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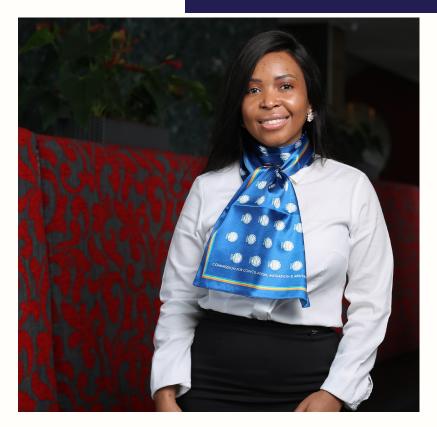
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### From the desk of Annah Mokgadinyane EXECUTIVE GOVERNANCE & STRATEGY



Let us look to the next year with hope and determination. Yes, there will be challenges and turbulent tides, but just as we have sailed over this year's and yesteryear's challenges, we shall do so again in 2024.

Please do enjoy reading this issue of CCMA InTouch.

The CCMA and the *InTouch* Editorial team would like to wish you and your families a happy and safe festive season and a prosperous New Year.

#TogetherWeCan #WeGotThis



## FROM THE DESK OF ANNAH MOKGADINYANE EXECUTIVE GOVERNANCE & STRATEGY

#### ABOVE AND BEYOND: THE CCMA STRIVES FOR EXCELLENCE, RELEVANCE AND PROMINENCE

#### Seasons Greetings, CCMA Family!!!

Welcome to the 3<sup>rd</sup> edition of the CCMA's *InTouch* for the 2023/24 financial year. As usual, our publication; *InTouch* seeks to keep you informed of all the critical developments within the CCMA as well as the strategic engagements that we have attended and/or hosted during this given quarter.

As we close off the year 2023, I would like to take this opportunity to thank each of you; members of the CCMA Family, for your undeterred support that we have enjoyed throughout this year. You have all, in your varying ways, contributed to the successes bestowed onto the CCMA. May you continue flying the flag high championing the CCMA as an incomparable dispute resolution body within the SADC region; it is when we work together that we can reach greater heights. Thank you to our CCMA Users, our CCMA Colleagues; the CCMA's support staff, the CSA, the Part-time and Fulltime Commissioners, the Extended Executive Committee, the Governing Body and its Sub-Committees, our Strategic Partners and our international counterparts.

In 2024 the CCMA promises to continue making its services accessible to all Users, indiscriminately across all provinces in the nation, through our varying Outreach programmes, in a bid to prominently promote an equitable and stabilised labour market.

CCMA TABLED ITS 2022/23 ANNUAL REPORT BEFORE THE PORTFOLIO COMMITTEE ON EMPLOYMENT AND LABOUR

On Friday 20 October 2023, the CCMA appeared before the Portfolio Committee on Employment and Labour (virtually) to account for the CCMA's non-financial and financial performance for the 2022/23 period. The below are some of the key highlights of the CCMA's performance for the year under review against the 2021/22 Annual Performance Plan (APP):

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#### The CCMA's overall 20202/23 Performance

The CCMA achieved an overall performance of 94%, emanating from its delivery of twenty-seven (27) of the thirty-two (32) targets set in the 202122 APP.

#### Section 189A Facilitations & The CCMA's Job Savings Strategy

Section 189A of the Labour Relations Act (LRA) No 66 of 1995 enables the CCMA to facilitate and assist parties in reaching a consensus on alternatives that can be considered to avoid or minimise retrenchments to mitigate any adverse effects brought by retrenchments on the labour market's stability. As submitted by the CCMA Director, Adv. Cameron Sello Morajane, the CCMA recorded a high number of large-scale retrenchment (Section 189A) referrals in the 2021/22 financial year which was recorded at 2 286. It is worth noting that the number of employees who were likely to face retrenchment in the previous financial year has declined by 24% whilst the number of Section 189A applications also declined by approximately 10.16%, this is indicative of business recovery and stability. Morajane further noted that CCMA's jobs saving efforts saw 18 196/35 679 jobs.

#### Jobs Saved by Sector

The CCMA's dedicated focus on job-saving has consistently yielded commendable job-saving successes. The CCMA was able to save 3018 (81%) jobs from 3 738 employees likely to be retrenched in the mining sector, the retail sector, 353 (60%) jobs were saved from 586 employees to be retrenched, 193 (96,5%)

jobs were saved from 200 employees likely to be retrenched in the transport (private) sector and Metal sector with 146 (69,5%) jobs saved from 210 employees likely to be retrenched. Arising from the CCMA's intervention, only 2 286 actual retrenchments were recorded in the same period.

The CCMA experienced a high volume of referrals attributed to the termination of the state of disaster in respect of the COVID-19 Pandemic, loadshedding impact on businesses as well as the deterioration of the economy. During the 2022/23 financial year, the CCMA recorded a total of 184 075 case referrals which represents an increase of 27 298 compared to 156 777 case referrals received during the 2021/22 financial year. The total number of National Minimum Wage Act (NMWA) and BCEA referrals (excluding severance pay) were recorded at 48 009 referrals compared to a total of 33 571 referrals received during the 2021/22 financial year. The total number of referrals received that were COVID-19 related (excluding mandatory vaccination cases) was recorded at 191.

In attending to these referred matters, the CCMA took twenty-three (23) days instead of the statutory stipulated timeframe of thirty (30) days to conciliate.

#### **Collective Bargaining and Mediation**

In efforts to promote orderly collective bargaining and healthy labour relations, the CCMA continued to provide guidance and support to strategically identified Users pre-during and post negotiations periods. Wage negotiations were facilitated with National Union of Metalworkers of South Africa (NUMSA) and the Motor Industry Staff Association (MISA)/Retail Motor Industry Organisation (RMI) as well as the Fuel Retailers Association (FRA). A verification exercise process was conducted with NUMSA and Triple "M" Mining. A Recognition Agreement was concluded with South African Transport and Allied Workers Union (SATAWU) - NUMSA - Aviation Union of Southern Africa (AUSA) and Solidarity/South African Airways Technical (SAAT). Wage negotiations were facilitated with the Communication Workers Union (CWU) and Sentech SOC Limited. Wage negotiations were facilitated with the National Bargaining Council for Private Security Sector (NBCPSS). Wage negotiations were further facilitated with the Bargaining Council for the New Tyre Manufacturing Industry (BCNTM). Other facilitation processes conducted with NUMSA - Transport and Allied Workers Union (TAWU) - Tirisano Transport and Services Workers Union (TASWU) and Association of Mineworkers and Construction Union (AMCU)/PUTCO (Pty) Ltd.

In addition to the above the CCMA's Proactive Collective Bargaining Support Processes saw a positivee contribution to the following:

- A five (5)-year year collective agreement in the Sibanye Platinum operations.
- A four (4)-year collective agreement in the Private Security sector.
- A three (3)-year agreement in the Tyre Manufacturing sector
- A one (1)-year agreement was concluded at Sentech.

These are not just numbers to impress but a demonstration of the quest to social justice and labour peace.

To improve access and knowledge of CCMA services, Users accessed the CCMA services from the following identified sectors: Domestic, Agriculture, Retail, Private Security and Mining through either the Dispute Resolution and/or Dispute Prevention and Workplace Outreach platforms. A total of 244 interventions and/ or activities were delivered to support the implementation of the Advocacy Campaign.

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# Digital initiatives to ensure efficient and effective service delivery.

LiveRampin

To ensure the efficacy and accessibility of its services as well as in a bid to safeguard the health of its Users and staff amidst COVID-19, the CCMA launched (2019) its case referral and application platform; known as the e-Referral in June 2020 and conducted web-based hearings, including using employer premises and state-owned offices for hearings at the convenience of the parties and the speedy resolution of disputes. A total of 184 075 referrals were received via the e-Referral platform, which was designed to provide an alternative to physical User walk-ins into CCMA offices for the processing of case referrals and applications, is accessible on the CCMA's website (www.ccma.org.za ), the CCMA's mobile application and across its social media platforms.

"The CCMA will continue to invest in its information and

communication technology infrastructure to benefit from technological improvements and gradually transition to paperless procedures to increase efficiencies and provide quality services to the public at a reasonable cost.," said Morajane.

#### **CCMA's Financial Performance**

Despite the budget constraints, the CCMA maintained its going concern status through sound financial management, efficient accounting systems and through its reliance on best practices. The CCMA achieved an unqualified audit opinion from the audit conducted by the Auditor General of South Africa (AGSA) covering the 2022/2023 period.

