





CCMA InTouch

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FROM THE DESK OF
NOLUFEE NYAMEZELE

ACTING EXECUTIVE: GOVERNANCE &
STRATEGY

*Reflecting on a Remarkable Year: Honouring
Legacies, Celebrating Achievements, and
Looking Ahead*

Dear Valued Readers, As the year winds down, it is a privilege to connect with you once again through this edition of the InTouch Newsletter. The past few months have been a mixture of bittersweet moments and inspiring achievements for the CCMA, and I am excited to reflect on them with you. First and foremost, we extend our heartfelt condolences to the family, friends, and colleagues of our late former Governing Body Chairperson, Professor Enos Ngutshane, who sadly passed away during the month of November. Prof Ngutshane's leadership, courage, and commitment to fairness have left an indelible mark on the CCMA and South Africa's labour landscape. We dedicate this edition to celebrating his remarkable legacy and his contributions to workplace equity and social justice. On a brighter note, we are proud to report the success of this year's Commissioner Day, held virtually and attended by an impressive online audience of over 400 participants. This event showcased the dedication of our commissioners and employees, reinforcing our shared commitment to dispute prevention and resolution. Despite the challenges typically expected when using a digital platform, the energy and engagement from everyone who participated made it a truly memorable occasion. We also had the honour of hosting delegations from international industrial agencies, including representatives from New Zealand, Ireland, Canada, Australia, the USA, Northern Ireland, and the United Kingdom, with South Africa proudly serving as the host. The visit provided a platform for valuable knowledge exchange and highlighted the global importance of collaboration in promoting workplace harmony. This edition is packed with informative and thought-provoking articles that we hope you will enjoy. Our Regional Senior Commissioners shared messages of goodwill whilst also encouraging us to spread the festive cheer responsibly. We

Our Regional Senior Commissioners shared messages of goodwill whilst also encouraging us to spread the festive cheer responsibly. We also tackle key workplace issues, such as:

- The Right to Disconnect: Exploring work-related communications outside regular business hours.
- Corporate Bullying: Recognising, addressing, and preventing harassment in the workplace.
- Fraudulent Medical Certificates: Upholding integrity and fairness in the workplace.

As the festive season approaches, we encourage all our readers to embrace celebrations responsibly, this is further expanded on in the following piece: Avoiding January Blues: Tips on managing financial stress and ensuring a smooth return to work after the holidays. Let us use this time to rest, recharge, and spend meaningful moments with loved ones. We wish you a safe and joyous festive season and a happy New Year filled with health, prosperity, and success. Looking ahead to 2025, we are excited to continue our journey together, working tirelessly to prevent and resolve disputes across South Africa. Let us reconnect in the new year with renewed energy, determination, and a shared vision of fairness and equity in the workplace.

Stay safe, be kind, and see you in 2025!

As always, we encourage you to contribute and share your story ideas with us via email – Communications@ccma.org.za; until then... Please do enjoy reading this issue of CCMA InTouch.

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Celebrating a Legacy of Courage and Leadership: Prof. Enos Ngutshane's Enduring Impact

The legacy of Prof. Enos Ngutshane is one that resonates deeply with the core values of courage, leadership, and an unwavering commitment to justice and equality. As South Africans reflect on his remarkable journey, we celebrate a life that epitomised the transformative power of individual action in the face of adversity.

Ngutshane's story is firmly rooted in one of the most defining moments in South Africa's history—the 1976 Soweto Uprising. As a young student at Naledi High School, Ngutshane emerged as a pivotal figure in the protest against the apartheid government's imposition of Afrikaans as the medium of instruction in schools. His leadership, bravery, and ability to rally his peers amidst a climate of fear and oppression marked him as an extraordinary leader from an early age. The June 16 protests, which forever changed the course of the anti-apartheid struggle, stand as a testament to the power of collective resistance and the pivotal role those young leaders like Ngutshane played.

However, Ngutshane's contributions did not end with the dismantling of apartheid. His commitment to building a better South Africa transcended political activism, extending into education, public service, and corporate leadership. After completing his tertiary education at the University of Liverpool in the United Kingdom (UK), he returned to South Africa equipped with the skills and vision to drive meaningful change.

In his professional career, Ngutshane assumed leadership roles that had a direct and lasting impact on the lives of countless South Africans. As the former President of the Institute of Retirement Funds Africa (IRFA), he played a significant role in shaping policies and initiatives that secured the financial futures of workers across the continent. Under his guidance, the IRFA expanded its influence, promoting financial literacy, responsible retirement fund governance, and sustainable investments for the benefit of current and future generations.

Beyond his professional achievements, Ngutshane was a mentor, guide, and role model to many. He embodied the spirit of servant leadership, dedicating his life to empowering others and nurturing a new generation of leaders who share his vision for a just and equitable society. His work, both in public service and the private sector, consistently reflected his belief in the transformative potential of education, ethical leadership, and collaborative action.

Prof. Enos Ngutshane's enduring legacy serves as a reminder that the struggle for justice and equity is a continuous process. Even in post-apartheid South Africa, the challenges of inequality, poverty, and systemic injustice persist. Ngutshane's life teaches us that each of us has a role to play in addressing these challenges and that through courage, determination, and visionary leadership, progress is very much possible.

As we bid farewell to this extraordinary leader, we celebrate his life and the indelible mark he has left on our nation. Prof. Enos Ngutshane's journey inspires us to reflect on our own contributions to society and challenges us to strive for a future where opportunity, freedom, and dignity are accessible to all. His legacy reminds us that the power of one can ignite the collective change needed to build a better tomorrow.

Rest in power, Prof. Ngutshane. You may be gone, but your impact and vision will remain a guiding light for generations to come. May your remarkable story continue to inspire courage, leadership, and dedication in us all.

Rest Easy Prof Ngutshane... Gone but not forgotten.





STRENGTHENING THE CORE OF THE LABOUR MARKET TOOK CENTRE STAGE AT THE CCMA'S COMMISSIONERS' DAY 2024

On 21 November 2024, the Commission for Conciliation, Mediation and Arbitration (CCMA) hosted its annual virtual Commissioners' Day session under the theme "Strengthening the Core". With these virtual sessions being an extension of the CCMA's Continuous Development programme aimed at upskilling CCMA Commissioners as guided by the latest jurisprudence, the developments in the labour market, noteworthy awards and the lessons learnt by some of their colleagues when dealing with prominent matters, Commissioner attendance is of paramount importance. Commissioners' Day reinforces the principles and structures that form the backbone of the CCMA's work in the labour market, ensuring that it remains adaptable, resilient, and future-ready. The session brought together Commissioners and industry leaders amongst others, for them to engage on key developments, challenges, and opportunities in labour relations.

In his opening remarks, the former Chairperson of the CCMA's Governing Body, Prof. Enos Ngutshane (late), reflected on the organisation's 28-year journey. He celebrated the extraordinary dedication of Commissioners who have processed over 4.1 million referrals since the CCMA's inception, contributing significantly to social justice and labour peace. Acknowledging the Commissioners' tireless efforts, the Chairperson highlighted how their work has brought resolution to strikes, disputes, and other complex workplace challenges. He commended the CCMA's ability to evolve with the changing needs of the labour market, stressing the importance of sustaining its impact for future generations.

CCMA Director Advocate Cameron Morajane delivered an insightful keynote address under the theme "Bridging Time: Lessons from the Past, Actions in the Present, and Measures for the Future." He outlined the CCMA's achievements, including



three consecutive clean audits, advancements in online dispute resolution platforms, and the strides taken in Commissioner development programmes. Advocate Morajane emphasised simplifying arbitration and conciliation processes, fostering inclusivity through language and culture, and equipping Commissioners with leadership and financial mediation skills. He also addressed the need to adapt to technological shifts, particularly the Fourth Industrial Revolution, ensuring CCMA processes remain technologically accessible, reliable and efficient.

The programme featured a panel discussion led by Senior Commissioners, focusing on critical labour market issues such as dispute prevention, the sustainability of collective agreements, and the challenges of strikes and picketing. The discussion underscored the importance of collaboration among Commissioners, enhancing professional skills, and addressing workplace gender dynamics, particularly the abuse faced by female Commissioners. Panelists emphasised the value of resilience, teamwork, and continuous learning in maintaining labour peace and fostering equity in the workplace.

