



COMMISSION FOR
CONCILIATION, MEDIATION &
ARBITRATION



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CCMA InTouch





EDITORIAL TEAM

CHIEF EDITOR

ANNAH MOKGADINYANE - EXECUTIVE GOVERNANCE AND STRATEGY

ANNAHMO@CCMA.ORG.ZA

EDITOR

BOITUMELO RAKAU - MANAGER: BUSINESS RESEARCH INTELLIGENCE & COMMUNICATIONS

BOITUMELOR@CCMA.ORG.ZA

EDITORIAL TEAM

KEFENTSE MOLOTSANE – TEAM LEADER: COMMUNICATIONS

KEFENTSEM@CCMA.ORG.ZA

PIKOLOMZI QABA-INTERNAL COMMUNICATIONS OFFICER

PIKOLOMZIQ@CCMA.ORG.ZA

DITEBOHO SIMELANE – PHOTOGRAPHY AND GRAPHIC DESIGN

DITEBOHOS@CCMA.ORG.ZA

CONTRIBUTERS

ESTHER CROUS, BEKITHEMBA XOLILIZWE, RAMMELENG MOKGARA, MARTUS DE WET AND GLEN CORMACK.

From the desk of Annah Mokgadinyane
EXECUTIVE GOVERNANCE & STRATEGY

GOOD GOVERNANCE: A KEY TO THE CCMA'S FINANCIAL AND PERFORMANCE EXCELLENCE

"Every man, every woman who has to take up the service of government, must ask themselves two questions: 'Do I love my people in order to serve them better? Am I humble and do I listen to everybody, to diverse opinions in order to choose the best path.' If you don't ask those questions, your governance will not be good."

Pope Francis

Dear CCMA Family,

Driven by our vision of becoming a world-class institution that promotes labour market stability, social justice, and job security. Pope Francis pinned leaders who are giving public services to ask themselves two fundamental questions which will drive good governance and service excellence in that sector. As the organisation, we strive to promote social justice and economic growth with the social partners by transforming relations in the labour market.

Let me also welcome all of you to this second edition of the CCMA's *Intouch* quarterly newsletter for the 2023/24 financial year. This issue comes at a time when the CCMA achieved a clean audit opinion for two consecutive financial years and the organisation also performed well against its set annual performance plan by attaining 94%.

These achievements are testament to level of hard work, dedication, perseverance from the continued commitment to service excellence. It is pivotal to also note that for the year 2023, the CCMA hosted its Service Excellence & Employee Recognition Awards that aimed at celebrating stellar performance not

only amongst its Commissioners, but all other support staff within the CCMA's nationwide offices. Hosted under the theme, '**Excellence; A measure of today and tomorrow**', these awards celebrated and honoured remarkable achievements and also served as a point of encouragement amongst the organisation.

In this issue, we covered inspiring stories that we hope will uplift your spirits and keep you motivated in your daily strides.

As I conclude, I would like to encourage every single one of you to help us in promoting and safeguarding human rights and upholding our Constitutional democracy. May this edition touch you and encourage you to be a leader who is an Ambassador of social justice and labour peace. Each an everyone of us has a duty to uphold the values of the CCMA and to serve our Users with distinction.

CCMA Family, let us forge our way through the rest of the financial year echoing and embodying the sentiments of Ubuntu; *I am because you are.*

Enjoy



Under the theme, **“Excellence; A measure of Today and Tomorrow!”** the 2023 CCMA Service Excellence and Staff Recognition Awards Gala Dinner honoured, recognised and celebrated CCMA Commissioners and staff members who went beyond the call of duty in providing exceptional social justice to CCMA Users during the discharge of their varying roles. Dubbed “CCMA Indaba – The New Approach” the Awards aimed at enhancing self-motivation, a passion for one’s job and a platform aimed at inspiring staff to strive for enhanced optimised service delivery.

It is not by fault that the theme was centred around *Excellence* as this is one of the CCMA’s six Corporate Values, which is pivotal to achieving the vision of the organisation, which is being a world-class institution that promotes labour market stability, social justice and job security.

Held on Friday, 29 September 2023, at the Southern Sun Elangeni & Maharani Hotel, in Durban, the Awards were attended by a bouquet of insightful and motivational speakers.

In his welcome address, **Prof Enos Ngutshane** the Chair of the CCMA’s Governing Body said, “These awards honour and recognise every single person who continued to foster a commitment to excellence and putting the CCMA’s flagship to greater heights. This is to also recognise the remarkable individuals who made extraordinary contributions at the CCMA”.

In addition to this recognition, “I would also want to register the achievement of a clean audit opinion for two consecutive financial years by the organisation and the fact that the organisation performed at levels of 100% in the 2021/22 financial year and 94% in the 2022/23 financial year, against the set annual targets”.

These achievements are testament to the hard work, dedication, perseverance, and the organisation’s pursuit of excellence. Prof Ngutshane concluded his address by intimating his pride when he speaks of the CCMA’s performance in his other engagements.

Former University of Cape Town (UCT) Vice Chancellor, Prof Mamokgethi Phakeng paid homage to the CCMA staff members who were being celebrated and honoured for their excellence, emphasising their remarkable contribution to both South Africa and the global stage during times of grave labour disputes. Phakeng commended the CCMA for hosting the Awards amid the numerous turbulences and uncertainties plaguing the country.

Prof Phakeng advised and encouraged the CCMA staff and honorable guests in attendance in-person and those virtually attending to the event to have a strong and bold attitude during any adversities faced. “I encourage you to find your *WHY* and your *WHY* should be rooted in something deeper and more profound than yourself. Have a vision and purpose for your *WHY* as it is going to carry you” she concluded.

In attendance was also the **Minister of Employment and Labour Honourable Thulas Nxesi** who said the CCMA needed to remind stakeholders that these Award winners succeeded

because they worked hard – with a purpose and determination.

“This is a prestigious recognition that provides the platform for recognising the outstanding service excellence of the CCMA as an organisation. It offers an opportunity to honour and reward staff contribution to the delivery of social justice with an exceptional attitude” said Nxesi.

These awards recognise those employees who have made notable and recommendable contributions in support of the organisation’s contribution towards its delivery of social justice, protecting labour rights and ensuring compliance with labour legislation. The Minister commended the CCMA for facilitating the section 150 Conciliation process in terms of the Labour Relations Act (LRA) with Sibanye – Stillwater’s Gold operations, the Association of Mineworkers and Construction Union (AMCU) and the National Union of Mineworkers (NUM) in 2022. “We thank the CCMA for being able to unpack and work hard and strategically in these negotiations,” said Minister Nxesi.

