



Custodian of Good Governance

PULSE

OF THE PUBLIC SERVICE COMMISSION



PUBLIC SERVICE
BUILDING AN ETHICAL
PUBLIC SERVICE: FOLLOWING
THE FOOTSTEPS OF NELSON
MANDELA

COMPLIANCE
NON-PAYMENT OF
GOVERNMENT SUPPLIERS

COMMISSIONERS
THE PSC WELCOMED THREE
COMMISSIONERS IN ITS
EMPLOY DURING THIS
CURRENT FINANCIAL YEAR



Custodian of Good Governance

CONSTITUTIONAL MANDATE

The PSC derives its mandate from sections 195 and 196 of the Constitution, 1996.

The PSC is tasked and empowered to, amongst others, investigate, monitor, and evaluate the organisation and administration of the Public Service.

This mandate also entails the evaluation of achievements, or lack thereof of Government programmes. The PSC also has an obligation to propose measures that would ensure effective and efficient performance within the Public Service and to promote values and principles of public administration as set out in the Constitution, throughout the Public Service.

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1. INTRODUCTION

This edition of the Pulse of the Public Service Commission covers the period 01 April to 30 June 2022 which is the first quarter of the 2022/23 Financial Year. The Public Service Commission (PSC) uses this Bulletin as a platform to brief its stakeholders, such as members of the public, public servants and Legislatures, on a quarterly basis about its mandate of overseeing the effectiveness and efficiency of the Public Service. The PSC is of the view that stakeholders should use the Bulletin as a source of information on the state of the Public Service.

This edition of the Pulse focuses on matters relating to amongst others, building an ethical Public Service, ethics in recruitment and selection processes, participation by the public in the affairs of government, non-payment of government suppliers within 30 days, and the overall number of complaints and grievances handled by the PSC up to 30 June 2022. The profiles of the newly appointed PSC Commissioners are also included in this edition as well as the Citizen's Forum event that was held in the North West.

2. BUILDING AN ETHICAL PUBLIC SERVICE: FOLLOWING THE FOOTSEPS OF NELSON MANDELA

The month of July has been named the Nelson Mandela month and it is commemorated in various ways. The country is inspired by his exemplary role modeling of being an ethical leader of our times. July is an opportunity to rejuvenate the commitment of public servants to serve the people of South Africa and the continent. The process of reigniting the commitment to serve humanity cannot be complete without checking the extent of the collective moral compass.

Public servants have to be ethical leaders and they have a duty to advance the public interest or service to the nation ahead of power and self-enrichment. It is only through ethical leadership that they can achieve the objectives of the Constitution and the National Development Plan (NDP) on eradicating poverty and corruption. The media reports on corruption, state capture and the declining economy are the worrying factors. South Africa has become one of the countries with high levels of unethical governance, in both private and public sector. The corporate scandals revealed during the Commission of Inquiry into Allegations of State Capture of enquiry illustrate that there is high level of unethical behaviour within the leadership of the public service.

South Africa is in need of leaders that are courageous and resilient in order to build institutions that are deeply embedded with ethical values. This is a precursor towards having responsible citizens in the society. It is for this reason that there is a saying that "you are a member of society before you are a professional", therefore it can also be said that the two are not mutually exclusive. Having professionals who are ethical is a foundation for enabling the society to be ethical.

The country is in need of a capable, ethical and developmental state. To succeed in achieving this objective, there is a serious need for meritocratic public servants or technocratic autonomy. Largely, this is because, for the state to be the anchor of both social and economic development, it needs capable ethical leaders and technocratic autonomy with vision and courage of their conviction.

The PSC is charged with the responsibility of promoting the Constitutional Values and Principles (CVPs) that guide public administration in the country. These values and principles will remain a dream that cannot be realized if there are no ethical leadership steering public institutions in a manner that gives life to the letter and spirit of the Constitution.



3. ETHICS IN RECRUITMENT AND SELECTION PROCESSES IN THE PUBLIC SERVICE

The Constitution of South Africa, 1996, requires public servants to maintain a high standard of professional ethics when discharging their duties in the Public Service. In addition, the Public Service has various legal and regulatory frameworks as well as the Public Service Integrity Management Framework for ethics management. The senior management echelon, Ethics Officers as well as internal and external auditors have a role to play in ethics management. Due to the increasing focus on service delivery, the need to fast-track service delivery is often prioritized at the expense of doing what is right, hence emphasis on ethics is needed. Another concern is that the Public Service ethics management framework and programmes are more focused on the disclosure of interests during procurement processes, whereas there is a limited focus on human resource management (HRM) practices which are amenable to unethical conduct.

Specifically, the PSC has observed that despite having sound legislative and regulatory frameworks in place, ethical and moral challenges continue to undermine the NDP Vision 2030's efforts of building a capable and developmental state, which ultimately impacts on organizational performance and service delivery. The HRM practitioners, time and again, have witnessed undue influence and ethical dilemmas that bring the entire HRM profession into disrepute. Examples of such practices include amendments of job requirements during shortlisting processes and conflicts of interest amongst recruitment and selection panel members due to failure to disclose crucial information during recruitment and selection processes. The magnitude of the challenge is supported by the high number of grievances relating to recruitment and selection that are referred to the PSC by employees and complaints received from members of the public, as well as allegations reported through the various media platforms.

In order to gain a deeper understanding of the various challenges, during the 2021/2022 financial year, the PSC conducted a study titled "Ethics in recruitment and selection processes in the Public Service". Overall, the findings of the study alluded to a complex relationship between non-compliance with prescripts, unethical practices and positional power in departments. In particular, the findings highlighted that at the beginning of the recruitment and selection process (i.e. at advertising stage), recruitment and selection prescripts are followed, however, the challenge begins at the shortlisting and interviewing stages where abuse of power by senior managers, including Accounting Officers and Executive Authorities (EAs) is witnessed by panel members, when dealing with Senior Management Service (SMS) positions. The HR Practitioners do not prevent such unethical actions due to fear of reprisal, harassment, victimisation and workplace bullying by some middle or senior managers and panel members

The informed view of the PSC is that unethical practices are characterized by senior managers' covert and overt tendencies of not adhering to recruitment and selection policies and regulations as well as failure to uphold a high standard of professional ethics. Furthermore, unethical recruitment and selection practices expose employees, especially HR practitioners, to ethical conflicts, compromised HR practices and strained relations that result in employees being despondent, frustrated and emotionally exhausted. While it is expected that Ethics Officers will play a vital role in promoting ethical conduct, there are perceptions that some Ethics Officers and employees who are appointed to serve in various recruitment and selection committees are utilised as moles by senior managers and executives to identify and report whistleblowers and/or to hide dishonest recruitment and selection processes. This amounts to unethical conduct and it affects the morale of the public servants negatively.

As part of professionalising the Public Service, concerted effort should be dedicated towards capacitating HR Practitioners including line function managers, to deal with actual and/or perceived unethical recruitment and selection practices given the centrality of ethics in professionalising the Public Service towards building a capable and developmental state. Public servants are encouraged not to compromise their principles and ethics in pursuit of being in good books of managers or political principals.

The Departments must conduct in-depth awareness and training for HR practitioners on how to handle ethical challenges during recruitment and selection processes to ensure ethical hiring decisions. Likewise, as part of strengthening awareness in the Public Service, the National School of Government (NSG), with the support of the Department of Public Service and Administration (DPSA), must incorporate HR professional ethics when conducting compulsory training and workshops on the Public Service Ethics Framework. In addition, the DPSA should, starting from the 2022/2023 financial year, make it compulsory for all public servants from levels 2 to 16 and EAs to re-internalize and sign the Constitutional Values and Principles and anti-corruption pledges as well as the Code of Conduct annually and such documents should be filed by the departments and employees should display these documents in their work spaces as a constant reminder of what is expected of them and what they have committed themselves to.

Since it is common knowledge that unethical conduct is the antithesis of creating a capable, professional and developmental state, public servants who conduct themselves unethically should be held accountable and those reporting unethical behaviour should be protected.