"I am deeply grateful to the whole CCMA staff for accomplishing what we set out to do under difficult conditions caused by economic issues and budget cuts in government ministries.", said Morajane.



## FESTIVE SEASON MESSAGES FROM THE CCMA'S PROVINCIAL SENIOR COMMISSIONERS (PSCS)



The Festive Season is a time to spend with those you love, for you to reflect on the year that is currently winding down and to look to the future. As an extension of the CCMA Director's annual festive message to the CCMA's stakeholders, this year the **Provincial Senior Commissioners** took it upon themselves to also, in the same breath, extend their well wishes to the CCMA's key stakeholders.

#### Gauteng PSC Mpumelelo Nconco

"I wish all support-staff within the CCMA and the Commissioners a season filled with plenty of happiness and tranquillity this Christmas. Thank you for all your efforts during the year. Happy holidays to you and your loved ones."



#### North West PSC Elias Hlongwane

"Before the holiday season starts, we as the CCMA wish you all the happiness and warmth this festive season brings. May you and your family have a joyous and wonderful festive season ahead. Merry Christmas and a prosperous 2024"



#### Eastern Cape PSC Mandy Coetzee

"In the spirit of resilience and unity, may this festive season bring you moments of peace, joy and reflection. Despite the challenges of the past year, let us celebrate the excellence, strength and success of the CCMA. Wishing all a restful holiday season and a brighter and prosperous 2024."

# SENDING YOU JOY, LOVE & GODS HARY BLESSINGS THS X MAS SEADON HIS X MAS SEADON CLICATE HIMAYO ARTHE INSTITUTE

#### Mpumalanga PSC Xolani Nduna

## FESTIVE SEASON MESSAGES FROM THE CCMA'S PROVINCIAL SENIOR COMMISSIONERS (PSCS)





#### Western Cape PSC Vusumzi Landu

"With 2023 drawing to a close, as the Provincial Senior Commissioner of the Western Cape province, allow me the opportunity to firstly express my gratitude and appreciation to all our valued stakeholders as well as our staff for the continued support and dedication you have displayed this year. The year has indeed been a bumpy one as our case roll continued to increase, within our meagre resources, yet we continued to navigate the troubling waters. May all of those whom are travelling have a safe and peaceful journey. Please drive safe and take the necessary driving-breaks when needed".

# Free State/ Northern Cape PSC Lucky Moloi

2023 has been the most turbulent year for everyone. We have seen the rise in fuel prices and the inflation rate for some consecutive months. We have seen companies closing down, a rise in retrenchments and/or downscaling. The means of production became expensive and in some cases lower production yields were achieved due to the influx in power cuts and loadshedding as well as water cuts. The country has also experienced egg shortages which has further execrbatted the situation for all consumers.

As we are headed towards the festive season, let us please keep the above scenarios in mind and make economically viable decisions that speak to the true meaning of Christmas. The simple things in life matter the most, such as being with family and your loved ones creating everlasting memories. Stay in your lane my ma se kind (my brother or sister) and enjoy this time with family.

#### Limpopo PSC Morwa Mapale Setlago

To our Users, CCMA Family, Stakeholders and Partners, It is a great pleasure to share my message with you considering the journey we have travelled this year.

First, we need to take this opportunity to thank and appreciate our users and stakeholders, both internally and externally for the great teamwork that has this year produced excellence in the labour market.

Let me also take this opportunity to appreciate the excellent work undertaken by the CCMA staff, the fulltime Commissioners and the part-time Commissioners, as well as our part time interpreters. The passion, commitment, and dedication that you have shown is commendable. I wish everyone a wonderful festive seaon, filled with joy as well as great New Year. Take care and arrive alive.



THE CCMA'S EXECUTIVE COMMITEE MEMBERS SHARED THEIR RESPONSES TO THE UNQUALIFIED CLEAN AUDIT OPINION REPORTED BY THE AGSA FOR THE 2022/2023 FINANCIAL YEAR





The CCMA Director, Advocate Cameron Morajane and the Minister of Employment and Labour, Honourable Thulas Nxesi have commended the CCMA for obtaining a consecutive clean audit for the 2022/23 financial year. "This strengthens our. resolve and commitment to good, clean, ethical, and transparent governance, while also speeding up our delivery on social justice and labour peace. We will continue working hard to ensure that this status is maintained and that the CCMA again attains a clean audit qualification for the 2023/2024 finncial year ," Morajane registered.

The CCMA's Executive Committee Members were also given an opportunity to express their sentiments following the CCMA's consecutive clean audit achievement and below were some of their sentiments:

#### Annah Mokgadinyane, Executive: Governance and Strategy

#### What does the recently awarded/ announced unqualified clean audit finding mean to yourself and your department?

It is a re – affirmation of the Governance & Strategy (G&S) Department's commitment in supporting the CCMA's bid to adhere to the principles of good corporate governance in order to minimise any governance failures. The clean audit opinion is a motivation for the G&S Department to continue with its efforts of embedding ethics, risk and compliance management principles within the CCMA.

# What role did your Function or Department play in this regard?

A clean audit opinion cannot be achieved through efforts of one Department, it requires collaborative team effort. Appreciation is extended to the CCMA family for adopting and complying with all governance and strategy requirements in this regard; this is what contributed to the CCMA achieving a clean audit opinion.

#### Are there any measures that you think the CCMA should introduce to ensure that it maintains its clean audit status? If yes, what are they?

It is every employee's responsibility to ensure that they conduct their work with duty to skill, care and due diligence, complying to all management and governance documents. It is only in that way that the clean audit opinion will be sustained.

# Any words of thanks that you wish to share with stakeholders?

Teamwork makes the dream work. We are stronger and can go further together.

Zanele Hlophe, Chief Audit Executive

What does the recently awarded/ announced unqualified clean audit finding mean to yourself and your Department?

The organisation has maintained a clean administration and should strive to maintain such.

# What role did your Function or Department play in this regard?

Throughout the year, the Internal Audit Department reviewed and provided assurance on effectiveness and adequacy of controls. Recommendations were provided to Management in order to improve on areas where deficiencies were noted.

#### Are there any measures that you think the CCMA should introduce to ensure that it maintains its clean audit status? If yes, what are they?

No, the organisation has maintained good governance, risk management and control processes.

# Any words of thanks that you wish to share with stakeholders?

We should aim for a hat-trick next year.

THE CCMA'S EXECUTIVE COMMITEE MEMBERS SHARED THEIR RESPONSES TO THE UNQUALIFIED CLEAN AUDIT OPINION REPORTED BY THE AGSA FOR THE 2022/2023 FINANCIAL YEAR





Mthembeni Ncanana, Executive Corporate Services

#### What does the recently awarded/ announced unqualified clean audit finding mean to yourself and your Department?

Whilst it is expected that we achieve results, that we comply and that we do things above board, there will be challenges along the way that if not managed well, could prevent us from achieving good results. For the team, this is a motivation and it is guite fulfilling.

#### What role did your Function or Department play in this regard?

Everything starts with an employee. It is the employee that delivers results. Our recruitment strategies are focused on attaining the right fit with the right attitude. The Corporate Services Department has ensured that it keeps records and complies with the relevant prescripts, policies and other associated documents. The audit experience enabled the team to focus on key areas without neglecting other important areas.

#### Are there any measures that you think the CCMA should introduce to ensure that it maintains its clean audit status? If yes, what are they?

We need to improve on performance management in that we need to manage the real performance with impactful deliverables that are linked to the strategic objectives. Each manager, team leader (anyone that has people reporting to him or her) has to understand their key roles and responsibilities. These include the management of tasks and ensuring quality control before work gets considered by the next level of supervision.

# Any words of thanks that you wish to share with stakeholders?

Special thanks to everyone who contributed to these results. The team fought in unity for these results.

Bongumusa Khumalo, Acting National Senior Commissioner: Dispute Prevention and Resolution.

What does the recently awarded/announced unqualified clean audit finding mean to yourself and your department?

It is rewarding to me and a remarkable accomplishment for the DP&R Department and the CCMA for having to continuously operate under demanding work pressures and constraints.

# What role did your Function or Department play in this regard?

The DP&R Department is responsible for delivering on the core mandate of the CCMA and has thus also played a critical role in achieving an unqualified clean audit for the 2022/23 financial year.

Are there any measures that you think the CCMA should introduce to ensure that it maintains its clean audit status?