The Minister concluded by encouraging CCMA staff to keep going and to serve ethically and professionally.

The CCMA Director, Advocate Cameron Sello Morajane took the stage to honour staff members who had been with the CCMA for more than 25 years. As he honoured and celebrated these CCMA staff members he said “The CCMA represents hope and change in our communities, for our Users and the country, South Africa. The Stories of the CCMA echo from the dongas of our various Users to the allies of our nation. The CCMA can be classified



as the generation of greatness inspiring the world to be better”.

Morajane further alluded that the role of the CCMA and its staff members is to safeguard human rights and uphold our constitutional democracy. He further said as we celebrate and honour excellence in our day-to-day lives, let us continue to service our Users and the country with distinct excellence, respect, professionalism and ethical conduct.

The following is the list of categories and winners in those categories:

1. Best Performing Commissioner
- Full-time Commissioners: **VALERINE GOUNDEN**
2. Best Performing Part-Time
- Part-time Commissioners: **BENJAMIN WAUCHOPE**
3. Best Performing Province –
Dispute Resolution: **GAUTENG**
4. Best Performing Province
- Collective Bargaining and
Mediation: **LIMPOPO**
5. Best Performing Province
– Dispute Resolution and
Workplace Outreach: **LIMPOPO**
6. The Best Performing Province
Overall: **EASTERN CAPE**

Employee Recognition Award winners were as follows:

1. Naledi Award: **MORONGOE DOROTHIA CHAKA**
2. Service Excellence Award:
- Best CMO: **ASESHNIMOODLEY**

- Best SCMO: **NELISIWE AGNES MAHLANGU**
- Best Interpreter (Full time): **BONISWA NOGWAZA**
- 3. Leadership Award:
- Best Manager: **MAPHUTI MABASO**
- 4. Wellness Award:
- Best Wellness Initiative: **MBOMBELA**
- 5. Team Award:
- Best CCMA performing team: **INTERNAL AUDIT**
- 6. 25 Year Service Awards Long Service Award:
- **Cynthia Dlamini**
- **Mandla Malgas**
- **Thandiwe Tshayana**
- **Johanna Louw**
- **Solly Motau**
- **Vusumuzi Makhanya**
- **Nthabiseng Pharasi**
- **Thembisile Raphela**



2023 SERVICE EXCELLENCE AWARDS WINNERS IN PICTURES



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2023 SERVICE EXCELLENCE AWARDS WINNERS IN PICTURES



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2023 SERVICE EXCELLENCE AWARDS IN PICTURES



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CCMA HOSTS THE LESOTHO MINISTER OF FOREIGN AFFAIRS AND INTERNATIONAL RELATIONS



On the 12th of July 2023, the CCMA hosted the Lesotho Minister of Foreign Affairs and International Relations, Mr. Lejone Mpotjoane flanked by a delegation from the Labour Ministry of Lesotho. This best practice learning session was held at the CCMA headquarters.

Giving the purpose of this closed session to both CCMA and the Lesotho delegation was Prof. Enos Ngutshane, CCMA Governing Body Chairperson. He opened and welcomed the delegation and indicated that the intention of the session was for both the CCMA and Lesotho delegation (Labour Ministry) to share their respective vision, create an enabling platform for engaging on challenges that exist within the two parties (countries/ministries/entities), their approach to resolving and preventing dispute emanating on various labour related issues and ultimately presenting methodologies they use to resolve challenges. "I hope this engagement session will yield favourable fruits and pave the way for more strategic engagement where both departments and countries learn from each other," said Prof. Ngutshane.

The session started with a brief introduction of delegates from CCMA and Lesotho presented by their respective principals Adv. Camaron Morajane, CCMA Director, Hon. Lejone Mpotjoane, Minister of Foreign Affairs and International Relations – Lesotho respectively. Shortly after the

introductions, the discussions commenced with the Lesotho delegation unpacking the reason for the visit to South Africa and within the CCMA. The Hon. Mpotjoane, who led the discussions, indicated that this engagement had been long overdue and would allow for the strengthening of current relations as well as the learning and exchange of expertise and experiences between the two states.

He also hinted at a three-day visit during which they would meet with the Compensation Fund, the Unemployment Insurance Fund, the National Economic Development and Labour Council (NEDLAC), and the Commission for Conciliation, Mediation, and Arbitration (CCMA). "It is that reason that we are here today to discuss and re-strengthen our existing relationships," said Hon. Mpotjoane. He emphasised that the link between the two nations is comparable to that of a "*mother and child*" in his concluding remarks. He claimed that Lesotho is picking up a lot from its more developed neighbours. The delegates of Lesotho continued with their presentation on issues of interest and how they envision a working relationship between the two nations.

As the day progressed and the team engaged and discussed, CCMA Director responded to the Lesotho team and mapped how they (the CCMA) can better assist the Employment Ministry in Lesotho in its dispute resolution and prevention undertakes. He indicated that an MOU needs to be signed between the two states on issues of interest as this

will formalise the relationship between the two entities.

"We must firstly appreciate the leadership of the two entities for seeing it fit to visit the CCMA, indeed, you will be milking from the cow with a lot of milk, this is because of our active engagement and striving for excellence in all that we do, we will also be doing the same from your Ministry. This emphasises, is that both entities are rich in terms of resolving and preventing disputes and we hope to gain more. It is exciting to meet all of you and share some thoughts, learning and best practices," Advocate Morajane said.

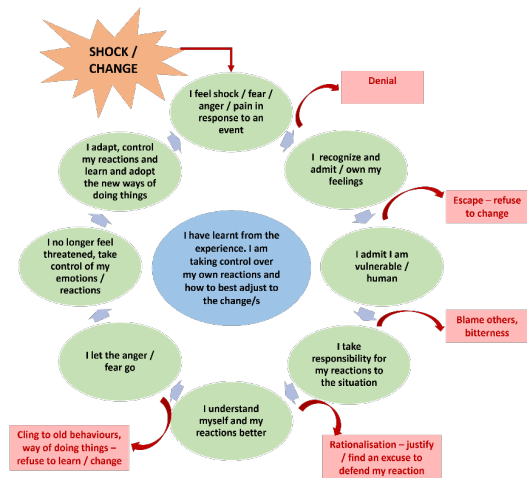
Adv. Morajane further stated that the Lesotho Ministry of Labour is known for being one of the great, having a similar vision as the CCMA. These entities have in their respective regions played and still play an impact in the labour market, he further elaborated that such engagements are driven by the fact and knowledge that these two entities can learn from each other, which cannot be taken away.