4. PUBLIC PARTICIPATION – TOWARDS SOCIAL INCLUSION AND A BETTER LIFE

In South Africa, the agenda for public participation is inspired by the objectives of a people-driven development that is traceable to the Freedom Charter of 1955. The Freedom Charter boldly proclaims that no government can justly claim authority unless it is based on the will of all the people and that all people shall be entitled to take part in the administration of the country. Section 195 (1)(e) of the Constitution states that the people's needs must be responded to, and the public must be encouraged to participate in policy-making. Yet it is evident from the mushrooming of protests that citizens are with the State because they are not consulted in the decision-making processes. While the immediate cause of these protests may be triggered by matters such as poor service delivery, high crime rate, improper roads, lack of water and sanitation, and load shedding (the list is endless), the government is compelled to reflect on how collective public decision-making should be undertaken in partnership with the citizens. Public participation is the cornerstone of democracy and ensures that we do not leave anyone behind.

It is against this background that the PSC conducted a study on public participation. The main objectives of the study were to determine the level of mainstreaming of public participation in government programmes, assess public participation processes undertaken by various programmes within departments and make recommendations on mainstreaming and strengthening public participation processes in government. The study was conducted at Regional Offices of the Department of Mineral Resources and Energy (DMRE), Provincial Shared Services Centre (PSSC) of the Department of Agriculture and Land Reform and Rural Development (DALRRD).

The PSC's findings have shown that public participation tends to be characterised by mechanistic compliance-driven information sharing rather than greater participant involvement. In the DMRE, the legislation puts a lot of emphasis on the applicants of the mining rights driving a participation process that must yield meaningful consultation. It was found that the DMRE does not deal directly with citizens in the consultation process, however, it plays an oversight and observer role to resolve disputes. Furthermore, the Social Labour Plans (SLP) guidelines state that mining companies must consult with the public before finalising their SLP. Evidence suggest that mining applicants do not fully consult affected and interested communities when finalising Social Labour Plans. Given the profit maximisation aim of the mining right applicant, the peripherisation of the DMRE inevitably skews the participation in favour of the driver of the participation process. The applicants are not best placed to adjudicate between competing interests of interested and affected parties. This is notwithstanding the amendments to the Mineral and Petroleum Resources Development Act (MPRDA) Regulations in 2020. These regulations provide non-compulsory participation by the Office of the Regional Manager.

Although for the DALRRD, the evidence indicates that the sectors lack an overarching framework for public participation. Public participation is episodic and reactive in nature and mainly focuses on a particular project/programme such as Land Development Support Programme (LDSP). In the LDSP, it was found that beneficiary participation in the input selection and support was circumscribed at least in the initial stages of the programme, however, the DALRRD asserts that this has since been resolved. This is likely emblematic of the level of input of beneficiary participation of departmental programmes.

Largely, the findings of the study attest that communities are disempowered by the public participation process which is mostly pitched at informing and consultation rather than involvement, collaboration and empowerment.

The PSC has, however, observed a widened gap between government and the citizens through its various studies and service delivery inspections. Undeniably, the need for public participation is non-negotiable in a democratic state like South Africa. For effective and efficient service delivery to take place anywhere in the world, the beneficiaries need to be consulted and also be allowed to be part of decision-making in order to ensure that their needs are identified and responded to.

The PSC recommends that the state organs should develop trusting relationships with communities that they serve, conduct public participation in predominant local languages and involve communities in decision-making. Furthermore, it is crucial to develop an overarching framework for public participation across all government departments.



5. PSC HOSTS THE CITIZENS FORUM IN NORTH WEST

In the spirit of improving service delivery to address the needs of the citizens and restore trust in government, the PSC in partnership with Ratlou Local Municipality in the North West Province hosted the Citizens Forum on Wednesday, 22 June 2022. The event took place at **Thusong Service Centre, in Setlagole Village.**

The Citizens Forum which was attended by +/- 550 community members aimed to amongst others:

- evaluate service delivery in the area; assess the delivery of specific service delivery programmes;
- improve participation in the planning and implementation of service delivery programme; and
- make recommendations on how to improve service delivery.

Through the Citizens Forum, residents of the Ratlou Local Municipality were afforded an opportunity to engage with various institutions on issues affecting service delivery in respect of the following matters, amongst others:

- Non-electrified houses;
- Water shortages and poor sanitation such as
- the use of pit latrines in schools; and
- Applications for identity documents and birth certificates.

Some of the key Provincial Departments, the Premier's office, some National Departments like Home Affairs; Water & Sanitation; Employment & Labour; Mineral Resources & Energy; Agriculture, Land Reform & Rural Development; South African Police Services, Institutions Supporting Democracy, were in attendance to provide services such as the application of birth certificates, Identity Documents, UIF registration, amongst others. Other dignitaries that were in attendance included the Mayor of Ratlou Municipality, Cllr. M Jafta and Kgosi Phoi from the Traditional Council and his entourage.



6. NON-COMPLIANCE WITH THE 30 DAYS PAYMENT

South Africa's unemployment rate stubbornly hovers around 34.5%, which is considered to be amongst the highest in the world. The consequences of the high level of unemployment is devastating, resulting in poverty, social exclusion, inequality, crime and social instability and therefore South Africa has to urgently create employment opportunities by using all the available resources at its disposal. The growth and sustainability of the small business sector is seen as one of the vehicles that can contribute to economic growth and employment. As the government is one of the main procurers of services from small businesses, its commitment must be matched with the timeous payment of invoices. However, the late payment of suppliers by government departments threatens the sustainability and survival of many small businesses.

The late payments at times affect these small businesses to such an extent that by the time they get paid, the businesses have already collapsed. In this regard, the statistics on liquidations and insolvencies released by Statistics South Africa reported that the total number of liquidations increased by 9.8% in June 2022 compared with June 2021. There is no doubt that some of the liquidations were within the sector of the Small, Medium and Micro Enterprises (SMME). During the PSC consultative session with key stakeholders in the North West Province on 26 May 2022 at the Ratlou Local Municipality in the Setlagole Village, one of the concerns raised by suppliers was the government's late payment of suppliers which led to them reporting the matter to the PSC.

As many small businesses do not have large cash flow reserves, the late or non-payment of invoices has a deleterious effect on the financial health of the businesses who then may be forced to borrow in order to stay financially afloat. However, the difficult economic climate in South Africa means that borrowing has become costlier. The South African Reserve Bank's Monetary Policy Committee recently announced a hike in the repo rate by another 75 basis points to 5.5%. This means businesses need to use more of their earnings to pay interest on loans, which decreases profits. This may result in the suppliers incurring additional cost of borrowing in terms of interest charges. In some cases, cash flow problems will force businesses to reduce operational costs through the retrenchment of staff as a means to forestall business closure.

Given the limited cash flow reserves of many small businesses, the persistent power outages as a result of the country's electricity infrastructure challenges further impacts on the overhead costs. Many of these businesses cannot afford alternative power solutions such as generators or solar systems which makes it even more difficult for them to stay competitive. The economic downturn that was caused by COVID-19 as well as the general slow economic growth in South Africa has created a very difficult environment for the sustainability of many small businesses. In this context, it is crucial for government departments to meet their legal obligations to ensure that invoices of suppliers are paid within 30 days as regulated in the Public Finance Management Act (PFMA).

Table 1: Non-payment of suppliers by National Departments

National Department	April		May		June	
	Number	Rand Value	Number	Rand Value	Number	Rand Value
Agriculture, Land Reform and Rural Development	83	R2 206 384	6	R58 822 226		
Basic Education	0	R 0	0	R 0	0	R 0
Civilian Secretariat for the Police Service	0	R 0	0	R 0	0	R 0
Cooperative Governance	0	R 0	1	R81 368	0	R 0
Employment and Labour	0	R 0	0	R 0	0	R 0
Forestry, Fisheries and Environment	35	R3 607 433	20	R3 394 680	7	R71 720

National Department	April		May		June	
	Number	Rand Value	Number	Rand Value	Number	Rand Value
Government Communication and Information Systems	0	R 0	0	R 0	0	R 0
Health	0	R 0	0	R 0	0	R 0
Home Affairs	3	R2 361	0	R 0	2	R14 806
International Relations and Cooperation	0	R 0	0	R 0	0	R 0
Mineral Resources and Energy	2	R8 000	0	R 0	0	R 0
Public Works and Infrastructure (Main Account)	0	R 0	3	R135 743	1	R11 154
Public Works and Infrastructure (Trading Account)	22	R2 224 370	18	R6 551 965	23	R3 010
Social Development	1	R111 803	0	R 0	4	R92 567
Sports, Arts and Culture	0	R 0	0	R 0	0	R 0
Statistics South Africa	0	R 0	0	R 0	6	R599 146
The Presidency	0	R 0	0	R 0	0	R 0
Tourism	159	R805 494	188	R1 189 196	149	R705 591
Traditional Affairs	0	R 0	0	R 0	0	R 0
Transport	0	R 0	0	R 0	0	R 0
Water and Sanitation (Main Account)	10	R9 993 450	1	R166 175	3	R19 647
Water and Sanitation (Trading Account)	22	R2 532 978	11	R103 616	764	R2 590 747
Total	254	R19 285 889	242	R11 622 743	959	R4 108 388

Source: National Treasury, Office of the Accountant-General. Exception Reports April-June 2022.

