IT records having been “removed” from the system. The widely reported sabotage and collusion emanating at ESKOM that leads to load-shedding at an estimated cost of R1bn per day is yet another.

Then there is the unbelievable situation reported recently where certain licencing officers at vehicle licencing offices in Mpumalanga have instituted an increase in bribery levels from R1800 to R2000. Armed poachers are decimating our wildlife and marine resources, threatening the very existence of some species. Over 700 rangers have been killed in Africa protecting wildlife. Tender fraud and irregularities across businesses, private and public, are reported daily. Police collusion with organised crime is another damning example as are the Steinhoff and Tongaat Sugar where billions were syphoned out of the accounts by executives.

A common factor or “golden thread” that one finds in these criminal activities is the reality of staff collusion. Unfortunately, often the only existence of possible collusion is that deception is shown in polygraph tests. The question requiring answers is, at what stage can an employer decide the need to trust an employee, inherent in every contract of employment, exceeds the need to protect the

employee’s rights to contractual obligations. The answer may lie in a joint employer/employee approach to dealing with this dilemma. I am referring to collective agreements allowing for an employee’s service to be terminated as a result of polygraph testing outcomes showing deception, not for misconduct but to meet **operational requirements** – the need to trust!

An example of this exists in the private game reserve sector where at least 50 employer/union collective agreements have been reached to minimise staff collusion through the adoption of these specific retrenchment processes. In the six years of their existence, not one that I have facilitated in my personal capacity has been successfully challenged in our courts as being substantively unfair. A recent collective agreement was also reached in the instance of four armed cash robbery/bombings in three months occurring at one business operation. In all these collective agreements, specific procedures need to be followed to ensure consistent and fair processes, including a minimum of two separate polygraph tests showing deception before the possibility of retrenchment arising – and then the requirements of sect. 189 of the LRA still needing to be complied with.

The state of organised crime existing across our country certainly calls for creative responses – and collective agreements on addressing the same may just be one such response.”

Since the majority of South African consumers remain financially vulnerable they are advised to exercise caution and discernment as the festive/holiday season approaches.

According to the [Momentum-Unisa Consumer Financial Vulnerability Index \(CFVI\)](#), as Level 4 restrictions were in place from July to September (Q3 of 2021), it became more difficult for consumers to make a living or find employment, notwithstanding having access to grants.

The fact that South African consumers' personal finances recovered to their best level in more than two years in Q3 2021 must be viewed in the context of the rollout of the Social Relief of Distress (SRD) grant, which provided some much-needed relief. As a result, many South African consumers remain vulnerable and should exercise caution and discernment as the festive season approaches.

In this stressful world, we frequently go about our days unconsciously 'holding our breath,' waiting for a moment of relief...most of the time, we wish for financial relief. However, do not let money concerns keep you from enjoying life. This festive season can be used as a means to permanently eliminate your financial distress and here is how:

Stop holding your breath

Have you ever noticed how we tend to hold our breath when we are stressed?

Have you ever wondered why? This is due to the fact that when we are stressed, our bodies naturally become highly activated in order to protect us from a perceived threat or dangerous situation. It is primarily an unconscious, automatic reaction. In today's world, it is difficult to go a day without being stressed in some way. With the current barrage of stressful situations that many of us are subjected to, we unconsciously go about our days 'holding our breath,' anxiously awaiting the moment when we can exhale in relief.

Money is one of the many sources of stress in today's world. We have all experienced financial stress at some point in our lives. We may be concerned about being able to pay our rent on time or having enough money to pay off our debts. This constant, unrelenting tension can become so severe that it manifests physically as stomach aches or headaches, or mentally as anxiety or depression.

Don not let financial concerns keep you from enjoying life. Instead of constantly holding your breath, prepare to exhale. Use this holiday season to permanently relieve your financial stress.

Here are some pointers to get you started:

6 tips to eliminate financial stress

- **Balance your income and expenses.** List all your expenses against your income. Do this once a month. Add up how much debt you have, how much your monthly payments are, and how much time you have until you are completely debt-free.