"We have good bilateral relations with South Africa," Lejone added as the session ended. "This should not be the last engagement, but the beginning of a fruitful relationship," he remarked. Lejone went on to say that there is a need to evaluate our existing Memorandums of Understanding to match with new developments. In the same spirit, Prof Ngutshane reiterated that both states need to formalise engagements and strengthen their relationships with one another.

HOW DO WE AS PEOPLE REACT TO CHANGE?



Wheel of growth (adapting to change)



If the wheel moves, you grow. If you peel off, you stagnate.

REMEMBER: The greatest freedom we have is to choose how we will react to a given set of circumstances.

There are many reasons why we struggle so much with changes in our environment, even though the change may be a positive one. Most of us are creatures of habit and when something happens that forces us to change our behaviour, we become fearful and stressed. The reason for the fear is the uncertainty about how the change will affect us. When we do not know what to expect, it makes it more difficult to plan and prepare. This is especially true when decisions are made for us, for instance changes in the organisation.

Underlying the resistance and fear lies the realisation that we cannot control everything that

happens to us. Although we may say we know this, we still operate under that illusion of control which makes us feel safe. In an organisation such as the CCMA which has undergone several changes over the last few years, and is still undergoing changes, staff often become change fatigued. Fortunately, the CCMA has a well-developed internal communication process and system, but at some point, people stop reading all the emails and therefore are not as informed as one would expect them to be.

The emotional and sometimes even spiritual impact that change can have on a person is indicated in the wheel of growth illustrated above. Once a change occurs, or even news about a change is received, each person has an emotional reaction. Not everyone feels and reacts in the same manner, but this illustration shows the typical phases people undergo before they are ready to accept change. It requires self-examination, developing understanding of yourself and your emotional reactions. The better people understand what they are feeling and why, the easier they will be able to find a way to accept and cope with the change. Some practical tips on how to deal with changes in our environment are as follows:

Write down your thoughts and feelings and determine if they are realistic and relevant to the situation. This will take you past the shock, fear and anger and identify your deeper feelings. Some fears may be relevant and realistic while others are unfounded and rather comes from past experiences. If you are ruled by fear, your thoughts

will often be negative. Identify the thoughts that occur often and ask yourself questions such as, 'Is this true?' or 'can my fear actually come true?'. If it is not likely to happen, let those thoughts and feelings go. If the fears are realistic, prepare and plan what you can do about it. If you cannot do anything about it, you will realise that worrying about it is not useful and you are not using your energy effectively to for instance learn new skills and keeping informed about the changes. Another useful method is to remind yourself of past difficult experiences and the mechanism you used to cope with them. If you have coped once, you will be able to cope again, because you know you have it in you. It is important not to believe in and spread rumours. If you have fears and uncertainties, ask – ask your line manager or Human Resources. Try to understand as much as possible about what impact the change will have on your life and why these changes are being made. This will help you prepare practically and emotionally. And lastly, remember that everything that happens to us, changes us, no matter how big or small the event. And this is where we can take control back – we can decide how we think, feel and react. As the wheel shows, you can move through the steps, or you can peel off and decide not to change – it is your choice, but then you must also be willing to accept the consequences of your choices. Nothing stays the same for ever, especially not you. And the sooner you realise this and choose to respond in a positive manner, the sooner you will learn, grow and adapt.

SASLAW CONFERENCE IN PICTURES



COMMISSION FOR CONCILIATION, MEDIATION & ARBITRATION



Despite the numerous problems associated with good service delivery, the South African government has demonstrated a willingness to investigate ways to improve the current situation. To get this right, the public sector must work closely with the business sector to better understand, and eventually adopt, a modern, digital-first approach for the public sector as well as for communicating with the country's population.

Both public service and technology innovation should, in the end, result in real benefits in people's lives, whether at the level of everyday service delivery or larger undertakings for the greater long-term good. As such, If both the public and commercial sectors adhere to this principle in good faith, our potential for the creation and ongoing improvement of civic service is limitless.

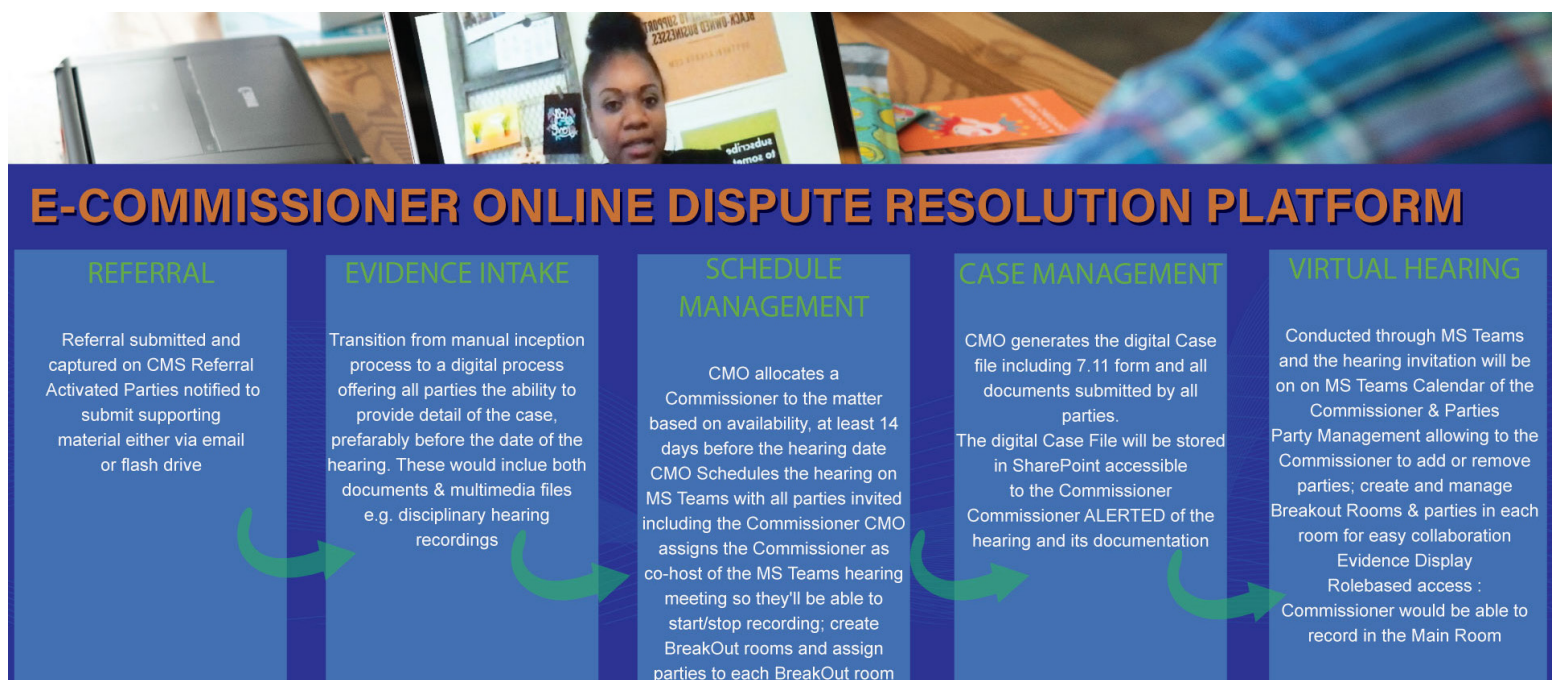
The public sector can improve services, save money, and improve citizens' quality of life through digitizing procedures and adopting organizational reforms. Often, the public sector focuses its digitisation efforts on four capabilities: services, procedures, choices, and data exchange. We believe there is a logical progression from fast successes to revolutionary efforts for each. Digital innovation in government starts at the local level. In this article, we explore the **CCMA's E-Commissioner online tool** otherwise known as online dispute resolution which was conceptualised from the synergy between ADR (Alternative Dispute Resolution) and ICT (Information Communication Technology).