If yes, what are they? The CCMA should continuously evaluate and strengthen internal controls that surpass the scope of an audit. A culture of operational excellence, collegiality and accountability should be maintained.

# Any words of thanks that you wish to share with stakeholders?

I express my gratitude to all stakeholders who contributed to the CCMA achieving a clean audit milestone and to my department's, passion, and dedication during the past audit; truly sets them apart. The team's excellence is both an ability and an attitude.

THE CCMA'S EXECUTIVE COMMITEE MEMBERS SHARED THEIR RESPONSES TO THE UNQUALIFIED CLEAN AUDIT OPINION REPORTED BY THE AGSA FOR THE 2022/2023 FINANCIAL YEAR

Nkosikhona Nkosi Chief Information Officer

#### What does the recently awarded/ announced unqualified clean audit finding mean to yourself and your Department?

It is an indication that the controls supporting the systems for financial and operational processes are designed and operating effectively to ensure the reliability of the systems and the availability, accuracy and protection of information

#### What role did your Function or Department play in this regard? ICT was involved in the following projects to support organisational processes:

Case Management System(CMS) enhancements, which ensured that the

data in the CMS is accessible and is always available when needed.

JAVS system monitoring to ensure that case recordings are stored safely and are available when needed.

The monitoring and renewal of Financial Information Systems licenses to ensure that the integrity of the data in Caseware, Sage, VIP, Asset Auditor and ESS is maintained and can be easily verified by auditors.

#### Are there any measures that you think the CCMA should introduce to ensure that it maintains its clean audit status? If yes, what are they?

Moving to a completely digital case file for dispute resolution in order to ensure that there is only 1 source of truth for any matter referred by users. Implementing and adopting advanced technologies to ensure that the systems are secure, and data is efficiently processed and auto-reporting of anomalies is done early.

The initiatives such as ERP, e-Commissioner, WebCMS, OneDrive and other technology refresh projects, will go a long way in assisting the organisation to maintain the clean audit opinion.

## Any words of thanks that you wish to share with stakeholders?

ICT is grateful for the sponsorship attained as it allowed the CCMA through the ICT Department, means to execute projects supporting the organisation's strategic goals.











## CCMA CELEBRATES ITS 27<sup>TH</sup> BIRTHDAY









A Labour Court Judgment between Truworths vs Motchekgechekge (case - <u>https://lawlibrary.org.za/akn/za-gp/judgment/zalcjhb/2022/1/eng@2022-11-29/source.pdf</u>)

# Delivered by: Acting Judge Smanga Sethene

**Reason for relevance:** This is the first judgment written in Sesotho as delivered at the Labour Court; marking a progressive move by the Acting Judge. In finding aspiration and inspiration to the judgment, CCMA Commissioners were asked to comment on whether the CCMA is doing enough to advocate for the use of South African languages in its processes and how else can it enhance this aspect. The following was what the commissioners had to say:

#### 1. Kgololo Mokala

It is my considered view that the CCMA can do more in advocating for the use of <u>ALL</u> South African languages. An opportunity is also there, that we can traverse the vast expanse of the language barriers and extend the reach of our language advocacy to the rest of sub-Saharan Africa, because our users extend beyond our national borders. The promulgation of the South African Sign Language has raised the bar on social justice, a challenge I am confident that our reputable institution will rise up to. Over the years the CCMA has complied with the constitutional imperatives (Section 6 (1) of the Constitution of the Republic of South Africa, 1996) of ensuring that our users can access our services in their official languages, more can be done in ensuring that not only are they offered interpretation services by the Commission in their languages, but that the entire process of dispute resolution e.g. arbitration, can be conducted and finalised (an award being rendered) in their own language - As has been done with the Mochekgechekge matter - this is the more that can be done and the more that is required by section 6 (3) (a) of the Constitution of the Republic of South Africa, 1996.

The CCMA can achieve more, in advocating for the use of ALL South African Languages through aligning our products (e.g. referral forms & training materials) and services (conciliations, mediations. arbitrations. facilitations, interventions and training etc.) along the language lines. E.g. Assigning a Setswana Commissioner to any case where both parties are Tswana speaking, and translating All our materials (referral forms, training manuals etc.) to at least three official languages prevalent in the specific CCMA region. With resource constraints considered, in the alternative, we can ensure that at least, each office has Commissioners. CMO's and Interpreters fluent in at least three official languages besides their mother tongue. The pilot e-commissioner project, brings with it vast avenues and potential to also have an interpreter sitting in Gqeberha interpreting for the parties in Polokwane, there are many great possibilities, as the saying goes 'Where there's a will, there's a way'.

#### 2. Lerato Segotsane

As a Commissioner at the CCMA, I am not convinced that the use of other languages other than English is advocated enough within the organisation and in the Republic of SA as a whole.

In the NC Province there are predominantly three main languages spoken, viz, Afrikaans, Setswana and isiXhosa. But most unfortunately English is the medium of instruction at our organisation. That is putting the majority of our users at a disadvantage.

The economy of this region is farming and mining. The workers / employees in these sectors of are from remote and rural part of the country with very little education. They are employed as labourers. When they come to the CCMA, they must at least have a representative and /or be assisted through an interpreter.

The next big challenge is our awards which are issued and circulated in English only. When our awards are read by the parties, what guarantee is there that they are understood and interpreted in the manner that they have been drafted? There is no follow up in any manner that someone staying in the far-flung area of the province, like Vanzysrus, who speaks only Setswana has the same understanding on the contents of the award and the reasoning behind the decision of the Commissioner. As much as Interpreters are used in our processes to assist the parties in other languages, it is equally recommended that our awards should be translated and circulated in languages better understood by the users. Our awards are written in the lingual foreign to the majority / most indigenous in South Africa. I am of the view that the judge in the matter of Truworths v Motchekgechekge has set the tone that we should all follow.

#### 3. Luthando Matiso

iCCMA yenza umsebenzi oncomekayo ekuncedeni abantu bafumane iinkozo ngolwimi lwabo lwenkobe. iCCMA ineengcaphephe ezinezakhono nolwazi olubanzi kwiilwimi ngeelwimi eziye zibelulutho ekubeni abantu bancedakale ngolwimi lwabo. Noxa kunjalo, usemninzi ekufuneka wenzekile. umsebenzi Njengoko inxalenye yabantu abahambha eCCMA ingabo bangenalwazi lupheleleyo lolwimi lwesiLungu, kufuneka silandele ekhondweni letyala lika Truworths v Motchekgechekge. iiAwards kunye neeRulings kufanele zikhutshwe nangezinye iilwimi ngakumbhi xa abanikazi betyala bethe babonakalisa ukungalwazi kwabo ulwimi lwesiLungu. Abuthandabuzeki ubunzima baloomsebenzi njengoko iiawards zisingiselwe neerulings kumthetho obhalwe ngesiLungu. Kodwa ke, njengokuba abakwa CCMA bethe bakhombhisa kweminye imisebenzi ngaphambhili, xa kuthe kwabanjiswana kwasetyenzwa ngokuzimisela, iphupha lokuzisa iinkonzo ebantwini ngolwimi lwabo lwenkobe ngokupheleleyo lingafezekiseka.

#### 4. Nkosinathi Ntuli

I do not think that the CCMA is doing enough to advocate for the use of South African languages in its processes. We are approaching 30 years now into existence as a Commission and we are still using English language alone as a language of processes. The majority of our users use Nguni languages as regulated by the Bill of Rights and the Constitution of the Republic of 1996. The CCMA should encourage non-Nguni language speakers to learn other languages, especially for communities that they serve in their respective regions across the country. White and Indian colleagues should be encouraged to learn languages of people they serve. It would be interesting to have an arbitration run in IsiXhosa, Sesotho and Isizulu up to an award issued in the same. It is therefore important as well to develop our own terminologies to make all that possible.

#### 5. Noxolo Mbengo

I hold the view that a dispute tribunal like CCMA should be remain informal in that it should consciously remain unthreatening as much as possible to its clients. It must reflect the unquestionable intension to remain a service to the clients. South Africa is not only a multilingual society it is also multicultural in its composition. CCMA responds to the multilingual character of its clientele by the provision of language interpretation services. The Commission does not seem to embrace the multicultural dimension of the South African society. The CCMA rules are cloned on the case law decisions from the Labour Courts but the commission is reluctant or restrained to develop Labour Law to promote the multi-cultures in our society. It is my view that where a client refers her dispute to the Commission, the language of record and the award should be in the language of the primary litigant. Interpretation should rather be provided as a secondary assistance but primarily to explain the case of the primary litigant and not vice versa. In my view unlike the aforesaid case, CCMA does not provide such an option.