The session also paid tribute to the CCMA's fallen heroes, honouring their contributions to the organisation's mission.

In his closing remarks, the former Governing Body representative Mr. Bheki Ntshalintshali applauded the session's success, emphasising the importance of applying the lessons learnt in order to improve processes and strengthen the CCMA's role in the labour market. He highlighted the CCMA's ongoing efforts to incorporate technology and cultural awareness into dispute resolution processes to ensure that they remain effective and inclusive.

Commissioner Day 2024 reaffirmed the CCMA's commitment to delivering socially just, accessible, and efficient dispute resolution services, positioning itself as a key driver of South Africa's labour market transformation. The session served as a reminder of the CCMA's enduring role in upholding fairness, equity, and resilience in the face of an ever-changing labour landscape, a true testament to its dedication to exceptional service delivery.

CELEBRATING THE UNBROKEN CHAIN OF EXCELLENCE: A NIGHT OF RECOGNITION AND INSPIRATION

On 29 November 2024, the Premier Hotel, OR Tambo in Johannesburg came alive with ululation, bustling excitement, celebration, and inspiration as the CCMA hosted its annual 2024 *Service Excellence and Employee Recognition Awards Gala Dinner*.

Under the theme “*Celebrating the Unbroken Chain of Excellence*”, the event was a fitting tribute to the individuals and teams who formed part of the CCMA Family being those who have gone above and beyond in delivering social justice and outstanding service to CCMA Users across the country. The evening brought together Commissioners, staff, and leadership from all corners of the organisation, marking a moment to reflect on and celebrate the shared commitment to excellence, innovation, and collaboration; all of which defines the CCMA. The *Service Excellence and Employee Recognition Awards* categories recognised both CCMA Commissioners and employees who went above and beyond the call of duty in their execution and imparting of social justice to CCMA users. These awards were designed to enhance self-motivation, passion, and inspiration among employees, ultimately improving the quality-of-service delivery across the organisation. This year, we had several categories that recognised the outstanding achievements of CCMA employees and Commissioners. These categories included:

- **Dispute Prevention and Resolution Awards**, which recognised the excellent work of our Commissioners and Staff in preventing and resolving disputes.
- **Commissioner Awards**, which honoured the outstanding contributions of our Commissioners to the CCMA's mission and vision.
- **Employee Recognition Awards**, which celebrated the hard work, dedication, and commitment to excellence of CCMA Employees.

The evening celebrated excellence within the CCMA, highlighting outstanding contributions by individuals, teams, and provinces. **Tumelo Moetsi** received the Best Performing Full-Time Commissioner Award for conducting

over 400 processes with high settlement rates and zero late awards. **Benjamin Poppy Wauchope** won the Best Performing Part-Time Commissioner Award for exceptional service and professionalism.

Gauteng dominated the provincial awards, securing accolades for Best Performing Province – Dispute Resolution Operations, Collective Bargaining, Dispute Prevention and Workplace Outreach, and the prestigious Best Performing Province Overall award.

Individual excellence shone through with the Naledi Award, shared by **Mande Smith** and **Xolo Ndokweni** for their exceptional contributions. In the Service Excellence category, staff members were celebrated for exceeding expectations: CMO **Neil Swart**, SCMO **Chockly Baloyi**, and Full-Time Interpreter **Thomas Ngomane** were honoured for their outstanding performance, multilingual abilities, and commitment to inclusivity.

Antonio Moodaley was awarded the Best Manager Award and **Xolo Ndokweni** was awarded with the Future Leader Award for their inspirational roles. The Wellness Award went to the **CCMA's Ekurhuleni Regional office** for fostering a positive workplace culture, while the **Team Award** celebrated the Dispute Prevention and Resolution department.

Finally, 25-year service awards honoured individuals whose dedication and innovation exemplified the CCMA's values, marking a fitting tribute to their enduring contributions. The 2024 Service Excellence and Employee Recognition Awards Gala Dinner was more than just an event; it was a celebration of the CCMA's heartbeat—its people. Each award winner and nominee showcased the passion, resilience, and commitment that fuel the CCMA's pursuit of excellence. As we honoured the unbroken chain of excellence that connects us all, the evening served as a reminder of the incredible potential within the CCMA family to drive change, uphold social justice, and inspire others to reach new heights.

The CCMA extends its heartfelt congratulations to all the award recipients and nominees. Together, we continue to strengthen the chain, ensuring that the CCMA remains a symbol of excellence and fairness in South Africa.





CORPORATE BULLYING: RECOGNISING, ADDRESSING, AND PREVENTING WORKPLACE HARASSMENT

Workplace bullying, also known as corporate bullying, is a pervasive issue that can significantly harm employees and negatively affect workplace culture. In South Africa, like many countries, legislation exists to protect workers from bullying and harassment, but employers and employees must understand their roles in recognising, addressing, and preventing this harmful behaviour. Corporate bullying can lead to severe physical, emotional, and psychological harm, and it is crucial that businesses take proactive measures to address it. This article will define corporate bullying, explore its impact, and provide practical strategies for employers and employees to deal with bullying in the workplace. We will also discuss South African case law examples and the legal frameworks, including the Violence and Harassment Convention, 2019 (No. 190).

1. What is Corporate Bullying?

Corporate bullying refers to repeated and intentional aggressive behaviour by one or more individuals in the workplace that undermines a particular employee's dignity, well-being or their ability to perform their job. It may involve verbal abuse, intimidation, exclusion from work-related meetings/engagements, public humiliation in the presence of other colleagues, and even physical violence in some extreme cases.

Some common examples of workplace bullying include:

- Verbal abuse: Insults, belittling remarks, or offensive comments made with the intention to offend, hurt, undermine or discredit the victim.
- Exclusion: Purposefully leaving a colleague out of meetings, discussions, or social activities.
- Threats and intimidation: Using power or control to manipulate, threaten, or coerce employees creating job insecurity and lowering an employees' confidence to deliver on their job.
- Unreasonable workload: Overburdening an employee with tasks beyond their physical capacity in order to create incidences of stress and anxiety whilst increasing the expectation for optimal performance.
- Undermining work performance: Deliberate attempts to sabotage an employee's work or reputation by continuously degrading their outputs and scrutinising all of their outputs.

Corporate bullying is different from occasional disagreements or strict management. It is characterised by a continuous pattern of behaviour that is intended to harm the targeted employee emotionally, socially, or professionally.

2. The Impact of Corporate Bullying on Employees and Workplace Culture

Workplace bullying has a serious impact on the affected employees as well as the wider organisational culture. The consequences for employees can be severe, leading to mental health issues such as anxiety, depression, low self-esteem, and even Post-Traumatic Stress Disorder (PTSD). It can also contribute to physical symptoms such as headaches, fatigue, and other stress-related ailments. For the organisation, bullying can lead to reduced employee productivity, higher absenteeism, increased turnover, and a toxic work environment that undermines collaboration and morale.

Victims of corporate bullying may experience a range of emotional and psychological issues, not limited to the below:

- Depression and Anxiety: Ongoing bullying can erode an individual's confidence and self-worth, leading to depression, anxiety and in extreme cases it may lead to employees taking their own lives leaving many families without a source of income.
- Loss of Motivation: A bullied employee may become disengaged and demotivated, feeling that their efforts are unappreciated, feeling powerless to change the situation or them feeling as though they are being targeted by a select group of employees; also known as mobbing.
- Health Problems: The stress of being bullied can lead to physical health problems like chronic headaches, insomnia, digestive issues, and heart-related conditions.

Impact on Workplace Culture

Workplace bullying can create a toxic environment where employees, regardless of their position at work are fearful, disengaged, unproductive and unable to be initiate in aspects that they previously thrived in. It fosters an atmosphere of distrust, a lack of collaboration, and a high turnover. This toxic culture can harm the company's reputation and can negatively impact on employee retention, ultimately affecting business performance and overall employee morale.