 Denotes late submission of the relevant report by the relevant department for the month by the set deadline

***Note: Departments that are not reflecting have no invoice outstanding.**

Table 1 shows that the number of unpaid invoices spiralled from 134 as at 31 March 2022 reported in the Pulse of quarter 4 of 2021/22 to 959 as at 30 June 2022. The departments of Tourism and Water and Sanitation contributed the most to the number of unpaid invoices and this must be seen as an indictment.

It is further disconcerting that the departments of Basic Education; Employment and Labour; Transport; Health and; Water and Sanitation (Trading Account) submitted reports late for the whole quarter 1. Of great concern is the Department of Agriculture, Land Reform and Rural Development which continuously submitted late for the first two months of the quarter and did not submit a report for June 2022.

The non-submission of the exception reports by departments shows disregard for their legal obligations and the late or non-payment by departments demonstrates little care for the plight of small businesses and their struggles.

Table 2: Non-payment of Suppliers by Provincial Government

Province	April		May		June	
	Number	Rand Value	Number	Rand Value	Number	Rand Value
Eastern Cape	31 114	R2 657 972 886	22 909	R2 887 904 084	14 143	R2 541 533 317
Free State			1068	R171 449 482		
Gauteng	16 982	R1 931 790 745			3 530	R1 334 443 888
KwaZulu-Natal	695	R483 060 243	1015	R337 644 555	669	R27 353 872
Limpopo	27	R4 426 670	121	R13 759 024	26	R3 533 130
Mpumalanga	28	R28 343 560	2 009	R81 211 112	3	R3 033 218
North West	9 464	R847 636 485	4 069	R443 272 332	3 769	R392 170 711
Northern Cape	1 603	R160 095 267	1 243	R57 759 458	1 131	R233 665 843
Western Cape	1	R17 261	3	R20 624	4	R31 293
Total	59 914	R6 113 343 117	32 437	R3 993 020 671	23 275	R4 535 765 272

Source: National Treasury, Office of the Accountant-General. Exception Reports April-June 2022.

 Denotes late submission of the relevant report by the relevant department for the month by the set deadline

With regard to provinces, Table 2 shows that the Eastern Cape, Gauteng and North West provinces were the main contributors to non-payment of suppliers as at end of the first quarter of 2022/23 financial year. Of great concern is the Free State which did not submit reports for April and June 2022, while Gauteng's report for May 2022 was also not submitted to the National Treasury. The provinces of Limpopo, Mpumalanga and Northern Cape submitted their quarter 1 reports late.

In the PSC's assessment of the challenges associated with the late payments of invoices, the following areas of concerns were identified:

- a) Systematic challenges
- b) Non-adherence to Supply Chain Management processes
- c) Poor financial management
- d) Lack of capacity
- e) Standard Chart of Account (SCOA) related system problems
- f) Incomplete documentation from suppliers to effect payment within 30 days
- g) Disputes between government departments and suppliers

7. OVERALL NUMBER OF GRIEVANCES HANDLED BY THE PSC UP TO 30 JUNE 2022

Up to the end of June 2022, the PSC had **241** registered grievances, including **147** carried over from the previous financial year as reflected in **Table 3** below.

Table 3: The number of grievances handled by the PSC during the first quarter of the 2022/23 financial year (Total numbers reflected are cumulative)

Grievances Received	1st Quarter (1 Apr - 30 Jun)
Total number of grievances received	241
Properly referred cases	206
No jurisdiction/Not properly referred	35

Of the **241** grievances, **35 (15%)** were not properly referred and **206 (85%)** were properly referred. Grievances which were not properly referred are those that were either being dealt with elsewhere, such as bargaining councils, and those that were still not finalized in the departments. The PSC is encouraged by the slight reduction in the referral of grievances outside the provisions of the Grievance Rules, 2003, however, Labour Relations Officers within departments are urged to ensure that on an annual basis employees are workshopped on the Grievance Rules. Whilst the PSC advises affected employees whose cases are not properly referred about the appropriate processes and procedures they should follow, Labour Unions are also called upon to play an active role in assisting their members in lodging grievances, and where the time-frame for lodging grievances has lapsed, to advise them accordingly.

The PSC has noted that of the **206** grievances that were properly referred to the PSC, approximately **95%** are referred by employees whilst **5%** are referred by EAs. The referral of grievances by employees is an indication that departments have failed to resolve these grievances internally within the prescribed timeframes. Irrespective of whether the referral is by the EAs or aggrieved employees, the **206** properly referred grievances are dealt with through investigation and mediation. The location of the **206** properly referred grievances is provided in **Figure 1** below.

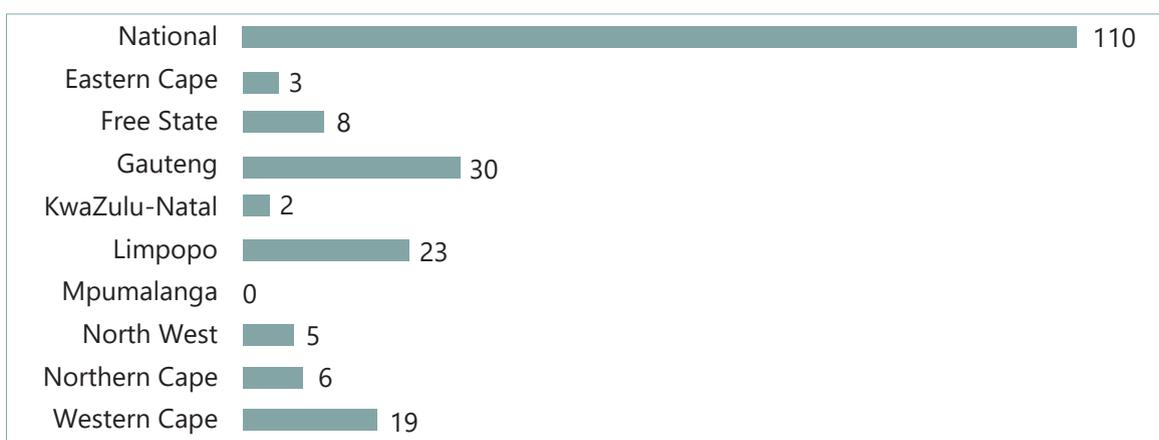


Figure 1: Location of properly referred cases

As shown in **Figure 1**, the majority of the properly referred grievance cases are referred by national departments, hence they are located at the National Office of the PSC, while **72** cases are located at the Gauteng, Limpopo and Western Cape provincial offices. The remaining **24** grievances are located in the other six (**6**) provincial offices. **Figure 2** (on the next page) provides an overview of the status of properly referred grievances.

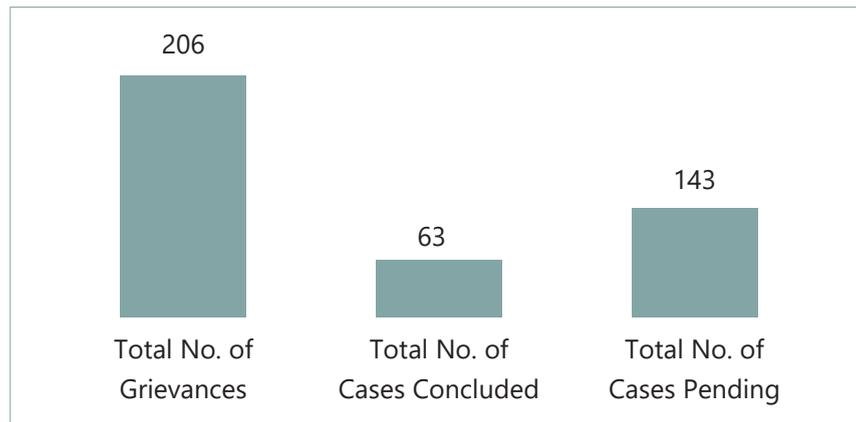


Figure 2: Status of properly referred grievances up to 30 June 2022.