#### 6. Rendani Matumba

As commissioners, we are faced with a challenge particularly when it comes to writing awards in African languages other than English. We have adopted English writing skills over the years and it has become our DNA. The Judgement being: Truworths vs Motchekgechekge was a wake-up call for all of us and a start for the Commission and Commissioner to adopt to the new norm. Is the CCMA is doing enough to advocate for the use of South African languages in its processes and how else can we enhance this aspect? In conciliations, when both parties happens to speak same African language, I normally engage the parties using the same language and I have been doing the same for some time. most of those disputes were resolved and amicably. In arbitration proceedings, I have not used African languages taking into account that the process is formal and is with prejudice. believe that there is more to be done in order for commissioner to adapt to the new normal and the same will take time. Commissioners on the other hand must know their languages in order to write well and sound awards. In my view, the CCMA has not done enough to advocate for the use of South African languages in the processes but, I do believe that they could do more.

#### 7. Charlotte Mofana

South Africa is a very diverse country and very proud of its many cultures. In as much as there are different cultures the same also bring us together and have similarities. We pride ourselves on the spirit of UBUNTU. I have noticed that parties come to CCMA processes feeling intimidated by the process and organisation itself, showing compassion and speaking the same language with the users puts them at ease and turn to understand the process and trust the person who is presiding over the matter. The judgement has paved the way for many more to come and for us as commissioners to also make use of our

languages as much as we can, seeing that CCMA has also embarked on having the referral forms in the official languages. Lefatshe le ntse le fetoha ho ba betere. mme dilemo tse 29 tsa demokrasi Afrika Borwa di bolela hore re ntse re hola le ho ntlafala. Ho ba lilemo li 29 ho tšoana le ha u le mocha 'me u gala ho etsa ligeto tsa bohlokoa tse tla u thusa bophelo bohle ba hau le tse tla angoa ke liqeto tsa hau tsa "bana ba hau". Ka hona qeto ea ho sebelisa lipuo tsohle tsa molao e bopa lerato le boikakaso ba puo eo, kutloisiso le ho feta. Haholo-holo ho ba ntseng ba koetlisetsoa, ke bolela ba bacha bao e leng likhomishenara/le baahloli ba rona ba kamoso ba tla tsamaea tikolohong ea lerato, motlotlo le tšebeliso ea lipuo tsa rona tsa semmuso.

#### 8. Mandisa Mbhele

The Judgement gives us a look in how our jurisprudence would look like if it could fully be understood by all people, as we are a diverse country. The Judgment speaks volumes about our future, as multilingualism in our legal system is one that is complex. The approach taken can enhance better understanding of our Human rights in the Constitution, one being Language. I personally believe that the Commission is trying, in terms of the amazing interpreter's we have, who are well know ledged in the different languages in terms of assisting in the hearings. In terms of Awards I personally do not believe we are advocating enough, But it can be done. It would require deliberate effort of development (Language resources) and the ability of the presiding Commissioner. It unfortunate that English is a privilege and the reality of our country. Having awards, notice of set downs, SMS that sent to applicant written in other languages will bring value to both parties in terms of understanding and how a decision was reached. That is Social Justice.

#### 9. Elraye La Reservee

Een van die maniere om toe te sien dat almal wat ons besoek tuis voel, is om te verseker dat hulle in 'n taal kan praat waarmee hulle gemaklik is. The CCMA does an exceptional job, through the use of its interpreters, to ensure that our users are able to express themselves in a language they feel comfortable with. It is only when we truly understand what is being said, that we can attempt to deliver a just and equitable outcome. And to deliver this outcome in a language other than English should be an ideal we are actively working towards. As a legal institution we are duty bound to encourage the use of all our languages, in a professional setting. Let us never forget, that we should listen first to understand, than to answer.

#### 10. Jasmaine Joseph

Acting Judge Smanga Sethene has certainly demonstrated the significance of the term "social justice". It is not only treating parties the same but also ensuring, where possible, that parties not only engage in their mother tongue, but also understand and comprehend the final outcome of the proceedings, be it in a form of a Ruling or an Award. This judgment signifies the importance of section 1 of the Labour Relations Act and further demonstrates the importance of the rights to equality, human dignity and the right to fair labour practices as enshrined in our Constitution. The CCMA indeed provide users with the necessary resources to understand and participate in its proceedings but is also in a position to ensure that some of the proceedings are entirely conducted in one's mother tongue especially where all parties and the Commissioner is familiar with a specific language. This is possible since some of our Commissioners are drawn from our interpreters unit. This will ensure that processes are not compromised, and it will enhance and demonstrate our appreciation of all our South African languages and ensure that each language is provided parity of esteem and harbour a sense that everyone is indeed equal before the law.

#### 11. Martin Rabie

I think the CCMA is doing enough to demonstrate appreciation for all official languages and the encouragement to use the language that you are comfortable in, especially your mother tongue language. The provision of interpretation services by CCMA interpreters is a token of that demonstration, as well as the encouragement that commissioners may issue an arbitration award in the language of the applicant concerned. The attention to sign language capacitation of interpreters is commendable. It may be a cost exercise to take this commitment further by providing training on different languages. This would afford employees of the CCMA to learn and understand the South African languages that they do not understand, thereby advancing our common identity, despite out cultural and language preferences.



#### 12. Sharon Magdeline Malgas

From my experience, my view is that the CCMA is not doing enough to advocate the use of South African Language in its processes. I had a case before where the Applicant required a sign language interpreter, and the interpreter was not available on the day of the arbitration process and the matter had to be postponed. Interpreters of all South African languages should be readily available for CCMA processes. An Applicant would generally indicate on the 7.11 form the language preference and such request should be noted on the system and the necessary arrangements should be made well in advance. CCMA should employ interpreters who are fluent in as many languages as possible. In my processes, especially, conciliations, I allow parties to express themselves in their language which they are comfortable with if there is an interpreter available to translate for me, but the challenge arises when the CCMA does not have an interpreter to translate the preferred language. Afrikaans is not a challenge for me to understand because Afrikaans and English are my home languages. I am able to run my arbitration in Afrikaans, but it would be difficult for me to write an award in Afrikaans. I am however of the opinion that an Afrikaansspeaking person may understand an award better in Afrikaans than in English.

#### 13. Anele Mgubasi

The South African Constitution recognizes 11 official languages: Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu. Even so, at present English in particular, followed by Afrikaans remain dominate languages in Courts and Tribunals in South Africa. Acting Judge Smanga Senethene in the Labour Court recently (2022) delivered a groundbreaking judgement in Sesotho, with the aim of ensuring that the defendant (losing party in the matter), who did not understand English, could comprehend the reason for the court's ruling against her. The courts and tribunals such as the CCMA/ Bargaining Councils, must no doubt take practical measures to elevate the status of all languages, with particular emphasis on indigenous languages. The use of interpreters in CCMA processes in commendable. That alone is not sufficient in the development and/ or use of indigenous language in formal proceedings. Immediate task for the CCMA, the CCMA must as a matter of urgency, consider the Commissioner's competency in official languages, other than English in its recruitment and promotion processes. The organisation must provide training for Commissioners and Interpreters in legal terminology, with emphasis on indigenous languages. And Source service(s) of accredited legal translators to assist Commissioners in writing judgements in the official language(s) other than English and/ or make use of real-time translation software.





11,

# REPORT ANY FRAUDULENT ACTIVITY!

# **ARE YOU SUSPICIOUS OF:**

Payroll fraud; False or Dishonest claims; Collusion between employers and CCMA officials; Manipulation of Supply Chain processes; Misappropriation of CCMA funds; Manipulation of Financial Accounts and SARS submissions; And other fraudulent and corrupt activities?



HELP STOP FRAUD AND CORRUPTION. PLEASE REPORT ANY KNOWN OR SUSPECTED IRREGULARITIES TO ONE OF THE FOLLOWING ANONYMOUS CCMA WHISTLEBLOWING CHANNELS:



Email CCMA@BEHONEST.CO.ZA



WhatsApp 0860 004 004 Online Chat BEHONEST.CO.ZA Toll-Free Number 0860 666 348



The CCMA maintains a zero tolerance policy against fraud and corruption. All Employees, CCMA Users and Stakeholders are urged to play their role in supporting the CCMA.

