



SAPU

NEWSLETTER

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Helping the needy



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I hope you will find our first edition of 2014 interesting to read as we continued our fight for better policing in South Africa and at the same time continue to put your interests as the South African Policing Union (SAPU) members at the forefront. We agree with our president Mpho Kwinika that as SAPU "we are on top of our game". Our new members, as indicated in some articles in this edition, express their gratitude to the work that we are doing.

At the work place we continued to engage with the employer on over-time pay, better working conditions, unjust suspensions, overdue payments and other unfair management styles that affect our morale as workers. On overtime, can the employer decide to pay you or just give you time off? The regulations say it is you who must make the choice and not the employer.

We are also in the community as explained in Tsietse Tlake's article about a visit to a community that lives at a dumping site in Bothaville.

Tlake observes how SAPU members were touched when they visited the community to donate clothes.

The article on the Alberton six by Lesego Ntlatleng shows how quick the employer is to suspend before looking at the facts. But in such cases SAPU, with its team of experienced representatives came to the rescue of the members. Not surprising though that the Alberton six are back at work.

Our news briefs by the General Secretary Oscar Skommere show that we are not selective when it comes to representing our members as we have not been scared to confront Police Minister Nathi Mthethwa, National Police Commissioner Riah Phiyega and continue to campaign for the suspension of Mpumalanga Hawks commander Major General Simon Mapi-

At the work place we continued to engage with the employer on over-time pay, better working conditions, unjust suspensions, overdue payments and other unfair management styles that affect the morale of our members. On overtime can the employer decide to pay you or just give you time off? The regulations say it is you (the members) who must make the choice and not the employer.



ane on corruption charges. This shows that we are a fearless union.

You will also find interesting the issues that are being tabled and followed up in the Safety and Security Sector Bargaining Council. This feedback is brought to you by Tumi Mogodiseng, SAPU Deputy President.

If there is a resolution that one is entitled to a long service award which is not implemented later, then something is seriously wrong. SAPU members in the Eastern Cape are calling for implementation of a resolution that was adopted in 2007.

Dineo Sitole also talks to Steve Nkuna SAPU representative on the pitfalls of unprocedural disciplinary processes that poisons the outcomes. In another interview with Alfred Tlou issues are raised on how the grievance procedure is failing women in sexual harassment cases.

We wish all voters who will be casting their ballots in the May 7 general elections to do so in a peaceful environment. This an opportunity to show that South Africa is a maturing democracy. To all our members who will be on duty during the elections, kindly discharge your duties to the best of your abilities.

Thabo Matsose, Editor

SAPU





More work needed to improve policing

When President Jacob Zuma presented the State of the Nation Address (SONA) to parliament in Cape Town on 13 February one of the issues he expressed unhappiness on was crowd control by the police. Some of the ways in which the police handled crowds in picketing, demonstrations and petitioning could be better said the president emphasising the rights of South Africans to assembly and demonstrate peacefully as recognised by the law.

Whilst the South African Policing Union (SAPU) welcomed the SONA it however wanted policing in South Africa to be looked at in a holistic manner.

In an interview, Mpho Kwinika, South African Policing Union (SAPU) president, applauded the return of specialised units such as that on family violence and child protection unit and also the public order policing unit and expressed hope that these units would improve policing in South Africa.

State of policing

"Are we happy with the state of policing in our country? SAPU's response to this will be a definite no. Remember that in 2006 specialised units were decentralised. Some were even closed down. Those which were decentralised continued to exist together with other units they found at stations like general

"Government decided to reopen the family violence and child protection unit amid complaints from ourselves and others who felt that we needed such a unit so that we have successful prosecution of the perpetrators of these heinous crimes. The other unit that has been reopened is public order policing. Public order has been reopened but very late with only 4000 when at least 5000 more are needed within two or three years. It means the police have a daunting task of ensuring that public order is up and running as of now so that they are able to quell mushrooming protests taking place in our country."

investigations, investigations of vehicle crimes, and commercial investigations".

"Government decided to reopen the family violence and child protection unit amid complaints from ourselves and others who felt that we needed such a unit so that we have successful prosecution of the perpetrators of these heinous crimes. The other unit that has been reopened is public order policing. Public Order Police Unit has been reopened but very late with only 4000 members when at least 5000 more are needed within two or three years. It means the police have a daunting task of ensuring that public order is up and running as of now so that they are able to quell mushrooming protests taking place in our country."

There should also be 'synergy' between support and operational structures says Kwinika. This is important to avoid

the disgruntlement that police men and women felt when their promotions were delayed sometimes for as long as seven years. This led them to feel that their welfare was not being taken care of. He highlighted the issue of 26700 constables who have not been graded after seven years. This issue also affected warrant officers, captains and lieutenants colonels.

"We need to have both hands (support and operations) to complement each other. The issue of grading was only looked into when we made noise"

Crime intelligence

Crime intelligence is not visible. Not a single project was registered in 2012, for example, and this should be worrying for South Africans and the government.



Unfortunately covert is being used to bug people's phones illegally and for political reasons thus putting South Africans under scrutiny unnecessarily. More skills capacity is needed for crime intelligence.

Leadership needed

Public order policing needs leadership as there are processes to follow and decisions to be made. In policing crowds there are different approaches that the police can use. These include a user friendly approach that promoted engagement with protesters. But for this to happen the police must have their own intelligence and leaders who had skills to negotiate and engage with protesters. It was also the role of such leaders to emphasise to protesters that their actions must be within the law, and also that the police were there to provide them with protection and not for confrontation.

In visible policing police officers carried shields, batons and head guards and vehicles referred to as water tanks. They were also armed with stun grenades and shotguns, not with steel pellets, but rubber bullets. Kwinika says the use of steel pellets in Motluthung was a mistake because the pellets have been banned but were still in armouries.

"Steel pellets cannot be utilised

because they are dangerous and can kill a person. Stun grenades only make noise to confuse you".

Furthermore, public order policing must be decentralised to avoid a situation where police stations wait for support from the national structures and in most instances this took time when stations were faced by a volatile situation.

Marikana is painful

"Marikana is a painful one and should not have been allowed to take place. The police should go back to the basics of policing and more emphasis should be put on the user friendly approach.

"Marikana was one of many incidents that took place. 44 people died at Marikana. During the South African Transport and Allied Workers Union strike in 2006, 66 people were killed and their bodies thrown on railway lines".

Kwinika emphasised that citizenry should demonstrate in peace.

"We are on top of our game"

On serving of its members, Kwinika said SAPU was "on top of its game". SAPU has never been a culprit when it comes to delivering services to members because it is an independent union.

"We don't carry mandate from political institutions but deliver service to our members. Therefore, SAPU did not face problems similar to those of unions aligned to political institutions".

"We are doing exceptionally well in servicing our members and we spend so much money protecting the rights of our members".

Our democracy, which came after years of struggle, must be cherished and some of the ways to do so is by participating in the general elections on May 7. In that respect I urge all our members to exercise their hard won rights in a peaceful manner.

SAPU





Gender equality in policing: Respect women's rights

The South African Policing Union (SAPU) has since its inception regarded gender equality as important writes Thandi Mkhize.

We became the first union in South Africa to appoint a woman as the general secretary of a union.

SAPU has also, within its elected structures, a constitutional obligation to establish everywhere that we have representation: a woman's network that represents women in all the political spheres of the union in order to make sure that we enforce the goal of women emancipation.

These women's networks are very much active in the communities and assist with welfare issues and advise that help women.

In the South African Police Service (SAPS) women's representation is still a major obstacle.

Although the SAPS advocates a 50/50% representation of women in its employment policies, this is not evident especially in the more senior and middle management levels where SAPS has only achieved

35% women representation. It is my belief that human rights in the workplaces suffer a lot where women are not equally represented. The tendencies, because of various historical and cultural issues, are serious stumbling blocks and some men do not take it well when they receive orders from women, especially when the woman is younger than them.

Women also tend to be more patient with people and this is certainly a contributing factor when dealing with masses of protesters and uncooperative suspects.

SAPS has become a very violent institution because very young members are left to fend for themselves and often get it wrong. The training and the principle of human rights are not well attended to before they have to go and serve a community.

We believe that SAPS faces a huge challenge in training and retraining of its members in human rights and to respect those rights. That starts right at the top.

SAPU strongly believes that it is there to provide service to all people and therefore politics should not play a role especially when it comes to servicing the community. The poor are equally entitled to protection and service more so than the rich.

Equality for all

Women in SAPS face a huge challenge in the numbers game and in transforming a historical "men's club" into a service that believes in equality for all.