While **63 (31%)** of the **206** properly referred cases were concluded by the end of June 2022, **143 (69%)** remained pending. Of the **63** concluded cases, **51 (81%)** form part of the **147** grievances carried over from the 2019/20, 2020/21 and 2021/2022 financial years. Delays in the finalization of cases can be attributed to amongst others, the lack of information from departments and aggrieved employees.

As indicated in **Figure 3** below, the majority of the properly referred cases relate to unfair treatment, filling of posts, performance assessment and salary problems.

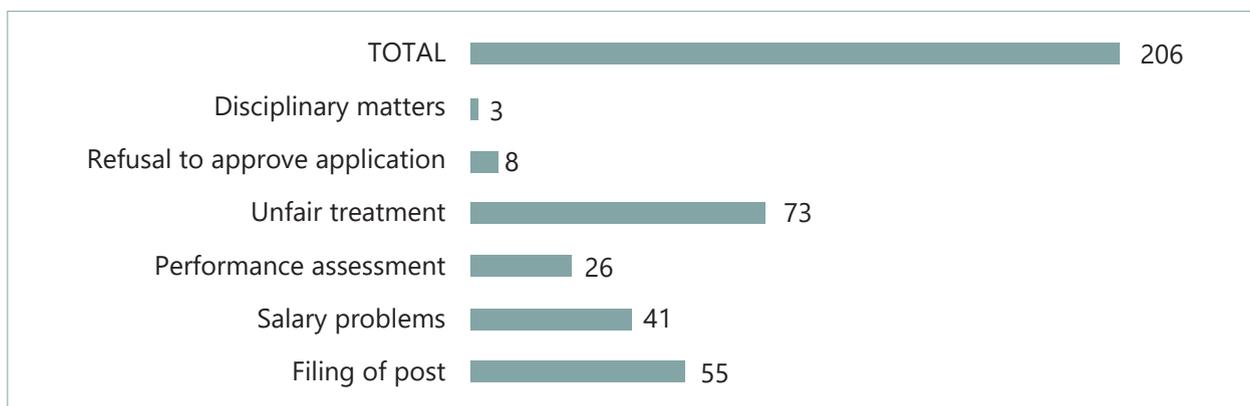


Figure 3: Types of properly referred grievances

Of the **73** unfair labour practice grievances, **50** were from national departments and the remaining few were from the nine (**9**) provinces. Unfair treatment cases mostly emanate from strained relations between supervisors and supervisees, resulting in supervisees perceiving any action by supervisors, such as questions about the employees failure to meet deadlines, as victimization or bullying. Other cases of unfairness emanate from employees not understanding that they may be assigned to do certain ad hoc functions or not being happy about not being appointed into positions in which they were acting.

Of the **73** unfair labour practice cases, only **22 (30%)** were concluded. Where it is clear that the grievance is caused by strained relations, the PSC usually recommends that employees and their supervisors should be subjected to conflict management training. Regarding the assignment of functions, the PSC takes time to explain the provisions of section 32 of the Public Service Act and also recommends that where necessary and possible, people should be appointed in acting positions and such acting appointments should be done in writing in order to comply with the regulations and departmental policies.

Impact of investigated grievances

The PSC intervened in a matter where there was a delay by a department to make adjustments of the overtime threshold for employees on salary level 8. Through the PSC's intervention, this matter which has been awaiting a determination for the threshold for overtime, night shift allowance and danger allowance since 2019, was resolved through the issuing of a determination covering the period in question.

Conclusion

The PSC would like to emphasise the importance of taking employee grievances seriously, instead of ignoring them or wishing them away through non-action and not providing feedback to affected employees. Silence on the part of the employer creates the impression that grievances are not taken seriously and such perceptions have the potential to demoralize affected employees and create more grievances.

8. OVERALL NUMBER OF COMPLAINTS HANDLED BY THE PSC FROM 01 APRIL 2022 TO 30 JUNE 2022

The PSC has the mandate to investigate, either of its own accord or on receipt of any complaint, personnel and public administration practices to report to the relevant EAs and Legislature. Personnel practices relate to for example, irregular appointments, transfers, qualifications and compensation related allegations, and public administration practices relate to, for example, procurement irregularities and poor service delivery. The own accord investigations undertaken are identified through an analysis of the trends of the complaints handled previously and through media reports.

It is important to note that when reporting a complaint to the PSC, the following information must be included:

- Who committed the wrongdoing (Department, person, organization, description, etc.)?
- What exactly did the individual or entity do?
- Where did the alleged activity take place (address)?
- When did the alleged activity take place?
- The extent of the involvement of the individuals and how were the individuals able to perform the alleged activity?
- Do you know why the person committed the wrongdoing?
- Witnesses, if any, who can verify the allegations?

Generally, complaints of corruption, maladministration etc, maybe reported through the following mechanisms:

- Telephonically with the **NACH Call Centre at 0800 701 701**.
- Verbally in person at any of the National or Provincial Offices of the PSC – the physical addresses are available on the PSC's website at **www.psc.gov.za**
- Via the PSC's website (**www.psc.gov.za**) – the contact details of the National Office / Provincial Offices are also available on the PSC's website.
- Via social media platforms, namely **Facebook - @OPSCSA <https://www.facebook.com/OPSCSA/>** or **Twitter - @OPSC_SA https://twitter.com/OPSC_SA**

8.1 Cases of alleged corruption received by the PSC through the NACH as at 30 June 2022 (first quarter) of 2022/2023 financial year

As at 30 June 2022, a total of **712 353** calls were reported since the inception of the NACH. These include dropped calls and those which were made for purposes of inquiries and seeking advice. A cumulative figure of **25 662** case reports were generated and referred to the departments and public bodies/entities for investigation.

During the first quarter of 2022/2023 financial year, the PSC recorded a total of **415** cases as shown in **Table 3** below. The total number of cases reported against national departments are **116**, provinces **88** and public entity **211**.

Table 3: Complaints reported through the NACH during the first quarter of 2022/2023 financial year

Provinces	First Quarter			TOTAL
	Apr-22	May-22	Jun-22	
Eastern Cape	1	2	4	7
Free State	2	0	0	2
Gauteng	9	13	9	31
KwaZulu-Natal	1	3	5	8
Limpopo	1	4	3	8
Mpumalanga	5	3	0	8
North West	5	2	1	8
Northern Cape	1	1	1	3
Western Cape	5	3	4	12
Public Entity	62	96	53	211
National Departments	33	52	31	116
Grand Total	125	179	111	415

Figure 4 below illustrates the number of complaints reported on a monthly basis during the first quarter of 2022/2023 financial year as at 30 June 2022. The largest proportion of complaints was received during the month of May with **179** complaints. The NACH received **125** complaints in the month of April 2022 whilst in the month of June, **111** complaints were received.

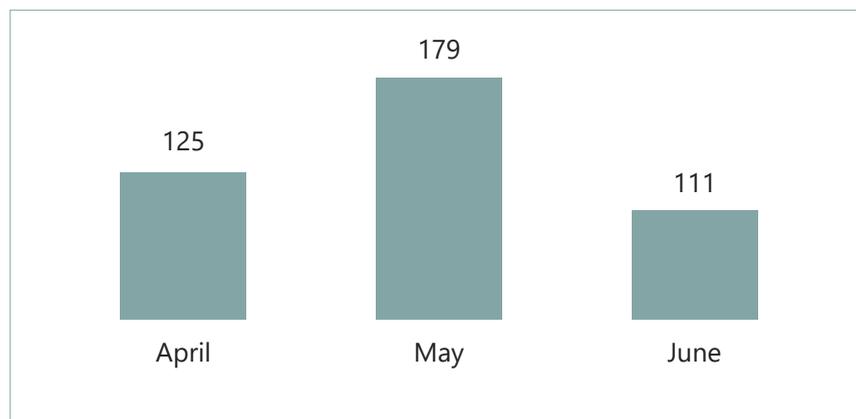


Figure 4: Complaints reported through the NACH during the first quarter of 2022/2023 financial year

8.1.1 Feedback on action taken by departments on cases referred for investigation

Table 4 on the next page shows the number of cases closed by the PSC during the 2022/2023 financial year. During the first quarter of the 2022/2023 financial year, **392** cases relating to national and provincial departments were presented to the Grievance and Complaints Panel (GCP) and closed through Early Resolution on the Case Management System of the NACH. Out of the **392** cases closed, **377** relate to cases which were reported during the previous financial years. In total **216** cases reported during the first quarter of 2022/2023 financial year are closed on the CMS of the NACH. Public Entities are only required by the PSC to report on the conclusion of these cases on a regular basis. Therefore, **203** cases were closed by SASSA.