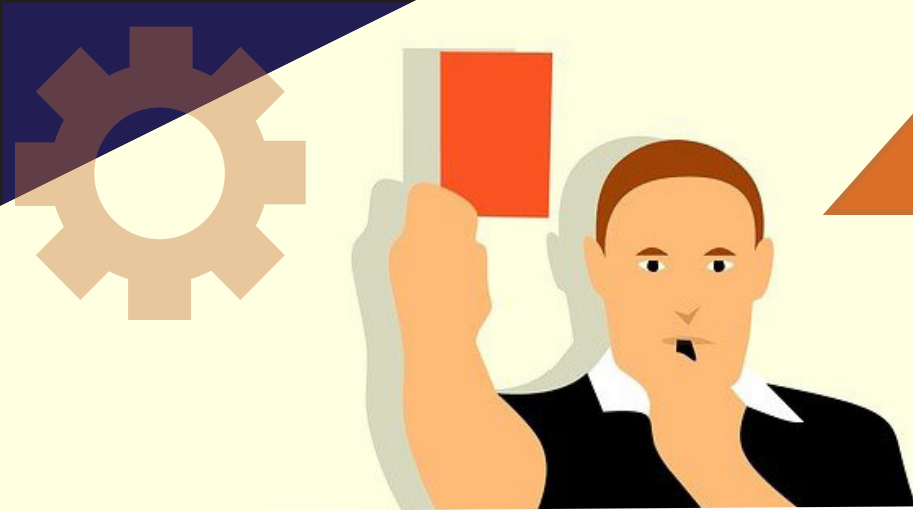
With this online portal/tool, the process of dispute resolution is conducted online which

entails the initial filling of the dispute, the appointment of the presiding Commissioner, the presentation of the evidentiary processes, the presentation of oral hearings, the recording of the process and the rendering of binding settlements, rulings and awards.

On July 3, 2023, the E-Commissioner online dispute settlement platform went live. A total of 166 CCMA officials volunteered to take part. Nationally, around 143 Commissioners volunteered, as did 19 CMOs and 4 interpreters. The E-Commissioner platform will be piloted in five (5) Regional Offices: Durban, Kimberly, Mbombela, Cape Town, and Richards Bay.

To learn more about this innovation by the CCMA kindly refer to the below posters:





Whistleblowing is a powerful tool for uncovering unethical behaviour within organisations, yet its conventional approach often falls short in addressing the complexities of employee happiness. To bridge this gap, an innovative approach involving the establishment of a Social & Ethics Committee (SEC) is imperative. Whistleblowing is defined as a conscious act involving a high degree of risk, typically intended to report unethical behaviour within an organisation. Conventional whistleblowing relies on a four-pillar framework: receiving, assessing, investigating, and concluding reports. However, the reality is that only about 2% of whistleblowers use hotlines, highlighting the need for alternative reporting avenues (Groenewald – Whistleblowing Management Handbook).

Employees should therefore opt for alternative reporting methods such as informal discussions with line managers, engagement with existing committees (e.g., Health & Safety, Employment Equity), or contacting the Human Resources Department. These channels offer a more diverse and nuanced perspective on potential unethical behaviour.

Employee happiness is closely tied to disciplined leadership. Unhappiness often manifests in various forms, and monitoring disciplinary actions can serve as a barometer. Analysing these actions and trends requires reading between the lines, making it

vital to address the root causes of discontent.

The Companies Act of 2008 and King IV Corporate Governance guidelines mandate the establishment of a SEC structure in specific organisations. This and similar committees oversee five designated areas: *social and economic development, good corporate citizenship, the environment, health, and public safety, consumer relationships, and labour and employment*.

SECs have the power to obtain relevant information, attend various meetings, and promote ethical practices within organisations. King IV recommends that SECs also focus on workplace, economy, society, and environment aspects. SECs can serve as the primary oversight body for whistleblowing initiatives. To enhance their effectiveness, SECs should ensure optimal representation, establish clear terms of reference, and develop a robust monitoring and reporting framework. An innovative approach involves formalising data collection from unconventional reporting channels and critically analysing both conventional and unconventional reports. SECs should analyse trends, report to the Board more regularly, and publish findings in Integrated Reports. This approach requires unanimous support and a lockstep approach throughout the organisation.

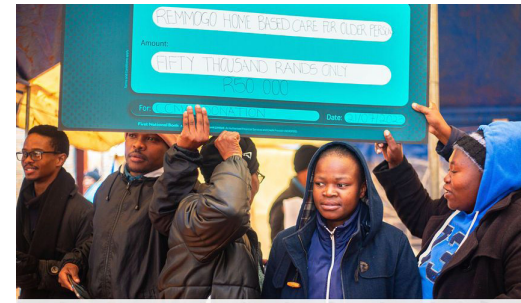
Social & Ethics Committees are ideally positioned to exercise effective whistleblower oversight. Conventional reporting channels are insufficient in addressing the complex interplay between whistleblowing and employee happiness. An innovative approach, inclusive of unconventional and unconscious reports, should be embraced to ensure ethical

practices and a happier, more transparent workplace environment.

The abovementioned article is a summary of a presentation delivered by Martus de Wet at the 26th SASLAW NATIONAL CONFERENCE 2023 on 13 September 2023.

