



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

edpm

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MINISTER OF WATER AND SANITATION

NATIONAL ASSEMBLY: QUESTION 2322 FOR WRITTEN REPLY

A draft reply to the above mentioned question asked by Ms M S Khawula (EFF) is attached for your consideration.

ACTING DIRECTOR-GENERAL

DATE: 11/10/2018

DRAFT REPLY APPROVED/AMENDED

**NKWINTI GE, MP
MINISTER OF WATER AND SANITATION**

DATE: 03/12/2018

NATIONALASSEMBLY

FOR WRITTEN REPLY

QUESTION NO 2322

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 17 AUGUST 2018
(INTERNAL QUESTION PAPER NO. 23)

2322. Ms M S Khawula (EFF) to ask the Minister of Water and Sanitation:

- (1) (a) What number of labour disputes are currently being faced by (i) his department and (ii) the entities reporting to him, (b) what is the cause of each dispute, (c) what is the nature of each dispute and (d) on what date was each dispute (i) reported and (ii) resolved;
- (2) (a)(i) what number of employees have been dismissed by his department in the past five years and (ii) for what reason was each employee dismissed and (b)(i) what number of the specified employees were paid severance packages and (ii) what was the monetary value of each severance package?

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THE MINISTER OF WATER AND SANITATION

Refer to the tables below for the number of labour disputes and the number of employees dismissed by the Department and the entities reporting to me for the past five years.

CONFIDENTIAL

(1) Refer to the table below for the number of labour disputes:

Department / Entity	(1)(a)(ii) What number of labour disputes are currently being faced	(1)(b) what is the cause of each dispute	(1)(c) what is the nature of each dispute	(1)(d)(f) on what date was each reported	(1)(d)(ii) on what date was each dispute resolved
The Department	A total of 244	Employee dismissed for Fraud	Unfair dismissal	31 March 2015	18 March 2016
		Employee dismissed for fraud	Unfair dismissal	25 February 2014	25 June 2015
		The department did absorb the employee to Higher OSD position	Unfair labour practice: Promotion	09 February 2016	09 February 2018
		Failure by the department to upgrade employees(56 x1)	Unfair labour practice: benefits	09 June 2017	10 January 2018
		Employee dismissed for being involved in a serious accident with a state vehicle without permission	Unfair dismissal	3 April 2018	28 June 2018
		Employee dismissed for sexual harassment	Unfair dismissal	11 April 2016	25 April 2016
		Failure by the department to upgrade employees to salary level 10 & 12 (46X1)	Interpretation of the Public Service Coordinating Bargaining Council: Clause 18.1: Resolution no 1 of 2012	4 December 2017	30 May 2018
		Unfair discrimination (41X1)	Equal pay for equal value (One Senior Messenger upgraded	22 May 2018	18 September 2018

Department / Entity	(1)(a)(ii) What number of labour disputes currently being faced	(1)(b) what is the cause of each dispute	(1)(c) what is the nature of each dispute	(1)(d)(i) on what date was each dispute reported	(1)(d)(ii) on what date was each dispute resolved
Amatola Water	Illegal strike by 28% of workforce	Unfair labour Practice: Benefits: Failure by the department to job evaluate the applicants (15X1)	to salary 4 in 2010 whereas the others upgraded in 2016 Unfair labour Practice: Benefits: Failure by the department to job evaluate the applicants	4 June 2018	23 July 2018
		Withdrawal of maximum engine category of 3000cc on official vehicle kilometers claims (2x1)	Unfair labour practice benefits	3 April 2018	28 June 2018
		Over wages in respect of 2017/18 and 2018/19.	Illegal strike	Dispute declared via deadlock on wages effective 23 October 2017 and illegal strike from 2 August 2018	Not as yet resolved
Bloem Water	3 current disputes	Matter referred back from labour appeal court to be heard on the merits.	Alleged dismissal	Unfair	Pending
		Resolved at arbitration; dismissal confirmed as fair. Matter taken on review.	Review Application	20 October 2016	Pending
		Employee resigned and later claimed constructive dismissal.	Alleged constructive dismissal. Late submission: arbitration in favor of employer. Review	March 2018	Pending