NATIONAL/ PROVINCE	CASES REFERRED	FEEDBACK RECEIVED	% FEEDBACK RECEIVED	CASES CLOSED	% CLOSED CASES	OUTSTANDING CASES
National	116	0	0	0	0	116
Eastern Cape	7	0	0	0	0	7
Free State	2	0	0	0	0	2
Gauteng	31	7	23	7	23	24
KwaZulu-Natal	9	0	0	0	0	9
Limpopo	8	2	25	3	26	6
Mpumalanga	8	0	0	0	0	8
North West	8	0	0	0	0	8
Northern Cape	3	0	0	0	0	4
Western Cape	12	4	36	4	36	8
Public Entities	211	n/a	n/a	203	96	8
TOTAL	415	13	3	216	52	199

During the first quarter of the 2022/2023 financial year, **31** feedback of alleged corruption relating to national departments were submitted to GCP for the determination of the closure and **363** feedback of alleged corruption relating to provincial departments were presented to the provincial panels and closed through Early Resolution. All the **363** cases relating to provincial departments were unsubstantiated. A total of **31** cases relating to national department were closed as reflected below.

- Water and Sanitation submitted four (**4**) feedback relating to procurement irregularities and fraud. The investigation found that the allegations were substantiated. Disciplinary actions were taken against the six (**6**) implicated officials and sanctions imposed included final written warning, one (**1**) to three (**3**) months suspension without pay and criminal cases were opened with the SAPS against the officials.
- The Department of Justice and Constitutional Development submitted seven (**7**) cases for alleged failure to implement the decision of the former Director-General which included, fraud, unethical behaviour abuse of government resources and conducting remunerative work outside of the public service. Four (**4**) allegations were unsubstantiated and three (**3**) were substantiated. Disciplinary actions were recommended against the implicated officials.
- The Department of Home Affairs submitted six (**6**) feedback relating to delay in processing an application of permits by the Department, unethical behaviour and solicitation of bribes from foreign nationals who seek residential permits and work permits and identity document fraud. Five (**5**) cases were unsubstantiated and one (**1**) case substantiated. The sanction of dismissal was imposed against the official implicated and a criminal case was opened against the official with the police.
- The Government Pension Administration Agency submitted one (**1**) case of allegation of delay in the payment of pension pay out. The allegations were addressed and **40** beneficiaries out of the **71** were paid their pension benefits, **1** complainant submitted an incorrect pension number, **3** complainants are still in service and documentation were sent for manual payment in respect of **1** complainant. Twenty-six (**26**) complainants did not submit documentation.
- National Treasury submitted two (**2**) feedback relating to alleged unethical behaviour, abuse of government resources and conducting remunerative work outside of the Public Service. The allegations were unfounded
- The South African Police Services submitted two (**2**) feedback relating to alleged unethical behaviour, corruption and abuse of government resources. The allegations were unsubstantiated.

- The Department of Correctional Services submitted eight (**8**) feedback on alleged, theft, reckless driving of a Government-owned vehicle, running unauthorised tuck shop within the prison selling goods to the prisoners and other officials, failure to open a case of assault, fraud, abuse of power and unethical behaviour. All of the eight (**8**) cases were unsubstantiated.
- The Financial Intelligence Centre submitted one (**1**) feedback relating to alleged withholding of funds. The allegations were unsubstantiated. It was found that the complainant was a victim of a scam.

The PSC noted that the number of the complaints investigated by departments were unsubstantiated. To this end, the PSC encourages members of the public and whistle-blowers to provide full detailed information to enable investigators to make informed conclusions. All complaints are investigated regardless of the nature of the allegations in order to determine the extent of the allegations.

It was observed that departments are taking an extended period of time to provide feedback to the PSC despite the fact that whistle-blowers are requesting feedback on progress made with investigations. The effectiveness of an investigation is influenced by the time it takes to conclude the investigation without unwarranted delays. If the delay is unreasonably long and cannot be explained, it is likely to cause prejudice to the complainant who reported the allegations in good faith. However, the PSC issued reminder letters to non-compliant departments to submit feedback.

8.1.2 Trends analysis of cases received during the 2017/2018 to 2021/2022 financial years

Figure 5 below shows the trends analysis of cases of alleged corruption reported to the NACH on quarterly basis in the 2018/2019-2022/2023 financial years. The figure showed that in the first quarter of the 2022/2023 financial year, there was a surge in the number of cases by **415** as compared to the first quarters of 2018/2019 financial year with **186** cases and **340** in 2019/2020, 104 was recorded in 2020/21 and **337** in 2021/22 financial years. The increase in the number of cases is attributed to the fact that there was aggressive campaign on the fight against corruption conducted by Government Communication Information System in the media. The efficiency with which the departments investigate allegations of corrupt activities reported to them contribute towards the effectiveness of the NACH.

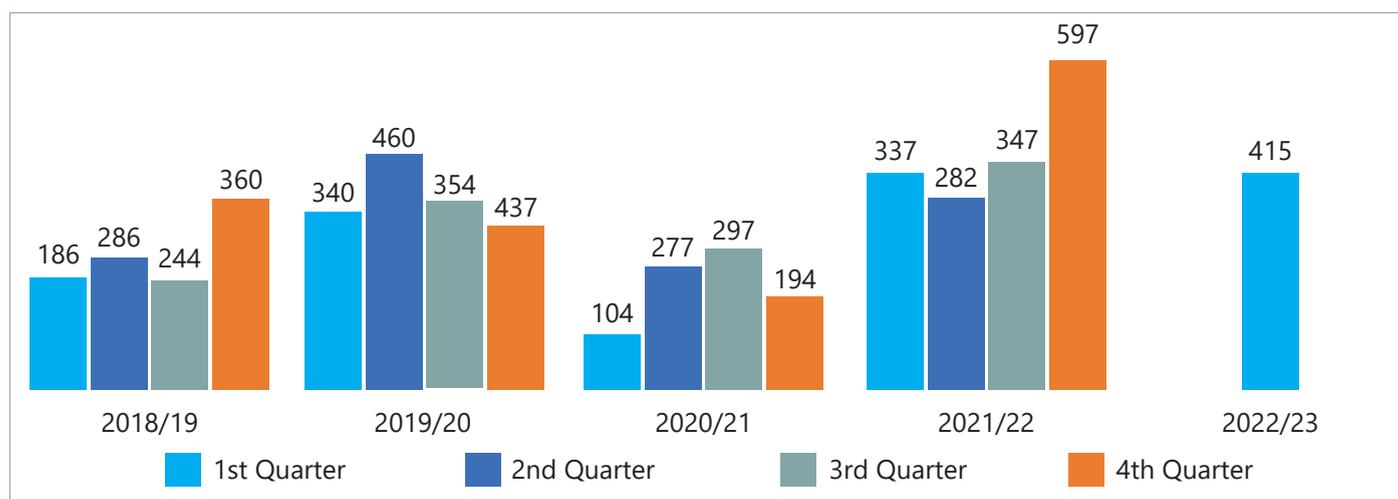


Figure 5: Trends analysis of cases received from 2018/2019 to 2022/2023 financial years

8.1.3 Types of complaints received in the first quarter of 2022/2023 financial year

As reflected in **Figure 6** (on the next page) the majority of cases **203 (49%)** were referred to SASSA for investigation. The rest of the cases were referred to national and provincial departments for investigation. Service delivery related complaints account for **159 (38%)** of the matters reported via the NACH.