- **Know the details.** Knowing how much you earn, how much you spend, and how much you owe will help you determine your financial health. Determine which areas of your finances require immediate attention and make it a priority to address them as soon as possible.
- **Keep to a budget.** Keep track of your monthly spending to ensure that you are not spending more than you earn. By sticking to a budget, you can avoid unnecessary expenses that could lead to further debt.
- **Pay off your debt faster.** Paying an extra R100.00 toward your credit card every month, for example, will help you get out of debt faster and channel that money into a savings plan instead.
- **Start saving immediately.** Even if you can only save R50.00 per month, it will make a significant difference in your emergency fund, retirement fund, or savings plan.
- **Make time to plan.** Make time each month to go over your finances and manage them. Always remember that time is money.

For more advice, kindly contact your financial advisor who will assist you in how you manage and plan your savings and expenditure.

CCMA'S 26TH BIRTHDAY CELEBRATION IN PICTURES



COMMISSION FOR CONCILIATION, MEDIATION & ARBITRATION

MANAGING AND IMPROVING MENTAL HEALTH WITH CARE AND COMPASSION IN THE WORKPLACE



"You do not have to be positive all the time. It is perfectly okay to feel sad, angry, annoyed, frustrated, scared and anxious. Having feelings does not make you a negative person. It makes you human." - **Lori Deschene**

This year's World Mental Health Day was celebrated under the theme **"Make mental health for all a global priority,"** a day observed annually on October 10 to raise awareness about mental health and garner support for those experiencing mental health issues. Since 2013, when the United Nations established the day, one of the most significant challenges has been unequal access to mental healthcare, particularly in low- and middle-income countries where certain population groups are more vulnerable and less likely to seek help.

South Africa is not immune to the day, having declared October to be Mental Health Awareness Month, with many organisations working in the field providing information and counselling to people who are directly or indirectly affected by mental health issues. It is recognised that the spectrum of mental health conditions is broad and includes disorders of varying severity and symptoms, such as depression, anxiety disorder, bipolar disorder, post-traumatic stress disorder, schizophrenia, eating disorders, and neuro-developmental disorders, to name a few. Given the rising suicide rates in our communities, the need to talk about mental health should be non-negotiable. It is truly time for psychological safety, where a person can share their pain or story without fear of being punished, humiliated, or discriminated against for doing so. Accordingly, Magwegwe (2022) in an article titled **The Economic Cost**

of South Africa's Mental Health Crisis, notes that South Africans are the world's [second most](#) stressed workforce. When you consider the impact of COVID-19, it is clear why our country is in the grip of a mental crisis. A lingering question is how we can address and prevent mental health issues in the workplace, and the only solution is to collaborate and engage with **care and compassion**, rather than working against each other as employers and employees. The consequences of ignoring this can result in decreased productivity and performance, poor working relationships among subordinates, and increased absenteeism due to illness. This can also jeopardise workplace safety.

Across the world employers have seen an increase in the number of employees suffering from mental health issues in recent years, and Covid-19 has seen a refocus on mental health in the workplace. However, the virus and the anxieties that accompany it are only contributing factors to employee mental health issues. *Poor working conditions, excessive or insufficient workloads, and poor leadership may all contribute to employee mental health issues.*

Depression on the other hand is one of the most common conditions encountered by employees at work and the World Health Organisation (WHO) estimates that approximately 350 million people (including approximately 27% of South Africans) are affected by mental health. Economically, [absenteeism costs](#) the South African economy between R12 billion and R16 billion per year, the Occupational Care South Africa (OCSA), and the Human Capital Review estimate it to be even higher, at R19.144 billion per year. This equates to approximately 15% of employees missing work on any given day. Employers should play a caring mechanism by avoiding disciplining employees who are suffering from mental health issues but when they notice any signs of a mental health problem in an employee, they should rather consider taking an informal approach to assist

them with the utmost ability. This may entail giving the employee time off in the form of sick/annual leave and/or counselling. It is a well-known factor that most people are not able to voice out our frustrations, pain, hurt, and suffering as such, they die in silence and choose not to disclose any mental issues to employers for fear of being discriminated against or stigmatised.

Employers are argued to create an environment where employees can freely disclose their mental health issues to avert any negative impact on their work performance or result in inappropriate behaviour to alleviate these fears and the employer should strictly maintain the confidentiality of these conversations. Now, what happens if mental health-related issues persist and they have a negative impact on an employee's performance or conduct at work, would this mean their employment may be terminated? The Jansen case in the Labour Appeal Court ruled that Depression that is incapacitating may be a legitimate reason for terminating the employment relationship if the termination thereof is done fairly and in accordance with the process envisioned in Items 10 and 11 of the Code of Good Practice: Dismissal.

