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OFFICE OF THE GENERAL SECRETARY

Minutes of the 11th Elective National Conference on 02-03 November 2023 Holiday Inn, Sunnyside Park Hotel

Day 1

02 November 2023

1. Opening and Welcome

The National Congress of the CSA was held at Holiday Inn Hotel, Parktown. The Conference commenced at 10:00 am. President Mandlenkosi Zwane delegated the Deputy General Secretary Matome Selapisa to run the first stanza of proceedings opened and welcomed the Conference delegates. The Conference was opened with the singing of the National Anthem of the Republic of South Africa.

2. Attendance Register and Apologies

The attendance register was circulated in plenary prior the opening of proceedings and Delegates were advised on how to sign. All NOBs were present, apologies from regions were read out (listed below). The quorum was verified and approved; in that all RECs were present save for Northern Cape who were held up in an MVA enroute to the Conference.

Apologies:

Northern Cape – Gloria Modise and Nontombi Chodi

Durban – Muzi Maphumulo

North West – Olebogeng Ntsime, Nokwenzani, Sello Tsotsetsi Mabe and Grace Mothibedi

East London – Ongeziwe Mlonyeni and Sinovuyo Bambatha

Vaal – Johannes Nkahle

MP – Landiwe Nyambi

Johannesburg – Muzi Nkosi

Head Office – Ronald Schoeman

Tshwane – Thandile Kona

Limpopo – Maiwashe Godfrey

3. Adoption of the Agenda

The proposed agenda was presented. The time allocated on the item discussing minutes of the previous Congress was questioned and it was resolved that time allocations are flexible however are to be used as a guiding tool. It was suggested and agreed that Constitutional Amendments should be a stand-alone item listed under resolutions. In the interest of time, it was agreed that delegates of the congress may introduce themselves as and when they take the podium so that delegates may acquaint themselves with their fellow comrades. Clarity was provided that the item speaking to the establishment of a negotiating team will be addressed under the discussions item. No further changes were submitted.

Eastern Cape moved for the adoption of the agenda with amendments effected; and Mpumalanga seconded.

4. Presidential Opening Address

The President of the CSA, Mandlenkosi Zwane, welcomed and delivered his opening address. The President's Address is filed with the Office of the General Secretary and will be kept in the file of this Conference.

5. Minutes of the Previous National Conference:

The minutes of the last Conference held on 25 and 26 February 2021 were presented to Delegates, after the Delegates were reminded of the first date in which the General

Secretary had first sent same to themselves. The minutes were therefore not read to plenary, but submissions related to their accuracy were dealt with.

It was explained that the minutes of the previous congress are not a full record of the congress, but an accurate reflection of the main issues discussed that the new incumbents could gather. The President reported the challenge that the General Secretary had with his predecessor in being able to compile a proper and full minute of the Conference. Therefore, the minutes will be termed “abridged”.

Vaal region, with the support of other regions, expressed their concern regarding the manner in which the minutes of the previous Conference were recorded. It was alleged that resolutions that were taken during the Conference were not reflecting on the minutes; thus questioning the accuracy thereof. It was clarified that items that were to be discussed for resolution including the commissions were not dealt with at congress and were deferred to the NEC. The address made by the newly elected president and his plans thereof could not have formed part of resolutions taken.

Following the explanations, grammatical errors were corrected.

Port Elizabeth moved for the adoption of the minutes; Free State seconded.

6. Matters Arising

Western Cape advised that care should be taken when recording the minutes, it is concerning that we will leave the Conference without resolutions reflecting on the minutes.

7. General Secretary’s Report:

The report of the General Secretary was presented to the Delegates, and he read through it. The full report is filed in the record of the Conference with the Office of the General Secretary.

8. National Treasurer’s Report:

The National Treasurer delivered his report. Discussions will be dealt with below. It should be noted that the audited financial statements were sent to the REC for distribution to members, therefore the treasurer’s report will not be for circulation.

9. Discussions of the Reports:

Treasurer's Report:

The President reminded the Delegates that the Treasurers Report as presented in the Conference should not be circulated. Dissatisfaction registered by delegates on that position was raised, yet there was no resolution taken to reverse it since the concerns behind not sharing the report was discussed and explanations given.

After taking questions on the report, it was noted that most of the questions raised were dealt with in the previous NEC and recorded in the minutes of the NEC's. The President expressed his concern that this meant that the NEC delegates either are not properly sharing information with the RECs and members; or it could also be indication that people do not read minutes and communications from the Office of the General Secretary.