The complaints reported vary from abuse of government resources to appointment irregularities. Unethical behaviour accounted for **26 (6%)** of the complaints reported through the NACH. Appointment irregularities account for **20 (5%)** of the matters reported through the NACH. Procurement irregularities also account for **7 (2%)** of complaints reported through the NACH even though internal controls are put in place by government departments

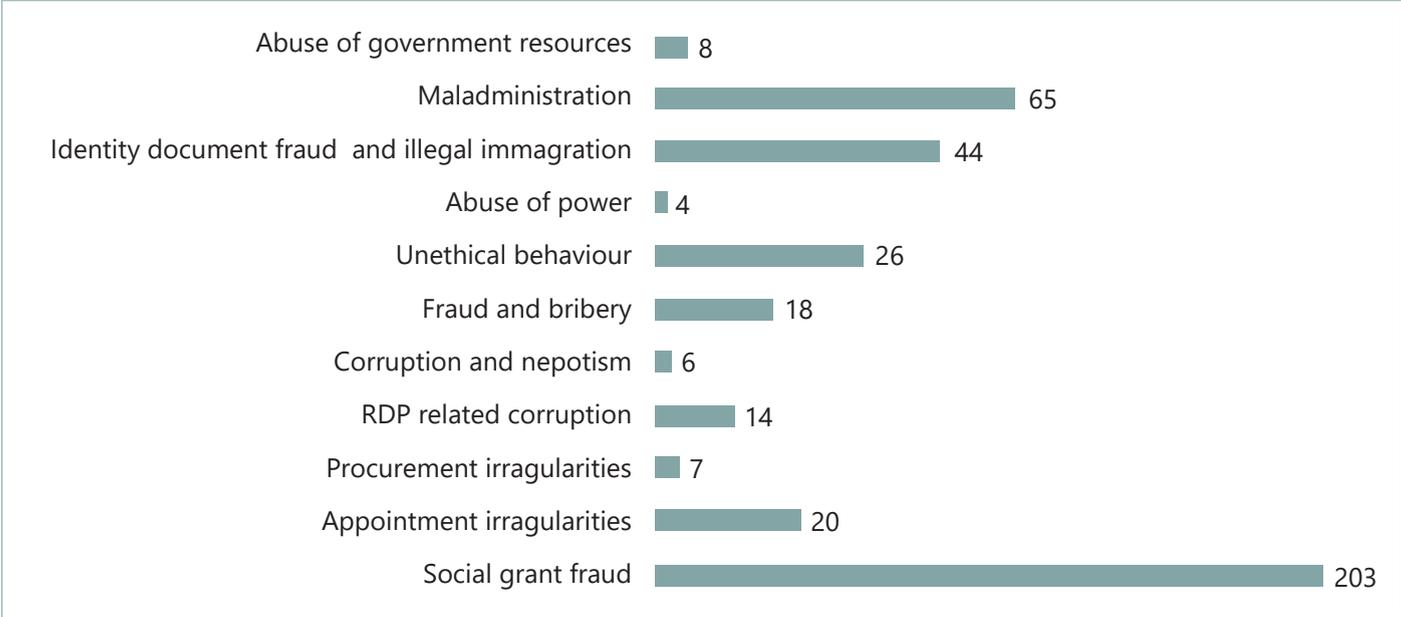


Figure 6: Types of complaints received in the 2022/2023 financial year

8.1.4 Comparative analysis of cases received by the NACH in the 2004/2005 to 2022/2023 financial years

Figure 7 on the next page shows a snapshot of the cases of alleged corruption reported from 01 September 2004 to 30 June 2022. The updated picture provided suggests that there is a significant improvement in the reporting of cases of alleged corruption through the NACH largely as a result of government’s efforts to eradicate corruption in the Public Service.

As illustrated in Figure 7, the NACH received **602 (2.6%)** cases in the 2004/2005 financial year. The number is slightly lower as compared to other financial years due to the fact that the Hotline was implemented in the middle of the year. However, there was a notable increase in the number of cases reported through the NACH in the 2008/2009 financial year by **1857 (8%)**. In the 2012/2013 financial year, the number dropped to **1063 (4.5%)** cases. The reporting of cases picked up to **2160 (10%)** in the 2013/2014 financial year. The increase in the number of cases reported is likely to be as a result of the massive marketing of the NACH during March 2013 as well as March 2014 through radio, television, newspapers, billboards, pamphlets, buses and taxis which was done at a cost of R5 million. The number dropped again in the 2015/2016 financial year to **1547 (7%)** whilst the number increased to **1856 (8%)** in the 2016/2017 financial year. The foregoing was largely as a result of the fact that the NACH was operating 24/7 from 2004 to 31 March 2017 and was outsourced to a third party.

On 01 April 2017, the NACH was managed in-house from 08h00 to 16h30 which is 8hrs. During the period, the NACH received **882 (4%)** cases. The number picked up in the 2018/2019 and 2019/2020 financial years to **1076 (5%)** and **1591 (7%)** respectively. During the 2020/2021 financial year, the number of cases dropped significantly to **872 (4%)**. The decline was due to the COVID-19 national lockdown that has affected the smooth operation of the Call Centre facility, particularly in the months of July and August 2020. In the 2021/2022 financial year, the number increased to **1563 (6.2%)** cases.

The increase is mainly due to media reports on State Capture Commission’s investigation on alleged corruption as well as the Special Investigation Unit investigation into the procurement of Personal Protection Equipment. In the first quarter of 2022/2023 financial year a total number of **415** cases were recorded.

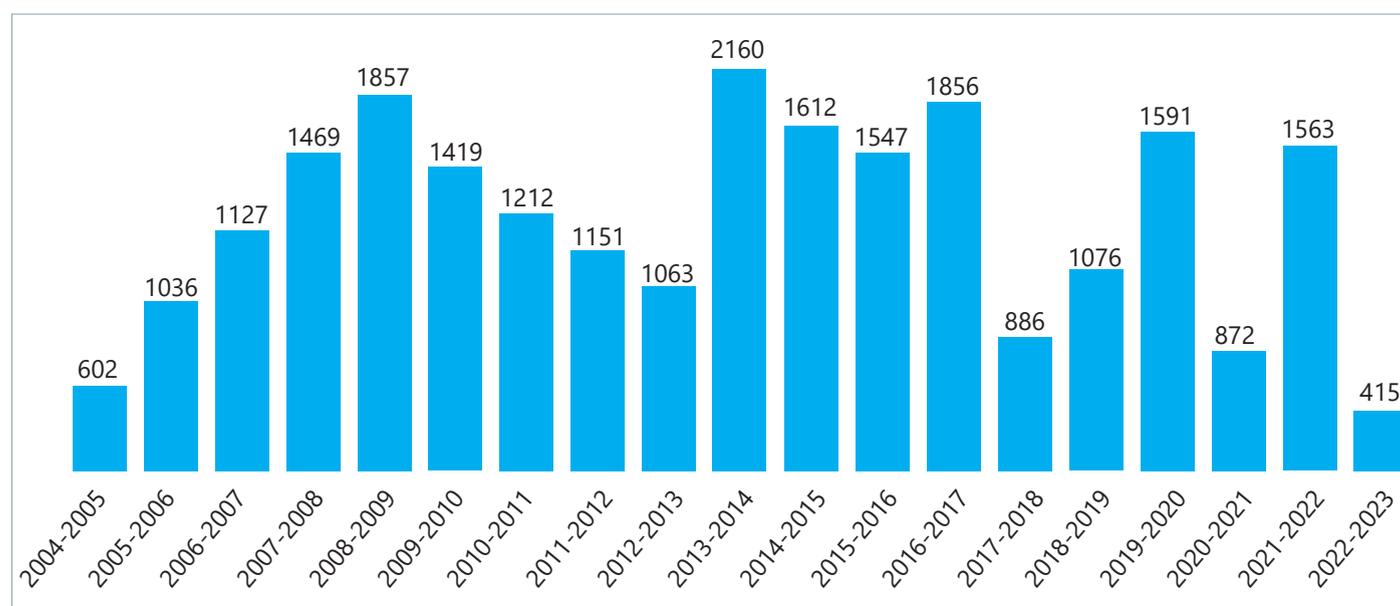


Figure 7: Comparative analysis of calls reported to the NACH in the 2004/2015 to first quarter of 2022/ 2023 financial years

8.2 Other methods of addressing unethical conduct in the Public Service

Apart from the NACH system, there are various other methods of reporting complaints relating to personnel and public administration practices. These methods include completing Annexure A of the PSC Rules on Conducting Investigations, written complaints / statement which may be posted, e-mailed or faxed to the PSC, complaints lodged verbally in person (i.e. walk-ins), via a WhatsApp or social media platforms including the PSC’s website, and matters referred to the PSC by other institutions (e.g. the Public Protector or Auditor-General).