When an employee is dismissed, the employer is required to determine whether the employee can fully perform the normal duties for which they were hired. If they are not, the employer must determine the extent of their incapacity and the likely duration of their absence. This Court confirmed that if an employee is unable to work for an extended period due to Depression, the employer must consider alternatives before dismissing the employee, this includes the likelihood of permanent impairment of an employee's performance by reasonably accommodating the employee's disability, such as by determining whether alternative work, even if at a lower remuneration, can be found for them.

Maintaining a healthy lifestyle during the holiday season can be difficult and more challenging for many people who have committed and worked hard all year to stay healthy.

A well-known fact is that the festive season is a time to spend with loved ones and this, of course, involves socialising and plenty of food. In South Africa particularly we have “imicimbi” (events) throughout this season, such as weddings, anniversaries, family gatherings, Christmas lunches/dinners, New Year’s Eve parties and the odd braai here and there. All these activities see many of us drowning in food and drinks in copious amounts

Ditching your weight loss or weight management plans or letting go of your health-conscious habits during the holiday season, puts a strain on both the body and the mind. Of course, you want to have fun, and this is not the time to starve yourself, but you can keep the holidays from turning into an extended binge by employing a few strategies to moderate the inevitable excess.

Before you go out to yet another buffet, remember that you can enjoy the holiday season while still eating healthily. Use these and some of your best practice tips to help you stick to your diet:

Eat enough beforehand

Maintain your eating schedule, such as eating a high-protein breakfast to keep you going until lunchtime. Before you leave for a gathering, eat a light snack, such as a fruit with peanut butter, a slice of wholegrain toast, a small yoghurt or drink a glass of water- this will aid in the prevention of overeating.

Tip: Keep a healthy snack in your bag, such as nuts, biltong or an apple when you are on the go.

Fill up on fibre

Instead of garlic bread or deep-fried starters, choose fibre-rich, low-energy-dense foods. Soups, salads, and grilled veggies are great options for volume eating that will help you to curb your appetite during the main course. Veggie dips and sides like guacamole and salsa can add extra flavour and healthy fats.

Tip: Split starters if you are in a group so you can try different options.

Prepare a strategy

Having a plan for how you will build your plate will help you stick to your diet. Fill half your plate with fresh or cooked vegetables and the other half with proteins and grains. This could include salads, chicken, hummus, and pretzels. To control your portion size, use a side plate and a small glass.

Tip: Prepare your own food (to take with you to family gatherings, for example) if you prefer, so you can control your fat, sodium, and sugar intake.

Drink smart

Alcoholic beverages are frequently high in sugar and kilojoules, and it’s easy to overindulge when you’re having a good time. Try to limit your alcohol consumption to two drinks or less per day for men and one drink or less per day for women. Even better, forego the alcohol in favour of delectable mocktails - and remember, water is the best drink to keep you hydrated.

Tip: Do not drink and drive. Always choose a designated driver if you know you will be drinking. Alternatively, use apps like **RYDD**, where you can hail a designated driver in. It works similarly to **Uber**, which is also a good option.

Make room for dessert

If you completely deprive yourself of festive treats, it may become harder to resist them, leading to overindulgence. Choose your favourite treat at restaurants or casual gatherings. You could split it with someone, dish a small serving or order a half portion if possible – many restaurants offer half portions of desserts like brownies and ice cream.

Tip: If you cannot avoid a large serving, save the rest for later

Get enough rest

Late nights are unavoidable during party season, but that does not mean you should not get enough sleep. There is no reason to get up at the crack of dawn if there is no work to be done. Extend your morning workout by an hour or two, or train in the late afternoon.

Tip: Taking some time out will do wonders for your mental health and improve your sleep quality as you make the most of those oxytocin hormones.

Balance is the key

When everyone else is throwing caution to the wind during the holidays, it is easy to dismiss health and fitness as the boring route. Do not fall into this trap; by being mindful of what you’re eating and doing, and choosing the healthier option, when possible, you will be able to get through the holiday season without jeopardizing your hard-earned fitness.