Our historical role as mothers are often overlooked when it is expect-

ed of us to report for duty at sometimes remote rural areas of South Africa and far away from our families.

We still have a long way to go to change the perception that women are intellectually subject to men.

SAPU reported an incident of sexual harassment of two of our female colleagues about two years ago. Recently the case and the investigation against the accused was withdrawn by SAPS because of the long-time delay without any feedback or conciliation to our two members. Clearly the grievance process did not assist them.

Sexual harassment is illegal. Period. You can't allow it and if you do so as an employer you will suffer the consequences.

HIV and AIDS

SAPU took a leading role in the fight against HIV and AIDS when we issued a statement in 1995 that SAPS had at least 35 000 employees living with HIV and AIDS. Our strategy is that all of them should receive treatment and we fought hard to make Polmed agree to that.

We also believe they should not be discriminated against and our actions points in that direction. Recently we spent thousands of rands to represent a member who was dismissed by SAPS because he was HIV positive. We won the case and was

reinstated.

People living with HIV and AIDS should be given equal treatment like anybody else.

I believe our approach and awareness campaign is very effective otherwise you would not have had members living with HIV and AIDS approaching for help.

When members' human rights are constantly violated they should put it in writing and then immediately report it to SAPU for us to follow up.

We promote an equal society and strive for equal representation for all.

We can only achieve that if we serve as an example to others.

Thandi Mkhize is 1st Vice President of SAPU.

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Official opening of SAPS academy in Paarl

The South African Policing Union (SAPU) welcomes the "upgrading" of the South African Police Service (SAPS) academy into a university and supports efforts to always ensure an improved service to the community at large writes Joseph Manuel.

According to media reports the police academy in Paarl in the Western Cape was converted into the South African Police University when it was officially opened by Police Minister Nathi Mthethwa and national commissioner General Victoria "Riah" Phiyega. The university will partner with the University of South Africa (Unisa).

Professionalism is a must for policing in South Africa. As SAPU, we have been advocating this vision for some time, hence our central executive community logo and resolution in 2013. The university will also in upskilling of the police force.

Said General Phiyega in a statement: "The partnership entails the evolution of the SAPS Paarl academy into a dedicated, specialised university aimed at producing a new breed of police professionals equipped with the right theoretical and practical training to enable them to serve the country and its citizens diligently, efficiently and effectively."

Responding to the bad publicity that the SAPS has been receiving in recent times she said: "The community will serve will, in time learn to

respect the men and women in blue, not fear us or heap scorn on the organisation. This is the sad indictment of our times that those few SAPS employees with no discipline, scant regard for the law or their colleagues, bring the rest of us into disrepute. But I am convinced that we will turn the tide and change perceptions for the better."

Speaking at the signing of the memorandum of understanding between Unisa and SAPS which happened at the official opening the Unisa Vice Chancellor Professor Mandla Makhanya according to the Unisa website said: "I will be the first to agree that formal education alone will not serve the best purpose for a career police officer.

"The community will serve will, in time learn to respect the men and women in blue, not fear us or heap scorn on the organisation. This is the sad indictment of our times that those few SAPS employees with no discipline, scant regard for the law or their colleagues, bring the rest of us into disrepute. But I am convinced that we will turn the tide and change perceptions for the better"



That is why I believe we need to come together to develop a model that is a hybrid characterisation of the empirical, ontological and epistemological knowledge-based learning and the practical training that is key to vocational training."

Joseph Manuel is SAPU Chairperson in the Western Cape SAPU





Grievance procedure not protecting workers

The issue of sexual harassment and related misconduct at the work place has been common recently. Most such cases involve senior personnel who coerce and black mail junior employees for sexual favours as one of the ways to exercise power writes Dineo Sitole who talks to Alfred Tlou, provincial organiser and employees' representative of the South African Policing Union (SAPU). In the interview Tlou discusses cases of sexual harassment in the South African Police Service (SAPS) and the inefficiency of the grievance procedure.

Tlou is representing two women in the SAPS who were sexually harassed by the commander-in-charge in 2010. The women had, after experiencing the offending actions of the commander, instituted a grievance according to the SAPS grievance procedure. In pursuing the internal grievance procedure without response until 2011, the women as despondent as they were, continued to write numerous letters to the employer.

Lieutenant Colonel Karl, instituted investigations and concluded that there was sufficient evidence to have a disciplinary hearing in which the commander-in-charge will be summoned. Despite his recommendation for a disciplinary hearing, this did not happen until 2012 when the South African Policing Union was asked for help. Tlou said that if the hearing was not set he would take the cases to court and to litigate because sexual harassment is a serious misconduct in South Africa. As a result of this pressure from Tlou the hearing eventually sat.

As hearings are internal matters, outsiders like Tlou are not invited. However, the defendant was constantly unavailable and to worsen matters the case's presiding officer felt threatened when her home was 'hijacked' – there was a break-in and her car was stolen. After that she requested to be removed from the case - apparently being threatened and fearing for her life. These events delayed the process. The second presiding

officer concluded the hearing this year in March describing the case as 'insignificant' and 'stale'. That is when Tlou took over with litigation.

To worsen the women's plight their safety environment at the work place remained hostile and their requests for transfers were not approved. The hearing's verdict and the aggressive environment that women often found themselves in show the problems that exist in the grievance procedure.

In terms of the SAPS grievance procedure, the applicant must institute a grievance within the first 120 days of the incident. The matter must also be finalised within 30 days during which four steps must be followed once the grievance has been instituted.

Firstly, the matter must be heard and hopefully resolved by the supervisor, defendant (commander in this case) and the two women. This must happen in three days after receiving the grievance. If the case is not resolved in seven days it must then go to the joint grievance resolution team (JGRT). If it is not resolved in 10 days in the JGRT it must then be referred to the last procedures litigation and Safety and Security Sector Bargaining Council (SSSBC).

According to Tlou SAPS hardly ever follows the procedure. He emphasises that besides the sexual harassment case the 'grievance procedure of the South African Police Service is ineffective; it

has too many steps in-between... the mediators, who are meant to resolve the cases, merely refer the matters to the next stage without having analysed the issues'. This allows for too many loop holes including intimidation of those presiding over the cases which is easy because the presiding officers are employees of SAPS in the branches.

Fortunately, SAPU has called for the revamping of the grievance procedure. The union recommends a two-legged grievance procedure: between complainant, supervisor and defendant, and then it must be referred straight to arbitration.

As SAPU national negotiator Tlou sits in a committee that discusses the working environment and conditions of workers. The aim of the committee is to reduce the steps of the grievance procedure, and the union is still busy engaging with the SAPS in order to protect the employees and ensure that there is a frequent change of personnel presiding in the first legs of the cases.

In essence sexual harassment is propagated in the actions of masculinity and re-emphasises the control, influence and power of patriarchy and capitalism in the workforce. Masculine identities in this perspective obtain a cultural sense in the meanings, values, identities, symbols, ideas, knowledge, language and ideology of people within the employment spaces but this can be and will be defeated only if the grievance cases are shortened and made more effective argues Tlou.

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Unprocedural disciplinary processes don't correct misconduct

Steve Nkuna, a representative of the South African Policing Union says that unions, like any other institutions, consist of guiding principles and disciplinary processes to help them operate in the best ways to deal with issues of employees. That not only protects them but also creates legitimacy writes Dineo Sitole who talked to him.

The amount of suspensions and lack of procedural following come as a result of members and employers not complying with the principles of both the South African Police Service (SAPS) as well as unions. This lack of compliance makes it difficult for shop stewards and other union representatives to ensure justice is fully received.

The Labour Relations Act (1995) speaks of the procedure that needs to be followed. The Act firstly notes that: "The objective of the disciplinary procedure is to provide a fair and equitable process that could be applied when the work performance or behaviour of an employee is unacceptable... the disciplinary action however, should only be taken after clear

"practically impossible, because if you look at the principle of law, a person should be given 7-10 days so that s/he could be able to sit back, consult and respond to the allegations. Yet day in and day out laws are changed to suit individual processes"

evidence of misconduct has been established. Thus the first step should be to prove

that the employee has committed an offence, followed by consideration of the appropriate disciplinary action that should be taken". For example, before issues of suspension, the employee needs to assess whether the degree of the offence warrants a suspension. However, this is not happening in the SAPS according to Nkuna.