Furthermore, section 196(4)(f) of the Constitution also mandates the PSC to conduct own accord investigations. Own accord investigations may emanate from an environmental analysis, media / social media reports, request by the PSC, matters of public interests and trends analyses falling within the mandate of the PSC.

8.2.1 Complaints handled in the 1st quarter of the 2022/23 financial year

All complaints reported to the PSC were handled as indicated in **Table 5** below.

Table 5: Complaints received and handled in the 1st quarter: 1 April to 30 June 2022

National / Provincial	Number handled	Closed	In progress
National	84	15	69
Provinces	134	31	103
Grand Total	218	46	172

As at 30 June 2022, two hundred and eighteen (**218**) complaints were captured on the complaints database of the PSC. Of these, **56** complaints were received through the NACH system and the remaining **162** complaints were reported through other means such as e-mails, post, walk-ins, mobile app and SMS. As at 30 June 2022, **46 (21%)** complaints were closed and **172 (79%)** were in progress.

8.2.2 Trends Analysis of cases handled by the PSC

As shown in **Figure 8** below, the number of complaints received in the 1st quarter of the 2022/2023 financial year has decreased to **63** from the **99** received in the first quarter of the 2021/22 financial year. The decrease in reporting of complaints can be ascribed to adherence to regulatory prescripts governing public service processes.



Figure 8: Cases received and handled: Per Quarter 1 for the period 2019/20 to 2022/23 financial year

From the **63** complaints reported in the 2022/23 financial year, **41** complaints relates to personnel practices (i.e. functions and activities executed to provide a service to employees such as recruitment, selection, appointment, transfer and other career management objectives aimed at enhancing the well-being and effectiveness of public servants). Emanating from investigations into the regularity of appointments, and in instances where allegations were found to be substantiated, the PSC made recommendations to EAs to facilitate the institution of disciplinary action and approach the Court to rectify such irregular appointments. As a result, applications have been made to the Court to set aside irregular appointments and investigating officers of the PSC have been requested to testify in disciplinary hearings and in one instance the institution of action is being challenged by the affected employee in Court.

It has also been observed that **22** complaints relating to public administration practices (i.e. functions and activities executed to provide effective and efficient services such as financial management, supply chain management (SCM) processes and service delivery) have been reported. Statistics relating to the aforementioned is graphically illustrated as follows:



Figure 9: Types of Complaints Reported: As at the end of Quarter 1 of the 2022/23 financial year

8.2.3 Outcome of complaints handled by the PSC

The outcome of complaints can either be substantiated (allegations founded) or unsubstantiated (allegations unfounded).

In instances where the PSC does not have the mandate to investigate complaints lodged, such complaints are referred to relevant institutions with the mandate to investigate such. Furthermore, where allegations are vague e.g unclear or lack detail and the complainants are anonymous, such complaints are closed as the complainants are unreachable to provide clarity. Of the **46** complaints closed as at the end of the first quarter of the 2022/2023 financial year, 6 complaints were substantiated, **11** unsubstantiated and **29** were outside the mandate of the PSC.

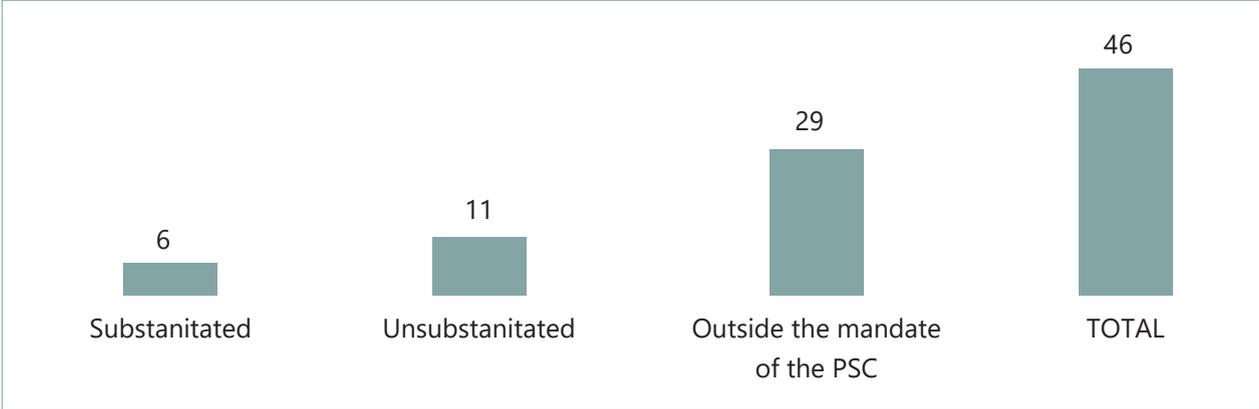


Figure 10: Outcome of Complaints Finalised : As at the end of Quarter 1 of the 2022/23 financial year

8.2.4 Outcome of Complaints : Quarter 1 of the 2022/23 financial year

The PSC’s intervention and proposed corrective measures are essential in promoting good governance in public administration. Therefore, in instances where allegations were found to be substantiated during the period under review, the PSC issued recommendations, advice or directives to EAs to take action on the areas identified. These recommendations mainly relate to the institution of disciplinary action, or that EA’s should approach the Court to correct irregular appointments. For example,

- An HR related complaint was found to be substantiated at the Department of Health in the Eastern Cape Province and recommended that the implicated official salary notch should be corrected and that he should repay the department. In the event that the official refuses to repay the amounts irregularly paid to him and the correction of his notch, the department should seek to set aside the retention offer in all its totality through a court process and recover monies irregularly paid.

The PSC also resolved complaints in terms of Early Resolution where members of the public or officials needed assistance in resolving their issues with Departments. For example,

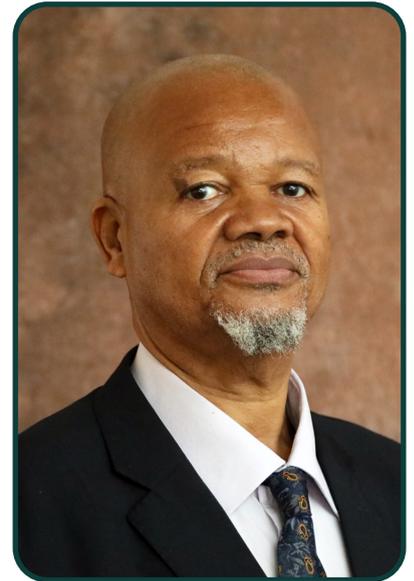
- The PSC assisted an employee from the KZN Department of Education to receive outstanding salary since 2016.
- Through the PSC intervention two Magistrates have been appointed in the Alexandria Magistrate Court to improve service delivery.

9. PSC WELCOMES THREE COMMISSIONERS

The PSC welcomed three Commissioners in its employ during this current financial year namely, Prof Mandla Makhanya, Ms Nancy Ngwenya and Ms Zukiswa Mqolomba, which are based at the National Office. Prof Makhanya assumed duty on 01 June 2022, while Commissioners Ngwenya and Mqolombo joined the PSC on 01 July 2022.

Prof Mandla Makhanya

Professor Mandla Stanley Makhanya served as a Principal and Vice Chancellor of the University of South Africa (UNISA) from 01 January 2011 until 31 December 2020. Prior to being appointed as a Principal and Vice Chancellor, he was a Pro Vice Chancellor at the same university. He is a prominent proponent of higher education leadership and advocacy. Professor Makhanya has recently been appointed as an Ambassador of Magna Charta Observatory. He is past President of the International Council for Distance Education (ICDE). He served two terms as a Treasurer of the African Council for Distance Education (ACDE) and he is now their Goodwill Ambassador. Professor Makhanya is the President of the Higher Education Teaching and Learning Association (HETL) – USA [This is an international body for higher education professionals]. As such he has a thorough knowledge of higher education trends in both the developing and developmental higher education contexts.