Tip: Remember two things: Have fun and look after your healthy lifestyle.

With every passing day since 1994 South Africa has undoubtedly become a better place and we have much to celebrate. Through working together, we have accomplished a great deal, particularly given the immense socio-economic challenges that we had inherited from apartheid.

President Jacob Zuma, in his 2014 State of the Nation Address, said: "As a country, we have scored many successes. South Africa is a much better place to live in now than it was before 1994."

One of the things I often notice from the current leaders and policymakers is that they talk about "ensuring a better life for all", "providing quality education, health services, etc" and "making sure that will fight crime". What seems to be lacking is the "how" factor.

So, I'm going to be a good citizen and suggest simple things that must be done to make South Africa not just a great place to live in but one where everyone feels like it's home. The great thing is you do one right and the rest almost solve them.

Waking up in South Africa means waking up with hope, for our peace dissolves with every negative news bulletin and every frustrating article we read. Far too often we forget about the good things that are happening around us and we choose to focus on the bad. We live in a country that is full of potential, yet all we do is complain. We would rather release reports on crime than statements on the progress of peace. We would rather invest all our energy in probing selfish leaders than coming up with ways to keep the spirit of Ubuntu alive. Waking up in South Africa means waking up with the realisation that life must go on. But that does not mean

that we should not revisit the mistakes of the past to rectify the confusion of the present. We walk around with suppressed anxiety, not having a clue where it comes from. We are terrified of walking around freely, we lock ourselves up in high-end estates, running away from people we have never really taken the time to get to know.

They come to our houses to clean and look after our children, to make our gardens neat and our cars shiny. They contribute to the success of our businesses and handle life for us while we sit and dine at Nelson Mandela Square, Mall of Africa, and Menlyn Mall to mention a few, eased by the presence of the great man's statue, a bit of sunshine and a view of a waterfall. And when we are done eating, we walk past their sons and look at them like they are criminals.

Most times our body language says, "Don't come near me, because I'm not sure if you want my cellphone or my kindness. So, I'll just grin at you and give you my smile for peace's sake. But if you come near my car, I'll quickly close the window because your existence threatens my safety." Who can blame us? The crime in the country is unbearable (% of crime stats) and we all know who mostly commits it. The politics are a circus, the economy is up and down, and every frustration comes with immense road rage. So, we try our best to live stress-free lives. Waking up in South Africa means understanding that the very same people who received maximum torment and torture are the ones who remain the most optimistic. Come see us at the taxi rank early in the morning, rushing to go to work, patiently waiting in lines for taxis to fill up. We just want to get to school and work on time.

All we want are better lives, respect for our dignity, and better futures for our children. All we want is better treatment in our workplaces, raises, and courtesy. For we have spent more than 300 years of our lives living in anguish. These 20 years of freedom are all we have to make sure future generations do not relive half of our struggles.

We are neither bitter nor angry, through Ubuntu, we have forgiven and all we want are better opportunities. We do not want wars, we do not want trouble. Some of our daily struggles and the after-effects of extreme separation have taken a toll on the psychology of our children. They refuse to go to school and some of our extreme living conditions have resorted them to a life of crime. We just need help in building programs that can help them. We just wish the country had faith in us.

Waking up in South Africa should mean more than the constant creation of contrasts between two worlds. For how can one land host so much diversity yet have inadequate unity amongst its people when our country is a haven for Ubuntu? Our past has shown us what the evils of separation are capable of and now is not the time to be divided. Our country has the potential of creating platforms for new ways of livelihood. Where people can truly build each other and work towards creating a peaceful society where equal opportunities and wealth are evenly distributed amongst all people. We can no longer live as if we do not need each other. For if our leaders have failed us and society works towards failing itself, then what will be of future generations?

Making South Africa a better place cannot be government's responsibility alone. We all have a role to play in creating the country we want to live in today and for future generations to inherit.

Mzansi let us unite and work collectively to build a country we want to live in.

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



Jimmy Loots
Case Management Officer
National Office

Good day Jimmy

I must say that I have been profoundly impressed by your work ethic especially this year wherein you have dealt with the many set downs I have with the CCMA, your efficiency is a breath of fresh air to us as stakeholders and users of the CCMA.