3. Your Legal Obligations and Actions in Addressing Workplace Bullying

In South Africa, employers have a legal duty to ensure a safe, respectful, and harassment-free workplace for all employees. This responsibility is anchored in several key legislative frameworks, including the Occupational Health and Safety Act (OHSA) and the Employment Equity Act (EEA). While the Basic Conditions of Employment Act (BCEA) primarily focuses on fair labour practices, provisions under other frameworks such as the EEA and OHSA are more directly relevant to addressing workplace bullying. South Africa has also ratified the International Labour Organization's Violence and Harassment Convention, 2019 (No. 190), which provides a comprehensive framework for preventing and addressing workplace violence and harassment. The convention adopts a broad definition of workplace harassment, encompassing psychological, physical, and sexual forms of harassment.

To comply with legal obligations and promote a safe work environment, employers should:

- Develop and implement clear policies and procedures protecting all employees (regardless of their designation) aimed at addressing workplace harassment and bullying. These need to be aligned with the Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace.
- Provide regular training to all employees on recognizing, preventing, and addressing harassment and bullying.
- Promptly investigate all complaints of bullying and harassment in a fair and transparent manner aimed at salvaging work relationships.
- Take corrective action where harassment or bullying is found

and ensure that appropriate measures to support affected employees are established in order to prevent recurrence.

- Foster an inclusive workplace culture that prioritises equity, dignity, and respect in line with the Employment Equity Act 55 of 1998.

Employers are encouraged to take a proactive approach to workplace bullying, ensuring compliance with both national laws and international standards, while fostering a workplace that prioritises employee well-being for all employees regardless of their position in the organisational structure.

Employers must:

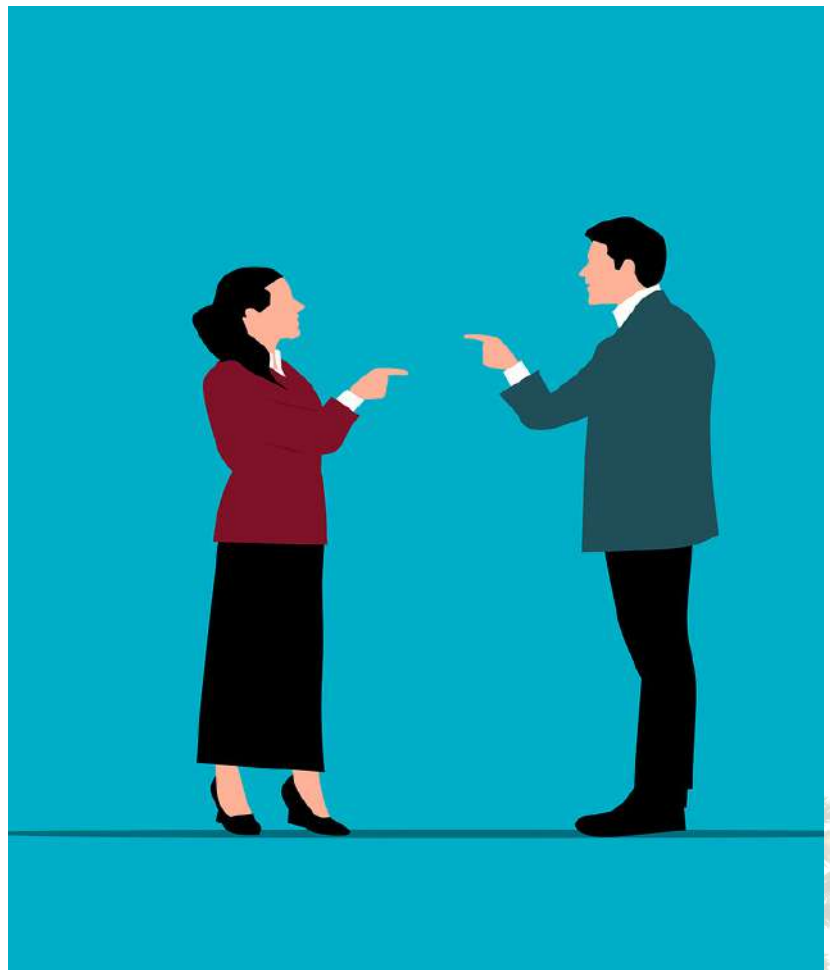
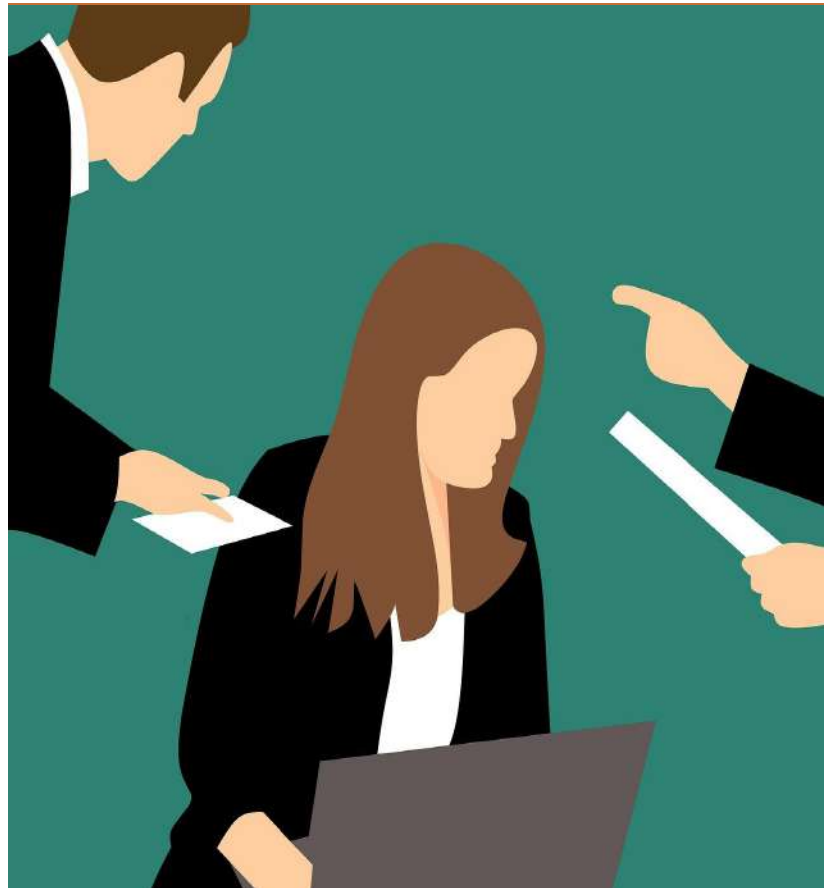
- **Develop Anti-Bullying Policies:** Clear workplace policies should define bullying and outline steps for employees to report incidents as well as the steps to be taken for vexatious complainants including bullying allegations that are proven to be unfounded. These policies should also detail how complaints will be handled and the consequences to be expected for bullies; regardless of the type of bullying (downward bullying or upward bullying).
- **Provide Training:** Employers should educate staff at all levels on what constitutes bullying and harassment, the importance of respect, and how to report concerns.
- **Investigate Complaints Promptly:** Any reported instances of bullying should be investigated thoroughly and impartially. Employers must take immediate action to address the situation and ensure that it does not continue.
- **Ensure Confidentiality:** To prevent retaliation, employers must ensure that the complaints process is confidential and protect employees from further victimisation.

4. Bullying in the Workplace: The Plight of South African Employees

Corporate bullying remains a prevalent issue in South Africa, despite various legal protections. South African employees often face bullying from colleagues, managers, their reporting teams and even clients in some instances and the consequences can be devastating. A study conducted by the [University of Witwatersrand](#) found that bullying at work often goes unreported due to a fear of retaliation, a fear of losing one's job especially if the bully or bullies are senior to the target, limited awareness of one's rights, and insufficient workplace support. Bullying disproportionately affects vulnerable groups such as women, workers in lower-paying jobs, or employees in hierarchical power structures. These employees may feel powerless to challenge bullying behaviour, leading to a significant impact on their well-being.

5. South African Case Law on Workplace Bullying

Several South African cases have highlighted the importance of addressing workplace bullying, providing valuable insights into how the law can be applied to resolve such disputes.