In the SAPS employees are given 48 hours to respond to the intended suspension which is "practically impossible, because if you look at the principle of law, a person should be given 7-10 days so that s/he could be able to sit back, consult and respond to the allegations. Yet day in and day out laws are changed to suit individual processes," al-

"The objective of the disciplinary procedure is to provide a fair and equitable process that could be applied when the work performance or behaviour of an employee is unacceptable... the disciplinary action however, should only be taken after clear evidence of misconduct has been established. Thus the first step should be to prove that the employee has committed an offence, followed by consideration of the appropriate disciplinary action that should be taken"

ludes Nkuna.

The people representing SAPS in terms disciplinary processes are not engaging the correct procedural steps to ensure that the conduct of workers is improved. Nkou states that "because [the disciplinary representatives] do not follow the correct procedures, discipline is not a correcting conduct but rather a punishment... justice is not done". He argues that justice cannot be done when there are permanent members of the Gauteng trial unit, who are constantly together and yet it is not a line management function. Managers are not involved in the disciplinary processes. "Trial unit personnel intentions are just to suspend."

The provincial chairpersons' have reacted because of media pressure and attention on the cases without firstly going through the correct procedures and lastly engaging the employees.

This is the case with the suspensions that occurred because of the break-in at Alberton police station. The suspension time had passed when Nkuna took over the case at Alberton. The first thing he noted was that the suspensions were not properly done, the reasons of the suspension did not link the missing safe to the suspended employees who were denied information.

Based on failure to provide information to employees by the employer Nkuna requested the provincial commissioner to revoke the suspension according to the disciplinary code section 18: 4. Surprisingly, the provincial chairperson said he did not have powers to do so contrary to the code. Now this makes one worried about whether the commissioner is acting according to superior instructions or according to the disciplinary and procedural codes of the police force. Eventually all the defendants were all acquitted.

SAPU is committed to educating its members to be disciplined, and to follow procedures. We raise these issues in labour forums at work places. Employers and unions need to have a common understanding and interpretation of the divisional codes and Labour Relations Act. Through provincial offices, SAPU has provincial chambers which deal with labour offences meant to be communicated to employers. There is a new signed disciplinary code which SAPU is waiting for to become law.

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Can SAPS force you to work overtime?

There are two questions that always pop up whenever the South African Policing Union (SAPU) is confronted with the question of overtime. These are whether the South African Police Service (SAPS) can force one to work overtime or that the employer will be refusing to pay for overtime worked. Barries Barnard explains.

In many cases it happens that SAPS will approach the members and instruct them to work overtime but then say they don't have money to pay for the same overtime. Instead they will offer the less lucrative time off.

Overtime is mainly regulated by Agreement 4/2007, and there are a few simple laid down rules.

For instance, the employer can force you to work overtime within the prescripts of the Basic Conditions of Employment and the Agreement. The Agreement states that there are two types of overtime.

Planned and unforeseen overtime

Planned overtime is when the employer plans an operation

The laid down principle was that if SAPS wants you to work, the choice about payment or time off is that of the employee. Unforeseen overtime is like that of the funeral of former President Nelson Mandela affectionately known by his clan name Madiba. In such cases the employer does not need pre-authorization but the member can still decide whether they want payment or time off. If they want payment and the employer does not have money to pay they may refuse to work.

For instance, the employer can force you to work overtime within the prescripts of the Basic Conditions of Employment and the Agreement.

The Agreement states that there are two types of overtime.

like crime prevention. The employer must then have an approval of the overtime that must be given to the members 72 hours before the overtime is due. Members can then choose whether they prefer payment or time off. The member then can't refuse to work.

In PSSS194-12/13 SAPU obo Taljaard the applicant worked overtime from standby duties at the LCRC. The laid down principle was that if SAPS wants you to work, the choice about payment or time off is that of the employee. Unforeseen overtime is like that of the funeral of former President Nelson Mandela affectionately known by his clan name Madiba. In such cases the employer does not need pre-authorization but the member can still decide whether they want payment or time off. If they want payment and the employer does not have money to pay they may refuse to work.

When the member is forced to work overtime on a public holiday, for example, the employer must pay. SAPS may not give time off for overtime worked on a public holiday.

In PSSS551-12/13 SAPU obo Badenhorst this principle was clearly laid down. This is echoed in PSSS254-12/13 SAPU obo Gerber where the member from Crime Intelligence was required to work overtime without pre-authorization.

In PSSS268-11/12 SAPU obo Layman and Piek the

members worked two hours longer every day when they transported prisoners after hours to Correctional Services. SAPS was ordered to pay them even though no pre-authorization was obtained.

In PSSS486-11/12 the members were required to work overtime at their stations during the World Cup and perform crime prevention operations. Because it did not fall within the scope of the 'special events' it is normal overtime.

All the referred case laws are available at your Provincial SAPU office. **SAPU**



Policing crisis in SA: SAPU warns Zuma

The South African Policing Union (SAPU) feels more than vindicated by the international human rights watchdog Human Rights Watch damning findings about the state of policing in South Africa. We do not get any joy out of this vindication except to call upon the president to heed our call for a judicial commission of enquiry into the state of policing in the country.

We have been calling for President Jacob Zuma to establish this judicial commission of inquiry like the Jali Commission of Inquiry that was established by former president Thabo Mbeki in the Department of Correctional Service for the past two years to no avail.

Who knows some of the challenges we are faced with today could have long been solved now. Why is he ignoring social partners like SAPU?

We have written several correspondences to the office of the president requesting an audience with him. SAPU will be left with no other option except the legal route to compel the president to fulfil his constitutional responsibilities by establishing this judicial commission of enquiry.

To say South African policing is in crisis is an understatement. The minister of police has failed dismally to provide leadership. It is now up to the president as the commander in chief of all armed forces including the SAPS to provide leadership.

SAPU would give president Zuma seven working days to come to the party failing which, we will serve him

with court papers. We are a legal entity in the SAPS that has a meaningful role to play. The establishment of a judiciary commission of inquiry in the SAPS is long overdue. The crisis that the SAPS is in is well documented and public knowledge.

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SAPU is happy to announce that it will be hosting the International Council of Police Representative Associations (ICPRA) in June 2014 in Cape Town.



Mpumalanga hawks commander must go

The South African Policing Union (SAPU) would once again like to condemn with the strongest words possible the South African Police Service (SAPS) top management over its double standard actions. We have been calling for consistency in dealing with discipline in the police service. We find it totally unacceptable that the Hawks Mpumalanga commander Major-General Simon Mapiane is still on duty whilst standing trial for allegedly falsifying travel claims. The SAPS disciplinary code of conduct is very clear on this issue. If it was our members most of whom are

junior officers they would have long been suspended without benefits by the SAPS. We find it strange that Major-General Mapiane has been allowed to remain on duty whilst facing serious criminal charges like these. He should have long been suspended and charged both internally and criminally. These double standards by the SAPS is sending a very bad message to the members. This clearly means there are rules for the entire police service and other rules for a few senior officers. We call upon national commissioner, General Victoria "Riah" Phiyega, to suspend the



Major-General without any delay. is being managed by tsotsi commanders.

Oscar Skommere is the General Secretary of SAPU

SAPU

SAPU will closely watch his internal disciplinary hearing if it will ever take place. We will not allow a situation where this issue is swept under the carpet. Mapiane must face the music. Whilst we respect the rule of law and the motion that one is innocent until proven otherwise, we are embarrassed that a senior officer like him would be accused of such serious charges. This also means the SAPS is rotten to the core. It



Public Order Policing: A call for action

The South African Policing Union (SAPU) would like to call upon Police Minister Nathi Mthethwa to seriously consider convening a national summit on public order policing in South Africa. His widely reported claims that South Africa is one of the best countries in terms of public order policing are not only inaccurate but dangerous as well.

We are a functional union on the ground that deals with policing on a daily basis. Most police officers close to 200 000 workforce have more than 20 years' experience. The majority of these officers have not been sent or went through modern crowd control management skills.

The SAPS lacks command and control as well and has been hijacked by political considerations that will cost

the country dearly. We also call upon the SAPS to engage other police agencies worldwide in order to learn new methods in crowd control. We have to acknowledge the lack of skills within our own in order to improve. We have to beef up public order policing as it is a well-known fact now that South Africa is a country in deep crisis.

The rate of protest marches in the country is alarmingly high. SAPU therefore calls upon Minister Mthethwa to firstly swallow his pride and acknowledge our own weaknesses and come with measures to improve our capacity. SAPU is more than willing to engage with the minister on this critical issue at any given moment. The crisis we are faced makes it a necessity that we join hands in order to improve our product: serving the South African populace.

SAPU

Deputy General Secretary Kgaogelo Magagula.