I'm sure I speak for many colleagues and litigants when I say that your competence and dedication in your work makes the ideal of expeditious resolution of disputes possible.
Keep up the good work.

Regards,
Bongani Luthuli
Partner: Employment Law, Benefits,
Industrial Relations & Discrimination

Hi Ntombizodidi

I hope you are well. Please may we have the agreement/settlement between Ms Zungu and Sasfin?

I would like to take the opportunity to thank Commissioner Cynthia Dlamini for running a very fair and transparent process, I commend her professional conduct and her desire to resolve the case.

Kind Regards
Viksha Rajcoomar
Sasfin Wealth – Human Capital



Cynthia Dlamini
Commissioner
Durban



Siyanda Ndimande
Case Management Officer
Durban



Sizwe Ngubane
Commissioner
Durban

Hi Siyanda,

Kindly receive the signed settlement agreement. We would like to thank you and Commissioner Ngubane for your support in this regards.

Good day

Normally when one becomes a regular at such places as the CCMA, there is that fear of a possible hostile reception and one may contemplate not coming
But I must acknowledge the patience and kindness displayed by the following staff members.

The security lady who has become familiar with my face and would greet me with that warm welcoming smile saying “ ukwenzani uBoss wakho ekugijimasa everyday”
Thank you also to Ms Phumzile Nkosi who so far has received 2 of my 4 referrals to date, first one on 19/10/2022., and to Ms Bridgit Fischer as well as Mr Manzini in the pre-con office. You were all amazing in the manner in which you attended to me, taking your time to explain certain procedures in relation to my current disputes with my employer

Thank you too to Ms Maggie Kunutu and Ms Khulile Adam for your punctual responses to my emails with very informative advice. May you all be abundantly blessed in the commendable services you offer us workers and our employers.

Kind Regards
Carlo Cummings

HOW THE CCMA'S INTERNSHIP PROGRAMME HAS SHAPED CAREER PATHS WITHIN THE CCMA

The CCMA's Communications Sub-Unit interviewed a number of CCMA Family members who have transitioned from being interns to now being fulltime employees courtesy of the CCMA's Internship Programme introduced in 2017/2018 a flagship of the Education and Training Unit (ETD) within the CCMA. Below are the sentiments shared by the former interns:



Tomorrow is not known by anyone and if someone told me that, I would be here today I would not have believed them. When I got the call from the CCMA's East London Office requesting me to come sign an offer letter for me to join the internship programme in March 2020, even then I was not aware of the amazing journey awaiting me in this Institution. When covid-19 hit and the country was shut down a week before my start date the only hope was that I had already signed my contract and I patiently waited until the 25th of May 2020 for me to start. It was a very hectic time to join, but the CCMA staff was amazing and they were patient with me.

During my 3rd month with the CCMA family, the former Admin clerk resigned and then I was requested to assist with Admin until the position is filled. The position was later advertised, and I applied for it, but unfortunately after the interviews all filling of vacancies were frozen. I continued with the HR intern and Admin duties until my internship contract ended in March 2021. I went home and kept on applying until the admin clerk position in East London was advertised and I applied. The interviews were on the 3rd of November 2021 and I was appointed to start on the 1st of December 2021. So far, the journey has been great and learning something new every day and developing myself and aligning myself with CCMA's mandate, which is to promote labour market stability through expeditious dispute resolution and dispute prevention.

Sinovuyo Bambatha – Admin Clerk, East London



The journey started in year 2019, when I was appointed as an Intern in the CCMA's Mpumalanga office based, specifically in the Emalahleni region. 2019 was a very challenging year for me and I had to balance between the demands of work and my University studies where I was registered for my final year in pursuit of a B-tech qualification in Human Resources Management with the Durban University of Technology at the Midlands Campus. However, with the grace of God I managed to graduate juggling both responsibilities.

Nine months into the programme I felt I was knowledgeable and confident enough to apply for a 12 Days Interpreter position which was advertised in Emalahleni office. I attended the interviews and was successful in the position of 12 Day Interpreter. In 2020 I was requested to assist the case management team after a moratorium on the filling of certain positions was issued out. Fast-forward to 2021, CCMA management decided to open a new satellite office in Secunda in efforts of expanding its footprint; this is where I was requested to act in the role of a Case Management Officer (CMO) and due to my commitment, I did so without asking for an acting allowance.