FA / University of Witwatersrand [2022] 9 BALR 879 (CCMA)

In this case, the employee filed a grievance for harassment and bullying by a colleague. The Commission for Conciliation, Mediation, and Arbitration (CCMA) ruled in favour of the employee, stating that the university failed to address the issue of bullying and harassment in a timely and appropriate manner. The case emphasizes the employer's duty to take immediate action to investigate and resolve complaints of bullying.

Mkhize and Dube Transport (2019) 40 ILJ 929 (CCMA)

This case involved an employee who complained of bullying and intimidation by a supervisor. The CCMA found that the employer had not provided sufficient training or awareness regarding workplace harassment, nor had they taken appropriate steps to address the employee's complaints. The case stressed that employers are responsible for ensuring a harassment-free environment and must act swiftly when allegations of bullying are made.

Aylward / Wesbank A Division of FirstRand Bank Ltd [2021] 7 BALR 723 (CCMA)

In this case, the employee claimed bullying by a manager, which resulted in emotional distress and loss of confidence. The CCMA ruled that the employer had failed to act on the employee's complaints, and the bank was ordered to compensate the employee for damages and take corrective action. This case highlights the critical importance of addressing workplace bullying and taking proactive steps to prevent it. In addition to addressing workplace bullying by managers, it is essential to acknowledge the phenomenon of upward bullying, where employees or subordinates engage in bullying behaviours directed at managers or those in supervisory roles. Cases of upward bullying are less frequently discussed but can be equally damaging, affecting the manager's ability to lead effectively and undermining workplace harmony.

Similarly, "mobbing," which refers to collective bullying by a group of employees targeting an individual—whether a manager, peer, or subordinate—is another critical concern in the South African workplace. Both upward bullying and mobbing undermine organizational stability and productivity. While South African case law addressing these specific phenomena remains limited, the Labour Relations Act 66 of 1995 (LRA) obliges employers to ensure a safe and fair working environment. Guidance can also be drawn from international frameworks such as the ILO's Violence and Harassment Convention (No. 190), which South Africa has ratified. These frameworks underscore the employer's duty to address all forms of bullying, ensuring fairness and equity for all parties involved in the workplace.

6. Practical Strategies for Employers to Prevent and Address Bullying

To effectively address workplace bullying, employers must create an environment where all employees feel valued, respected, and safe. Here are some practical strategies:

- Create Clear Anti-Bullying Policies

Develop a workplace bullying policy that clearly defines bullying behaviour, outlines reporting procedures, and provides guidelines for how complaints will be handled. Ensure all employees have access to this policy.

- Foster a Culture of Respect

Promote a respectful workplace culture where bullying is not tolerated. Encourage open communication, diversity, and inclusion at all levels of the organisation.

- Provide Training for Staff

Offer regular training on identifying, preventing, and addressing bullying. This should include training for management to help them recognise bullying behaviours and deal with them appropriately.

- Establish a Clear Reporting Mechanism

Create a safe and confidential process for employees to report bullying. Ensure that employees know how to access support and are not fearful of retaliation.

- Investigate Allegations Promptly

Take all complaints of bullying seriously and investigate them promptly. Follow a fair and transparent process to ensure that all parties, including the employee accused of bullying/harassment, are heard and that appropriate actions are taken where necessary; this also requires management to attend to allegations that were found to be unwarranted.

- Provide Support for Victims

Offer support to employees who have experienced bullying, including counselling or other resources. Ensure that they know their rights and feel supported throughout the process.

In South Africa, the CCMA plays a crucial role in resolving disputes related to bullying, and employees should feel empowered to bring complaints forward without fear of retaliation. With the right strategies in place, workplace bullying can be effectively prevented, leading to improved employee wellbeing and a more productive organisational culture..

Fraudulent Medical Certificates: Upholding Workplace Integrity

In the case of *Malotho v Bidvest Protea Coin (Pty) Ltd* [2024] 9 BALR 933 (NBCPSS), the dismissal of an employee for submitting fraudulent medical certificates was deemed both procedurally and substantively fair. The case highlights the importance of maintaining integrity in the workplace and the procedural standards employers must follow when addressing misconduct. The applicant, employed as a site manager by Bidvest Protea Coin (Pty) Ltd, was charged with dishonesty after submitting fraudulent medical certificates on six occasions. These certificates were intended to justify his absences and secure paid sick leave. Upon investigation, the certificates were found to be fraudulent, leading to the applicant's dismissal. The applicant subsequently referred the case to the National Bargaining Council for the Private Security Sector, alleging that his dismissal was both procedurally and substantively unfair.

Key Issues

The Commissioner considered two primary issues:

1. Whether the dismissal adhered to procedural fairness as required under the Labour Relations Act No. 66 of 1995 (LRA).
2. Whether the dismissal was substantively justified based on the facts of the case.

Procedural Fairness

The applicant argued that the dismissal process was unfair because he was not afforded a face-to-face disciplinary hearing and was unable to cross-examine witnesses. Instead, the respondent requested a written explanation for the alleged misconduct.

The respondent issued a notice on 7 March 2024, giving the applicant

until 12 March 2024 to provide a written defence. Despite being afforded this opportunity, the applicant failed to submit any response. The commissioner referenced the Labour Court case *Avril Elizabeth Home for the Mentally Handicapped v CCMA and Others* (2006) 27 ILJ 1644 (LC), which clarified that the LRA does not require a formal, face-to-face hearing. Employers are only obligated to:

- Investigate the alleged misconduct.
- Provide the employee a reasonable opportunity to respond.
- Make an informed decision based on the findings.

In this case, the respondent followed a written submission process outlined in its disciplinary code, which aligned with Schedule 8 of the LRA. The applicant was given a clear opportunity to present his case but chose not to participate. The commissioner, therefore, found the dismissal procedurally fair.

Substantive Fairness

Substantively, the applicant denied any knowledge that the medical certificates were fraudulent. He claimed that he had obtained the certificates from a medical practice in Khayelitsha, which he believed to be legitimate. Upon being informed by the respondent that the certificates were fraudulent, the applicant asserted that he revisited the practice, requested a refund, and reported the issue to the police. The respondent, however, presented evidence that cast doubt on the applicant's claims. The certificates contained several irregularities, such as:

- An incorrect address for the medical practice.
- A contact number that was a cell phone, rather than a fixed line.
- A discrepancy between the name of the doctor on the certificate and the one the

applicant claimed to have consulted.

The applicant's explanations failed to convince the commissioner, for instance:

- The claim that "Du Toit" was a nickname for "Dr Adams" was deemed implausible.
- The assertion that a legitimate practice would issue a refund for services already rendered appeared unlikely.
- The applicant's failure to provide any corroborating evidence, such as photographs of the practice or statements from third parties, further undermined his credibility.

Based on the balance of probabilities, the commissioner concluded that the applicant was aware the certificates were fraudulent.

Sanction and Outcome

Dishonesty in the workplace is considered a serious offense because it undermines the trust between an employer and employee. The commissioner emphasised that the applicant, having been employed for six years, should have known better than to submit questionable documentation. The nature of the misconduct and the resulting breakdown of trust justified dismissal as an appropriate sanction. The commissioner ruled that the dismissal was substantively fair.

Lessons for Employers and Employees

This case underscores the following key principles:

1. Procedural Fairness Does Not Require Formal Hearings

Employers are not obligated to conduct face-to-face hearings, provided they follow a fair process that allows the employee a reasonable opportunity to respond. Written submissions, as demonstrated in this case, can be a valid alternative, especially when aligned with company policy and the LRA.

2. Integrity is Non-Negotiable

Dishonesty, particularly when it involves falsified documents, strikes at the heart of the employer-employee relationship. Employees must recognise that such conduct is likely to result in dismissal, regardless of their tenure or position.

3. Burden of Proof in Substantive Fairness

Employers are required to prove, on a balance of probabilities, that the misconduct occurred. Conversely, employees must present credible evidence to substantiate their defences. Unsupported claims and implausible explanations are unlikely to succeed.

4. Investigative Due Diligence

Employers should conduct thorough investigations into alleged misconduct. In this case, the respondent identified inconsistencies in the medical certificates and took steps to verify their authenticity, which strengthened its position during arbitration.

