



CCMA

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INTOUCH



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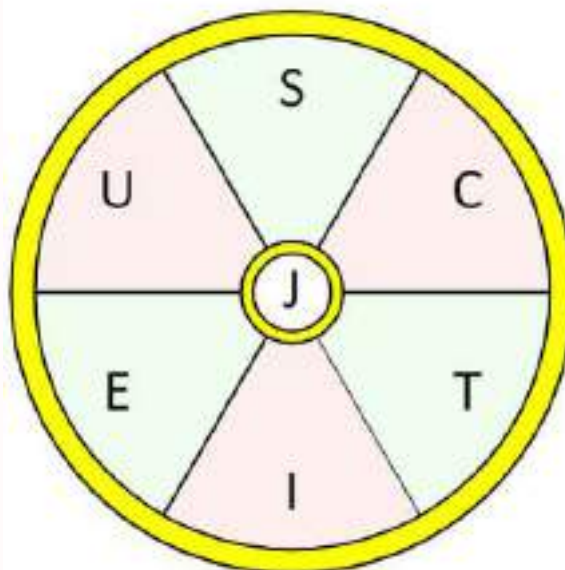
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WORD WHEEL PUZZLE

Create as many words possible with the letters in the wordwheel. You can only use each letter once and every word must contain the letter in the center of the wheel.



Send your submissions to communications@ccma.org.za with subject line -
word wheel puzzle

CLUE: WHAT IS RIGHT AND FAIR.

FROM THE DESK OF ANNAH MOKGADINYANE - FORMER EXECUTIVE GOVERNANCE & STRATEGY

As I pen down my final editorial for CCMA's Quarterly InTouch publication which has served as a platform for keeping you, our stakeholders abreast of all strategic engagements that the CCMA has undertaken with the aim of truly bringing to life our bond as the greater CCMA Family. I am filled with a mixture of emotions; both grateful and excited about the new prospects ahead of me. It has been a time of reflection, gratitude, and anticipation for the new adventures that lie ahead. Over the years, the CCMA InTouch has been more than just a publication; it has been a platform for sharing knowledge, inspiring change, and fostering a community of professionals became a platform for the showcasing of the organisation's commitment to excellence in the field of labour, social justice and labour peace.

As you know, the CCMA derives its mandate from the purpose of the LRA, which is to "advance economic development, social justice, labour peace and the democratisation of the workplace" and we delivered on this very mandate in our operations and also in class as well as exhilaration as evidenced by the content we have produced in this publication.

CCMA Family, allow me to welcome you to the 4th and last edition of the CCMA InTouch for the 2023/2024 financial year; for the last time.

As usual, the CCMA InTouch contains vital information about the work of the CCMA and its people; our Family. As such, you are the people who fuel the work of the CCMA, you are the lens through which the CCMA succeeds. In its failure, we all fail. Let the mutual support and collaboration remain intact if not stronger and you continue to work together in the quest for social justice and labour peace.

As the Former Chief Editor, I have had the privilege of witnessing the growth and evolution of this community, and I am immensely proud of what we have achieved together. I am grateful for the opportunity to have served as Chief Editor, a role that has allowed me to connect with so many talented individuals, review their insights and stories and share a commitment to the CCMA's mandate...It would be amiss of me not to thank you for your contributions; your contributions have been the lifeblood of this publication, and I thank you for your dedication and support.

As I move on to the next chapter of my journey, I am excited to share that CCMAInTouch whilst remaining publishable on a quarterly basis, will also embark on a new phase. In the first quarter of 2024/2025, we will be relaunching the publication with a fresh look and an elevated content strategy once the necessary approvals have been received.

This relaunch is a testament to our commitment to continuous improvement and our desire to provide even more value to our readers. I am confident that the new CCMAInTouch will continue to inspire, inform, and engage our community in even more meaningful ways. To all our readers, contributors, and the CCMA team, thank you for your support, trust, and collaboration. It has been an honour to be part of this incredible journey.

I may be stepping down, but I will always remain a proud member of this community and an eager supporter of labour peace and social justice in Southern Africa. Wishing you all continued success and growth.

Please do enjoy reading this issue of CCMA InTouch.

The CCMA is looking forward to your contributions to the legacy of the CCMA. Ours is a representation of hope and change in our society.

#TogetherWeCan #TogetherWeMove





ACTING DIRECTOR CONDUCTS OVERSIGHT VISIT IN BLOEMFONTEIN AND EAST LONDOND A HEADING

CCMA Acting Director, Mr Xolani Nduna, recently visited the newly occupied CCMA Bloemfontein office and East London Regional office as part of his engagement plan for a visible felt leadership strategy.

The purpose of these visits was to, amongst others, officially open the new buildings, boost staff moral as well as to inform staff members of the latest developments within the CCMA.

Nduna, said proactively engaging with staff members can have positive impact on the operating of any organisation.

Speaking at the Bloemfontein staff meeting, Nduna said: “There’s no way you can talk about the CCMA without mentioning social Justice and as such, we must always have that at the back of our mind”.

“Every time we resolve a dispute we are contributing to economic development”.

Acting Director commended the office on their trajectory performance of their case load.

“One other challenge that we will experience in the new financial year is around budget constraints that will have a ripple effect on the core business of the CCMA, but we need to be innovative in doing the best we can to meet our constitutional obligations”, he added.

The two-days visits also included a wellness activity, which is something that is close to his heart saying that, staff members.

“Our well-being is paramount, especially during times of transition and heightened activities. Please prioritise your health and well-being, both physically and mentally, Acting Director said.

“Remember to take breaks, seek support when needed, and maintain a healthy work-life balance. Your cooperation and efforts are essential to the continued success and credibility of the CCMA as an organisation”.

By working collaboratively and supporting each other, we will overcome obstacles and continue to uphold the values that define us as the CCMA family.





MY BODY, MY JURISTITION



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Anywhere, Anytime



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2024 INCREASE IN THE EARNINGS THRESHOLD, PRESCRIBED BY THE BASIC CONDITIONS OF EMPLOYMENT ACT 75 OF 1997

Section 6 of the Basic Conditions of Employment Act makes provision for the Minister of Employment and Labour to determine an earnings threshold. The effect of such threshold is that it excludes employees earning above the determined amount from the protection offered to employees under certain sections of Chapter 2 of the Act.