CCMA STAFF MEMBERS RESPOND TO THE CALL: NO VIOLENCE AGAINST WOMEN AND CHILDREN

The CCMA joined the world in commemorating the 16 Days of Activism against Gender-Based Violence (GBV). A campaign raising awareness on the negative impact violence and abuse have on women and children in a bid to rid society of gender-based abuse. GBV has been described by the Honourable President Cyril Ramaphosa as a "pandemic", and like any pandemic, it continues to cripple our society, depriving women and children of their right to be safe; a violation of their human rights.

To join the movement, the CCMA's Communications Sub-Unit engaged CCMA colleagues requesting them to share words of encouragement, support and activism against Gender-Based Violence (GBV) and this is what they had to say:

#### 1. Tanya Roberts-Kruger

Om werklik die siklus van geweld teen vroue en kinders te beëindig, moet ons as 'n gemeenskap saamstaan. Laat ons gemeenskaplike stem 'n dawerende oproep tot verandering wees, wat respek, empatie en gelykheid vir almal bevorder. Dit begin met opvoeding, bewustheid en ondersteuning - elke klein stap wat ons neem, baan die weg vir 'n beter, veiliger toekoms waar elke individu, ongeag ras, geslag of voorkeur sonder vrees kan floreer.

#### 2. Francis Catovic

I, Francis Maria Catovic feel that in a state of war in the world, it is recognised that women and children are the most vulnerable, but what about the war against the livelihoods of our women and children in South Africa every single day? The continuous killing of our women and children has reached a disproportionate crescendo in our country. It is critical and imperative that we as a society denounce the continuation of this spinechilling trend and address the underlying causes of savage masculinity and physical abuse against women and children. It is the toxic patriarchy, societal misconceptions of our communities that we should hold up to scrutiny. These are the fundamental origins that affect our women and children's inalienable right to existence, that make our homes and streets places of danger every day.

It is time that our leaders and communities raise up voices through awareness campaigns to challenge the following issues:

Fight against patriarchal misconceptions. Creating a clear understanding of the different kinds of GBV crimes in our society.

Implementing more protective laws for women and children within our criminal justice system, with tougher and stricter sanctions for the perpetrators. Introducing safe house for victims of abuse. It is only when we give a voice to the voiceless, that our country will become a sanctuary and place of safety for all women and children.

#### 3. Samukelo Ngidi

Ukuhlukumezeka kwezingane ekukhuleni kwazo, ngaba ezikubona kwenzeka kubazali, emphakathini, noma okwenzeka kuzo ugobo ekuziphatheni kunomthelela kwazo uma sezikhulile. Ukuvulwa kwamathuba ezemfundo nokuqeqeshwa kwabantwana ngokuziphatha, amalungelo, nokuhloniphana emphakathini kungasiza ukuthi bakhule ngokuziphatha, futhi bakwazi ukumelana nokucindezeleka nokufuna usizo lapho ludingeka. Isizulu sithi 'ugotshwa usemanzi'. Enye yezinto ezibangela ukuhlukunyezwa kwezingane nangokobulili, uphuzo oludakavo. nezibhamu ezininai ezise'mphakathini. Ükusebenzisana komphakathi nomthetho ukwehlisa izinga lokutholakala kalula kwalezinto, kungasiza ekwehliseni loludlame.

#### 4. Mutshidza Rampfumedzi

Aah, Nga kha nne hu anda lushaka, hu begwa mahosi na dzi khadzi. Kha ndi tsireledziwe hu ande lushaka . Kha ri litshe u tambudza vhafumakadzi na vhana ......(Through me a generation of kings and princesses are born. Protect me so that the nations can grow/ increase. Let's stop the violence on woman and children).

#### 5. Avelile Vutha

I Avelile Vutha Ndithi kuwe Intlungu oyivisa abantu basethyini nabantwana, ifana netlungu umzalikazi wakho ayivileyo xa wayekubeleka. Intlungo leyo ebizwa ngoba yinimba. Uphefumla nje kungenxa ka mama wakho, amanina abaluleke kakhulu ebomini. Yiba nentliziyo elungileyo uyeke ukuhlukumeza abantwana no mama. Sithandeni!

The pain you inflict on women and children, is the same pain your mother felt when giving birth to you. That pain is called Inimba. Had it not been for your mother, you would not be here, woman and children are important in life. Have a heart and stop abusing children and women. Love us!

#### 6. Peter Molema

I, Peter Molema say: "ke maikarabelo A rona go sireletsa bo-mme le bana kgatlhanong le go tlhokofadiwa, a Re tseeng karolo bo-rra!!" "it is our Responsibility to protect women And children against gender based violence. men, let us all take a stand!!!"

## NO VIOLENCE AGAINST WOMEN AND CHILDREN

#### 7. Hazel Goba

The widespread violence against women and children is a serious issue that stains the foundation of our society in the very heart of South Africa, where several cultures become one. It is a disease that affects the lives of many people regardless of their age, race, or social standing. There is, however, a small ray of optimism among this gloom: the belief that we might bring about a transformation and move towards a future that is safer and more empathetic.

A re kopaneng, re bolele, gomme re gotse mollo wa temošo wo o tlago raka leswiswi la dikgaruru. Tiro e nngwe le e nngwe, lentšu le lengwe le le lengwe, maiteko a mangwe le a mangwe—ka moka ga rena re ka tsenya letsogo go fedišeng modikologo wo o tšeago maphelo a mmalwa ao a se nago molato. A re tseleng bana ba rena mekgwa ye mebotse ya kwelobohloko le tlhompho gore ba gole e le bahlokomedi ba ba fokolago go e na le go ba kgotlelelo ya dikgaruru.

We can change the situation with our combined resolve. Let us take the lead in advocating for change and acting as its guardians. Together, we can create a South Africa free from the chains of violence, where every woman and child can walk without restriction and can dream big without any fear.

#### 8. China Shelembe

MinaChinaShelembengithi"Masihlangane sonke ekulweni nokuhlukunyezwa, ukubulawa, nokudlwengulwa kwabantu besifazane nezingane. Masingagcini lapho kuphela, kepha masibuyisele isiko loBuntu nokuyilona eliqhakambisa ukuphathwa kahle kwezingane, nabantu besifazane".

#### 9. Nonhlanhla Hlatshwayo

HOP

I Nonhlanhla Hlatshwayo believe that Real men do not lay any hands-on women and children..... period "ndithi makupheliswe uhlukunyezwa komama nabantwana".

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#### 10. Agnetha Smith

I Agnetha Smith believe that Gender-based violence is a phenomenon deeply rooted in gender inequality and continues to be one of the most notable human rights violations within all societies. Gender-based violence is violence directed against a person because of their gender. Both women and men experience gender-based violence but most victims are women, girls, and children. We need to come together as a country to take a stand against Gender-based violence. Dads and all men young and old must be Educated to stop Gender-Based Violence in their families and Communities.

We want a world where women, girls and children are safe, and their reproductive rights are respected.We need a society where we have God fearing. God give men this instruction Ephesians 5:25-29 says husbands, love your wives, as Christ loved the church and gave himself up for her. Psalms 127:3-53 says Children are a heritage from the LORD, offspring a reward from him meaning all children are a blessing from the God. My prayer is that God changes the mindset, the thinking and the evil hearts of all men who are abusing and killing our women, girls and children and give then the spirit of love and kindness and the willingness to protect all women, girls and children in their families and communities.

#### 11. Loyiso Makhapela

I Loyiso M, uXolo akwindaba yokuthula kwempi nje! kodwa hindlela yokuthi uwonke wonke aphilisane ngoku vikeleka nokuphepha.

Kusezandleni zethu sonke ukuthi sikhusele kwaye sithande omama nabantwana. Baphile ngaphandle kokwesaba ukuhlukunyezwa lapho amalungelo abo ehlonishwa nezikhalo zabo zilalelwa. uKuhlukunyezwa kwabesimame nabantwana kuyi nkinga enkulu, kuhlukumeza amalungelo ezimpilo zabo. Kuvuselela izinhlungu ezingapheli nokwehlupheka nobandlululo ekumele kuqhudelane phinde kushabalaliswe. Kubalulekile ukuthi sime sonke, sixwayise siphinde sithathe nezinyathelo zokuyicacisa lenkinga.