Phiyega condemned on 10111

The South African Policing Union (SAPU) has learnt with dismay and anger the total contempt that national police commissioner General Riah Phiyega shows to organised labour in the South African Police Service (SAPS). SAPU as one of the major role players in the SAPS environment has been engaging our members based with 10111 in Midrand, Johannesburg trying to solve their concerns regarding conditions of employment and salary grading etc. We dealt with their concerns responsibly and professionally as we are a responsible union. Tens of officers were threatening to down tools if concerns were not dealt according to their expectation.



We learnt with total shock and dismay when General Phiyega went to Midrand 10111 and flatly refused to engage with labour. We would like to send a stern warning to the general that it is only through partnership and working together that we can build a better SAPS. The SAPS is already under siege from different angles and there is no way that a single entity can bring change on its own. General Phiyega must be reminded that organised labour is a legal and lawful entity within the SAPS. The role we are playing in the well-being of the SAPS can never be wiped by anyone including Phiyega herself. She will come and go and organised labour will be here to stay.

We find the behaviour of the national commissioner totally unacceptable. We are in a democratic dispensation where dictatorial tendencies can never be tolerated. We are not asking for any favours, the law gives us a right to organise and help our members. The issue of political appointees carrying



favours and failing to make a difference between the state and party will cost this country. It seems as if Phiyega is carrying some unions favour at the expense of the law. This must come to an end now.

SAPU



Mothutlung suspensions disputed

The South African Policing Union (SAPU) would like to dispute the statement by Police Minister Nathi Mthethwa that the South African Police Service (SAPS) has suspended six police officers who are alleged to have taken part in the Mothutlung Brits North West incident that has led to the death of four people.



Firstly SAPU as a functional union on the ground would like to state that it is only eight officers who are currently being counselled in a hospital that

were served with notices of intention to suspend them. As per policy they were given an opportunity to make representations and as per our recommendation we have advised them not to do so

until they are fully recovered. We commend the SAPS North West Management for the swift action of sending these officers to hospital. They are being attended to professionally.

We find it totally unacceptable and inhuman that SAPS would engage in a publicity exercise of this nature that seeks to score cheap political points at our member's expense. Those officers need all the support from the SAPS not to be hung there to dry. SAPU has committed to fight any kind of victimisation of junior officers. The psychological status of these

members isn't conducive of them responding to any allegations now. They have to be in sober minds.

Whilst supporting these officers we want to state clearly that we do not condone any criminal behaviour by officers. We subscribe to the notion that we are all equal before the law. We call upon the SAPS to provide those officers with state legal representation as they were performing their job when the unfortunate incident happened.

SAPU

SAPS members with criminal records

The South African Policing Union (SAPU) would like to express shock and dismay at the statement attributed to police minister Nathi Mthethwa that the South African Police Service (SAPS) is in the process of dismissing 1017 police officers alleged to have criminal records. We find it totally unacceptable that the minister and national police commissioner would mislead the South African public to this extent. Besides the legal process taken by the labour unions to interdict the SAPS from affecting this draconian move, SAPU has been on record questioning the integrity and accuracy of the so-called audit process.

SAPU would like to put it on record once again that the so-called criminal records of police officers are far from the truth. Some of the so-called criminal records date back to more than 40 years whilst others are pretty crimes like traffic offences that members paid admission of guilt fines. The police leadership and management must not mislead the public in order to gain cheap political points because of the coming general elections.

SAPU would like to categorically state that as we subscribe



to the rule of law, we are not by any means condoning criminal behaviour by members of the service. In actual fact we are of the view that the law must take its course at all times. No one is above the law including police officers. What we cannot accept is an unjust and unfair process that victimises junior officers for selfish political ends.

SAPU has taken the legal route to compel the SAPS not to victimise any officer. We have called upon the SAPS to come to the Safety and Security Sector Bargaining Council and engage labour on the matter. SAPU would also like to assure police officers across the republic not to panic because this issue is receiving the urgent legal attention it deserves. They must not allow themselves to be misled by political consideration that has no legal standing.

Oscar Skommere is SAPU general secretary.

SAPU



Human Rights Watch generalises SA policing

The Ministry of Police says the Human Rights Watch 2014 World Report was "generalising and subjective" in its assessment of the country's police.

The report issued a "warning" to the South African government, that human rights in the country were taking a turn for the worse.

Human Rights Watch cited escalating police violence as the main reasons for the regression and raised serious concerns with the police's use of excessive force, especially in an election year, during which the organisation expects to see more community protests.

Police ministry spokesperson Zweli Mnisi, however, said that "each public protest takes a different dynamic, whether peaceful or violent"

"This Human Rights Watch [report]

"This Human Rights Watch [report] unfortunately somehow depicts an impression that the South African Police Service (SAPS) responds to all public protests with the same approach and operational plan, thus creating a false assertion that all members of the SAPS are brutal."

unfortunately somehow depicts an impression that the South African Police Service (SAPS) responds to all public protests with the same approach and operational plan, thus creating a false assertion that all members of the SAPS are brutal."

Mnisi said as the ministry, they also get concerned when they hear about reports of police who abuse their powers.

"We are equally concerned when we hear about police officers who are killed while responding to crime callouts," said Mnisi.

These concerns, he said, have prompted the system to make fundamental changes, such as improving training so that all new entry level police members undergo basic crowd management training as part of their curriculum.

Since this process was initiated in April 2012, 1 761 Public Order Policing (POP) operational members have successfully undergone refresher training, while 2 340 operational members will still undergo this training.

This is primarily to establish an understanding of crowd management in all SAPS members, which will facilitate joint operations with other SAPS components and POP members.

Mnisi said during the last financial year, 12 399 crowd-related incidents were responded to and successfully stabilised, including 10 517 peaceful incidents such as assemblies, gatherings and meetings.

Of these incidents, 1 882 were violent incidents and 3 680 arrests were effected.

"As we have seen on many occasions, many protests have been accompanied



Another challenge, Mnisi said, was that policing of public protests draws the police away from their normal policing activities and forces the police to redirect resources, which can lead to gaps in normal policing.

He added that the organisers must face criminal charges if the protests were not orderly and peaceful.

"There is no prevalent culture of impunity within the police service. We are a caring government and therefore, there is no carte blanche that we give to our officers to kill innocent people who protest," he said.

Mnisi acknowledged that the force had rotten apples and South Africa was not an exception.

"However, the rotten apples are dealt with in terms of the relevant prescripts and applicable legislation."

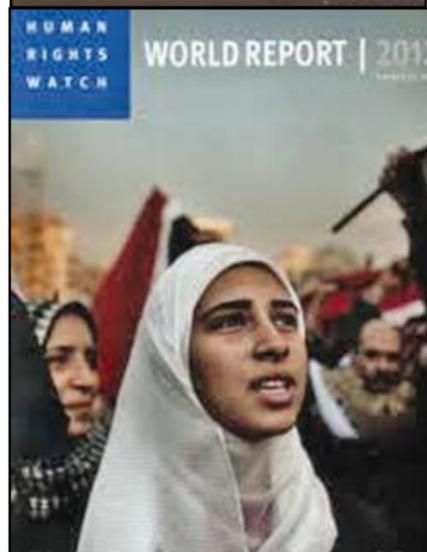
He urged stakeholders such as



Human Rights Watch to provide an objective analysis of policing and further engage in ensuring that people in South Africa, are and feel safe. - SAnews.gov.za

by serious provocations, intimidations, public violence and even elements of criminality," Mnisi said.

According to Mnisi, when police arrest perpetrators at the scene, usually no one claims responsibility for the actions, making the investigations very difficult -- particularly in securing convictions in courts.





Before 1994 the apartheid state was controlled by parliament and decisions of a few rather than all were the ruling principles. Post-1994 the state is controlled by the Constitution and a bill of rights that ensures that all persons, whether state employees or citizens, are guided and guarded by the rule of law. It is under this mark that the South African Police Service should operate writes Dineo Sitole.

Human rights in essence derive from the inherent dignity of individuals, and there lies a responsibility of all to ensure the respect of dignity towards all people. International Women's Day (8 March 2014) and Human rights Day (21 March 2014) give an opportunity to assess whether the upholding of dignity is there both within the police workforce and from the citizens towards the police.

To understand and take human rights seriously would be important, not only in ensuring peace in the workplace, but also producing the best employees in the country. When human rights are adhered to, procedural requirements will be followed and will ensure the safety of officers and victims of crimes.

Some of the key principles within human rights are: fairness, respect, equality, dignity and autonomy, and these need to be upheld by both police officers and citizens, because human rights are for all. Recently the police have faced criticism for their so-called 'violent' approach when dealing with protesters.