Professor Makhanya has always been firmly of the view that the humanities and the sciences are mutually inclusive and that the one will not achieve its full potential without the other. As an internationally acknowledged leader and scholar in distance education and a sociologist by training, Professor Makhanya is qualified to justify and advance this view.

In terms of education, he holds Doctor of Philosophy (University of Pretoria), Masters Degree in Industrial Sociology (University of KwaZulu Natal), BA (Honours) in Sociology (University of Fort Hare), BA Degree in Sociology (University of Fort Hare), Post Graduate Diploma in Tertiary Education (University of South Africa) and Advanced Management Program (Harvard University).

Honorary

- Doctor of Philosophy (Honoris Causa): University of Athabasca, Canada. *In recognition of outstanding leadership at Unisa and sustained contribution as a distinguished scholar in distance education.*
- Doctor of Humane Letters (Honoris Causa): Thomas Edison State University, USA.

Despite his busy schedule, Professor Makhanya maintains active scholarship through regular publications in accredited journals. He is a referee for the National Research Foundation and an external examiner of several universities. As a sociologist, he is occasionally invited by the media to provide analyses on various political and sociocultural issues.

Professor Makhanya served three terms as a Deputy Chairperson of the South African National Commission for UNESCO and Chairperson of the Culture Sector of the South African National Commission for UNESCO. During the same period, he served as a member of the National Committee of the Memory of the World (MoW). In the 1990s he served in various leadership roles in the South African Sociological Association. He was elected as its Deputy President in 1998 and served in this capacity for a period of two years.

He continues to be a member of the South African Sociological Association (SASA) and the International Association of Sociology (ISA). He was named a new Commonwealth of Learning (CoL) Honorary Fellow (2017-2019). Professor Makhanya is on the advisory board of Journal of Research in Open, Distance and e-Learning (JRODeL)

Ms Zukiswa Mqolomba

Ms Zukiswa Mqolomba joined the PSC on 01 July 2022 and she is also a member of the M&E Specialist Team. She is a senior Public Sector Executive with roots deeply embedded in strategy, economics, poverty and public policy work. She is a Mandela Rhodes Scholar as well as the Chevening Scholar.

She holds a Masters' Degree in Public Policy with the University of Cape Town and another Master's Degree in Poverty and Development from the University of Sussex in the United Kingdom. She also holds an executive leadership training certificate in the 21st Century Leadership with Harvard University, Kennedy School of Government, in Boston, United States. She is currently studying a PHD in Sociology at the University of Cape Town doing a dissertation on the professionalisation of the state and (re)building state institutional capabilities. She has won international, continental and domestic awards for her leadership in public policy and governance.



For instance, she has been awarded the Africa Youth Awards 2021 as well as the Africa 3535 Leadership Laureate Award for Governance. She has also won the Humphrey Leadership Award from the United States for her policy contribution in the Public Sector. She is also a two-time winner of the Mail & Guardian Top 200 Leader's Award under the Politics and Government category. She is also a recipient of the Vice Chancellor's Award, at the University of Cape Town.

Ms Mqolomba has a keen interest in finding solutions to public sector challenges, as well as public service innovations and transformation. She has done research and policy work on public sector innovation and transformation. She has conducted research on the developmental state and the institutional architecture pertaining to building it. She has also done work on the National Development Plan and how to build a professionalised and transformed public service.

She worked for the Presidency of the Republic of South Africa at the Department of Planning, Monitoring and Evaluation as a Senior Sector Expert: Economy ("Senior Economist"). She also worked as an Executive Manager: Research, Training, Monitoring and Evaluation at the Media Development and Diversity Agency; influencing the country's community media and development agenda on inclusion, marginalization and transformation. She has participated in Civic programmes of the United Nations, NATO, The Elders and African Union Commission.

She likes reading and writing on various themes and topics affecting women, youth and marginalised communities. She is a co-editor of a book of essays entitled 'Chasing Freedom: Histories, Analysis and Voices of Student Activism in South Africa' published by CODESRIA in March 2002

She was designated as the Deputy Chairperson of the PSC by President Cyril Ramaphosa in August 2022.

Ms Nancy Ngwenya

Born on the 19th January 1966 in Mpumalanga, Nancy Nomah Ngwenya, was married to the late Mr. NE Ngwenya and was blessed with 3 children 1 girl and 2 boys.

Ms. NN Ngwenya, a teacher by profession holds a post graduate degree (Master's in public administration) from the University of Pretoria. She also holds two (2) Degrees; (Bachelor of Arts & Bachelor of Education) with UNISA, a Diploma in Human Resources with College Campus, Secondary Teachers Diploma (STD) from EC Mango College of higher Education. She further, acquired a certificate on SALGA Executive Management Development & Leadership with the University of Pretoria. During her tenure at Nkangala District Municipality in 2018, she completed a certificate in Municipal Finance Management Programme with the University of Pretoria.



With her vast experience and passion in the education sector, she possesses very strong characteristics of a good leader, despite her disability (right -arm amputee), she transcended all odds and became one of the best principals in the Gauteng West District, won prizes of being the best project manager in the province, and was later deployed as a Care-taker Principal in most of the troubled and dysfunctional schools within the district, which she transformed with great success.

As a principal at Mlondozi Primary School, she was accorded a national award by READ for transforming the rural school into a model of excellence and improved reading skills for the learners.

Notwithstanding her limitations, she then joined the South African Local Government Association in 2009, an association of municipalities, and a totally new environment for her, as the Provincial Executive Officer, responsible for the entire province in the North West. Her tenure in the office since transformed the organization and improved performances despite the turbulence political conditions in the province then.

During her tenure at SALGA she was deployed at the Free State provincial officer as Acting Head of Administration and managed with great success to turn around the office .She ventured into business in 2014-2017, with zeal and enthusiasm, she thrived and grew the business under adverse circumstances and it was amongst the best performing courier franchises within the region.

In December 2017, she was appointed by the Nkangala District Municipality as a General Manager Corporate Services, a position she occupied diligently until 30 June 2022 when she resigned to assume duties as a National Commissioner in the Public Service Commission on the 1st of July 2022.

As an ethical and pragmatic leader, she ensured that all good governance systems and policies are not only put in place just for malicious compliance but also ensured that they are managed and implemented effectively, a true advocate for clean administration. Ms. Ngwenya contributed significantly in the sustenance of the municipality's clean audit outcomes by putting systems in place to curtail repetitive findings in the recruitment processes, record keeping and leave management.

She further played a pivotal role as a compliance officer for COVID-19 in the institution and managed to combat the spread of the pandemic in the workplace. She was instrumental in maintaining a sound and stable labour environment during her tenure in the municipality as a result of her involvement in the local labour forum. She will be forever admired by Nkangala District Municipality for the strategic role she played in the skills development of the municipal workforce; work ethics, policy formulation, people management, the rendering of secretariat services to council, innovation, focus and quality of results, to name but a few.

10. CURRENT DEVELOPMENTS

Gender - based violence and alledged rape in the illegal mining in Krugersdorp

South Africa is a country at war with its women. The recent gang rape of 8 women on July 28, 2022, brings sharply into focus South Africa as the 'rape capital of the world' again, as well as separate but interrelated issues of illegal mining and illegal immigration. Taken together these issues are a dangerous broth that requires urgent responsiveness from government and attention at the highest level. This matter requires attention from both society and the law enforcement agencies to inculcate strong values and respect for women on the one hand, and efficient investigation, prosecution and corrections services.

Given that the rampant illegal mining in South Africa already poses a significant threat to the economy, environment and communities it is also imperative that both the South African Police Services (SAPS), and the Department of Minerals and Energy (DMR) step up to stop this ruinous activity. What saddens the PSC is that as we commemorate the Marikana massacre a decade after and in a month where we are suppose to celebrate women we are again reminded of the challenges within the mining sector and the paucity in the SAPS to effectively and efficiently deal with criminality in the country.

The PSC calls for all relevant state organs to hasten to work together to ensure that perpetrators are arrested and urges the communities not to take matters into their own hands. Let's us as a country not only celebrate and focus on the protection of the vulnerable in society during certain months but ensure that those responsible are held accountable for the safety and security of all. In dealing with this matter, state organs are encouraged to reflect on the Constitutional Values and Principles, with particular emphasis on human dignity, responsiveness to the needs of the citizens and accountability.