Wonke umuntu wesimame nabantwana badinga ukuphathwa ngokuhlonipheka nangothando, ngaphandle kokuhlukunyezwa nokulinyazwa. Kumele sizijwayeze usiko lokuhlonipha nokuphakamisa. Uzwelo nokuzwisisa. uKwefundisa kumqoka kuginisa abantu ukuthi bakwazi ukuqhudelana izinkolelo ezilimaza isimo sengqondo esingalunganga. Ukuqala umoya onoxolo emphakathini kumele uqale ngathi phakathi kwethu, ngokukhulisa uzwelo nobuntu. Humsebenzi wethu ukufundisa isizukulwane esizayo ngenhlonipho, nothando nokucabangelana

Ukuze baphile impilo emnene engana bandlululo. Sonke singakha izwe elingana bandlululo nokuhlukumeza ebesimame nabantwana, lapho amaphupho abo engafezeka nekhono labo libonakale, masibambaneni ngezandla futhi singathuli, sisebenzele. Ikusasa lethu lapho ukuthula kungobe ukuhlukumezeka kwabesimame nabantwana kube yiphupho Khumbula eladlula. konke esikwenzayo ngisho nokuncane kunamandla okudala umphumela omuhle oletha ushintsho. Masibeni amavulandlela oxolo nobumeli nobululingisa sikwazi ukuphephisa abasengozin. Singakha engana bandlululo kwabesimame impilo nabantwana siphinde sikhohlwe, nokuthula kwande ezweni. Ngiyathemba lomlayezo ngoxolo uphinde uphakamise ukhuthaza ukubaluleka kokugeda uhlupho kwabesimame nabantwana. Uma nidinga usizo nomangani ngikhona.







## COMMISSION STAFF ASSOCIATION NATIONAL CONGRESS 2023









CCMA STRENGTHENS ITS FRAUD AWARENESS THIS INTERNATIONAL FRAUD AWARENESS WEEK

# SCAM ALERT

**International Fraud Awareness Week**, which runs from 12 November to 18 November, encourages corporate leaders and staff to take proactive efforts to reduce the effect of fraud by fostering anti-fraud awareness and education. At a time when organisations throughout the world lose an estimated 5% of their annual revenue to fraud, fraud awareness is crucial. The CCMA, like any other organisation, is not immune to this call to action and support. As a result, the CCMA educates its users, employees, and strategic partners on fraud awareness and how multiple stakeholders can collaborate to make the CCMA free of fraud and corruption.

The Commission for Conciliation, Mediation and Arbitration (CCMA) has implemented a stringent Fraud Prevention and Anti-corruption Policy that underscores the organisation's commitment to a zerotolerance approach to fraud, corruption, and dishonest activities, aligning with one of our core organisational values of integrity, excellence, accountability, transparency, etc. This policy is in accordance with South Africa's Public Finance Management Act (PFMA) (Act No.1 of 1999), related prescripts, and the organisation's core values. In accordance with the King IV Report on Corporate Governance, CCMA seeks to maintain a proactive approach to fraud management, recognisng fraud management, and prevention as a fundamental part of corporate governance.

A survey carried out by the <u>Association</u> of <u>Certified Fraud Examiners</u> (ACFE) indicates that fraud cost businesses throughout the globe significantly, with an approximate five percent loss in yearly revenue. The necessity of taking coordinated efforts to combat this widespread problem is highlighted by the <u>Occupational Fraud</u> 2022: A Report to the Nations, which examines 2,110 occupational fraud cases worth a combined total of over \$3.6 billion (R65 billion).

Fraud is a widespread, illegal, and purposeful deception that causes prejudice and corruption, and is frequently accompanied with remuneration for dishonest or illegal behaviour. Unauthorised expenses, conducting personal business during work hours, misleading claims, failure to declare conflicts of interest, and abuse of power are just a few examples. Legislative and regulatory frameworks, such as the PFMA, <u>Prevention and Combating of Corrupt Activities Act No. 12 of 2004</u>, and Treasury Regulations, further guide the organisation's commitment to ethical standards.

In his closing remarks, the CCMA Director, Advocate Cameron Morajane said "Addressing and minimising occurrences of fraud is indeed crucial for the CCMA and the public it serves. The commemoration of International Fraud Awareness Week highlights the global partnership among various organisations to combat the common enemy of fraud. It also emphasises the importance for the CCMA to openly communicate, unite, and pledge its commitment to fighting all forms of fraud that pose a threat to the organisation's survival. By coming together and raising awareness, the CCMA can strengthen its defences against potential incidents of fraud and continue to protect its mandate to serve independently and without prejudice".

The Director further noted that in the 2022/23 financial year, the CCMA received thirty-four (34) reports of alleged fraudulent incidents, twenty-nine (29) of them were investigated and found to have no merit. One (1) of the reported incidents resulted in the dismissal of an employee who was found guilty of submitting a fake matric certificate. Four (4) matters that were pending investigation as of 31st of March 2023, were later found to be without merit and closed.

Morajane further encouraged various stakeholders that the reporting of any fraudulent activity is of utmost importance to the CCMA. As the organisation strongly urges stakeholders, CCMA Users, and employees to report any instances of known or suspected fraud in a sincere and honest manner, without any malicious intent or the raising of false allegations. "There should be no stigma or shame associated with the reporting of fraudulent incidents, as it helps uncover criminal activities and exposes the tactics employed by fraudsters. This not only aids our organisation in reducing the potential of fraud but also enables us to identify areas of vulnerability that can be strengthened to mitigate our risk of fraud" Morajane concluded.

As International Fraud Awareness Week ends, organisations must recognise the need of actively and collectively participating in prevention actions. Employee education, strict controls, and cultivating an integrity culture are all critical aspects. By working together to combat fraud, we can protect our organisations, maintain public trust, and guarantee that resources are used for their intended purpose.









## WELLNESS ACTIVITIES IN PICTURES









## "WE'VE GOT THIS – AN OPINION PIECE BY P/T COMMISSIONER GLEN CORMACK"!

"We've got this – an opinion piece by p/t commissioner Glen Cormack"!"



We live in truly interesting times, in South Africa. It is just so easy to slip into a depressed and negative frame of mind when we face some of the daily stresses, we and our extended families and friends experience. We in the CCMA are blessed to be amongst those employed, with such meaningful jobs, when so many in our respective community battle to survive in a relentless market where so many vulnerable people face unemployment and increasing poverty. Some in society with skills or resources opt out of the prevailing circumstances by immigrating to countries where they believe there

are greater opportunities – with some only to return when they find that similar problems exist right across the globe. But so many more, who may well have the option to immigrate, dedicate their lives to staying and making contributions to improving matters here at home.

We can see the magnificent contributions made by some corporates, philanthropists, and activists to just and noble socio-economic causes - if we look. But it doesn't end there. Thousands of examples exist of people who themselves may be vulnerable and battling, sharing the little they have with others less fortunate, or reaching out in some shape or form to assist, even if it is just being there for them. Unfortunately, not all these stories are heard - it is the 'breaking news' articles of the corrupt and violent amongst us that fill the pages of our newspapers and screens of our TVs, and we either allow this to dominate out interactions with others or more sadly, dominate our thinking. Unfortunately, I even find myself amongst the latter at times.

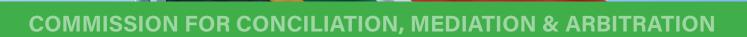
We in the CCMA have been given a golden opportunity to assist others, be it through crafting settlements, facilitations, and awards, or to build the awareness and capacity of those who may have, knowingly or unknowingly, wronged others. And as an institution of our dynamic democracy, we do just that! We jointly conciliate, mediate, and arbitrate hundreds of disputes and differences every day, train stakeholders in best practice and raise awareness of rights and responsibilities. And as importantly, we provided fair administration services when doing so.

Most times we get it right – "We've got this!'. But sometimes we, just like our judges in the various levels of courts, get it wrong. And this presents an opportunity to learn, to absorb the lesson and to move on trying to serve.

Can we do better? You bet we can. And what better examples exist to show the way then our sportswomen and men. From our women in Banyana Banyana, our cricketers in the Proteas, to our World Cup winners for the fourth time in our Springbok rugby players, plus so many other sports youngsters, professionals, veterans, and support personnel, just so many examples – if we just want to see them. Exuding diversity, perseverance, teamwork, effort, caring and never giving up, these shining examples show us just what can be achieved in the context of nation-building.

Already we as the CCMA family are 'winners' in so many ways, but every day brings new challenges. We, just like our sports colleagues, need to correct shortcomings, adopt new or improved strategies, review mistakes made and learn from them, overcome our "injuries" and seek excellence in everything we do – doing it for the nation. We who have been given the opportunity to serve, need to show those we serve that we are there for them all. When teammates fall, we must help pick them up, dust them off, and support them to achieve the excellence we know they can achieve – to serve the nation.