Chapter 2 of the BCEA primarily deals with the regulation of working hours of employees. Additionally, as per sections 198, 198 A, B, C and D of the Labour Relations Act, employees earning below the earnings threshold are vulnerable and are entitled to additional protection pertaining to non-standard employment arrangements such as fixed-term contracts, labour brokers and part-time employees.

As of 1 April 2024, the earnings threshold prescribed by section 6(3) of the Basic Conditions of Employment Act 75 of 1997 (BCEA) will increase from R 241 110,59 to the amount of R 254 371,67.

The term ‘earnings’ means regular remuneration before deductions, such as, for example, income tax; pension; medical aid; as well as similar payments made by the employer on behalf of the employee. On the other hand, employer contributions made in respect of the employee are not included in the calculation of remuneration for this purpose, nor are subsistence and transport allowances, achievement awards and overtime payments.

INCREASE IN THE MINIMUM EARNINGS THRESHOLD EFFECTIVE 1 APRIL 2024, WHAT DOES THE INCREASE MEAN FOR EMPLOYERS?

The increase in earnings entails that those employees earning less than R 21 197,64 per month (previously R 20 092,55) will now fall within the scope of the special requirements as provided for by legislation. As a result of this new increase, employers now face additional obligations in relation to their employees who earn below the new threshold. Some of the further obligations on employers and protections offered to employees are outlined in the following paragraph sections.



BASIC CONDITIONS OF EMPLOYMENT ACT (“BCEA”)

We set out below a summary of some of the provisions of the BCEA which affect those earning below the earnings threshold:

- ordinary hours of work;
- overtime;
- compressed working week;
- averaging of hours of work; meal intervals;
- daily and weekly rest periods; and compensation for work performed on Sundays, at night or on public holidays.

EMPLOYMENT EQUITY ACT (“EEA”)

Turning to the Employment Equity Act of 1998 (EEA), for purposes of referring certain disputes under the EEA, an employee earning below the threshold amount may refer such dispute to the Commission for Conciliation Mediation and Arbitration (CCMA) to be arbitrated instead of the Labour Court to be adjudicated.

LABOUR RELATIONS ACT (“LRA”)

The threshold also has relevance under the Labour Relations Act, 1995 in connection with labour broker employees (temporary employment services), fixed term contracts and part-time employees.

CONCLUSION

Employers must familiarise themselves with the impact of the new the earnings threshold and ensure compliance with the new earnings should they not wish to adhere to the additional obligations and consequences. Employers will of course need to ensure that they are prepared for the possible increase in remuneration costs. Employers are further encouraged to take note of and comply with the new minimum wages. Non-compliance may also attract fines in terms of section 76A (1) of the Basic Conditions of Employment Act, 1997.



KENYA MINISTRY OF LABOUR AND SOCIAL PROTECTION AND CCMA EXCHANGE IDEAS IN A BENCHMARKING EXERCISE PROCESS

Following a bilateral meeting held between the South African Minister of Employment and Labour, Mr. Thulas Nxesi and his Kenyan counterpart on the sidelines of the International Labour Conference held in June 2023 in Geneva the visit to South Africa and particularly the CCMA National Office by the delegation from the Ministry of Labor and Social Protection of Kenya was deemed relevant for learning purposes.

Led by its Principal Secretariat Mr. Shadrack Mwadime said "Our visit in South Africa is a benchmarking exercise that started more than five years ago, we should also note that Covid-19, youth unemployment and other changes in the economy have impacted the labour sector and this has necessitated the reform of labour laws.

We are here for a comparative study." He further noted that South Africa was well placed to assist Kenya as it has in the past gone through similar challenges. Mwandime concluded that labour market operations in Kenya were being influenced by South African labour laws as such, this meeting or exercise process was important for both countries to learn and unlearn from each other and to intensify the promotion of labour market stability, social justice and job security in a bid to promote development.

During the benchmark visit, the Kenyan delegation, comprising Mr. David Siele, Vice Chairperson Ms. Daisy Wanja, Secretary to the Board/ Commissioner for Labour, Ms. Hellen Apiyo, Member of the Board-FKE, Mrs. Jacqueline Mugo, Member of the Board-COTU, Mr. Ernest Nadome and other members of the National Labour Board interacted with CCMA officials from several departments including Dispute Resolution, Collective Bargaining, the ICT Function, Corporate Services, Internal Audit and Governance and Strategy.

Among the key areas covered during the benchmark visits were engagements on the following topics, as requested by the Kenyan delegation: dispute resolution practices and procedures, case administration and applicable timeframes, post-hearing services such as award enforcement, and submissions related to the CCMA's technological systems. The Kenyan team also learned about our front-desk services and how Conciliation and Arbitration hearings are conducted.



Mr. Xolani Nduna, Acting CCMA Director, stated that the CCMA was pleased to be the host and to share its experiences and knowledge with the Ministry of Labour and Social Protection through the platform. " This was a two-way street learning because as the organisation we've also learned from you. It's a one-on-one approach, and we're delighted you felt at ease with our team," Nduna said. The delegation agreed that CCMA and the Ministry's engagement is a mission to advance their dispute resolution process and identify areas that require improvements in processing cases.



The Kenya delegation also expressed gratitude to the CCMA, stating that formalizing their partnership through a Memorandum of Understanding (MoU) is essential.

"We are delighted and appreciative to the CCMA for their kind welcome and the expertise they have shared with us. Our crew has been motivated and has learned a lot, and I hope they will put what they've learned into practice when they return to work in Kenya," said a Kenyan member.

The meeting concluded with both entities happy with the engagement and both agreeing that a follow-up meeting is needed to tighten the learning and way forward from both entities and countries working smoothly together.





By virtue of its core mandate which is derived from the LRA, which, amongst others, is to advance economic development, social justice, labour peace and the democratization of the workplace in this regard has ensured the smooth delivery of social justice through its multilingual awareness raising initiatives. In the same breath, it is also a well-known factor that the Constitution declares that no one should be unfairly discriminated against on prohibited grounds. It further determines that everyone has the right to receive information and be engaged/assisted in the official South African language or languages of their choice; taking into account issues of equity, practicability and the need to redress the results of past racially discriminatory laws and practices.