*Martus de Wet is an admitted attorney of the High Court, and a director at De Wet Wepener Inc, Welkom & Bloemfontein. Martus has more than 15 years of experience in the legal field and currently serves as the Chairperson of the Free State Legal Practice Council. He is **a part-time commissioner of the CCMA**, and an accredited member of the Institute of Directors of South Africa (IODSA), which is the custodian of the KING Reports. He regularly presents training to employers on implementing the KING IV recommendations as well as labour and employment law topics. He also serves as an independent member (specialising in ESG) of various Social & Ethics Committees.*





With this year's **Nelson Mandela International Day** being commemorated under the theme: **"It is in Your Hands"**. Nelson Mandela, in addressing the scourge of poverty, suffering and deprivation, said: "It is in your hands to make our world a better one for all, especially the poor, vulnerable and marginalised." These profound words by our global icon and father of our nation are at the heart of our actions this Nelson Mandela Day in tackling the intersection between climate change and food security.

It is against this background that the Commission for Conciliation Mediation and Arbitration (CCMA) Director, Adv. Cameron Morajane, heeded the call of action on 21 July 2023, by visiting the *Remmogo Home Based Care for Older Persons* based in Kimberly, Northern Cape where he made a donation of R50 000 on behalf of the CCMA Family.

This is drawn from the CCMA's tenacity with the CSR Programme in line with Principle 3 of the King IV Report on Corporate

Governance which states that the Governing Body should ensure that the organisation is and is seen to be a responsible corporate citizen. In this principle, the organisation is viewed as an integral part of the community, and this emphasises the interdependency between an organisation and society.

The Kimberley Based Care Centre is a community-based non-profit organisation that provides support services to vulnerable elderly citizens within the Kimberly area.

In the previous years, CCMA offices were allocated a minimum budget to purchase food parcels for their chosen beneficiaries, however, this has since been changed. From the 2023/24 financial year onwards, it is proposed that the Nelson Mandela International Day Programme be conducted on a rotational basis, facilitated by the National Office thus giving all communities across all nine (9) Provinces an opportunity to be selected, ensuring that the Programme generates maximum impact.

Speaking at the handover ceremony, the CCMA Director gave an emotional reflection on the

challenges he also encountered growing up and how an old granny in his community sponsored his fees for his university registration. His message was centred around *hope* and engaged everyone in attendance to have hope and trust in the process.

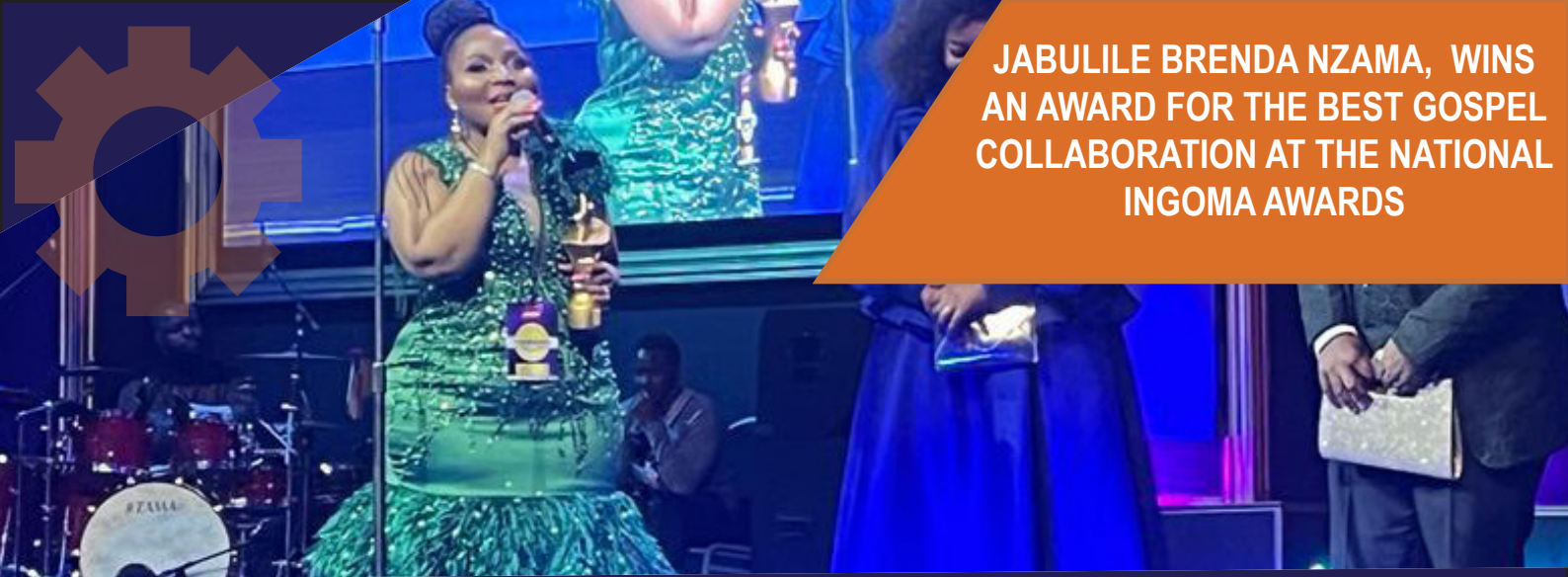
"In most instances, all you have is just hope and the next thing is that God will provide. God places people in your path in order for them to take you further, and this is why we are here today". "Those who are able to assist, please continue to assist, as the work we are doing is all God's will", Morajane added.

Morajane was accompanied by some senior Management team – Executive: Governance and Strategy Ms Annah Mokgadinyane, Provincial Senior Commissioner Mr Lacky Moloi as well as Regional Senior Commissioner Mr Tsietsi Chakane who are both based in the Northern Cape. In his closing remarks, CCMA Director said: "With the little that we bring today, I want to say to you: 'let's be together', which loosely resonates with the name of the of the care centre 'Remmogo'.

HERITATGE DAY IN PICTURES



COMMISSION FOR CONCILIATION, MEDIATION & ARBITRATION



JABULILE BRENDA NZAMA, WINS AN AWARD FOR THE BEST GOSPEL COLLABORATION AT THE NATIONAL INGOMA AWARDS

IN CONVERSATION WITH AN AWARD-WINNING JABULILE BRENDA NZAMA A CCMA INTERPRETER FROM THE CCMA'S RICHARDS BAY OFFICE

Spreading the word of GOD through music is Richards Bay gospel star, Jabulile Brenda Nzama. The rising star, known as MaBree and CCMA's Richards Bay interpreter won the Best Gospel Collaboration at the National Ingoma Awards hosted on the House of Treasures Ministries Johannesburg, 26th August 2023.