However, as mentioned in the Bill of Rights, "freedom of expression: states that all people (including the press)

Human Rights at the workplace

can say whatever they want as long as [their] speech does not incite violence or promote hatred based on race, ethnicity, gender or religion". Furthermore, people may "Assembly, demonstrate, picket and petition: You can hold a demonstration, picket and present a petition. But you must do this peacefully". This is important in understanding relations and guarding reactions that may lead to unnecessary violence. Maintaining human rights in all spheres is of utmost importance.

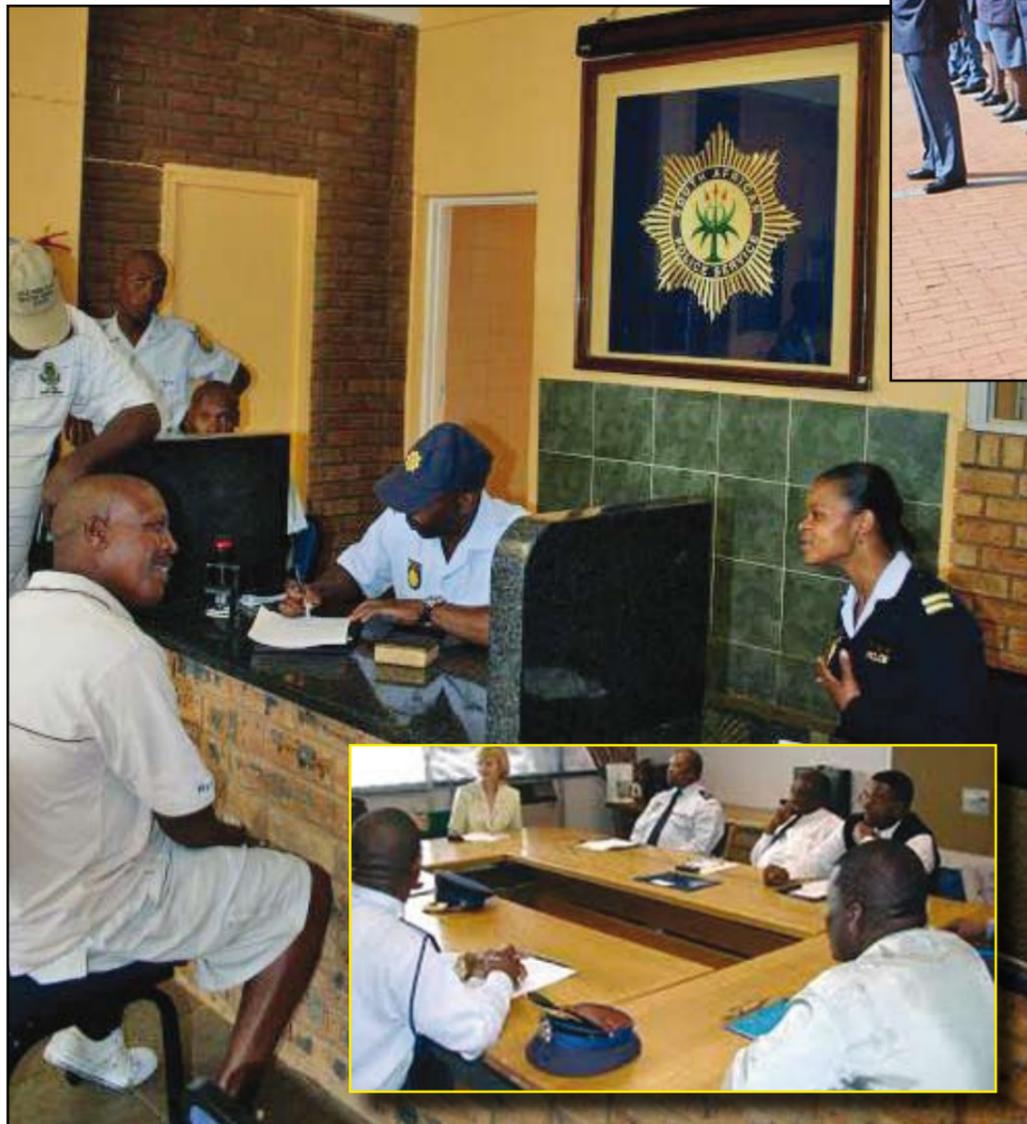
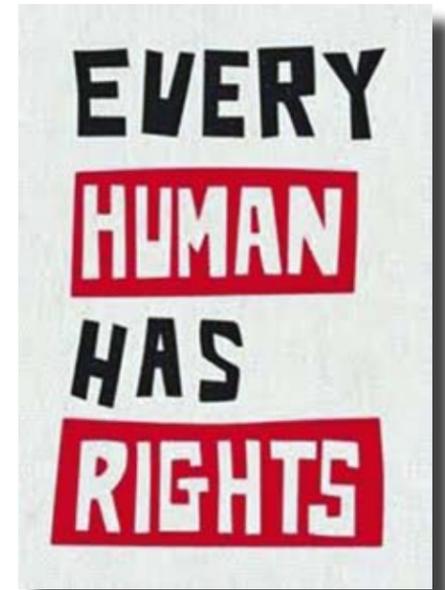
Sexual harassment is also an important issue in today's workplace (read also the article by Thandi Mkhize). Every employee has the right to work in an environment free of sexual harassment and hostile conditions. The SAPS has struggled with ensuring not

only that women are represented fairly in senior positions but also that they are protected when issues of sexual harassment are tabled. The failure of the SAPS to guarantee an environment free of sexual harassment will have varying consequences for the police force and will manifest in personal harm to victims and negatively affect their productivity, as well as in cost and possible legal implications for employers.

Therefore, the SAPS needs to begin putting measures that ensures the productivity and safe environment for employees. It is clear that disciplinary measures, although available, are not procedurally towards the protection of the victims.

However, it needs to be noted that

"freedom of expression: states that all people (including the press) can say whatever they want as long as [their] speech does not incite violence or promote hatred based on race, ethnicity, gender or religion"



in some instances all tools could be used to discredit the character of the police force and the officers themselves. The Employment Equity Act no. 55 of 1998 states that an employer is not liable for the conduct of an employee if the employer is able to prove that everything reasonably practicable was done to ensure that its employees do not contravene the Act by committing sexual harassment. What is regarded as reasonable steps by an employer to prevent an employee from being sexually harassed is provided in the guiding principles

of the 2005 Amended Code of Good Practice on the Handling of Sexual Harassment Cases in the Workplace (Labour Relations Act no 66 of 1995). Sexual Harassment should not be tolerated at all in work places and must be met with a heavy hand.

SAPU





Rapid Rail Police

The South African Police Service (SAPS) decided to do away with the Railway Police Units and replace them with newly established Rapid Rail Police.

SAPS also wants to change the normal working hours to a 40 hour Flexi System.

South African Policing Union (SAPU) tabled the point at the Safety and Security Sector Bargaining Council (SSSBC) and argued that SAPS did not follow the correct procedure and must first consult with SAPU on this.

SAPU also demanded that the implementation of the new system be placed on hold until there was meaningful consultation. SAPS agreed and tabled the consultation process on 13 March 2014.

Provincial Chambers

Council agrees that it must intervene in the situation in the Northern Cape.

The Police and Prisons Civil Rights Union (POPCRU) is boycotting the provincial chamber because of an unresolved dispute with the provincial commissioner. Because of this the provincial chamber is dysfunctional. SAPU is currently busy looking at a strategy to resolve the issue.

National Disputes

SAPU has declared several disputes on issues where we could not reach agreement with SAPS.

Refusal to bargain

SAPU has referred a refusal to bargain on the following issues because that they are long outstanding and SAPS is only delaying processes.

Appointment dates of Special Constables

SAPS maintains that the appointments were correct and SAPU has referred the matter for arbitration.

Grade Progression for Constables and W/O B2

SAPS has partially implemented the first part of it in terms of National Instruction 2/2008.

Safety and Security Sectoral Bargaining Council

SAPU is now demanding the further implementation of the grade progression on the balance of 18 000 constables in terms of the new promotion policy. The arbitration is scheduled for 20 May 2014.

Official Transport for the FTSS in Eastern Cape

There is no agreement on this point.

Long Service Award

SAPS started implementing it and then stopped. No official response from SAPS was received. There is no agreement at this point.

Release of SAPU Provincial Office Bearers

The current agreement does not recognise provincial office bearers. There is no agreement at this point.

Retrospective Recognition of Long Service

This point speaks to the recognition of long service prior to the new agreement. There is no agreement at this point.