As part of this process, the CCMA acknowledges the diversity of its society, including its linguistic diversity, and the intellectual wealth inherent in that diversity. Furthermore, the Constitution grants official status to twelve languages and regards all these languages as assets that should be used as a means of developing human potential. In promoting linguistic and cultural diversity and multilingualism, the CCMA through its nationwide offices gives effect to its Policy on Language Usage which aims to increase equitable access to the CCMA's services in any of the official South African languages; where practically possible, to ensure that all its Users language needs are met resultantly contributing to speedy dispute resolution, increased transparency and trust and the facilitation of social justice.

The Communications Team also recognises the work equally undertaken by the CCMA's interpreters who also play a pivotal role in the implementation of language usage in South Africa and the organisation. Together let us continue to work towards the promotion of multilingualism in our processes.



The Commission for Conciliation, Mediation and Arbitration (CCMA) received the Multilingualism Award in the Government/Public Sector category from the Pan South African Language Board (PanSALB) on 29 February 2024, at a spectacular ceremony held in Durban ICC. The award proffered on the CCMA was for its "effective service delivery on campaigns, projects or programmes in the public sector that promote multilingualism or any of the 12 official languages, including Khoi, Nama, San".

The award was jointly shared with the Limpopo Department of Sports, Arts and Culture's Communication function and the Communications Directorate: The Western Cape Department of Health and Wellness. The award stands as a premier acknowledgement and recognition for the major strides made by the CCMA's Communications Sub-Unit; with the assistance of the entire organisation, in a bid to promote multilingualism.

This award is an important acknowledgement of the good work that the CCMA and its Communications Sub-unit have done in efforts of promoting multilingualism over the past 12 months. What makes this award even more immense is the fact that whilst the CCMA does not have a designated language unit that particularly sees to the implementation of the language portfolio, efforts from the Communications sub-unit supplemented for the delivery of same.

"Given the nature of our cases and the fact that most South Africans, from all walks of life, are affected by labour issues happening in the country which include disputes, retrenchments, abuse and victimisation, unfair dismissals, strikes etc, it was a natural step for the CCMA to embrace the use of the twelve official languages of the country, in order to ensure that citizens are addressed in a language, tone and manner that they are comfortable with," said the Acting Director Xolani Nduna.



MIXO SCOOPS YET ANOTHER AWARD!

Mixo Machebe, CMO, from Limpopo Region scooped another prestigious award at the 2024 PanSALB Multilingualism Award. The award ceremony held at ICC Durban was honoured with the presence of distinguished authors, artists, language practitioners, lecturers, traditional leaders and media personalities.

Machebe was recognized for his contributions to the promotion, protection and preservation of Xitsonga through the use of language and literature. Machebe placed third in the category he was nominated for with the other winner being the CCMA itself through its Communications Function

In October of last year (2023), he was recognized with a UNISA Inaugural Children Literature Award for Best Xitsonga Picture Book. This was his first award for his art ever since he published his first book in 2021 titled ***Xi Ondle! (an anthology of poems)***.

His second book, titled Ndzhombo, was self-published last year. His award-winning children picture book is yet to be published through UNISA in the year.

Mixo strongly believes that language is power and must be utilized to confront societal issues through writing, music and other forms of art. In addition, Machebe also believes that most African languages are under threat of being extinct and should be conserved.

His followers should expect more books and awards as he plans to write many after pursuing his PhD.



LABOUR COURT JUDGEMENT REVIEWING AN AUTOMATIC UNFAIR DISMISSAL BASED ON AGE

The Labour Appeal Court (LAC), in *Motor Industries Staff Association and Another v. Great South Autobody CC T/A Great South Panel Beaters (JA68/2021)* examined whether an employer may lawfully terminate an employee for cause at any point after the worker reaches the predetermined retirement age.

Comparably, on November 8, 2023, the Labour Court in Johannesburg heard a case between *Seokwane v. Bidvest Prestige Cleaning Services (Pty) Ltd (Case No. JS 1040/20)*, which examined whether or not an employee's termination for age-related reasons might be deemed unfair.

AT A GLANCE:

The case *Motor Industries Staff Association v Great South Autobody CC* involved the question of whether an employer can fairly dismiss an employee based on age after the employee has reached the agreed retirement age.

• The Labour Court ruled that the employee's dismissal was fair under section 187(2)(b) of the Labour Relations Act, as the employee had already reached the retirement age stated in the employment contract at the time of dismissal.

• The Labour Appeal Court upheld the decision, stating that section 187(2)(b) allows employers to dismiss employees based on age at any time after the retirement age has been reached, providing employers with the right to terminate services and create employment opportunities for younger workers.

BACKGROUND:

Section 187(2)(b) of the LRA provides that a dismissal based on age is fair if the employee has reached the normal or agreed retirement age for persons employed in that capacity. These cases dealt with the application of that section. For this article, a focus will be on the recent case of *Seokwane v. Bidvest Prestige Cleaning Services (Pty) Ltd (Case No. JS 1040/20)*.

The applicant was a general worker, employed in 2002 by Tsebo (Pty) Ltd which had a cleaning contract with the Volkswagen Group. In June 2019 Tsebo lost the contract to Bidvest Prestige, which employed the applicant at the request of Volkswagen. The employment was in the form of a fixed-term contract for three years effective from 1 July 2019. At that time the applicant was 62 years of age. The contract (a standard document) specified that the retirement age was 60.

In May 2020, during the lockdown due to the COVID-19 pandemic, the applicant claimed she was offered a retrenchment package. She asked for reasons and was told she was to be retrenched because she had exceeded the retirement age. When the employees resumed duty in June 2020, she again requested reasons for her planned retrenchment and was informed that the company expected a drop in the number of employees on the Volkswagen contract. She had expected to be employed until October 2022 when the respondent's contract with Volkswagen would have expired. Nevertheless, her services were terminated on 30 June 2020.

The respondent denied that it had offered the applicant retrenchment, and ultimately it was common cause that the applicant was not retrenched but was retired. The respondent claimed that it had not wanted to employ the applicant because of her age but was persuaded to do so by Volkswagen. Volkswagen reduced the number of employees working on the contract with effect from 1 July 2020, by only one employee.

The applicant instituted proceedings in the Labour Court claiming an automatically unfair dismissal on the grounds of age, in terms of section 187(1)(f) of the LRA. In those proceedings, the respondent relied on the terms of the contract and the case of *Motor Industry Staff Association v Landman and another (2022) 43 ILJ 2326 (LAC)*. The clause in the contract read: 'The employee will retire at the end of the month in which he or she reached the age of 60.' The respondent also relied on its retirement policy which provided for a normal retirement age of 60.