Department / Entity	(1)(a)(ii) What number of labour disputes are currently being faced	(1)(b) what is the cause of each dispute	(1)(c) what is the nature of each dispute	(1)(d)(i) on what date was each dispute reported	(1)(d)(ii) on what date was each dispute resolved
Lepelle Northern Water	Four (4) current disputes	The employee is undergoing a disciplinary enquiry for violating the disciplinary code, the case is at the CCMA: MM Masipa.	Misconduct application	December 2015	Pending
		The employee is undergoing a disciplinary enquiry for violating the disciplinary code: T Monnathebe.	Misconduct	April 2018	Pending
		The employee is undergoing a disciplinary enquiry for violating the disciplinary code: K Kganane.	Misconduct	July 2018	Pending
		The dispute is about non-renewal of fixed term contract: M Phokanoka.	Unfair labour practice	July 2018	Pending
Magalies Water	Seven (7) labour disputes	Salary disparity.	Unfair labour practice related to benefits	30 August 2018	Pending
		Suspension of employee for disrupting interviews.	Unfair Suspension	14 March 2018	Resolved
		Suspension of employee for leaking of confidential information.	Unfair Suspension	29 November 2017	Resolved

Department / Entity	(1)(a)(ii) What number of labour disputes currently being faced	(1)(b) what is the cause of each dispute	(1)(c) what is the nature of each dispute	(1)(d)(i) on what date was each dispute reported	(1)(d)(ii) on what date was each dispute resolved
Mhlaithuze Water	Two (2) labour disputes	Failure by employer to shortlist employee for a higher advertised position.	Unfair labour practice related to promotion	27 July 2018	Resolved
		Failure by employer to shortlist employee for a higher advertised position.	Unfair labour practice related to promotion	6 April 2018	Resolved
		Theft of scrap material from the plant.	Unfair dismissal	17 March 2015	Resolved
		Failure by employee to follow instructions from line manager.	Unfair dismissal	4 April 2015	Resolved
		Chief Executive Officer is on suspension pending a disciplinary enquiry. The employee made an application for an interdict against the disciplinary action, the matter is awaiting a court date at the Supreme Court of Appeal.	Unfair suspension	20 November 2015	Both matters are not yet resolved.
Overberg	Three (3) registered labour	K Kruger - CCMA referral - Conciliation - Unfair Dismissal arising out of misconduct. The causes are mainly	Unfair dismissal	31 July 2018	7th March 2017
			Former employee filed a dispute on the 7th		Resolved

Department / Entity	(1)(a)(ii) What number of labour disputes are currently being faced	(1)(b) what is the cause of each dispute	(1)(c) what is the nature of each dispute	(1)(d)(i) on what date was each dispute reported	(1)(d)(ii) on what date was each dispute resolved
Water	disputes at Overberg Water	administrative processes.	<p>March 2017 after being dismissed on 16 January 2017 and stated the nature of the dispute as "Reasons for dismissal not known". The dispute was resolved at the CCMA arbitration on 24 July 2017.</p> <p>Another former employee filed a dispute on 9 March 2018 after being dismissed on 07 February 2018 and stated the nature of dispute as "Dismissal related to unfair discrimination". The dispute was resolved at the CCMA Arbitration on 4 June 2018.</p> <p>The last one the current employee has filed a dispute on 4th July 2018 after his request for transfer from one scheme to another scheme was rejected about a year ago and stated that the nature of dispute</p>	<p>9 March 2018</p> <p>4th July 2018</p>	<p>Resolved</p> <p>In progress</p>

Department / Entity	(1)(a)(ii) What number of labour disputes currently being faced	(1)(b) what is the cause of each dispute	(1)(c) what is the nature of each dispute	(1)(d)(i) on what date was each dispute reported	(1)(d)(ii) on what date was each dispute resolved
Sedibeng Water	Total number 16		as "Unfair conduct-Promotion/Probation/Training/Benefits". The dispute has been referred for arbitration on 29 August 2018.		
		Alleged conduct of the employee.	Misconduct	21 February 2017	Resolved on 21 February 2017
		Alleged conduct of the employee.	Misconduct	30 January 2017	Resolved on 28 March 2017
		Alleged conduct of the employee.	Misconduct	02 March 2018	Resolved on 09 March 2017
		Alleged conduct of the employee.	Misconduct	29 June 2017	Resolved on 07 August 2017
		Alleged conduct of the employee.	Misconduct	10 February 2016	Resolved on 10 February 2016
		Alleged conduct of the employee.	Misconduct	13 March 2016	Resolved on 13 March 2016
		Dismissal on the basis of ill-health.	Incapacity	N/A	Resolved on 15 March 2018
		Alleged conduct of the employee.	Misconduct	13 March 2016	Resolved on 09 May 2017
		Alleged conduct of the employee.	Misconduct	12 June 2017	Resolved on 26 September 2017
		Alleged conduct of the employee.	Misconduct	19 May 2017	Resolved on 03 November 2017
		Alleged conduct of the employee.	Misconduct	30 November 2015	Resolved on 30 November 2015
		Alleged conduct of the employee.	Misconduct	07 August 2015	Resolved on 16 October 2015
		Alleged conduct of the employee.	Misconduct	14 September 2015	Resolved on 04 November 2015
		Alleged conduct of the employee.	Misconduct	26 December 2015	Resolved on 24