Disabled Personnel

SAPU tabled a position paper on the inaccessibility of SAPS buildings for disabled people as well as the demand for the 2% employment of disabled people and discrimination against them.

SAPS content that SAPU must provide them with a list of buildings that are not accessible and refuses to engage on the other two points. There is no agreement on this point.

New Disciplinary Regulations

The agreement was signed in 2012 and SAPS had a responsibility to present it to the Minister of Police to have it promulgated. It did not happen and SAPS refuse to give any explanation on it. There is no agreement on this point.

CIPS Special Allowance

The management of the then CIPS decided to cancel some service allowances for CIPS members. SAPU does not agree with this decision. There is no agreement at this point.

Right Sizing of SAPS

SAPS did an audit on all personnel that are placed outside the establishment in posts.

Maj. Gen. De Witt made a presentation and explained that they will fix the problem through natural attrition and non-filling of non-critical post where it becomes vacant as well as advertising posts within a province. Also with the moratorium on new enlistments. SAPS Gauteng then went ahead and started transferring members. In the SSSBC SAPS denied any knowledge of it. There is no agreement on this point.

Restructuring of the Organisational Design

SAPS decided to change the top structure of SAPS and establish two new components.

In terms of Agreement 2/2009 SAPS is compelled to consult on any restructuring.

It has become a trend within SAPS to restructure without consultation and they argue that they don't have to con-

sult on top management restructuring.

POPCRU agreed with them and SAPU approached the Labour Court on an urgent basis to compel SAPS to stop the restructuring until the arbitration process was finalised. SAPU lost the application and the arbitration will now proceed on 16 May 2014.

Dispute about Agreement 2/2011

This agreement made provision for several issues.

Lt. and Maj. promotions

This point was interdicted by Solidarity.

A new Salary model

The translation of PSAP members to the SAPS Act. SAPS is of the opinion because of the interdict the whole agreement has been interdicted. SAPU does not agree and has declared a dispute. The matter will be arbitrated on 15 April 2014.

Membership Figures Dispute

SAPU declared a dispute on the membership figures in 2005. Since then SAPS has frequently delayed any discussion around it. SAPU demanded a forensic audit of the membership. The matter will be arbitrated on 30 May 2014.

10111 Call Takers and Call Dispatchers.

SAPS has wrongly appointed these members as Administration Clerks at level 3 as telecommunication operators. SAPS at first wanted to settle the matter but then decided not to and SAPU now has instructed its lawyers to proceed with an application to the Labour Court on a date to be announced.

10111 Data Typist and Typist

SAPS did not regrade these members and when SAPU raised the issue the National Commissioner issued a letter stating that they will be regraded but



this did not happen. Because SAPU won the arbitration on the regrading of the clerks but the implementation thereof was still in dispute, we proceeded with it. SAPS then indicated that SAPU misunderstood the letter from Nascom and only those members whose data typing and typing is less than 30% of their job description qualifies to be regraded as normal clerks in line with the DPSA directive.

SAPU does not agree with this interpretation and instructed our lawyers to bring an application in the Labour Court and to seek a declaratory ruling on it. Negotiations still continuing on the following issues:

SAPS agreed with SAPU to increase the allowance from R700 to R814 in line with the Consumer Price Index..

SAPS agreed to equalise the capping of Police Act employees from R132 000 to be the same with Public Service Association employees at R212 000 and thereafter to review it annually to be the same as the determination by then DPSA.

Clothing Allowance

SAPU demanded that the clothing allowance be annually increased as per agreement. SAPS engaged SAPU on this on 17 March 2014.

Accommodation for SSSBC

The SSSBC must buy a building for office space. SAPU's mandate is that a maximum of R8 million may be spent but POPCRU wants a building of R14 million. SAPU's argument is that any purchase must be funded from the savings of the SSSBC. SAPS engaged SAPU on this on 17 March 2014.

Service Allowance

SAPU demands that the Service Allowance (R400) be adjusted in line with inflation. SAPS engaged SAPU on this on 17 March 2014.

Pay Progression

SAPU demanded that the pay progression be implemented as per agreement because it was not implemented during the last cycle. SAPS engaged SAPU on this on 17 March 2014.

Special Daily Overtime Allowance

SAPU demanded an increase from

R700 to R1 000 in this allowance.

SAPS agreed to equalise the capping of PSAP members and SAPS Act members. It is annually reviewed but there is a difference between the capping of the PSAP members and SAPS Act members.

Overtime Capping

SAPS agreed to equalise the capping of Police Act employees from R132 000 to be the same with Public Service Association employees at R212 000 and thereafter to review it annually to be the same as the determination by then DPSA.

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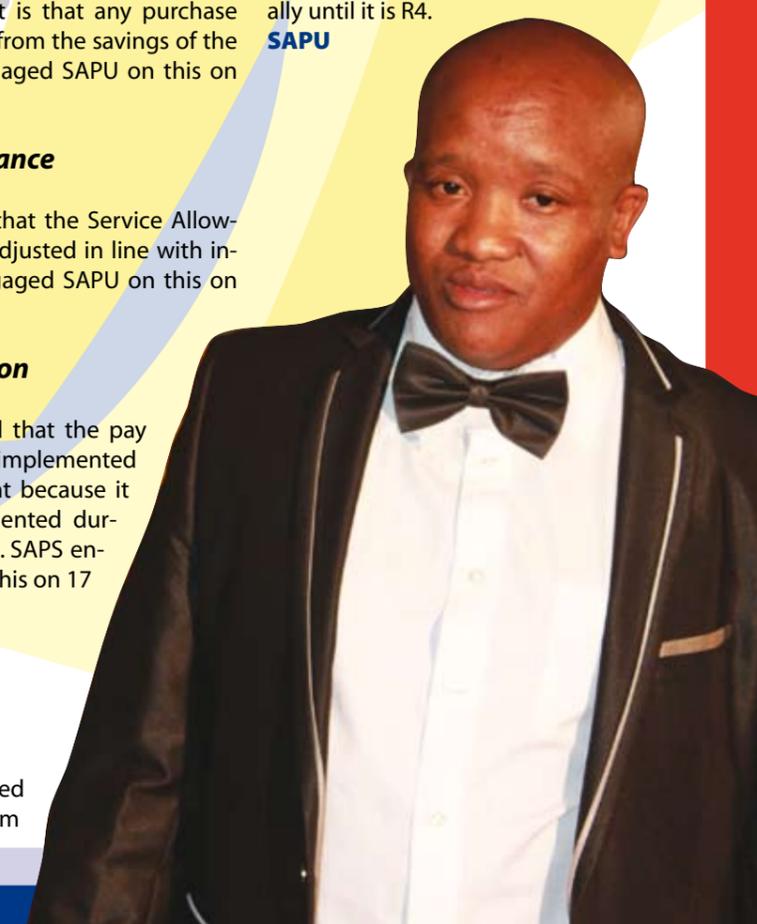
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Levy Increase for SSSBC

POPCRU wants a R2 increase in the levy by each member. This will result in a R4 increase in total as 50% is contributed by SAPS and 50% by the members. SAPU's position is that we cannot increase the levy whilst the SSSBC shows a saving of R17 million.

SAPS and POPCRU signed an agreement to increase the levy with 50c immediately and thereafter with 50c annually until it is R4.

SAPU





Helping the needy

Not all people in South Africa can afford decent lives. Others eke out a living on unlikely places such as dump sites which are also home to them. Tsietsi Tlake discovers this on a visit to Bothaville and urges SAPU members to help the poor and needy in the community whenever they can.

We asked the provincial office of the South African Policing Union (SAPU) to join us on our project at Bothaville South African Police Service (SAPS) where we wanted to give out clothes at a dumping site.

At about 14h00 hours, we left the station and went to the dumping site where we were joined by two officers - Captain Molutsi and Lieutenant Tsubane.

We managed to collect two big bags full of clothes - more especially from Mr Marupelo and Ms Tsoene who donated new clothes.

On our arrival at the place there were more than 20 people on that site. Most of them were aged between 12 to 18 years. Some old people were also present with their grandchildren.

Before we gave out the clothes I talked to the gathered community to

understand why they lived on the dump site. Most of them didn't have birth certificates and had no jobs. Therefore it was hard for them to live better. Instead of turning to crime they collected and sold scrap from the site. Some grandparents were left with children to look after when the parents went to cities to look for jobs and never came back.

Amongst the people we talked to was a 17-year-old girl mother of two. The children are aged three years while the younger one is only three-months-old.

Where were the children's fathers? Not far to look for an answer as they lived on the dump site and were both unemployed. They have tried to look for jobs but nothing came their way.