The Court held that since the applicant was already past the age of 60 when she entered the contract, the provisions of the contract and the retirement policy could not assist the respondent as they presupposed that the contract was entered into before the employee reached retirement age. Concerning the *Motor Industry Staff Association* case, the Court noted that the LAC had, in that case, specifically stated that it was impermissible for an employer to rely on section 187(2)(b) of the LRA in terminating a contract of employment where the real reason for the dismissal was based on operational requirements or misconduct or incapacity.

The Court noted that the respondent had disregarded its retirement policy to please its client and in doing so had an obligation to inform the applicant of the peculiarities of her situation, which it had not done. The respondent's witness (a senior executive) had testified that the respondent had elected to retire the applicant to avoid a retrenchment when the number of staff working on the Volkswagen contract was reduced by one.

The Court found that the real reason for the applicant's termination was the respondent's operational requirements. The dismissal of the applicant was automatically unfair because she was selected for termination on the grounds of her age. This constituted unfair discrimination. The applicant was awarded compensation equivalent to 12 months' remuneration.

KEY TAKEAWAYS:

The Court noted that a fair retirement process envisaged that an employee and employer would be aware of the retirement date, and this knowledge gave employees sufficient time to prepare for their retirement. This opportunity was denied to the applicant, who was given a month's notice of her retirement.

The Respondent had no regard for the impact of its conduct on the applicant, a vulnerable employee.

This judgement serves as a caution to employers that the ramifications of a post-retirement age contract should be fully explained to the employee concerned. When it comes to vulnerable employees in particular, employers need to be sensitive to the question of social justice and its moral as well as legal obligations.

ENHANCING GOVERNANCE: A SHARED COMMITMENT

In the dynamic landscape of the CCMA, the principles of corporate governance play a crucial role in guiding us toward sustainable growth, transparency, and accountability. Corporate governance encompasses a set of principles and processes that are designed to ensure that our organisation operates ethically and in the best interest of our stakeholders. The significance of robust governance practices cannot be emphasized enough for public entities like the CCMA, where public trust and funds are at stake.

As employees of the CCMA, we have a collective responsibility to uphold and enhance governance practices that foster accountability, integrity, and transparency within our operations. In ensuring that the CCMA maintains good governance practices, we rely on the guidance provided by the King IV Report on Corporate Governance to navigate these processes.

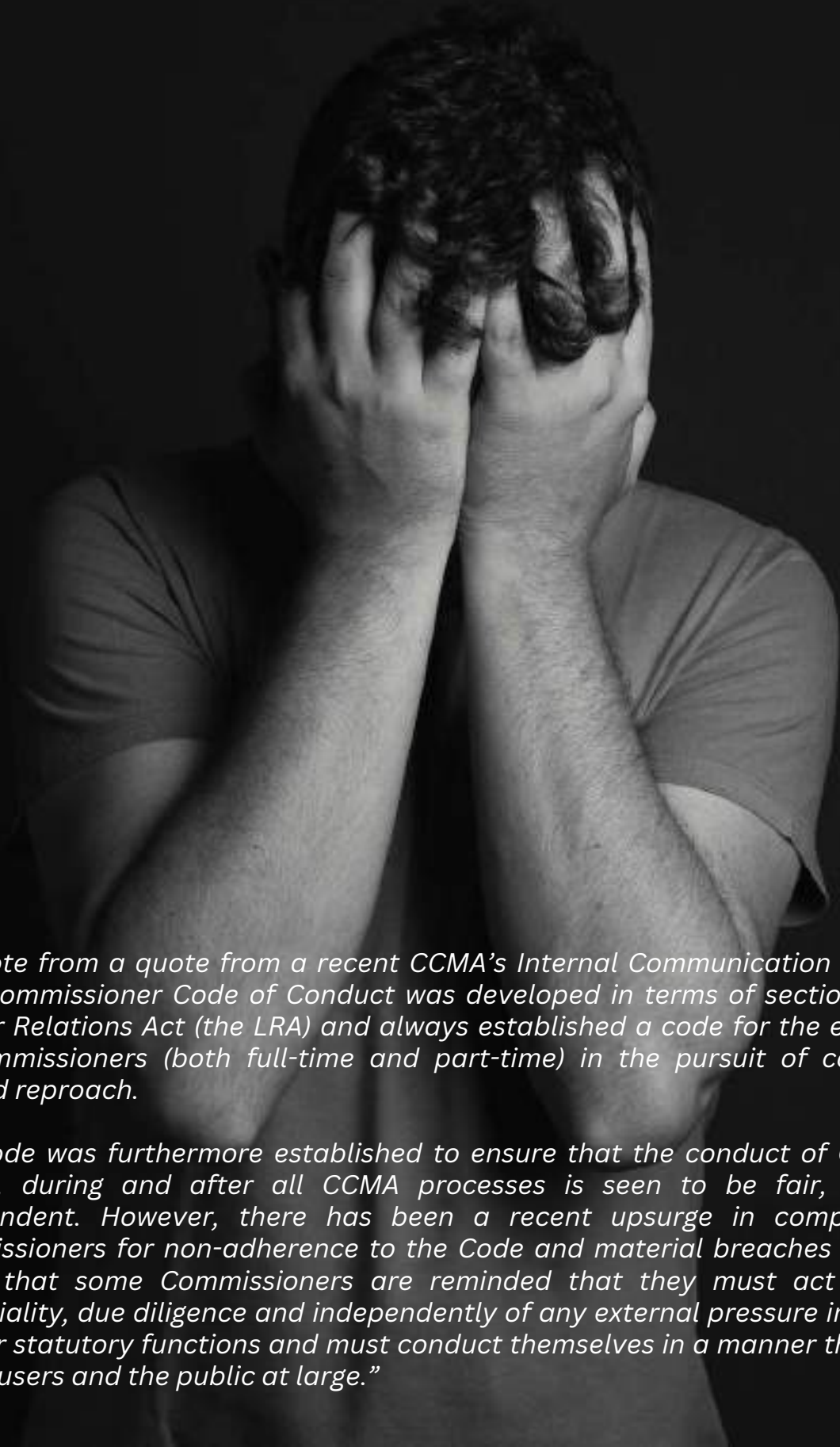
One of the core foundations of governance is accountability. It is essential that as the CCMA we take responsibility for our actions, decisions and the resources entrusted to us. This entails adhering to the CCMA standards by following established policies and procedures diligently while maintaining transparency in all our conduct and day-to-day duties. By holding ourselves accountable in this way we would not only fulfil our duties, but also contribute to building credibility and maintaining a reputable image for the CCMA.