The CCMA's Communication Team had a conversation with Jabulile and this is what he had to say:

1. Tell us a bit about your background and how it has shaped you.

I was born and bred in Durban in a place called Adams Mission. I'm the eldest child and I'm a born again Christian. As a child, I was actively involved in Sunday school which is where my singing talent was recognized. I'm married with three children. My husband was the one who encouraged me to sing professionally, and he also invested in building a studio at home. I recorded my first single in 2020 during COVID-19 national lockdown. The single was then accompanied by a music video. The music video received airplay on DSTV channels such as 'Trace Gospel', and 'One Gospel' to name a few.

2. Tell us about your journey of being a talented singer(artist) and CCMA interpreter? Was interpreting and being an artist always the goal, kwenzekani lana?

I was a singer before I was employed as an interpreter. My journey started at church at a very young age, and I progressed to do choral music when I reached high school and I ended up being part of the national renowned choir called SA Singers which won many competitions across the country. On weekends and after working hours is when I find time to focus on my music and promote my brand as an artist.

3. What, in your opinion, what makes an award-winning and successful artist?

An artist must be authentic and love their craft. One must be diligent in promoting their craft and must focus wholeheartedly on their craft. One must also have a good support system and work with the best in the industry. One must invest in the quality of their work in terms of mixing and mastering one's music.

4. On that note of a successful and award-winning artist, tell us about this win, how it came about, how are you feeling?

I was nominated in two categories by the award panel and lines were opened for the public to vote for their favourite artist. I did a church tour promoting my music and asking people to vote. I also went for radio interviews to promote my album and had an opportunity to engage with listeners asking for their support. I feel honoured to have received such a prestigious award and to be recognized as an award-winning artist.

5. How do you then plan to make a positive impact at the CCMA using your voice and your interpreting skills?

I would like to be part of the events organized by CCMA and be afforded an opportunity to showcase my talent and encourage others like me within the CCMA family to follow their dreams.

6. If you were granted one wish, what would it be?

My wish is to perform on a bigger stage with international artists like Tasha Cobbs, Cece Winans etc. I also wish to raise enough capital and get sponsorship to host music events around the city of uMhlathuze which is where I'm currently based.

(An opinion piece by p/t senior commissioner Glen Cormack)



Instead of the current socio-economic disaster we are living in, bedevilled by amongst the highest levels of inequality, unemployment and labour disputes in the world, with frightening levels of poverty, crime and corruption, civil protests - plus service delivery failures across the board, imagine we were living in a stable environment where social partners were jointly accountable for implementing economic growth, labour stability, social justice and deepening democratization of workplaces.

Instead of 225 trade unions fighting each other for members that number less than 30% of the national workforce, imagine we had focused unions working strategically across the respective sectors of the economy, deepening workplace democracy to ensure most workers across the labour market enjoy the intended benefits of the Labour Relations Act (LRA) – second only to the Constitution in the hierarchy of statutes.

Instead of more than 50% of the economically active people in the country

surviving on incomes less than the lower poverty datum level, imagine we had citizens having access to income streams either through work rewarded with at least living wages, or social support systems that allow them to lead dignified lives.

Instead of hundreds of Rbn's of tax-payers' money being spent on bailing out our State-Owned Entities (SOEs), without any indication of accountability, imagine our SOEs critical to the delivery of developmental goals and commitments are regarded as centres of excellence – impacting positively on the constitutional rights and quality of life our fellow citizens are justifiably entitled to.

Instead of dysfunctional local government entities repeatedly failing to deliver housing, water, sanitation, waste removal, local economic development, enforcement of just by-laws, decent roads and public transport systems, imagine we had effective and efficient delivery of these and other municipal services – bringing the benefits of our democratic constitution to everyone and the 'well-off'.

Instead of our labour market being perceived as unstable and over-regulated, **imagine we** see business and labour collectively bargaining on five-to-ten-year deals, trading-off vested interests to those that will meet the objectives of the LRA and encourage investment in job creation and support for SMME's.

Instead of a further 30 years of clamouring for transformation of land ownership in the face of minimal policy implementation - creating anger and insecurity in our agriculture sector and food accessibility, **imagine we** strike deals that will result in our country becoming the proverbial food basket of the region/continent, creating additional livelihoods for 10's of thousands of people.

Instead of our education system failing most of our learners and work seekers, **imagine we** see


new entrants to our labour market equipped with the knowledge and fit-for-purpose skills to meet the requirements of our ongoing changing worlds of work.

HOW DO WE ACHIEVE THESE DREAMS?

It is evident that present leadership has failed to deliver on promises and, more crucially, on public expectations. Current trends indicate that they will not meet the nation's needs in the near or mid-term future. In our metro and other municipalities where coalitions "rule the roost," political parties are more interested in accumulating "power" than in committing to the need for "servanthood" leadership. The promised national social partner pacts come and go with little to show for the countless multi-party/multi-department/multi-task team initiatives other than talk, talk, and more talk. The government has shown an astounding contempt for holding their officials accountable for the chaotic situations that exist in our neighbourhoods. It's time to act.

Now just imagine if organised business and organised labour jointly held government at all levels accountable for failure to hold their officials accountable, not only for irregular and wasteful expenditure but also for wasted salaries where the respective officials have failed to deliver on their contracted performance requirements - recovering these monies personally from those accountable through class actions in our courts.

Now just imagine if organised business and organised labour struck collective agreements across industries/sectors/business entities where organised labour enjoys majority status, to attain researched living wage levels within an agreed period as a minimum income level – benefitting the 73% of economically active employees who currently earn less, in return for no industrial action undertakings across the same period, establishing the labour market stability targeted in the LRA. Coupled



JUST WHAT IS HAPPENING WITH AND TO OUR SOUTH AFRICAN LABOUR MARKET?...

with this foundation platform could be collective agreements on skills development to meet changing needs and agreed employment equity targets; plus, repositioning of possible livelihoods for those unable to be reskilled or surplus to operational requirements - with a concomitant increase in severance pay to ensure respect for the years of service employees have invested in the respective entities. To meet these latter requirements, sector-wide insurance funding arrangements, comparable to unemployment and/or skills development funds, could be proposed. Where appropriate, collaborative consideration in principle could be offered through Memoranda of Agreement to allow new SMMEs to take root and expand, lowering existing failure rates of new enterprises and encouraging entrepreneurs to invest in new ventures, thus creating desperately needed jobs.