Touched by the teenage mother's plight Lieutenant Tsubane adopted her and the children and promised to take care of them and make sure that the young ones had a better life to that of their parents. Tsubane will assist them with food, clothes and medical support if need be.

With the help of a social worker I will also assist the mother to get child support grants for the children.

Despite their hardships the community was happy that we showed them



that we cared for them. As members of SAPU we committed ourselves to help this community every month, keep our commitment for the rest of the year and even go beyond if resources permitted.

This shows that SAPU cares for needy communities. Some of us have lots of food which we sometimes throw in dust bins. Yet there are lots of people who need that

food. My appeal to other SAPU members is: please make a difference to your communities.

Viva SAPU Viva, Viva. Brummage, Viva.

Tsietsi Tlake
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SAPU



The Alberton six are back!

Colonel Van Vuuren, Lieutenant Colonel Solly Maswanganyi, Captain Thokozane Ximba, Captain Rumdutt, Sergeant Dannies Bruines and Sergeant Swanepoel were on 13 December 2013 acquitted after being charged and suspended following the theft of a safe by an unknown suspect at Alberton police station.

The South African African Policing Union (SAPU)'s provincial full time shop steward, Steve Nkuna, took up the matter and represented them and they are back at work.

Before the trial could begin SAPU wrote several letters to the provincial commissioner requesting for the suspension of the members to be lifted as they were contravening the provision of Regulation 13 (4) and Section 23 of the Constitution read with Section 185 of the Labour Relations Act. The response that came through was that the chairperson of the trial must make a decision and this never happened.

The provision of Regulation 13 (4) clearly indicate that if an employee is suspended with full

remuneration or transferred as a precautionary measure, the employer must hold a disciplinary hearing within sixty (60) calendar days from the commencement of the suspension. This is one of the regulations that the employer violates all the time as what happened in the Alberton case. The member's trial commenced 210 days after suspension.

During January 2014 when finally various charges were put forward in a formal sitting it was very clear that the employer had no reason to charge them in the first place. With lots of discrepancies throughout the trial, the employer representative already knew that he was losing his case and the chairperson finally found them not guilty.

With reference to the letter written by SAPU and

signed by all members, the six were so ecstatic and thanked the union for being there for them all the time.

This is yet another case which shows lack of compassion and care towards employees by the South African Police Service. For if the SAPS, as the employer, has such little faith in their officers, what about the country.

Lesego Ntlatleng is the Provincial Secretary for SAPU in Gauteng.

SAPU



Together we will make a difference





Never too late to join SAPU

On 12 November 2013 W/O T.W Phaka of KwaMhlanga South African Police Service (SAPS) received a notice of suspension without salary or benefits. He asked for help from his union and could not get it. He finally approached the South African Policing Union (SAPU) and was assisted with representation.

in question the member had no other documents except the notice to appear at a disciplinary hearing. Before the start of the trial another member arrived and indicated that he was charged together with warrant officer Phaka. He also did not have a representative. Fortunately he had all the required documents. I asked for a postponement for him to get a representative and the case was postponed to 26 February 2014.

The suspension effective from 12 November 2013 came to light when he pleaded with me to assist him with the case because he had tried elsewhere to no avail.

Later on he received a notice to appear at a disciplinary hearing on 11 February 2014. On the day

On the trial date the member arrived and I represented them both. Their charges were: 1. Regulation 20 (p) in that they conducted themselves in an improper manner by failing to safeguard a detainee. 2. Regulation 20 (z) in that they committed a common law offence (aiding an escapee). Both members



were found not guilty and they immediately joined SAPU. It is high time that members in Department of Correctional Services, SAPS, Traffic and Metro police join SAPU because it is the only union in these sectors which cares about workers' needs. Members must not only join

SAPU once their careers are on the line.

**VIVA SAPU VIVA!!!!
Jerry Vusi Sibiya**

SAPU



Waiting for implementation of resolution

Since the signing of the popular resolution 1 of 2007, members of Department of Correctional Services (DCS) were still hopelessly waiting for the total implementation of the Resolution writes E.T. Peter.

Members who qualified in terms of long service awards were heavily taxed when they received the money. Recognition of qualifications is still a dream which doesn't seem like it will ever be realised. Adjustment of scales for long serving members is still not implemented.

It is clear that the government is not negotiating in good faith which is why time and again they have been taken to court to implement agreements. Seven years down the line, yet we are still waiting for the total implementation of the OSD. How serious are these agreements and are they binding when they are not implemented?

Golden Miles Bhudu was correct when he was calling Correctional Services, 'Corruptional Services'. We all had high hopes that after the Jali Commission of Inquiry things would change for the better. But it is clear that it was just a waste of tax payers' money because nothing has changed. If you apply for a senior position, you go for an interview whilst you know



that the post already has a name attached to it.

In the Eastern Cape's St Albans management Area, members' morale is down to zero. They are stressed, and most of them embark on I.O.D or T.I.L. They are stabbed on daily and weekly basis by the in-mates, and no solution is coming from management. Instead they insist that the shift system of 12 by 2 that they introduced is working.

When members defend themselves against inmates, managers are quick to phone the police and open cases against members. Minister Sbu Ndebele made empty promises saying 2013 was a year of Correctional Officials, but he gave nothing or improved anything. The only thing he did was to waste money with a failed and unnecessary concert in East London.

When members discuss their plight you can see that they are very frustrated and as such they will go as far as comparing the period when DCS was under Inkhatha ministers like Ben

Skosana and Dr Mzimela who protected the interests of the employees. The so-called recognised unions are useless and toothless. They forget that the duty of the unions is about bread and butter issues of the working class.

The members of DCS are pleading with SAPU as the only wagon of hope to help and intervene in addressing the following issues:

- a. Bringing back the promotion policy
- b. Recognition of long service and experience
- c. Notch increases
- d. Immediate processing of medical board applications
- e. Scrapping of payment

of danger allowance on pro-rata basis

- f. Transfer DCS to Safety and Security Sector Bargaining Council (SSSBC)
- g. Change the way the seven day establishment is done.

All members of DCS are invited to join this progressive union where you have a right to join a political party of your choice.

Viva SAPU Viva! Amandla back to the workers!

E.T. Peter is the Eastern Cape Provincial Chairperson.

SAPU





Arbitration award

The South African Policing Union (SAPU) responded to a case of arbitration against the South African Police Service (SAPS) on behalf of Col. G.G Maistry. Colonel Maistry was represented by SAPU organiser, Mogale Mmutle.

The case was that Col. Maistry had applied for an advertised post

but was not appointed to the position. However, he sought the help of SAPU as he believed that his being passed over for the promotion was due to an unfair labour practice regarding the appointment.

Col. Maistry believed the panel had overlooked him for the position of Operational Commander at Oliver Reginald Tambo International

The case was riddled with errors that Col. Maistry and SAPU believed were the primary reasons for him not having been appointed

Airport. The colonel having previous experience from working at the Durban International Airport, believed that this would be to his advantage and be seen in such light as the other short listed candidates had no such experience. The colonel also fell under a designated group as an Indian male and believed that this should also have been to his benefit.

The case was riddled with errors that Col. Maistry

and SAPU believed were the primary reasons for him not having been appointed.

However, upon the deliberation of all evidence handed in to the arbitrator, a decision was taken. Even though the SAPS was not found guilty of unfair labour practices in substance, the SAPS had committed an unfair labour practice in the procedures. Col. Maistry was to be awarded compensation due to him. Yet another successful case for SAPU.

SAPU



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082 200 5310 / 053 832 4737
- Port Elizabeth**
38 Pickering St, Newtown Park, PE
071 695 9526 / 041 365 0101



Another victory in Phokeng

The South African Policing Union continues to score some victories when it comes to legal representation of its members.

Three South African Policing Union (SAPU) members from South African Police Service (SAPS) Phokeng, Sergeant BG Matoma, Constables GS Segale and KM Morule, were charged with corruption and extortion. It is alleged that they demanded and received a sum of R2000 from an employer in return for releasing two of his employees arrested for being illegal immigrants.

After consultation with the members and the perusal of all evidence it became evident that the members were not guilty of the alleged transgressions inter alia for the following reasons:

- Contradictions between the versions of the two officers who confronted our members
- The versions of the two illegal immigrants who stated that they were detained at the Phokeng police station contrary to our witness who said no such detention happened on that day.