Later in 2021 around September I applied to four more CMO advertisements. By the grace of God, I was shortlisted four times and attended the interviews in a space of two months. I was successful in one of the interviews and eventually I was appointed at the CCMA Gauteng province, Ekurhuleni office. I would like to thank the CCMA, the Education, Training & Development (ETD) Unit and the Emalahleni management team for affording me the opportunity.

Thabani Dhlamini – Case Management Officer, Ekurhuleni

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My journey with the CCMA family started when I secured an internship in the CCMA's Head office, a 12 months contract, under the Collective Bargaining Department. My internship ran from 01 April 2020 to 31 March 2021.

Amongst other units I assisted during my internship, was the Employment Security Unit (ESU). As my contracts came to an end, I managed to get a fixed-term (12 months) contract as a Temporary Employer/Employee Relief Scheme (TERS) administrator. Thereafter, a CMO position was vacant under the ESU, which I had interest in and I applied, as a result, I was successful and as of 01 November 2022, I was appointed as a permanent employee of the CCMA (CMO ESU).

Lerato Pilusa – Case Management Officer, National Office



On the 7th of November 2017, I was appointed as an intern in the Dispute Resolution department at CCMA Witbank office in Mpumalanga and I was so excited when I started on that day. I told myself that I was going to be a great intern because I took my internship like an audition; so, it was wise that I had to conduct myself in a manner that will impress my managers by being always punctual, enthusiastic about the work that I was always given and working hard.

I made sure that I tackle every task with diligence, and most importantly asked questions and acquired knowledge as much as I could. Five months before my internship was about to end, the CCMA advertised a CMO position at the Witbank CCMA office where I was doing my internship.

I knew that being an intern within an organization does not guarantee that you will be permanently employed at the end of your internship, so I took the opportunity and applied for the position, well I believed that I had proven my worthy as an intern.

Through hard work and dedication that I had displayed as an intern, I was appointed as a Case Management Officer on the 1st of August 2018. I am still working as the CMO and I see myself climbing the ladder to success within the organization in the near future.

Thank you.

Jabulane Mothibe – Case Management Officer, Emalahleni

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23 March 2020, when the 21 days nationwide lockdown was announced, hopes had dwindled and there was a sense of grave anxiety in the country. As a young academic, God located me and directed my career right into the hands of the CCMA family. Congratulations were not that much in order at that time, as everyone was faced with their fair share of unrest amid the Covid-19 pandemic. On 1 April 2020 I carried my essential functions permit and set off to start my term as an internal audit intern at the CCMA with so much joy and pride.

Since that day, my life was never the same and the young graduate turned into a professional young man as I was fortunate enough to meet and work with an exceptional Internal Audit team; each with their variety of skills and aptitudes, they all added to this disciplined and diligent young professional who at the end of the day became a gem in the CCMA. Not only have I earned the experience, but a nickname was also attached to that young man as the working environment was more like a family of eleven, headed by our super enthusiastic and hands-on Chief Audit Executive (CAE). With the assistance of our motivating Audit Manager, outstanding level of skills were transferred to that young man and the absorption process was made easy as the entire Internal Audit family who consistently and strategically nurtured me. 8 August 2022 was the day I witnessed the power of having faith in God as I started my new journey as a permanent CCMA Internal Auditor. In closing I am grateful for the opportunity and the roles I am charged with, to serve the CCMA with passion, respect and integrity.

Pheladi Ramasehla – Internal Auditor, National Office



I started my internship in 2020 as registry intern at the CCMA Rustenburg regional office. I was very proud when I found that I was going to start working as an intern and honestly it was not very easy at the beginning, but because of my hard work and dedication I managed to focus. Working as an intern I was eager to work, eager to learn and I was dedicated to any job that has given to me.

Even when my contract ended in 2021, I had confidence that I will come back because I am a hard worker and self-motivated. I am now appointed as part time interpreter at the CCMA Rustenburg regional office. Coming back to this office as a Part-Time interpreter has allowed me to develop strong understanding of a solid interpersonal skills, the ability to resolve challenges on a daily basis has further strengthened my strategic skills, creativity and allowed me to become highly organized, productive and flexible.

Eddy Thekiso – Part time Interpreter, Rustenburg



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