5. Importance of Detailed Disciplinary Codes

A well-drafted disciplinary code provides clarity on procedures and ensures compliance with legal requirements. Employers should ensure their disciplinary processes align with the principles outlined in the LRA.

In conclusion, the decision in *Malothe v Bidvest Protea Coin (Pty) Ltd* reinforces the principle that procedural and substantive fairness must go together in disciplinary matters. Employers must ensure that their processes are fair and transparent, while employees bear

the responsibility of acting with integrity and providing credible defences when accused of misconduct. Thus, by adhering to these principles, both employers and employees can contribute to fostering workplaces grounded in trust, accountability, and fairness.

Reference:

Labour Guide (2024), **Bogus Medical Certificates**. Available: <https://labourguide.co.za/employment-condition/leave/bogus-medical-certificates>. Accessed on the 24.11.2024



Work-related Communications Outside of Regular Business Hours in South Africa: The Case for the Right to Disconnect

In today's increasingly digital and interconnected world, the traditional boundaries between work and personal life have become more fluid. This is particularly true in South Africa, where the advent of technology and the shift to remote working have blurred the lines between regular business hours and after-hours obligations. While the Basic Conditions of Employment Act [No. 75 of 1997] and the Code of Good Practice on the Arrangement of Working Time provide a framework for regulating working hours, they do not currently address the growing issue of work-related communications outside of these hours. As remote work has become more common, many employees are finding themselves expected to respond to emails, messages, and other work-related tasks outside of their regular working hours, often without compensation. This situation has led to a global movement advocating for the **Right to Disconnect**, which aims to protect employees' personal time and well-being.

The Global Trend Towards the Right to Disconnect

The Right to Disconnect refers to employees' right to disengage from work communications and obligations during non-working hours, without the fear of repercussions. This concept has been gaining traction worldwide, especially in countries like France, Spain, and Italy, where it has been incorporated into labour laws. The right allows employees to disconnect from emails, phone calls, and other work-related activities after their designated work hours, promoting a healthier work-life balance and safeguarding mental health. It emphasises the importance of personal time, helping employees avoid burnout and stress, which are often linked to the constant pressure to always be available.

Considering the COVID-19 pandemic and the rise of remote work, the Right to Disconnect has become even more important, as employees are now expected to be constantly available due to the ubiquity of digital communication tools. The challenge for employers is to strike a balance between operational efficiency and respecting employees' right to rest and recover from the demands of work.

Potential Benefits for South Africa

Incorporating the Right to Disconnect into South Africa's labour laws could have several benefits for employees and employers alike. **Employee Well-being** would be one of the most immediate gains. Studies have shown that when employees are consistently expected to be available outside of regular working hours, their mental and physical health can deteriorate, leading to burnout, stress, and other health issues. By enforcing boundaries between work and personal time, employees would be better able to recharge, which could improve overall job satisfaction and reduce absenteeism.

Productivity could also see a boost in the long run. While it may seem counterintuitive, encouraging employees to disconnect from work during non-working hours can improve their performance when they are at work. Adequate rest and a clear distinction between work and personal time have been linked to increased focus, creativity, and productivity during working hours. When employees are not constantly fatigued from after-hours work, they are more likely to perform better, leading to a more efficient and effective workplace.

Furthermore, the **employer-employee relationship** could benefit from the implementation of such a right. Employees who feel that their personal time is respected are more likely to have a positive view of their employer and workplace. This can foster a culture of trust and mutual respect, which is essential for long-term employee retention and engagement.

The Challenges of Implementing the Right to Disconnect in South Africa

Despite the clear benefits, there are challenges to the implementation of the Right to Disconnect in South Africa's legal framework. One significant challenge is the **nature of many industries and sectors**, where flexibility and responsiveness are key to success. For example, roles in customer service, healthcare, and emergency services may require employees to be available outside of regular working hours. The scope of the Right to Disconnect may need to be adapted in such cases to accommodate the specific demands of these industries.

Additionally, the **economic context** in South Africa could present obstacles. Many companies may resist changes that could potentially impact their ability to remain competitive or meet tight deadlines. Small businesses may struggle to balance the need for flexibility with the potential costs of enforcing the Right to Disconnect.

Conclusion

The integration of the Right to Disconnect into South African labour laws could offer significant advantages for both employees and employers. While the challenges of implementation should not be underestimated, the potential benefits to employee well-being, productivity, and workplace culture make it a compelling proposal. By respecting employees' personal time and fostering a healthier work-life balance, South Africa can follow the international trend towards more sustainable and humane working practices, ensuring that both productivity and employee satisfaction thrive in the modern workplace.

By: Karishta Maharaj

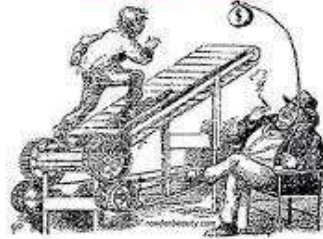
Assistant Manager: Litigation





Let's Get Real– An Opinion Piece by P/T Senior Commissioner Glen Cormack

WHEN THE ENTIRETY OF YOUR EARNINGS ARE EXHAUSTED ON FOOD AND SHELTER, YOUR LABORS ARE NO LONGER VIEWED AS AN OPPORTUNITY FOR ECONOMIC ADVANCEMENT, BUT RATHER AS AN ACT OF SELF-PRESERVATION. IN THE REAL WORLD, THAT'S CALLED ...SLAVERY



2024 and South Africa has 11million people unemployed (44%) with worsening trends; 50% of its population living below the upper level poverty datum line - which in simple English can be defined as the estimated minimum level of income needed to secure the necessities of life; with more than 6 million of those employed only earning the national minimum rate/hour but then with underemployment (working less than 35 hours/week) rate for those employed in private households at 18,4% in Q1:2023 and 16,7% in Q4:2022, and agriculture recording the second highest underemployment rate at 9,8% in Q1:2023 and 8,8% in Q4:2022 – both most vulnerable worker sectors showing an increasing trend of underemployment and hence increasing poverty; shocking low levels compliance of BCEA and other labour legislation.

And then we have some people fortunate enough to have better paying and secure jobs choosing protected strike action (whilst only representing approx. 23% of those lucky enough to have work) – sacrificing 2.4m days of income whilst on strike at a staggering cost of R600m in lost wages in 2023 – aimed in the main at increasing their income levels. Then to top it all, between 5m – 7m jobs are at risk from climate change and Artificial Intelligence (AI), with our basic education system unable to produce most learners with an ability to read or write at Grade 4 levels and 90% of our South African schools being without internet facilities. Are we delusional, as a nation?

Now let us look at our job creation and labour fairness and stability policies.

When introduced over the last 30 years, all aimed admirably at addressing the legacies of our apartheid past realities with the CCMA at the forefront in the battle for fairness and social justice, it seems we are doing a great job – meeting or exceeding our efficiency targets. Yet where are our impact assessments that measure our impact on the shocking statistics mentioned above – the true measures of social justice and equity? I'm going out on a limb and saying it is critical we relook our strategies in keeping with the purposive goals of our Constitution and deploy our limited resources to address these broader issues of strengthening social partner partnerships whilst preventing disputes in a balanced manner – with prevention and meaningful partnerships informing investor confidence. The latter will then create a platform for exploring ways of creating decent jobs, not furthering modern slavery; and addressing the challenges of AI and climate change.

The CCMA is a great institution, staffed by wonderful people, with an internal approach to skills development and staff development amongst the best in our land. Let us use the dwindling opportunities to refocus our efforts to harness the inherent goodness in our organisation by enhancing employee morale, which appears to be at a very low-low; to deepen workplace democracy through facilitating organised labour's re-examination of their ability to reverse their declining membership levels whilst recognising the fact business enterprises' Corporate Social Investment constitutes R11.8bn; contributions to skills development funds R13bn; and taxes of R323bn which provides the second largest contributions to govt. coffers for spending on service delivery); and finally also influencing employers' willingness to explore social compacts with employees and/or their chosen representatives. **As the heading says, "Let's get real"!**





Zinziswa Gumede Commissioner: Dispute Resolution

Responsible Celebrations: Navigating End-of-Year Functions and Alcohol in the Workplace

The festive season in South Africa is a time for celebration, and many companies host end-of-year functions to thank employees for their hard work throughout the year. While these events can foster team spirit and boost morale, they also present certain risks—especially when alcohol is involved. Excessive drinking during office parties can lead to conflicts, inappropriate behaviour, and even legal issues, all of which can affect workplace dynamics and productivity in the long term. Clear policies, thoughtful planning, and the willingness to address any issues that arise are key to ensuring that end-of-year functions remain enjoyable and do not disrupt workplace harmony.