During the disciplinary hearing the above became evident and that the complainant, the employer, contradicted himself with regards to his statement, evidence in chief and answers in cross examination to such an extent that he at one stage he disowned the contents of his written statement saying it did not reflect what he said. For example, he testified that he wrote down the serial numbers of the money – 17 notes which

On a balance of probabilities, taking the material contradictions in the employer's case into consideration, the testimonies of our members whose credibility could not be tarnished, and the testimony of our witness, our members were found not guilty on all charges.

amounted to R2000 which he handed to our members to release his employees but the documentary evidence only indicated only 11 serial numbers.

Our members' version was that they did confront the employees of the complainant; and that they telephonically informed the employer to produce the valid documentation. They left to have lunch, the complainant enquire where they were and visited them and gave them a R100 for lunch and left. Only later did he report the alleged corruption and extortion at the police station.

On a balance of probabilities, taking the material contradictions in the employer's case into consideration, the testimonies of our members whose credibility could not be tarnished, and the testimony of our witness, our members were found not guilty on all charges.

More successes

SAPU obo of MS Mnisi on 30 January 2014 obtained an court order against SAPS from the Labour Court ordering that the arbitration award under case number PSSS 613-10/11 dated 12 November 2012 is made an order of the Court.

Our member was found guilty of armed robbery at a disciplinary hearing and a sanction of dismissal was

imposed. An unfair dismissal dispute was referred to the Safety and Security Sector Bargaining Council (SSSBC) and finalised on 12 November 2012 where the arbitrator made the following award:

- a. The applicants dismissal was substantively unfair;
- b. The Respondent, South African Police Service, is ordered to reinstate the Applicant MS Mnisi in its employ on terms and conditions no less favourable to him than those that governed the employment relationship immediately prior the dismissal;
- c. The reinstatement is to operate with retrospective effect from 21 December 2009;
- d. As at the date of the award the remuneration due to the Applicant as a result of the retrospective operation of the reinstatement amounted to R8489-93 X 34 = R288 667-62



- e. The amount is to be paid to the Applicant within 14 days of the respondent being notified of this award; and
- f. The applicant is to tender his service to the Respondent within 48 hours becoming aware of this award.

SAPS opted to take the award on review to the Labour Court and therefore did not implement the award. They also did not pursue the review and did not act when SAPU placed them on terms to comply with the said award.

With the court order in hand SAPU will now give the National Commissioner 14 days to comply with the order and the award. In the absence thereof a writ of execution will be obtained and contempt of court procedures will be instituted against the National Commissioner in the Labour Court.

SAPS has to pay the award amount to Mnisi as well as his remuneration as from December 2012 up to date.

The following court orders were also obtained:

SAPU obo Nel v SAPS: SAPS must pay the applicant 12 months acting allowance which is the difference in salary between a Lieutenant Colonel and Colonel.

SAPU obo Singh v SAPS: SAPS must promote Singh to the rank of Captain with almost R69 000 back pay plus remuneration as from date of award.

M.L. Letebele is the SAPU Provincial Chairperson for North West



Thumbs up Reynier Botha

I wish to extend my appreciation to the Regional Chairperson for Port Elizabeth and Eastern Cape: Mr Reynier Botha.

Members attached to Walmer South African Police Service (SAPS) performed election duties during the May election 2011. Although the members worked for 23 hours consecutively, they were only paid for one day. Several meetings were held regarding the outcome of requests that were supposed to be submitted regarding the payment of R700 for 19 May 2011 to the members who performed election duties. Regardless to say, I had to register a grievance in this regard. With the sustained assistance of Reynier Botha we attended the arbitration meeting during December 2013 and received a victorious outcome in February 2014 stating that the members must be awarded the extra R700 for duties performed on 19 May 2011.

I appreciate the assistance and perseverance from Reynier Botha for the major part that he played in my grievance.

Captain Tania van Graan
Walmer: Human Resource Management
 Tel: 041 – 581 0843
 Fax: 041 – 581 1376



WHY YOU SHOULD JOIN SAPU

SILILANABO BENEFITS: SAPU MEMBERS ONLY

- Paid up SAPU Member R5 000.00
- Partner R4 000.00
- Children (14 to 21 at entry) R3 000.00
- Children (6 to 13 at entry) R2 000.00
- Children (birth to 5 at entry) R1 000.00

- Free professional advice from our legal team
- Free representation in disciplinary proceedings
- Free Union Post on a quarterly basis – your information paper.
- Free representation in the grievance procedure and arbitrations (SSSBC)
- Collective Bargaining (SSSBC & PSCBC)
- Free social grant to family of deceased members and direct family

For more information, contact your local SAPU Provincial Offices!



MEMBERSHIP APPLICATION

SOUTH AFRICAN POLICING UNION

Private bag X900, Pretoria, 0001 • Tel: 0861 927278 / Fax: (086)756341

PERSONAL DETAILS

ID Number: _____ Date of Birth: _____
 First Names: _____ Surname: _____
 Initials: _____ Title: _____ Gender: _____ Marital Status: _____ Language: _____

PERSONAL CONTACT DETAILS

Tel Number: () _____ Cell Number: () _____
 Full Home Address: _____
 Postal Address: _____

EMPLOYMENT DETAILS:

Full name and address of employer: _____

 _____ code _____
 Email address: _____
 Employee number: _____
 Rank: _____
 Station/Unit: _____
 Region/Province: _____
 Tel: _____
 Fax: _____

I the undersigned, hereby apply for membership of the South African Policing Union and undertake to uphold the provisions of the Union as set out in the constitution.

SIGNATURE _____ DATE _____

Employee number: _____

Surname and Initials: _____

Telephone Number: () _____ ID Number: _____

I request and authorise the Employer's Accounting Officer to deduct a single amount of R45.00 as admission fee and a monthly membership fee of R45.00 from my salary as from date of this application. The monthly deductions must continue until such time I cancel in writing.

SIGNATURE _____ DATE _____

FOR OFFICE USE ONLY:

Name of Rep _____ Persal Number: _____

Provincial Office: _____ Date: _____

STOP ORDER



MEMBERSHIP APPLICATION FORM B



SOUTH AFRICAN POLICING UNION

85 Rauch Avenue, Georgeville, Pretoria 0184

Private Bag X900, Pretoria, 0001, Tel: 012 804 2088 SAPU Fax: 086 7563431

Personal Details:

First Names: _____

Surname: _____

Initials: _____ Title: _____ Gender: _____

Marital Status: _____ Language: _____

Tel Number (____) _____ Cell (____) _____

Dependants Details:

Spouse Name: _____

ID Number: _____

Initials: _____ Title: _____ Gender: _____

Tel Number (____) _____ Cell (____) _____

1) Name: _____ Gender: _____ I.D. No: _____

2) Name: _____ Gender: _____ I.D. No: _____

3) Name: _____ Gender: _____ I.D. No: _____

4) Name: _____ Gender: _____ I.D. No: _____

5) Name: _____ Gender: _____ I.D. No: _____

Signature of Member: _____

Signed at: _____

Date: _____

Know your brand, know your organisation and know what you represent

It is not just a star, it represents the following:



Tact: Skill and sensitivity in dealing with others on difficult issues [when negotiating at the Chambers we always strive for what is best for our members]

perseverance: Continue in a course of action in spite of difficulty [we will fight for our members no matter what they say to belittle us]

Gallantry: Courageous behaviour, especially in battle [we will exist for life, we are here to stay]

Loyalty: A strong feeling of support on allegiance [loyalty cannot be bought, it is where you belong]

Explicitness: Stated clearly and precisely [we say things without fear or favour]

Observation: The action on process of closely monitoring [we will closely monitor SAPS on implementataion of its programmes]

Sympathy: Feelings of pity and sorrow for our members' misfortunes [we have investments for our members to take care of their different needs under their own company Dibanani]

Dexterity: Skill in performing tasks [we are very professional when it comes to represent our members in grievances and departmental trials]

The colours on your brand

Mustard Yellow = Love and overcoming challenges

Royal Blue = Sincerity

Black = Wisdom

White = Perfection

This is what you represent, understand your brand, wear your star with pride, walk tall and do not be shy to tell them your values and ethics. Do not allow them to tell you who you are. Tell them about yourself, your brand and organisation.

Viva SAPU Viva!



Dibanani Call Center number
0861 378 887
and we will call you back.

Do you know?

Dibanani is a SAMPUNG's own investment wing established to continuously look at ways of enhancing innovative and customised benefits of members, busting the bullfrog within the Union?



Dibanani Financial Services

Savings Products (wealth creation)
and Risk Products (protection of
family and estate)



Dibanani Legal

Legal Products & Accreditation



Dibanani Kakopo

Loans



Dibanani Communication

Prepaid Contracts



Dibanani Property

Holiday