Department / Entity	(1)(a)(ii) What number of labour disputes currently being faced	(1)(b) what is the cause of each dispute	(1)(c) what is the nature of each dispute	(1)(d)(i) on what date was each dispute reported	(1)(d)(ii) on what date was each dispute resolved
		the employee.			February 2016
		Alleged conduct of the employee.	Misconduct	03 February 2016	Resolved on 13 April 2016
		Alleged conduct of the employee.	Interpretation of the Collective Agreement	The matter is scheduled to be heard on the 28 August 2018 at the CCMA.	In progress
Rand Water	Total number of labour Dispute: 25	Grievance (1).	Volume of work should be equal to the rate of pay	28 Aug 2017	Pending
		Grievance (1).	Disallowed to use company provided utensils	8 Nov 2017	11 Dec 2017
		Dismissal (1).	Found in possession of the company property without permission	14 Mar 2018	28 Jun 2018
		Dismissal (1).	Leaving the workplace without permission	16 Jun 2018	Pending
		Grievance (1).	Unfair treatment by the supervisor	16 May 2018	28 May 2018
		Grievance (1).	To be paid back the difference between current rate after adjustment and the previous rate	19 Jun 2018	Pending
		Unfair Discrimination (1).	Transfer from one site to the other	10 Mar 2016	Matter is pending at the Labour Court
		Unfair Labour	Written warning	28 Aug 2017	2 Feb 2018

Department / Entity	(1)(a)(ii) What number of labour disputes currently being faced	(1)(b) what is the cause of each dispute	(1)(c) what is the nature of each dispute issued	(1)(d)(i) on what date was each dispute reported	(1)(d)(ii) on what date was each dispute resolved
		Practice (1).	issued		
		Unfair Dismissal (1)	None Renewal of fixed term contract	3 Feb 2016	10 Mar 2016
		Dismissal (1)	Misconduct	16 Apr 2018	Arbitration ongoing
		Dismissal (1)	Misconduct		Pending set down
		Remuneration (1)	Pay discrimination		Conciliation failed
		Misconduct (1)	Conflict of interest	Feb 2018	On-going
		Misconduct (1)	Gross negligence – over payment to supplier	May 2018	On-going
		Misconduct (1)	Gross negligence	Jun 2018	On-going
		Misconduct (1)	•Gross insubordination and •Insolence towards Line Manager for refusing to carry out instructions		09 Sept 2015
		Misconduct (1)	Committed deliberate act which causes potential prejudice for failing to take appropriate disciplinary Action against subordinates	Apr 2016	27 Jun 2016

Department / Entity	(1)(a)(ii) What number of labour disputes are currently being faced	(1)(b) what is the cause of each dispute	(1)(c) what is the nature of each dispute	(1)(d)(i) on what date was each dispute reported	(1)(d)(ii) on what date was each dispute resolved
			for fraudulent activities		
		Misconduct (1)	Gross Negligence and violation of procurement policies resulting in overpayment to supplier		Nov 2017
		Grievances (7)	Employees requesting for Hay band and position upgrade	15 Mar 2018	Resolved on the 12 Apr 2018
			Query regarding overtime pay for an employee who is above the threshold.	8 Jul 2017	26 Jan 2018 the matter was settled in employers favour after the employee went to the CCMA
			Unfair treatment by the line manager	17 Jan 2017	16 Feb 2017 resolved at the next level of management
Umgeni Water	None	None	None	None	None
TCTA	Two (2) cases at Labour court stage and four (4) at CCMA stage	Labour court cases: TCTA/C Bleeker - Unfair labour practice	Labour court cases: TCTA/C Bleeker - Non-renewal of five-year fixed term contract and non-	Labour court cases: TCTA/C Bleeker - CCMA referral	In progress