Imagine if critical mass capacity building on issues of transforming workplace relations and managing workplace conflict for business and labour cut the number of labour disputes in half, encouraging investments in our economic entities as well as job creation opportunities that will meaningfully address our alarmingly high levels of unemployment. Imagine if organized labour and organized business developed collective agreements on what education and skills development initiatives are needed and must be provided by the government, from early childhood to retirement, and then drove the necessary changes through existing structures such as NEDLAC. Now just imagine if collective agreements between commercial farming associations and organised labour were struck that spoke to issues of access to and usage of land and development, including issues of impending climate change.

And just imagine if youth structures and the unemployed millions could be brought into this finding of solutions, adding to the critical mass required to ensure an inclusive process with inclusive solutions were realised.

LET US MAKE IT HAPPEN!!!



COMMISSION FOR CONCILIATION, MEDIATION & ARBITRATION



ACHIEVING AN EQUITABLE WORKFORCE REPRESENTATION IN TERMS OF THE AMENDED EMPLOYMENT EQUITY ACT.



On 14 April 2023, President Cyril Ramaphosa signed the Employment Equity Amendment Act 4 of 2022 into law. This act amends the Employment Equity Act 55 of 1998 (EEA). The effective date of the amendments is yet to be proclaimed by the President. In May 2023, the Minister of Employment and Labour published draft numerical sector targets for national economic sectors, providing a 30-day window for interested parties to submit their comments. The intention of the sector targets is to move from the current self-regulation of numerical targets by designated employer to a more coordinated and controlled Sectorial targets.

The purpose of the Employment Equity Act is to achieve equity in the workplace by promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination and 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 levels in the workforce.

Solidarity, a trade union, filed an application in the Labour Court challenging the relevant provisions of the EEA Amendment that pertain to the identification and implementation of numerical targets by designated employers. The Union argues that these amendments are unconstitutional as they impose racial categorisation and a quota-based system on designated employers, amounting to rigid quotas and absolute barriers based on race.

On 28 June 2023 the parties reached a settlement and entered into a settlement agreement which was facilitated by the Commission for Conciliation, Mediation, and Arbitration (CCMA), the parties

settled on the following:

1. Affirmative action is a coherent packet of measures, of a temporary nature in line with the Constitution, aimed specifically at correcting the position of members of a target group as defined in the Employment Equity Act [55 of 1998 (EEA)] in the workplace, to obtain effective equality.

2. Affirmative action shall be applied in a nuanced way, as embodied in this agreement, and the economically active population statistics will only be one of many factors that will be taken into account in the compliance analysis of affirmative action in any workplace.

3. No absolute barrier may be placed upon any employment practices affecting any persons from any group.

4. For the purpose of preparing and implementing an employment equity plan and reporting and compliance analysis of affirmative action in any workplace, the following criteria must be taken into account:

- inherent requirements of the job.
- The pool of suitably qualified persons.
- The qualification, skills, experience, and the capacity to acquire, within a reasonable timeframe, the ability to do the job.
- The rate of turn-over and natural attrition within a workplace.
- Recruitment and promotional trends within a workplace.

5. In the compliance analysis of affirmative action in any workplace justifiable/reasonable grounds for not complying with the targets as set by the employer and/or any other targets set by any other party, may include:

- insufficient recruitment opportunities.
- insufficient promotion opportunities.
- insufficient target individuals from the designated groups with the relevant qualification, skills, and experience.
- CCMA awards/court orders.
- transfer of business.

- mergers/acquisitions; and
- impact on business economic circumstances.

6. No penalties or any form of disadvantage will be incurred by the employer if in the compliance analysis of affirmative action in any workplace, there are justifiable/ reasonable grounds for not complying with the targets.

7. No employment termination of any kind may be effected as a consequence of affirmative action.

General principles governing the lawful application of employment equity are reiterated in the settlement agreement and include that affirmative action must be applied in a nuanced way, that no absolute barrier to employment may be imposed on persons from any group and no terminations of employment may be effected as a consequence of affirmative action. The settlement agreement contains justifiable reasons for non-compliance with EE targets, which are not new, but the settlement agreement does record a further provision that no penalties or disadvantages will be imposed on employers who can demonstrate reasonable grounds for non-compliance.

The settlement agreement records criteria that must be considered when preparing EE plans and reporting. Some factors in the criteria already appear in the Employment Equity Act (EEA) under various sections and the original wording of section 42(2) of the EEA includes some of these criteria for consideration in determining whether a designated employer was implementing employment equity in compliance with the Employment Equity Act.

It is expected that upon proclamation of the effective date of the EE Amendment Act, 2002, the amended EE Regulations and final sector targets will be published for implementation, it was also further agreed that the contents of the settlement agreement would be gazetted as part of the 2023 Employment Equity regulations.

EKURHULENI REGION GETS ACTIVE WITH THE TSHWANE REGION IN ITS WELLNESS ACTIVITIES



The health and wellness of staff contributes significantly to the successful functioning of an organisation. As such the CCMA's Ekurhuleni Office hosted a hiking session for the team at the natural reserve in Modderfontein. In this hiking session, the CCMA's Tshwane Region; a sister region to the Ekurhuleni, was also in attendance to this session.

CCMA in its nature strives to promote all the Sustainable Development Goals (SDGs), and in this instance paid close attention to SDG 3 - Good Health and Well-Being. It is from this that the CCMA understands that a healthy mind and body often lead to a healthy work ethic and good productivity within the workspace.

The hike provided a perfect opportunity for team members from both regions to connect outside of the office environment and for them to bond over a shared outdoor adventure. As the teams embarked on the trail, they were able to appreciate the beauty of nature, take in the fresh air, and engage in meaningful conversations with colleagues.

The hike not only promoted physical activity and wellness, but it also

allowed colleagues to foster new relationships and strengthen existing ones. "As we navigated the trail together, we had the chance to learn more about one another, share stories, and discover common interests," said Bekithemba. He continued to say that the shared experience of overcoming challenges, such as steep inclines or slippery paths, created a sense of camaraderie and teamwork.

The positive energy and enthusiasm was contagious. Laughter, encouragement, and a spirit of adventure filled the air, forging lasting memories and connections. The hike served as a catalyst for building a sense of community beyond our immediate team and demonstrated the power of collaboration and unity.

Based on the overwhelming response and the enjoyment expressed by both regions, it is evident that this hike was a resounding success. The experience not only brought us closer together, but also highlighted the benefits of engaging in activities outside of the workplace. The positive feedback received from participants indicates that they would eagerly participate in similar events in the future.

Mr. Mpumelelo Nconco, the Gauteng region's Provincial Senior Commissioner said: "This Wellness activity organised by these two regions working together aptly reflected the CCMA's

passion for collegiality, passion, commitment to a collective engagement and focused determination. It was wonderful both to see and experience the effervescence of the two regions' comradeship on this day." Mr. Nconco further alluded that it was this day that encouraged different forms of social interaction amongst colleagues across the two regions of the CCMA.