## We've got this!





# 







**DECEMBER 03** 





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

The Essential Services Committee (ESC) is a statutory committee established in terms of Section 70 of the Labour Relations Act No. 66 of 1995. The primary functions of the ESC are: to designate services as essential which implies that it limits the right for employees' to strike especially for those rendering essential ESC also facilitates services. The the conclusion of minimum service agreements, and if facilitation yields no agreement, it determines the minimum number to be maintained in an essential service during a strike. Lastly, the ESC resolves essential service and minimum service disputes and also determines maintenance services.

This committee is constituted by an independent Chairperson, a Deputy Chairperson and two members from Labour, two members from Business and two members from Government. Currently, the ESC is chaired by Adv Luvuyo Bono, a practising Advocate and Professor of Law at the Nelson Mandela University. The Deputy Chairperson is Ms. Joyce Nkopane a practising attorney and a Senior Commissioner at the CCMA. The labour representatives are Mr. Zico Tamela, the Head of the Collective Bargaining Department in the

South African Transport and Allied Workers Union (SATAWU) and Ms. Kgakgamatso Motebe from SAMWU. The Business representatives are Ms. Aruna Ranchod a Labour Relations Specialist representing business at various forums, and Ms. Ramasela Mokonyama, General Manager: Employment Relations at the Netcare Group. The Government representatives are: Adv. Nomazotsho Memani a practising advocate, and corporate governance specialist; and Mr. Zwe Ndlala from the South African Local Government Association (SALGA).

# THE RELEVANCE OF THE ESC TO THE LABOUR MARKET

South Africa has witnessed strikes in essential services rendered in the Public Service despite Section 65 of the Labour Relations Act (LRA), which prohibits them. This is an anomaly as it is against the law. Ordinarily, employees rendering essential services have an option of having their mutual interest disputes arbitrated through Section 74 of the LRA, but this option has hardly been exercised instead, employees in essential services have opted to go on unprotected strikes and thus expose themselves to disciplinary action.

The strikes have also been characterised by violence. The 2023 Public Service strike was no different. The aftermath of this, as reported, is that there was loss of life as a result of some health

workers not rendering essential services. Section 72 of the LRA provides a mechanism (Minimum Service Agreements (MSAs) where some employees may regain their right to strike lawfully while others continue to render the essential service. To date, there are no MSAs in the Public Service. There is a need to expedite the conclusion of MSAs in the Public Service to avert a similar occurrence.

As such in all that it does, the ESC strives to find solutions addressing social needs and all parties' concerns by mediating and resolving party disputes. As it uses its expertise in mediation, conciliation, and arbitration to facilitate discussions and formal processes between Trade Unions and Employers. By promoting fair dispute resolution processes, the Committee aims to minimise disruptions in the workplace in order to maintain sustained service delivery. This helps in ensuring compliance with labour laws, maintain stability and safeguard the welfare of society.

Through its efforts, the Essential Services Committee remains a vital institution, ensuring that essential services continue uninterruptedly while promoting fairness and social justice in South Africa.

### ESSENTIAL SERVICE COMMITTEE COLLABORATES WITH SALGBC



In November 2015 the South African Local Government Bargaining Council (SALGBC) signed a Framework Agreement which was the basis for individual municipalities to negotiate and conclude Minimum Service Agreements (MSAs).

The project started very slowly and gained traction from 2019 to 2020, but was also delayed by the Covid-19 Pandemic. Currently, 59 municipalities have concluded MSAs, and the ESC has determined 69 minimum numbers to be maintained through Minimum Service Determinations (MSDs) in essential services. To conclude the project, the ESC in partnership with the SALGBC has decided to embark on a process of

conducting Webinars for municipalities across the country. In the said Webinars, the ESC will establish the progress made thus far by the individual municipalities and assist them in concluding the Minimum Service Agreements. In line with Section 72(2) of the Labour Relations Act (LRA) where such agreements are not concluded the ESC will determine minimum numbers to be maintained in the event of industrial action in the said municipalities. The ESC is grateful to the parties at the SALGBC (SALGA, IMATU & SAMWU) for willingly participating in this project.





The CCMA's Part-Time Commissioner from the Ekurhuleni Office, Isaac Kekana represents hope and change in his community through the promotion of multiculturism

Isaac Kekana whilst from a place called Winnie Mandela in Tembisa, originates from Zebediela ga-Rakgoatha in Limpopo. Like many others, he came to Johannesburg seeking greener pastures after he concluded his matriculation studies. He then joined the CCMA in 2018 as a Part-Time Commissioner in the CCMA's Ekurhuleni office. "I worked for the unions, employers and for the bargaining council. At the commission I enjoy mutual interest, and organisational rights and 189A disputes as I like interacting and communicating with people," said Isaac. Growing up or coming from rural areas he realised how culture and tradition have the power to unify people. He realised that Gauteng has become a place where people gather coming from vast backgrounds and this was his launching pad for what he dubbed "a home away from home"; where all multicultural aspects would be embraced by the entire community. He noticed the gap in his community in that during the weekend, the old and young were sitting at home with nothing to do or a lack of activities. He then decided to come up with a Sunday cultural initiative that was scheduled on a weekly basis. The initiative started gaining strength and momentum resulting in later being joined by a number of community members.

Today in Tembisa the initiative has more than 10 groups with 10 – 15 members in a group a growth that has seen people all over Gauteng coming to Tembisa every Sunday to see these cultural performances. Every Thursday a line-up of artists is posted to Facebook and TikTok for marketing and promotional purposes and it is welcomed by the community and people from Limpopo. The initiative has also attracted other individuals from over Gauteng. In Pretoria, Isaac has more than 15 groups with 6 members to 10 members in a group and being categorised as small groupings that rotate Sundays to visit his cultural performances. He also has groups in, Alexander, Benoni, Diepsloot, Oliven, and Boksburg. "The initiative is no longer about my community section in Winnie Mandela section, it has now become an initiative that attracts support from people coming as far as Sandton to see the group performances" added Isaac. This truly shows that this young man is community-driven and wants to change the world, one person at a time.

"The growth of the initiative has attracted radio stations and big media houses. "I am proud to mention that Newsroom Africa (DSTV 405) visited my place and gave us live coverage on 5 November 2023 and continued to show the initiative 3 times on 6 November 2023. I had interviews with local radio stations especially those that understand African cultures" registered Isaac. This media attraction and engagement simply testifies to the great work being done by Isaac and his initiative which benefits the greater community as some even sell food when he hosts his events each Sunday; Generating an income for some families. "The Safety of our people is important as such the community police forum is very supportive and happy with the initiative as a crime in my community has reduced as most of the community gather at the initiative every Sunday" concluded Isaac.

CCMA is proud of the work that has been done by Isaac and the initiative he started. Continue on that path of uplifting our communities.



#### GOOD NEWS

### **GOOD NEWS**

#### IN CONVERSATION WITH TWO ARCHIVING ADMINISTRATORS OF THE CCMA

The CCMA's Communications Sub-Unit had a conversation with two Archiving Administrators of the CCMA in bid to learn about their roles and responsibilities within the CCMA and to also get to know colleagues beyond the role fulfilled in the CCMA.

An Archiving Administrator function within the CCMA records, safeguards and manages all case files allowing them to be easily traced and / or retrieved for the use by relevant parties to a specific matter. In addition to the above, they are also involved in general administration as well as addressing any other adhoc requests that may arise. A summary of the engagements held with each colleague has been captured in the below:

#### 1. TELL US ABOUT YOURSELF AND WHEN YOU JOINED THE CCMA?

My name is Christopher Tshepo Kgwasi and I am based in the Klerksdorp Northwest office. I joined the CCMA in 2008 as a Part-Time Interpreter and in 2013 I was appointed as an Archiving Administrator; a position I currently still hold.

#### 2. WHAT DOES YOUR ROLE ENTAIL?

I am a support to the Case Management and Administration Department.

#### 3. TAKE US THROUGH WHAT A TYPICAL DAY LOOKS LIKE FOR YOU?

My work involves, but is not limited to, the recording of case files received. I also compile daily reports of files received and those requested. I thereafter capture the case files on an Excel spreadsheet, I file the case files and dispatch them to the Document Warehouse where they are safeguarded. I also download audio recordings of matters held by Commissioners and save these on the Server once they have been copied on Compact Discs (CDs).