Department / Entity	(1)(a)(ii) What number of labour disputes are currently being faced	(1)(b) what is the cause of each dispute	(1)(c) what is the nature of each dispute	(1)(d)(i) on what date was each dispute reported	(1)(d)(ii) on what date was each dispute resolved
		TCTA// J Nhlapo - Unfair labour practice	payment of incentive bonus TCTA//J Nhlapo - Unlawful reinstatement	November 2015, and awarded in May 2016. Labour Court review of award heard May 2018 and ruling issued August 2018. TCTA// J Nhlapo - April 2018	
		<u>CCMA cases:</u> TCTA// H. Mhlongo - Unfair labour practice TCTA// N. Nkosi - Unfair labour practice TCTA// N. Mageza - Unfair labour practice TCTA// C. Mageda - Unfair labour practice	<u>CCMA cases:</u> TCTA// H. Mhlongo - Unfair dismissal based on the inconsistent application of internal policies TCTA// N. Nkosi - Non-renewal of fixed term contract TCTA// N. Mageza - Non-payment of variable pay TCTA// C. Mageda - Non-payment of goodwill gesture (equivalent of one months' salary)	<u>CCMA cases:</u> TCTA// H. Mhlongo - May 2018 TCTA// N. Nkosi - March 2018 TCTA// N. Mageza - June 2018 TCTA// C. Mageda - July 2017 and June 2018	In progress
WRC	Two (2) disputes	The dispute relates to a dismissal subsequent to	The dispute has been referred to the CCMA and subsequently to	The dispute was reported to the CCMA on 28 July 2017	The dispute has not been resolved yet as it has been

Department / Entity	(1)(a)(ii) What number of labour disputes are currently being faced	(1)(b) what is the cause of each dispute	(1)(c) what is the nature of each dispute	(1)(d)(i) on what date was each dispute reported	(1)(d)(ii) on what date was each dispute resolved
		misconduct of an employee	the Labour Court for review.		referred to the Labour Court for review.
Inkomati-Usuthu Catchment Management Agency	None	None	None	None	None
Breede-Gouritz Catchment Management Agency	None	None	None	None	None

(2) Refer to the table below for the number of employees dismissed:

Department / Entity	(2)(a)(i) what number of employees have been dismissed	(2)(a)(ii) for what reason was each employee dismissed	(2)(b)(i) what number of the specified employees were paid severance packages	(2)(b)(ii) what was the monetary value of each severance package
The Department	18 employees were dismissed	3 were due to Fraud & Dishonesty	None	None
		5 were due to Theft		
		1 was due to Assault		
		3 were due to Mismanagement and embezzlement of state funds		
		1 was due to Fraudulent qualification		
		1 was due to Sexual harassment		
		2 were due to Gross dishonesty		
		1 was due to Absenteeism		
		1 was due to Irregular appointment in the recruitment processes		
		10 were due to misconduct and 1 was due to incapacity		
Amatola Water	11 employees were dismissed		No severance packages were offered by Amatola Water	None
Bloem Water	2 Employees were dismissed	Misconduct relating to abuse of sick leave/dishonesty and Abscondment.	No severance packages were paid by Bloem Water	None
Lepelle Water	Six (6) employees	1. Theft and dishonesty: M Ramalobela. 2. Theft and dishonesty: R Ralehiaka. 3. Tender irregularities: MJ	None	None

Mhlatuze Water	Nine (9) employees	Letsoalo. 4. Gross Insubordination: A Lamola. 5. Gross Insubordination: M Kabe. 6. Gross Insubordination: L Langa.		
Sedibeng Water	15 Employees were dismissed	8 were due to Misconduct and 1 was due to Incapacity.	None	None
Rand Water	Total number of dismissed employees in the past 5 years is 57	14 due to Misconduct and 1 due to incapacity (ill-health) 2018/19 falsifying documents (1) Misconduct (1) 2017/18 Found in possession of the company property without permission (1) Leaving the workplace without permission (1) Bribery (1) Misconduct: one relating acts of witchcraft and the other assault (2) Wilfully leaving a place of work without permission (2) Assault (1) Gross negligence (2) Giving untrue info (2) AWOP (4) Employee found guilty as charged for AWOL for a substantial number of days and was subsequently dismissed in absentia (1) 2016/17 Found in possession of the company property without permission (1) Unauthorized possession for all (3) dismissals Wilfully leaving a place of work without permission (1)	No, payment in lieu of notice No Employees were retrenched, hence no severance payments made.	None None None