Transparency serves as a second core aspect of governance. We as the CCMA exercise transparency in our dealings with stakeholders, including regulators and the public. Transparency is crucial for the CCMA in building and maintaining public trust and confidence in our constitutional mandate, as it shows our dedication to operating with integrity and being open when serving the public.

The third core value of governance is integrity, maintaining the integrity of our organisation requires not only internal governance procedures but also adherence to best practices and adopting related regulatory standards. There are several laws, rules, and guidelines that have been reduced to policy documents by the CCMA, these policy documents are designed to uphold integrity, and some of the governance principles that support accountability, ethics, and openness apply to the CCMA. For us to fully embrace integrity, it is our responsibility as the CCMA to remain aware of these guidelines or policies and make sure that all of our choices and actions adhere to all approved CCMA Governance Policies.

Ultimately, maintaining the values of accountability, transparency and integrity will strengthen our governance structure, where a tone is set at the top, and this will increase the long-term viability of the CCMA. We urge the CCMA Family, to comply with all approved Governance Policy Documents. For further advice on matters related to Governance, Ethics, and Fraud, please engage the Governance and Secretariat Services Unit (GSS). This will not only assist the CCMA in establishing good corporate governance, but it will ensure that our organisation is and is seen to be a good corporate citizen that strives to practice and maintain the King IV Report principles of Corporate Governance. This is significant and serves as a cornerstone of the CCMA's success by reaffirming our commitment to enhancing good corporate governance.

THE COMMISSIONER CODE OF CONDUCT AND MENTAL WELLNESS - AN OPINION PIECE BY PART-TIME SENIOR COMMISSIONER ~ GLEN CORMACK



To quote from a quote from a recent CCMA's Internal Communication communiqué – "The Commissioner Code of Conduct was developed in terms of section 117(6) of the Labour Relations Act (the LRA) and always established a code for the ethical conduct of Commissioners (both full-time and part-time) in the pursuit of conduct that is beyond reproach.

The Code was furthermore established to ensure that the conduct of Commissioners before, during and after all CCMA processes is seen to be fair, impartial and independent. However, there has been a recent upsurge in complaints against Commissioners for non-adherence to the Code and material breaches thereof. It was noted that some Commissioners are reminded that they must act with honesty, impartiality, due diligence and independently of any external pressure in the discharge of their statutory functions and must conduct themselves in a manner that is fair to all CCMA users and the public at large."

After 27 years as a commissioner, including seven years as a provincial senior commissioner, I find myself suspended for four months for breach of the Code. This period has allowed for a serious reflection on how I got here. Never in my wildest dreams did I think this would happen to me. I have always prided myself as a caring commissioner, committed to the objectives of the LRA and the purpose of the CCMA itself. "What happened?" reverberated repeatedly through my head.

Before a reader thinks I am attempting to exonerate myself from blame, let me state upfront - I am accountable for this situation. I was the commissioner assigned to the process that led to the respondent party raising a complainant of possible bias demonstrated by myself in the process. As a commissioner, I am responsible for what occurs in the process and therefore responsible for the perceptions of bias and unfairness that arose 'under my watch'. As such then I deserved the sanction for creating the perception of unfairness. After all, perception is a reality for the perceiver, and I should not have allowed the perception to develop.

For purposes of this article the details are not important - what is important is that the respondent's representative believed the CCMA had failed him. I had failed the CCMA! My reflections moved from 'blaming' the complainant for his behavior i.e. from "it was his entire fault" to examining my conduct by putting myself in the complainant's shoes. It surfaced two completely diametrically opposite viewpoints. I then formed the realization that it wasn't about me but how the user saw the process. I anguished over what caused me to behave in the manner I did. Without meaning to be frivolous, the fact that the television show "Judge Judy" may be fine for American reality entertainment, exercising a commissioner's power or authority in a like manner has no place in our CCMA processes. So, what caused me to behave in the emotional manner I did?

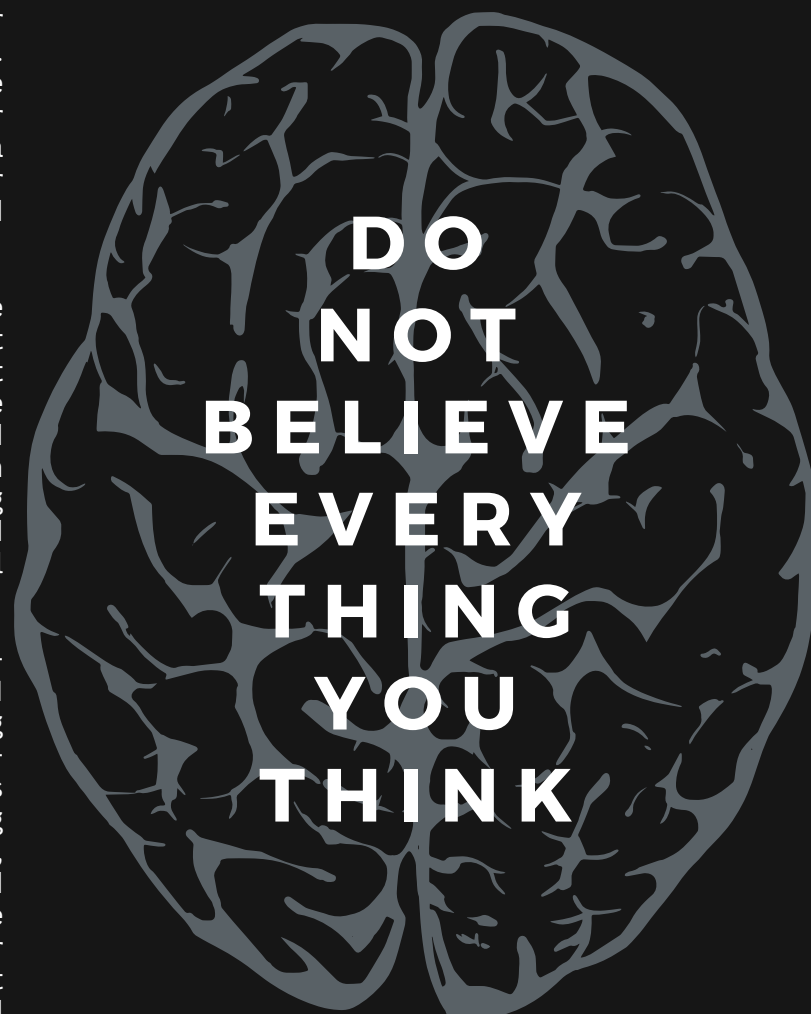
I spent many days thinking about this, and have come to the realization that whilst I may have thought that all was well with me, I had in fact allowed an element of depression to bed down in my mind. Since the advent of the Covid-19 pandemic, having contracted Covid twice (the first being a near-death experience in the week before the national shutdown) and battling to fully recover mentally, the isolation experienced since the advent of the pandemic changed my social interaction with others significantly.