1. The Importance of Clear Workplace Policies on Alcohol Consumption

A company's approach to alcohol during workplace functions should begin long before the event itself. Employers need to establish clear, written policies regarding alcohol consumption, ensuring that employees are aware of the boundaries and expectations. These policies should be communicated effectively to all employees and ideally be part of the company's broader code of conduct or employee handbook.

Key elements of a workplace alcohol policy may include:

- Alcohol limits: Setting reasonable limits on the amount of alcohol served at work functions can prevent excessive drinking. This could involve limiting the types of alcohol available or ensuring that drinks are served in moderation.
- Responsible drinking guidelines: Encouraging employees to drink responsibly and avoid behaviour that could negatively affect their reputation or the company's image.
- Designated drivers or transport arrangements: Offering

employees safe transportation home after an event, such as arranging taxis, Uber rides, or designated drivers, to prevent drunk driving.

- Disciplinary action: Stating the potential consequences for inappropriate behaviour during work events, such as verbal or physical altercations, harassment, or public intoxication.

As such setting clear boundaries, employers help create a framework for responsible behaviour and demonstrate that they take the issue of alcohol consumption seriously. Employees should be reminded that any misconduct during end-of-year functions can have repercussions for their professional reputation and their standing within the company.

2. Strategies for Hosting Responsible End-of-Year Functions

When planning an end-of-year function, employers must consider the atmosphere they wish to create and the impact of alcohol on that environment. The key is moderation and mindfulness, ensuring the event is enjoyable without the negative consequences of overconsumption.

Here are some practical strategies employers can use to host responsible, memorable celebrations:

- Set a Clear Start and End Time

Establishing specific start and end times for the event helps employees understand that the function is a limited social occasion rather than an open-ended party. This helps control the pace of drinking and reduces the likelihood of excessive consumption. It also gives employees an opportunity to balance the fun of the event with the responsibility of returning to work the next day.

- Offer a Variety of Non-Alcoholic Beverages

Providing a range of non-alcoholic drinks is an important step toward promoting responsible drinking. Employees should not feel pressured to drink alcohol, and having alternative beverages such as soft drinks, mocktails, or fruit juices allows those who prefer not to drink alcohol to still participate and enjoy the event.

- Serve Food Alongside Alcohol

Serving food alongside alcohol consumption helps mitigate the effects of alcohol on individuals since the food typically slows down the absorption of alcohol, reducing the risk of intoxication. Consider offering a substantial spread of food items, particularly dishes that are high in protein and carbohydrates, to ensure that alcohol is consumed in moderation.

- Provide Transportation Options

Ensuring that employees can get home safely after the function is crucial. Employers should either arrange transport or reimburse employees for taxi or ride-sharing services to ensure that no one drives under the influence of alcohol. This not only promotes safety but also reflects a responsible and caring approach for employee well-being.

3. Addressing Potential Conflicts or Incidents Arising from Excessive Drinking

Despite best efforts to manage alcohol consumption, incidents can still occur, especially if employees drink excessively or fail to adhere to company policies. In these situations, employers must be prepared to handle conflicts or misconduct swiftly and effectively to prevent any lasting damage to workplace relationships.

- Immediate Response to Inappropriate Behaviour

If an incident occurs, such as harassment, verbal abuse, or physical altercations due to excessive drinking, the employer should address it immediately. It is essential to stay calm and professional in the moment, diffusing the situation and ensuring that the safety of all employees is a top priority. If necessary, employees should be escorted out of the event and given the opportunity to sober up before any further action is taken.

- Investigate the Incident

After the event, employers should conduct a formal investigation into any misconduct that occurred. This may include interviewing those involved, reviewing any available evidence (such as witness statements or security footage), and considering the extent of the employee's behaviour. The goal is to assess whether the actions were a one-off occurrence or part of a pattern of behaviour.

- Follow Company Disciplinary Procedures

If the investigation confirms that an employee's actions were inappropriate, the employer may follow the company's disciplinary procedures. Depending on the severity of the incident, consequences may range from a verbal warning to a dismissal, taking into account any mitigating and aggravating factors. The CCMA may be involved if the employee disputes the fairness of the dismissal or any other decision, short of dismissal, that has been taken by the employer. It is important for employers to ensure that any actions taken are consistent with company policy, employment law, and the principles of fairness and justice. Disciplinary actions related to alcohol consumption should be handled with care, particularly when an employee's behaviour is influenced by a work event.



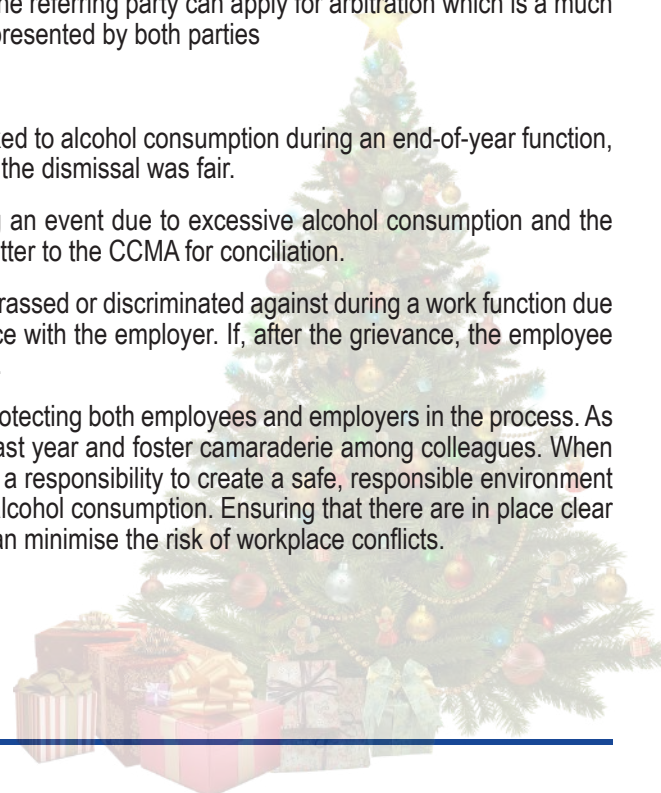
4. CCMA's Role in Resolving Workplace Disputes Related to Alcohol Consumption

The CCMA plays an essential role in resolving disputes that may arise due to alcohol-related incidents at workplace functions. If an employee disputes a disciplinary outcome, such as a warning or dismissal, they can refer their dispute to the CCMA. The CCMA will first assist the parties to resolve the dispute through conciliation and if the dispute remains unresolved, then the referring party can apply for arbitration which is a much more formal process wherein a CCMA Commissioner decides based on the evidence presented by both parties.

Common cases that the CCMA might handle include:

- Disputes about unfair dismissal: If an employee is dismissed for behaviour linked to alcohol consumption during an end-of-year function, the CCMA, upon the employee's referral of the matter, will determine whether the dismissal was fair.
- Absenteeism due to alcohol-related issues: If employees miss work following an event due to excessive alcohol consumption and the employer proceeds to discipline the employee, the employee can refer the matter to the CCMA for conciliation.
- Claims of harassment or discrimination: If an employee feels that they were harassed or discriminated against during a work function due to alcohol consumption, it is advised that the employee first lodges a grievance with the employer. If, after the grievance, the employee is still unsatisfied, they can then refer the dispute to the CCMA for conciliation.

The CCMA is essential in ensuring that disputes are resolved fairly and expeditiously, protecting both employees and employers in the process. As much as end-of-year functions are a great way to celebrate the achievements of the past year and foster camaraderie among colleagues. When alcohol is involved, there is always the potential for problems to arise. Employers have a responsibility to create a safe, responsible environment during these events and to ensure that employees are aware of the rules surrounding alcohol consumption. Ensuring that there are in place clear policies, hosting events responsibly, and addressing any incidents swiftly, employers can minimise the risk of workplace conflicts.