		<p>Employees were found guilty as charged for AWOL for a substantial number of days and was subsequently dismissed in absentia (2)</p> <p>Misconduct (1)</p> <p>2015/16</p> <p>Found in possession of another employee's property without permission (1)</p> <p>Gross negligence (1)</p> <p>Absent without official leave (1)</p> <p>Absenteeism forming a trend (1)</p> <p>AWOL (1)</p> <p>Committed Sexual Harassment against 3 female employees. (1)</p> <p>Absent without official leave (1)</p> <p>2014/15</p> <p>Found in possession of the company property without permission(1)</p> <p>Absent without official leave (1)</p> <p>Reporting on duty being under the influence of alcohol(1)</p> <p>Absenteeism forming a trend (1)</p> <p>Bribery (1)</p> <p>Wilfully leaving a place of work without permission (5)</p> <p>Being in possession of RW property(1)</p> <p>Three dismissed for being absent without official leave (3)</p> <p>Six Charges of gross negligence and mismanagement of the Project resulting in procedural and unauthorized payment of invoices amounting to R 31m (1)</p> <p>Employee was charged for incompatibility for causing</p>		
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Umgeni Water	Fifteen (15) employees	<p>disharmony in the workplace (1) Failure to comply with procurement policies and failure to comply with recruitment policy-employment of next of kin (1)</p> <p>2013/14 Found in possession of another employee's property without permission(1) Driving RW vehicle without authority(1) Wilfully leaving a place of work without permission (2) Falsifying documents (1) Insubordination(1)</p> <p>Gross Negligence in appointing a candidate who did not meet the minimum requirements. Insubordination, Absence without leave or permission and Dereliction of duty. Unauthorized removal and or possession of company property without proper authorization. Gross negligence and or dishonesty. Misrepresentation of facts and or falsifying of information. Unlawful possession of company property which culminates to theft. Misrepresentation of facts in that the employee said he picked up the flanges in Umlaas Road Chamber whereas he took them from stores which culminate to gross dishonesty. Unlawful possession of company property which culminates to theft. Misrepresentation of facts in that the</p>	Three (3) employees	<p>1. R135 000.00 2. R45 000.00 3. R34 501.98</p>
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		<p>employee said he picked up the flanges in Umlaas Road Chamber whereas he took them from stores which culminate to gross dishonesty.</p> <p>Stored and/or caused to be stored photographs depicting nudity of himself and another person on an Umgeni Water property. Accessing confidential information without proper authorization. Deleted his administrative account which was linked to a senior official's mailbox account in order to deliberately disguise/mask your access to that person's mailbox account which amounts to gross dishonesty. Failure to follow or adhere to Umgeni Water's prevailing ICT practice. Failure and/or omitted and/or neglected to register each of the following Umgeni Water assets in your possession or control contrary to the reasonable expectations.</p> <p>Gross insubordination/disobeying a lawful and reasonable instruction and gross insolence.</p> <p>Gross Negligence in that you failed to follow an acceptable due diligence process when you realized that the page that declares CPG was understated. Gross Dishonesty in that you misrepresented facts in order to influence the evaluation process by submitting a report confirming that all is order.</p> <p>Abusive, derogatory insulting language/conduct and/or harassment. Assault/Attempted</p>		
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	<p>Assault/Violence.</p>	
	<p>Abusive, derogatory language/conduct and/or insulting harassment unlawfully, intentionally or negligently failed to comply with prescribed procedures, rules and/or instructions.</p>	
	<p>Absence without leave for 7 consecutive days (Dismissal without notice after the employee had failed to report for duty after one month suspension without pay for similar offence).</p>	
	<p>Negligent and reckless driving which resulted into an accident. Absconded from the accident scene before the arrival of the police.</p>	
	<p>Negligence driving which resulted into an accident. Gross dishonesty and or using UW vehicle without authorization. Gross misconduct by leaving the accident scene before the Traffic Police, emergency and SAPS services could arrive. Bringing Umgeni Water's name into disrepute by controversially disappearing from the accident scene.</p>	
	<p>Usage of UW vehicle without authorization. Failure to comply with ISO procedures. Falsely declaring information on vehicle log sheet checklist.</p>	
	<p>Unauthorized use of Umgeni Water vehicle for private reasons. Negligent driving which resulted into an accident.</p>	

WRC	None	None	None	None	None
Inkomati-Usuthu Catchment Management Agency	Two (2) employees were dismissed	The employees were dismissed for dishonesty, fraud and non-disclosure			
Breede-Gouritz Catchment Management Agency	None	None			

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