I found myself working and returning home - immersing myself in newspapers and news on TV (I have been single for 13 years, with adult children living overseas). And the media has a focus on bad news - very little good news. Without realizing it I was mentally unwell, focused on the negativity consuming South Africa, including the extremes of poverty, inequality, unemployment, corruption and crime - and the increasing loss of hope. This coupled with the unrelenting realities of unfairness of employers and/or unacceptable conduct of employees that commissioners deal with every single day, had become my world.

It is my view that this state of mind could have influenced the impatience I displayed in the process that led to the complaint - and it is this unwellness that I caution all colleagues, commissioners and all other staff, to guard against. Don't isolate yourself; reflect on your interactions with others; strengthen your faith; get counseling if necessary; be alert to the dynamics of mental wellness.

Remember, breaching the Code of Conduct may not be a deliberate act, but we remain accountable as professionals in service to the public for our conduct - well or unwell. Let us guard against disappointing the public we serve by ensuring we are on top of our game, that we are mentally well for the tasks we take on, that we don't fall into the trap that says these things won't happen to me - it only happens to the weak and that's not me.

In conclusion, I would not have arrived at the thoughts that I have if it weren't for the care shown to me by my colleagues. Genuine words and acts of caring caused me to also reflect on why colleagues cared for my wellness. Their caring reinforced my perception that I am not a deliberately unethical person - I erred and have been justifiably sanctioned. Let us all learn from my experience and not repeat the errors I made. Stay well, stay secure and stay happy. Care for your colleagues in these trying times.



ELEVATING WELLNESS: A JOURNEY TO PEAK PERFORMANCE IN EKURHULENI

In the heart of Gauteng, our region stands as a testament to the transformative power of wellness. Through challenging hikes, spirited marathons, and friendly soccer matches, we've cultivated a culture that not only reaches but sustains the epitome of wellness. This article celebrates our collective journey and the remarkable impact it has had on our performance and camaraderie.

THE IMPACT OF WELLNESS ON PERFORMANCE

Our commitment to wellness has yielded impressive statistics that speak volumes. As Greg Anderson once said, "Wellness is not a 'medical fix' but a way of living – a lifestyle sensitive and responsive to all the dimensions of body, mind, and spirit, an approach to life we each design to achieve our highest potential for well-being now and forever." This philosophy has been the cornerstone of our success, driving us to achieve and exceed our performance goals.

FOSTERING TEAM SPIRIT AND MUTUAL SUPPORT

The activities we've engaged in have done more than just improve our physical health; they've strengthened the bonds between us. Laurette Gagnon Beaulieu perfectly encapsulates our experience: "Wellness encompasses a healthy body, a sound mind, and a tranquil spirit. Enjoy the journey as you strive for wellness." This journey has taught us the value of support, the joy of shared success, and the strength found in unity.

UPCOMING ITINERARIES: COLGATE MARATHON AND SUIKERBOSRAND HIKE

Looking ahead, we're excited to announce that we're going on a hike in the breathtaking Suikerbosrand Nature Reserve this April and our participation in the Colgate Marathon this May. These events are not just activities but milestones that mark our commitment to continuous improvement and well-being. We welcome other colleagues to join us as well as we all strive to be great together.

A TRIBUTE TO THE EKURHULENI WELLNESS COMMITTEE

In closing, I extend a heartfelt gratitude to the Wellness Committee. Your unwavering dedication and positive spirit have been the guiding light of our wellness journey. You've shown us as a region that every opportunity is a chance to promote health, happiness, and harmony. Thank you for keeping us strong and inspired.

Together, we stand as a region at its peak in the realm of wellness, ready to embrace the challenges and triumphs that lie ahead.

Article by
Xolilizwe
Bekithemba Xolilizwe



DIGITISATION AND TECHNOLOGICAL ADVANCEMENT TOOK CENTRE STAGE AT THE CCMA ANNUAL LABOUR CONFERENCE 2024

The CCMA Labor Conference is a prestigious event convened over the years by the CCMA to discuss, debate and find solutions to challenges faced by organizations in the labor market. It also ensures that the Commission engages various stakeholders in a platform that enables equitable and fair dialog. The conference attracts domestic and international stakeholders based on the CCMA's and labor market's thematic needs for that particular fiscal year.

The last installment of the Labor Conference was held September 22-23, 2022 during the COVID-19 pandemic period. Therefore, this year's conference is held at a time where the country has lifted all restrictions relative to COVID-19, allowing organizations to adapt to the new era of work. The "new era of work" refers to a period where organizations research and innovate to find and deploy technology that will improve productivity while retaining a positive organizational culture.

This "new era of work" ushers in fundamental shifts in various aspects of the labor market and workplace dynamics (e.g., human resources, budgeting, policy and regulatory framework designs), driven by technological advancements, evolving societal values, and global economic shifts.

It is against this background that the 2024 CCMA Labor Conference focused on labor market dynamics, policy change, innovation and their impact on social justice in the world of work.

In a panel discussion with Mr. Greg Truter and Mr. Junaid Amra from PricewaterhouseCoopers International Limited, Mr. Limpho Mandoro a Social Dialogue Specialist from the International Labour Organisation (ILO) and Mr. Nkosikho CCMA set the theme for the rest of the discussions under the title; ***"Charting New Paths: Technology as a catalyst for expeditious and equitable dispute resolution in the future of work"***. The panelists agreed that technology advancements shape dispute resolution and that such innovations serves to increase accessibility, increase efficiency, improve quality and cost-effectiveness through tech-transformed dispute resolution inclusive of leveraging artificial intelligence (AI), data analytics and digital platforms.