CCMA CONNECT

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AVOIDING JANUARY BLUES:

MANAGING FINANCIAL STRESS AND ENSURING A SMOOTH RETURN TO WORK

The festive season is generally characterised by joyous celebrations and family gatherings, which almost always leads to exorbitant expenditures that cannot always be accounted for owing to the euphoria brought on by the festive cheer. It is this aftermath—particularly the financial strain that follows—that can leave employees struggling to regain their financial footing as the new year begins. This strain may manifest in a variety of ways, including increased absenteeism, decreased productivity, and a lack of focus at work, affecting the overall workplace morale and the speed to which outputs are delivered. In this context, employers and employees must work together to navigate the challenges brought on by this noted financial stress in order to ensure a smooth return to work after the holidays.

In this article, we discuss the impact of employees' financial stress on an organisation's performance, how employers can support their employees to better manage their finances, and the role the CCMA plays in maintaining sustainable and stable workplaces in this regard.

1. Managing Financial Stress and Its Impact on Workplace Performance

Financial stress can significantly impact an employee's mental and emotional well-being, leading to decreased productivity and absenteeism. When employees return to work in January after the holidays, many are faced with the reality of post-holiday debt, which can be overwhelming. As described in the above, this stress may result in increased absenteeism, reduced focus and productivity, increased workplace tension, poor moral, etc. In noting the impact financial stress may have on workplace performance, employers are encouraged to take proactive steps to support their employees in order to create a healthier work environment in January. Some of the strategies that can be employed include but not limited to 13th Cheque, financial management empowerment sessions etc.

There are several ways employers can help their staff navigate this challenging time and minimise its impact on workplace performance. Here are practical strategies employers can consider:

A. Flexible Work Arrangements

Allowing flexibility in working hours or offering remote work options can help employees manage their personal and financial challenges more effectively. For instance, employees dealing with financial strain may need extra time to address personal matters, such as meetings with creditors or financial advisors. Therefore, the provision of either flexible hours or allowing employees to work from home, may assist in buffering their response to stressors related to transportation expenditures. By providing flexible work options, employers can reduce absenteeism and improve productivity while allowing employees to maintain their work-life balance.

B. Financial Wellness Programs

Employers can offer financial wellness programs that provide employees with the tools and resources they need to manage their finances better. These programs might include:

- **Financial literacy workshops:** Teaching employees how to budget, save, and manage debt effectively.

- **Debt Management counselling:** Providing access to professional financial advice for employees struggling with debt.
- **Salary advances:** Offering employees the option of a salary advance or loan to help them bridge the financial gap after the festive holidays.

By equipping employees with the knowledge and resources to improve their financial situation in advance, employers can alleviate some of the stress that impacts work performance and overall employee well-being.

C. Employee Assistance Programs (EAPs)

Employee Assistance Programs (EAPs) provide confidential counselling and support for employees dealing with personal and financial issues. Offering employees access to financial counselling and stress management services can help them navigate the emotional challenges of financial stress. EAPs can be a valuable resource for employees who are dealing with anxiety, depression, or other mental health issues triggered by financial difficulties.

D. Clear Communication and Empathy

Employers should maintain open lines of communication with their employees. Encouraging a culture of empathy can help employees feel comfortable discussing their financial struggles without fear of judgment or retaliation. Employers who are approachable and understanding are more likely to foster loyalty and trust within their teams. Clear communication also includes discussing realistic expectations, performance goals, and the availability of support programmes.

2. The CCMA's Role in Resolving Disputes Related to Absenteeism or Financial Stress

Financial stress, particularly when it leads to absenteeism or conflict in the workplace, can sometimes result in disputes between employees and employers. In such cases, the Commission for Conciliation, Mediation and Arbitration (CCMA) can play a key role in resolving conflicts and restoring workplace harmony. The CCMA is an independent body established to resolve disputes between employers and employees. While it primarily handles disputes related to unfair dismissals, unfair labour practices, other labour-related matters, the CCMA also attends to wage disputes which at times may be fuelled by employees' imbalances between the cost of living and their consumer power, ergo their financial stress.

• Disputes Over Work Performance

Financial stress can significantly affect an employee's ability to perform at work, leading to complaints from employers about poor work performance. When financial issues are negatively impacting an employee's performance, the employer may initiate a performance hearing which may result in the employee being dismissed. Should the employee be dismissed and refer the matter to the CCMA, the CCMA will assist the parties to explore other options short of dismissal, such as counselling and training where appropriate.

• Negotiating Solutions

Should a case be referred to the CCMA, the conciliation process can lead to mutually beneficial solutions that help resolve disputes without resorting to litigation. In cases of financial stress-related

absenteeism or poor work performance, the CCMA may facilitate discussions, during conciliation, between the employee and employer so they can come up with a practical arrangement, such as providing the employee with a temporary adjustment to their work schedule or a short-term financial advance. The goal is to reach an amicable agreement that supports both the employee's needs and the employer's operational requirements.

3. Resources Available for Employees Struggling with Financial Crises

Employees facing financial crises can take advantage of various resources designed to provide support and relief. Some of the most important resources include:

- **Financial Counselling Services:** Many companies, banks, and non-profit organisations offer free or low-cost financial counselling to help individuals manage their debt, budget effectively, and plan.
- **Debt Relief Agencies:** South Africa has several organisations dedicated to helping individuals in debt, offering services such as debt consolidation and negotiating payment plans with creditors.
- **Workplace Financial Assistance:** Some employers may offer internal loans, salary advances, or access to financial services to help employees bridge the gap during financially stressful periods.

Encouraging employees to make use of these resources can help reduce the negative impact of financial stress on both their well-being and work performance.

The start of a new year can be a challenging time for many South African employees, as the financial strain from the festive season takes a toll on their mental and emotional well-being. It is important to recognise the impact of financial stress and taking proactive steps to support employees, employers can foster a more productive, empathetic, and harmonious work environment in the months following the festive season.



CCMA Regional Senior Commissioners Spreading Festive Cheer

As the year draws to a close, the festive season offers a moment to pause, reflect, and celebrate the fruits reaped in 2024. In this special edition of the *InTouch Newsletter*, we bring you the CCMA's Regional Senior Commissioners heartfelt messages highlighting their gratitude for the unwavering commitment received from staff members, various stakeholders, and the broader community; all aimed at advancing the CCMA's mission. May these words of encouragement inspire us all to remain just as committed in the new year; 2025 as we usher in the joys of the festive season.

1. Sarah Modise - Regional Senior Commissioner (Tshwane – Pretoria)

"May the festive season fill your hearts and those of your loved ones with joy, peace and laughter" Wishing you love, light and happiness. Ke le eleletsa Masego le Matlhogonolo. A re lebogeng, re Itumeleng".

2. Antonio Moodaley - Gqeberha:Regional Senior Commissioner

"Wishing you all a blessed Festive Season filled with laughter, love and unforgettable memories. May this special time bring you closer to the ones you love and let us be reminded of the importance of spreading kindness and uplifting one another in times of need. Best wishes for a beautiful 2025".

3. Kagiso Nthite – Head Office - Regional Senior Commissioner

"Ke le eleletsa masego le boitumelo ba malatsi a boikhutso. Le tshegofadiwe ka setshego, kagiso le lerato go fitlhela le bowa le itekanetse mo ngwageng o mosha".

4. Nokanyo Madyibi - JHB-Regional Senior Commissioner

"As we draw closer to the end of 2024, though it has been a challenging year, we have remained resolute in achieving our objectives. As the CCMA, we pride ourselves with excellent service delivery to our stakeholders. This could not have been achieved without our selfless commitment and hard work. We soared to great heights because of the individuals who work tirelessly to realise the institution's vision. To those who will be going on leave, may the holiday season be a time to relax and unwind. May we enter 2025 rejuvenated for another year of success and excellence. Happy Festive Season Colleagues".