#### 4. HOW HAS YOUR EXPERIENCE WORKING FOR THE CCMA BEEN SO FAR?

My experience has been great so far, I have grown within the organisation over and above my position as an Archiving Administrator I am also assisting the region with its ICT-related issues I have and still serve on various CCMA committees and I have also been part of the Director's Indaba task team.

#### 5. WHY IS IT IMPORTANT FOR AN ORGANISATION LIKE THE CCMA TO HAVE AN ARCHIVING ADMINISTRATOR?

It is important to have an Archiving Administrator because we deal with a lot of the CCMA's case files in a day and without a proper archiving system files will get lost leading to reputational issues for the CCMA. The CCMA's mandate is to resolve disputes expeditiously which requires the proper handling of files in order to ensure that there are no hiccups in the CCMA's processes; which is also supported by our compliance with the National Archiving Act (Act No.43 of 1996, as amended).

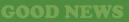
# 6. WHEN PEOPLE THINK OF ARCHIVES OR ARCHIVING, WEBSITES DO NOT ALWAYS COME TO MIND. WHY IS IT IMPORTANT TO ARCHIVE AN ORGANISATION'S WEBSITE?

It is important for the website to be archived for legal or regulatory reasons and to keep records of the content uploaded on the website

for dispute resolution purposes.

- 7. 5 THINGS YOU DO NOT KNOW ABOUT TSHEPO:
- Favourite Music It depends on the artist, but I tend to love all genres.
- Favourite Food– Dumpling with cabbage, beetroot and lamp stew
- Favourite Sports and team I love soccer and I support Kaizer Chiefs
- Favourite Book Find Your Truth by Maponga Joshua







### GOOD NEWS

#### A DAY IN THE LIFE OF AN ARCHIVING ADMINISTRATOR: Adiel Dalwai

#### 1. TELL US ABOUT YOURSELF; AND, WHEN DID YOU JOIN CCMA?

My name is Adiel Dalwai. I have 4 children (3 boys and 1 girl). I love the outdoor life especially camping. Summer is my favourite time of the year and I love the beach... I joined the CCMA 01 September 2022.

#### 2. WHAT DOES YOUR ROLE ENTAIL?

I must ensure that all case files received in Archives are located timeously and accurately. I must also book-out case files when requested and I assist with the downloading of case recordings onto the server.

#### 3. TAKE US THROUGH YOUR TYPICAL DAY IN THE OFFICE?

Collect case files on 2 floors. Separate the case files to Unresolved and or Settled, Resolved and Withdrawn. Capture the files onto the Archive System (dataSTOR). Scan the case files to a location for ease of retrieval. Assist Commissioners with the JAVS system.

#### 4. HOW HAS YOUR EXPERIENCE WORKING FOR THE CCMA BEEN SO FAR?

It has been great. The culture is unique. My colleagues are very supportive and we have a good work ethic.

#### 5. WHY IS IT IMPORTANT FOR AN ORGANISATION LIKE THE CCMA TO HAVE AN ARCHIVING ADMINISTRATOR?

Case files are constantly required to conduct hearings. An Archiving Administrator ensures that case files are stored timeously for speedy retrievals.

# 6. WHEN PEOPLE THINK OF ARCHIVES, WEBSITES DO NOT ALWAYS COME TO MIND. WHY IS IT IMPORTANT TO ARCHIVE THE WEBSITE OF AN ORGANISATION?

I think Archiving should be viewed as an important component of any business. It is important to preserve historic information as it will be accessible for future references. This also ensures that an organization is compliant with the POPIA Act.

My absolute favourites:

- Music Jazz and R&B.
- Food and drink I am a foodie. I am always trying out 'new' flavours and dishes.
- Sports and team I support Football is my favourite sport. I support Sundowns locally and Tottenham Hotspurs in the English League. I also play golf and squash.
- Book My favourite book that I read was The Red Dragon.

#### 7. 5 THINGS YOU DON'T KNOW ABOUT ADIEL

I am "Sneaker Freak" – I own about 35 pairs of sneakers.

- I love baking.
- I am actively involved in a local football club where I manage the U18 team.
- I spend most of my Sunday mornings gardening.

I would like to think that I am fairly artistic. I have also been doing mosaics.



#### GOOD NEWS

#### Mixo Machebe; CCMA's Case Management Officer Wins Big at the UNISA Inaugural Children Literature Awards

NDAB' EZINHLE

Mixo Machebe, a Case Management Officer (CMO) from the CCMA's Limpopo region, won the UNISA Inaugural Children Literature Award. These prestigious Inaugural Awards were recently launched by the School of Arts within the College of Human Sciences at the Sun City Resort on the 19<sup>th</sup> of October 2023. The launch commemorated the rich diversity and culture of African languages by bringing together writers, educators, and cultural guardians.

The purpose of these awards is to reward and promote the profession of authors and illustrators of children's books, as well as to attract the next wave of up-and-coming writers. The prize package included a trophy, a framed certificate, R10 000 cash, a publishing contract, and a scholarship to study Creative Writing at UNISA.

His Xitsonga award-winning children's picture book is titled 'Tintiho ta vana' translated as "Children's fingers". The children's picture book teaches Xitsonga speaking children the names of their fingers and each of the finger's functions. Since many Africans are unaware of the native names given to fingers and also what each finger is called;, Machebe finds the story line to be incredibly informative and educational.

This is the knowledge he feels should be passed onto children in order to preserve both the knowledge itself, but also geared towards encouraging children to embrace their indigenous languages. Africans have embraced Western lifestyles and methods of passing on knowledge, leading to the extinction of the storytelling tradition. However, as an enthusiastic emerging children's literature author, he takes advantage of both publishing and technology to reach out to his target market.

Mixo Machebe has so far published two books; an anthology of poems in 2021 and a novel which was published in July this year. He has plans to publish an anthology of short stories next year.

#### Congratulations Xhego!!! Keep shinning and flying the CCMA Flag high



#### GOOD NEWS

#### **GOOD NEWS**

#### MOTIVATIONAL STORY BY VALERINE GOUNDEN

Dear Khulilea

I would like to extent my heartfelt gratitude to CCMA, in particular to one specific staff member Boniswa Magwaza who had given me and my work colleague her best services.On the Monday the 16th of October my colleague and I came to Boniswa in distress for our Salary which we did not receive since 30th September.

Boniswa through her professionalism acted swiftly in tackling this case and resolving this challenge of salary dispute and today I'm proud to say that through Boniswa we managed to receive our Salary today the 18th of October.

May she continue to be blessed and may her excellent services fall onto other staff members as well .Wishing you and your team the very best and may you guys always continue to give the great service that you do to community of south Africa.

Regards

Firoze Khan





#### MOTIVATIONAL STORY BY VALERINE GOUNDEN

At the age of six, I formed a close relationship with a lady called Ruby M. We maintained a strong bond for over four decades. In December 2022, I visited her at her retirement home in Gauteng. It was a short visit, during the limited time we shared, the 86-year-old insisted on teaching me a newly acquired skill she had obtained from the knitting classes she attended which was offered by the retirement home. In a sitting of two hours, I had learnt how to knit a teddy bear. I was totally amazed by her teaching skills and my ability to get it right. Four months later, the vibrant Ruby sadly passed away at her admirable age of 86.

I subsequently have knitted 22 teddy bears and gave much thought as to who will be most deserving of giving them away to. A weekend trip to the Drakensberg Mountains on 4 October 2023 relieved me of that dilemma. I have been going to the mountains for years and painfully watch children, some very little, walk kilometres to get to school, to gain basic education, to overcome the poverty-stricken lives they are faced with daily. To me, these children were most deserving, vulnerable and would be most appreciative of anything beyond necessity. As I handed over the teddy bears to the kids, I saw their overwhelmed faces light up. The kids normally stand along the roadside, begging for a coin or food offered to them is always satisfying to them.

This day was far different for them, they did not expect to get what excites most children, a toy. To me, this was a soulful mission accomplished, bringing a smile and hope to an underprivileged child. I was grateful to Ruby for the passing over of a skill, which no doubt helped me make, what may seem like an insignificant difference to some, but an immeasurable difference in those little children's world. I have learnt over the years, it is the little, non-material things in life that matters most and the need to remain compassionate and embrace the diverse society we live in.

"A fundamental concern for others in our individual and community lives would go a long way in making the world a better place we so passionately dreamt of." (Nelson Mandela)



GOOD NEW



# CCMA & BUSA LABOUR ADVICE WEB TOOL FOR SMALL BUSINESSES



# CCMA & BUSA Labour Advice App

## MOBILE APP NOW AVAILABLE

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

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