It is evident that, despite the multiple issues related to service delivery failures, South Africa has exhibited a readiness to examine the existing quo and devise innovative solutions to better the current situation. To get this right, the public sector, including the CCMA, must collaborate closely with its stakeholders and users to better understand, and eventually adopt, a modern, digital-first approach for the sector as well as for communicating with the country's population in a language they can understand.

Ultimately, both technical innovation and public service should improve people's lives in meaningful ways, whether through major projects for the long term or more routine service provision. Our capacity for the development and continuous enhancement of civic service is therefore boundless, provided that the public and private sectors both abide by this concept in good faith.

Through automating processes and implementing organisational reforms, the public sector can enhance citizens' quality of life, save money, and provide better services. The public sector frequently concentrates its digitisation efforts on four capabilities: data interchange, choices, procedures, and services. We think that each should logically move from quick triumphs to revolutionary endeavours. In this way, one can deduce that it has become necessary to appeal for the use of an online system since courts are often too costly and backlogged with other disputes, as such having an online system allows for an effective and efficient seamless workflow.

With the expansion of artificial intelligence and South Africa now entering the Fourth Industrial Revolution, it is evident that reforms to labour and technology laws may be necessary to keep up with technological advances, as well as to expedite disputes. The use of an online dispute resolution system powered by artificial intelligence may prove beneficial in South Africa and the work of the CCMA. The panellist on the topic agreed that implementation of an e-dispute resolution system is needed and for it to function well the following need to be considered:



Technology must transform our society to a point where we can hardly imagine modern life without it. Technology affects the way we interact with one another, including regarding dispute resolution: it either generates new kinds of disputes which arise out of the new capabilities it offers, or it can help in the resolution of disputes.

However, if dispute resolution processes fail to embrace technology, there is a risk of a developing disconnect with the people they are attempting to assist. We've witnessed a shift away from traditional court-based dispute resolution and toward alternative dispute resolution systems.

As such online platforms or digitalisation is no longer an option for the business world; it has become the norm because sustaining commercial relationships is vital. On the other side, the court system is constrained by an expanding workload, resulting in delayed decisions and an indefinite appellate process.

In assisting this process, the CCMA has created digital innovations assist in processes and this called for the introduction of online dispute management systems that enabled access to justice and equality, and the following achievements were realised by the CCMA in its quest to embrace digital transformation and inclusivity.



In conclusion, it has been agreed that rethinking how our dispute resolution and prevention and the fit of technology operate can assist in a meaningful way is needed. As such, Technology and its innovations should not be exclusive but should include everyone in its functionality, practicality and data privacy should also be considered as we design these innovations. CCMA is proving that technology and dispute resolution and online systems can be used to resolve disputes and assist with the easy flow of cases and the achievement of social justice and labour peace through the lenses of technology inclusion.





The goal of the conference is to provide a platform for dialogue, information exchange and best practice sharing among government representatives, labour organisations, business leaders, and legal experts, fostering a collective understanding and commitment to advancing social justice and labour rights in the contemporary world. The objectives of the conference are as follows:

- Assess the impact of digitalisation on social justice access.
- Discuss Labour Legislation and recommend sections that must be reviewed and amended.
- Highlight the importance of mental health in the workplace and discuss the effects of mental health issues on social justice (engendering compassion in the labour market towards mental health issues)
- Analyse the state of the South African Labour Market {exploring innovative solutions to mitigate the impacts of infrastructural challenges (e.g., load shedding & transportation) and striking the balance between negotiating fair terms and protecting labour rights and safety in high-risk industries (lessons from Mine Sit-ins)}.
- Present Case Law.





THE SIGNIFICANCE OF CELEBRATING ANNUAL LIBRARY WEEK WITHIN THE CCMA

Library Week is a significant annual event that takes place each year in March with the primary objective to promote the significance of information services, literacy, and the use of library services. This event provides a critical opportunity to raise awareness about the essential role fulfilled by libraries in our democratic society. In this regard, the CCMA's library strives to inspire its Users to take advantage of the extensive range of resources it makes available.

In celebrating Library Week, the CCMA's Library aims to promote a reading culture among its Users by encouraging them to visit regional libraries and to explore the vast array of books available; those available digitally and those available physically in efforts of encouraging the improvement of literacy skills and one's personal growth as well as development.

In addition, the CCMA library is equipped with modern technology, allowing its users to access online libraries and resources from any location. This feature makes it convenient for staff and external users to access information and resources without physically visiting the library. The library also offers various programmes and initiatives, such as book clubs, story times, and reading challenges, to promote and encourage a reading culture among its members.

The CCMA library is committed to providing excellent services to its users, evident from its friendly and knowledgeable staff, who are always ready to assist users with their queries across its offices. The library has an extensive collection of books, journals, magazines, and other resources, covering various fields of study, including law, dispute resolution, and employment relations. The library also offers access to online databases, e-books, and e-journals, updated regularly to ensure users have access to the latest information and resources.

HAPPY READING

DID YOU KNOW?

The Most Overdue Book
was 122 Years Late

CHANGE MANAGEMENT REQUIRES A CHANGE MINDSET IN ORGANISATIONAL BEHAVIOUR

Consider yourself as the CEO of a midsize corporation in 2019 who had a crystal ball and predicted that a global epidemic would turn the globe upside down within months.

Given that knowledge, what would you have done differently with your business at the time? Alternatively, assume you were the HR leader of a small, expanding firm in 2015. You'd heard about the "remote work" trend and were eager to try it, but your leadership team seemed unsupportive. You also possessed a crystal ball with a peek into the future. How could you have convinced them otherwise?

In retrospect, these seem like excellent questions to have addressed early on. Now it's 2023, and more unknowns than ever before require your attention, leadership, and insight. Of course, you want to do the right thing, but you don't know what will happen next week, let alone next year or decade.

In this uncertain environment, leaders and businesses around the world are asking the same question: what should we do about change? How can we manage uncertainty, hedge our bets, and stop fearing the future?