5. Joanne Vermaak – Regional Senior Commissioner for Richards Bay and Newcastle

"As we approach the festive season, we celebrate the birth of our Saviour; Jesus Christ. It is a joyous occasion spent with family and friends. May we be reminded of our blessings and may we be truly grateful, not only during the holidays, but always! May we choose to live a life of gratitude...there is a certain element of calmness experienced when we live in gratitude. May we show grace.... grace to those less fortunate than us, those with no family, those with no friends. Let us spread God's love with grace and gratitude. Gods' richest blessings to all!"

6. Foster Maluleke – Rustenburg Regional Senior Commissioner

"Wishing you a joyful festive season! May you and your families create wonderful memories that pave a way for even better days ahead. Amen".

7. Colleen West – DP&WO Commissioner – Cape Town and Goerge

"As we embark on the festive season, I extend heartfelt wishes to our valued users, stakeholders, dedicated staff, and their loved ones. May this joyous time of year bring you, love and laughter, peace and happiness, warmth and togetherness. To those traveling, may you have safe and pleasant journeys. Wishing you a wonderful holiday season and a happy new year!"

8. Mhlomelele Christopher Mello - Limpopo-Regional Senior Commissioner

"As the year 2024 is drawing to a close, we are all looking forward to the festive season with a good sense of anticipation. On behalf of the Governing Body, the Director, and the entire CCMA family, we would like to wish all the users of the CCMA a pleasant and safe festive season, as well as a prosperous new year".

9. Tsietsi Chakane - Northern Cape-Regional Senior Commissioner

"To our users as we approach the end of the year, I would like to say may your holidays be filled with cheer, warm memories of 2024, and happiness. Happy holidays to you and your loved ones and have a prosperous festive season. God Bless!!!"

10. Marlies Dreyer – Mpumalanga -Regional Senior Commissioner

Mpumalanga Team wishes you a festive season full of love, joy and good vibes! Sibonga yonke iCCMA ngegalelo lenu womusebenzi oncomekayo. Much love to all



NDABEZINTLE SUBMISSIONS

Good morning Colleagues.

Department of Employment and Labour (JHB Labour Centre) saw a gap for Employee Relations. Undertaking our research, we ended up to your office. At the time we were not sure on what we were looking for. Right now I can say approaching your office was the best decision we made as Gauteng Provincial Office HRD and Ms. Tshabalala (JHB: Deputy Director: Labour Centre Operations). We are getting profound and honourable feedback from the colleagues; 'Commissioner made it easy with all case laws given'. The way you approached this project added so much to it. It's great to see how your unique perspective contributed to the outcome, not forgetting your other commitments, you did it remarkably. It looks like we are in for a long relationship, other regions approached our office as well. However, we will plan for new financial year, April 2025. It is with great pleasure in taking this opportunity to thank colleagues on noble work. Kudos to ALL, Commissioner Molefe, Ms. Nkuna, other colleagues; and CCMA custodians. The dedication is truly noticed, couldn't have done it better us (HRD)". As we approaching festive seasons, Gauteng Provincial Office HRD would like wishing colleagues for a happy holiday season!

God bless!!!!

Kind Regards,

Mahlomola Matjeke

Assistant Director Training & Performance

Management Gauteng Provincial Office: Braamfontein



Nosabata Nkuna
JHB-Dispute Management
Coordinator



Julius Molefe
JHB-Commissioner

Dear Sir/Madam

Limpopo commissioners Recommendation (Commissioner Seakamera Queen and Commissioner Molele Mpho)

This serves to inform you that, the above-mentioned commissioner deserves recognition and promotions. As an employer 's organization representative from GDPEO. I have observed and notice how competent and effective they are in making sure that the disputes are speedily resolved.

I honestly and sincerely believe that you will take note of their efforts.

Regards

Ben Matlala



Queen Seakamela
POL-Acting Regional Senior
Commissioner • POL



Queen Seakamela
POL -Mpho Molele



Mcgyver Ntsoane
JHB-Dispute Management
Coordinator

Good day Manager MacGyver

We would like to show you our greatest appreciation for your sincere efforts in helping us get our stipend which we were robbed, and we struggled with getting for our money and it was our stipend for June but we got it yesterday thanks to CCMA. We will forever be grateful I'm quite impressed with your team members for the service that they have offered us when faced some issues, I'm a happy person today because of what CCMA has done for me if it wasn't for you we wouldn't have get our money

Thanks giving

Ms N Tshabalala

Exemplary Service from the CCMA

Dear Reader,

I hope this letter finds you well. I am writing to express my heartfelt appreciation for the exceptional service provided by your team at the CCMA. The professionalism and dedication exhibited by your staff from the first interaction, through the conciliation process, then arbitration process to the issuing of awards have left a lasting impression on how professional organisation like yourselves can be. I would like to extend a special thank you to Joy Mhlongo (copied) for her wonderful nature and exemplary work ethic. Her approachability and positivity created a welcoming environment, in a very stressful time, that fostered open communication in a highly professional manner. Joy's professionalism and dedication to her role were evident throughout our engagement, and she played a pivotal role in making the process more palatable and more efficient. Furthermore, I would like to commend to Winile Sithole, who skilfully managed the process leading up to our arbitration. Her attention to detail and ability to navigate the complexities of the situation were truly impressive. Additionally, her prompt follow-up communication ensured that we were kept informed at every stage, which alleviated a great deal of stress for myself as a layman in these proceedings.

These two ladies' commitment to providing clear and timely information exemplifies the high standards of service of the CCMA. Together, Winile and Joy (and all other staff whom I interacted with) reflect the values of the CCMA, demonstrating a commitment to excellence that significantly enhances the experience of those who seek your help and services. Their hard work and dedication do not go unnoticed, and I am grateful for their efforts on our behalf as employees in distress. Thank you once again for the outstanding service provided by your team. Although I would never want to be in the same position again, I will always have good memories of the positive interactions with the CCMA and will highly recommend your services and staff to people in similar situations.

Warm regards,

Paul Vorster



Joy Mhlongo
JHB-Case Management Officer

Subject: EMPLOYMENT EQUITY WORKSHOP POSTPONMENT

Good day Sabe and Colleagues,

I hope this communication finds you well. Allow me to appreciate to level of engagement and robust facilitation process with Commissioner Molefe and Mnyamezele to the Effective Negotiation Skills workshop dated the 11th -13th of November 2024. To say the least and profound, we had very awesome and critical conversations and experience with Commissioner Molefe and Mnyamezele specifically on handling negotiation processes and related dynamics. Safe say that our experience with CCMA is often underpinned by mutual cooperation and sound working relationship in a quest of deepening social justice and fairness and in turn derive very important lessons and encounter which will definitely have positive impact to NUMSA officials and Shopstewards in particular.

As you are aware that the Effective Negotiations Skills workshop was supposed to be followed by Employment Equity workshop on the 04th-06th of December 2024. However, due to an array of organizational activities during the month of December 2024 it is highly unlikely to proceeded with the envisaged workshop. As such, we would like to pursue the Employment Equity Workshop on the 03-05 February 2025 and where the suggested dates are awkward, don't hesitate to provide us with alternative dates.

We are deeply sorry about any disruption that might be caused by this postponement.

Thank very much for the decent service!!!

Regards,

JC BEZ Educational Officer Name: John Manana

CCMA INTOUCH NEWSLETTER IS PUBLISHED BY

ACTING CHIEF EDITOR

NOLUFEFE NYAMEZELE -
ACTING EXECUTIVE GOVERNANCE &
STRATEGY
NOLUFEFEN@CCMA.ORG.ZA

EDITOR

BOITUMELO RAKAU -
MANAGER: BUSINESS RESEARCH
INTELLIGENCE & COMMUNICATIONS
BOITUMELOR@CCMA.ORG.ZA

EDITORIAL TEAM

KEFENTSE MOLOTSANE -
TEAM LEADER: COMMUNICATIONS
KEFENTSEM@CCMA.ORG.ZA
PIKOLOMZI QABA-INTERNAL
COMMUNICATIONS OFFICER
PIKOLOMZIQ@CCMA.ORG.ZA
DITEBOHO SIMELANE -
EXTERNAL COMMUNICATIONS OFFICER
DITEBOHOS@CCMA.ORG.ZA

CONTRIBUTERS

GLEN CORMACK
ZINZISWA GUMEDE
KARISHTA MAHARAJ