Other participants said it was the single largest and most fun wellness day that the two regions had organised since its inception.





CCMA PARTNERSHIP WITH HIGHER EDUCATION INSTITUTION BEAR FRUITS

In 2011, the preparatory process for the initiative to partner with Higher Education Institutions in the delivery of the Labour Dispute Resolution Practice (LDRP) was put in place.

The Labour Relations Practice Industry (the "Industry"), made up of the CCMA and Bargaining Councils, partnered with public universities to develop and deliver a qualification in Labour Dispute Resolution Practice (LDRP). During 2013, the first MOU was signed to enable the delivery of the LDRP programme and ensure that it is accessible to all individuals across South Africa who aspire to become Commissioners of the CCMA or members of the dispute resolution panels in the Bargaining Councils or wish to enhance the dispute resolution skills. The following institutions availed themselves by agreeing to participate in the project and offering the programme: Nelson Mandela University, University of the Free State, University of the Witwatersrand, University of KwaZulu-Natal, North-West University, University of Cape Town and, Stellenbosch University.

In 2019, the CCMA approached Wits to request scholarship/s for employees to enrol for the LDRP qualification on mutual beneficiation basis. The meetings held with Wits yielded good results in that three (03) scholarships per academic year were availed and the first beneficiaries accessed the programme in 2020. A total of nine (9) employees have benefited from this initiative to the tune of +-R 450 000 excluding the allocation for the 2023 academic year. All those who benefited from this initiative have passed and others applied for Commissioner positions as advertised by the Human Resource of the CCMA.

Below are some of the messages of appreciation and success stories from the beneficiaries:

I would like to take a moment to convey my gratitude and heartfelt thanks to CCMA for giving me the opportunity to complete the Labour Dispute Resolution Programme with WITS University. Long hours, information overload, nail-biting moments with assignments and examinations. Forgetting your comfort zone and doing Role Plays with all eyes on you. Hanging onto every word of the lecturer as they share their knowledge and experience with you. Every moment has been an incredible journey. I encourage you to grab every learning opportunity given to you. Success is not an accident however it is hard work, perseverance, learning, studying most of all, the love of what you are doing or learning to do. Nelson Mandela stated - "Education is the most powerful weapon which you can use to change the world." Lorraine Govende

The journey of my study. It was around June 2022 when I made a decision to study Labour Dispute Resolution Practice course. It was a lovely journey, but time-consuming as we would attend sometimes during the week after work. You just need to be focused and ready to complete the course. It was difficult at the beginning as I had to adjust to work, social, and studying, as time goes you start to be relaxed as your planning starts coming into action.

It was really a great journey I would love to continue again and further my studies. Thank you, CCMA and all the admin staff that made, this possible. Mcgyver Ntsoane

The first thing that my lecturer said during my first-class attendance was: "Studying is very overwhelming; therefore, forget about yourself, switch off, create a study plan and never skip a class". The experience was never easy. My day(s) began at 03h00am and ended at 23h00pm; 'one can imagine that giving up was knocking on the door...' However, persistence is never easy. Upon receipt of my first exam results, I smiled and thought to myself 'One down and five more to go'. My only motivation was that all shall be taken as it comes because most days were harder than normal. When I received my final exam results, I rejoiced and said "L©L, it was worth the hard work, consumed time, disappointment, dedication, focus and loyalty."

My best advice: Begin your everyday by seeing the shape of your future and see yourself effectively handling all that is before you. Our CCMA Director usually says, "You've got this" and I say, "Be into it, forever" and sing this song as you go "Fetch your life_by_Prince Kaybee_ft_Msaki"

Holy Bible King James Version verse: Proverbs 16:3 "Commit thy works unto the Lord, and thy thoughts shall be established."

"Kunqoba abaphikelelayo" Gugu Masikane

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Lucky Moloi
Provincial Senior Commissioner
Free State/Northern Cape

"The CCMA's Free State Provincial Senior Commissioner's (PSC) well wishes to his Provincial Staff".

Greetings Colleagues,

As I normally say, your work will talk more than what you can express. The previous publication of this newsletter showed how the Free State & Northern Cape offices are flying the CCMA flag high through service delivery. I am humbled by your deeds captured in the newsletter. This shows that you are not only about doing day to day work, but that you are also about social justice and the promotion of corporate social responsibility. I am inspired by your deeds. It is about you (int'wingawe)! You got this!!

Ngiyabonga, I thank you all.
Lucky Moloi



Dear Director of the Commission and the Regional Senior Commissioner

It is with deepest pleasure and energetic enthusiasm to announce and pronounce the good work done by other commissioners who are loyal and dedicated to their work as the incumbents who have been sworn in on their duties and who work with the full knowledge and understanding of LRA. Ms Sibiya in the JHB Region deserves a title of being a commissioner of the year and furnished with permanent and continuous status and a position of a Senior Full time Commissioner, so as to visibly provide good service to the users. The lady in Women's Month deserves more at the CCMA fraternities, she has displayed her objectiveness when she briefly entered into GAJB 16869/21 matter where she delivered services without being subjective or conflicted conflict occur in a number of cases at CCMA including the FNB cases GAJB 8268/23, GAJB 16563/23 and other FNB cases including others, where conflict is so obvious but is justified.

Such Commissioners who are delivering diligent job should be encouraged and incentivized in order to deliver more and better.

In appreciation
Mvuyisi' Wilber 'Mfebe



Zanele Sibiya
Commissioner, Johannesburg

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Ziyanda Maqula
Interpreter,
Polokwane

Good morning

I have received my settlement agreement. The person whom helped me by the name of Ziyanda made the process to be simple and fair between me and my employer. I had already lost hope and she made it by all means that the dispute I had was resolved. Thank you very much. May you continue to help others in the future. May god bless you. Thank you very much. The service I've received from your institution was excellent.

Kind regards
MW Monyela

Dear Adv Morajane and team

On behalf of the SALLR team, we would like to thank you immensely for your valuable contribution of expertise and knowledge to our SALLR seminar's. A special thank you for taking the time out of your busy schedule to join us on our journey.
We appreciate all of you.

The conference was a success, we look forward to seeing you soon.

<https://2023sallrseminars.co.za>

Kind Regards
Taryn van der Merwe



CCMA Director: Adv Cameron Sello Morajane
at the South African Labour Law Reports
Seminar

An afternoon of sisterhood as we celebrate the spirit of women. We spoke about issues that are currently affecting us as women.





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