I have good news: by shifting your focus from change management to a change mentality, and then using a simple technique to reframe how you approach the future, you will be more prepared for whatever comes next. Midsize businesses, in particular, are uniquely positioned to capitalise on these trends due to their size and agility. In doing so, we need to cope with change, and how do we then change in the challenging times, below are some of the strategies that we can use or that can help us all deal with it better:

Here are five top tips for coping with change based on the web search results:

- **PREPARE YOURSELF**

Change often happens when you don't expect it, so keeping an eye on the future and preparing yourself for different scenarios can help you feel more in control and less anxious.

- **CHANGE HOW YOU THINK**

The way you think about change plays a major role in determining how well you deal with it. Try to see change as an opportunity for growth and learning, rather than a threat or a loss.



- **MAINTAIN ROUTINES**

When the world around you is changing, having some stability and consistency in your daily life can help you cope better. Stick to your regular habits and activities as much as possible or create new ones that suit your situation.

- **PRACTICE SELF-CARE**

Change can be stressful and exhausting, so it's important to take care of yourself physically and mentally. Eat well, get enough sleep, exercise regularly, and do things that make you happy and relaxed.

- **LEAN INTO SOCIAL SUPPORT**

You don't have to deal with change alone. Reach out to your friends, family, colleagues or other people who can offer you emotional and practical support. Talking to others who are going through similar changes or who have overcome them can also help you feel less isolated and more hopeful.

Helping your team establish and strengthen their transformation mentality is neither difficult nor trivial. Team talks regarding one's willingness to change could reveal latent superpowers and open up new avenues for internal mobility. Integrating scenario mapping into your strategic planning process may incorporate a diverse variety of expertise from throughout the organization without becoming overwhelming. All of these measures increase your "flux capacity" (tolerance for change), which contributes to your future success.

For any further engagements and assistance with change management, consult your Human Resources department.

ASCMO Mcgyver Ntsoane

Afternoon

Good story to tell as yesterday we drove from Burgersfort to Plk just to ask one question of procedure. In my car, I had my depressed brother who was under the impression that CCMA offices may not even want to give him access to information.

On our arrival, we were welcomed by another old male skinny employee who heard our question and said "Guys, I hear your story and now I am referring you to my senior" On arrival to his Snr I only noted him saying that he was Mr Ntsoane (not sure of the spelling).

The guy gave hope to my brother in that at CCMA there is hope for justice. Just after we had about 10 minutes of conversation, my brother had hope until home. Thanks, CCMA Plk for such good apples of employees.



Mhawukeli Sizwe Ngubane

Good evening

I trust this finds you keeping well and that you had a well-deserved holiday over the festive season. From the 5th to the 7th of December 2023, I attended a course (Sexual Harassment – What it is? Preparing cases, con – arbs) hosted by FEDUSA, funded by the EDTPSETA and presented by Commissioner Sizwe Ngubane on behalf of the CCMA.

What a treat. I, in my capacity as a union representative, teacher, and principal of a school amongst the many other hats I wear was pleasantly surprised. Commissioner Ngubane did not just read through a slide presentation, as so many presenters do, instead as he is so au fait with the material, he was able to present what was in the manual to the varied audiences (we were union representatives from all different spheres of work some from Transnet, some from Education, some Office work representatives) and keep us all interested.

It was very interactive; he was able to answer our questions using real-life scenarios which assisted us and would be of great help when cascading the information to our members. On a personal note, I have sat through many presentations, and he was one of the best. I have been in presentations from the Education Department, and different professionals from various stakeholders including NAPTOSA, the ELRC, and PSCBC amongst others.

Commissioner Ngubane is a great presenter, and his wealth of personal knowledge helps. It is clear that he is up to date on the legal framework as he can quote whatever is needed and then still turn to the relevant legislation and read it when necessary.

Thank you for releasing him to present this workshop to us.
Kind regards
Liesl Hastings



For the record, I had filed with the CCMA 2x bundles of documents and the National Instruction 3 of 2015 and the SSSBC Agreement 3 of 2011. The presiding officer had indicated that he does not have these important documents.

The million dollar question – What has happened to the documents that I have file with the commission? Were they placed to the disposal of the presiding officer as I intended or were they simply lost by the Commission. It must be kept in mind that these documents formed part of the pleadings.

My previous complaint was handled by Commissioner Gumede who did a splendid, no nonsense job and hope she can avail herself for this one too.

This is all I have to declare.

Kind regards


George



Dear Mr Adam,

It is with huge appreciation that I email you about Mr Mxolisi Gadi.

We referred a matter on behalf of the client and the application for condonation did not reflect on the online submission.

Mr Gadi went out of his way in attended to assisting us, even responding to our requests after hours. The condonation has been attended to and we received a notice of set down within a day of our last correspondence to Mr Gadi.

He has commendable work ethic and his commitment to "I am because you are" shines through in the work he does. He is truly a great asset to have on your team and I believe that team members follow the team leader, thus credit to you for the example you set!

Warm regards



Good day Mr Mkhize and Ms Benjamin

I hope the email finds you well.

I am an applicant (employee) in an arbitration matter bearing case number XXXXXXX. I was present at your offices on Monday, 11 March 2024 and on one other occasion in October 2023, where I was assisted by Ms Hlengiwe Mthembu, the receptionist on the second floor of the Durban CCMA offices. I find it necessary to address this email to you in order to comment about Ms Mthembu's actions.

I was there early in the morning and was pleasantly greeted by Ms Mthembu. I advised her the purpose of my visit there and she immediately proceeded to assist me. She took my documents and immediately presented them to the official who signed subpoenas to attend to and within 10 minutes, my purpose there was accomplished. During my presence there, Ms Mthembu was at all times pleasant to me and gave me a sympathetic ear to listen to my plight, both workwise and also personal. She went out of her way to ensure that I was properly assisted and went beyond the extra mile to make me feel comfortable and made me feel that there was hope. She was, however, at all times professional and carried herself out with dignity yet was polite and humble and she knew exactly what she was doing.

The above traits are very difficult in our current day public servants, and I must compliment this lady with the way she works. She is a breath of fresh air when attending your offices. Her reaction and working ethics make me believe that the CCMA in Durban has professional people who know what is going on and also it is indicative of her superiors' management styles and abilities.

To Ms Mthembu, I wish to compliment her and also to just say WELL DONE! In current day society people are ready to complain but never to compliment. I find it imperative to compliment people like Ms Mthembu for work well done.

Yours sincerely
Pravinraj Arjoon [Pravin]



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