The following question were raised in the conference and responses were provided by the Treasurer:

Questions/Comments:

- Travelling and accommodation costs contributed a considerable portion of the unions expenditure; Does the union use the 3-quote system and opt for the cheapest quote? If not, what system is used to select these items?
- Can the Congress be given a breakdown of all the travelling that has happened, the reasons thereof as well as breakdown of all items that are insured.
- On which line item the funeral vouchers were recorded on because it is not reflecting on the statement.
- Can Congress be informed what the funds in 2020/21 were used for, since it was a quiet period due to the Covid19 pandemic.
- Are there estimates of the upcoming auditing and legal fees?
- To try curb costs of litigation has there been an effort to try settle the legal matters out of court.

- Why does the financial report not reflect all the types of revenue received, a statement on changes in equity and cashflow, as well as a register on the union's assets which reports on the assets that are depreciating in value.
- Have we received any other revenue besides union subscription fees?
- What caused the increase of the computer and promotional costs.

<u>Statements made that was suggested they be addressed on Day 2, item 3: items for resolution.</u>

- A suggestion presented was that the high costs of the printer can be curbed by continuing to promote the paperless practice as far as possible and the purchase of a printer where printing will be required.
- The union should look into getting strategic partners onboard in so far as sponsorships are concerned as well as the increase of subscription fees.
- Regions requested that the treasurer's report provide a narrative on the impact the resignation of members (for various reasons) has on the union's finances.
- Although the issue of insurance has been discussed by NEC, Congress needs to reconsider its position on opting for cheaper insurance.
- A proposal was made that the union draft a regulatory document that will speak to the terms and conditions of the union's expenditures.
- We need to opt for virtual meetings instead of physical meetings.

Answers (in no particular order):

- Due to time constraints, it will not be possible to give a breakdown of individual activities which necessitated the use of union funds. The GS's report provides background to these expenses.
- Regarding the option used to select accommodation, caution is taken not to select accommodation options that are unnecessary and may be wasteful however the quality of accommodation is also considered. 3-star accommodation is the standard approach used to select accommodation. The increase of these costs are driven by external economic factors more than anything.

- The funeral vouchers are accounted for on the line item addressing “other” expenditures. The next report should have this item as a standalone.
- Regarding insurance priority was placed on balancing the cost vs service received. We would not want to find ourselves in a situation where the cheapest service provider was selected only for them to reject the claims.
- Regarding the balance of the union during the Covid19 lockdown era, the union sat on a positive balance that was later used for congress as well as the daily running costs of the union. The delay in increasing the subscription fees is a contributing factor to our current state.
- The fees on legal costs are projected because the firms have provided us their fee schedules and we have a rough estimate on the cost of auditing fees taking into account the fees we have currently paid.
- There have been attempts to settle out of court however the appetite of the employer for such is not present.
- We run on a cash basis that is why there are no accruals and cost journals. We record actual cash movement. The union does not have a savings account and uses a cheque account. The only asset registered is the cash received. Because the union is an NPO, our assets have zero value. In the unfortunate event where it would dissolve, the distribution of assets would be dealt with in terms of the winding up clause.
- The union has received no donations however insurance payouts have been received and is reflecting in the report.
- The increase on computer and promotional costs are due to the union’s 25th anniversary celebrations that resulted in the distribution of bags and other items distributed to members. The purchase of beanies as well as website costs are a contributing factor.

REC delegates expressed their concern that a resolution was taken by the NEC that the national treasurer will meet with regional treasurers to report on the financial affairs of the union. This would have given regions the platform to better ventilate issues concerning the financial report and provide feedback to members. Such resolution was however not effected.

The general feeling from the delegates of the Conference was that not circulating the financial report made it difficult for them to report to their constituencies. Ekurhuleni mentioned that they were previously promised the audited financial reports. It was noted that the audited financials for all outstanding years (i.e. until 2022) would be circulated to the members and the Delegates of Conference by the General Secretary shortly after Conference.

Northwest moved for the adoption of the Treasure's Report and was seconded by Mpumalanga.

Discussions of the General Secretariat Report:

Questions/Comments:

- Conference delegates indicated that members of the NEC are of the view that information is being withheld from them by the NOBs resulting in the creation of rumours and mistrust. In particular, the delegates expected the General Secretary's report to provide feedback on the strategic engagement that happened in George.
- Communication is also limited between the General Secretary and the President, what does that say about other NOBs. Delegates expect to see the involvement of other NOBs.
- A concern was registered regarding the representation of the CSA in the Medical Aid Committee and the Provident Fund Committee.
- The work overload of the CSA members should be addressed by the union, because the very same institution we work for is the heart of ensuring that the injustices experienced by the working class are dealt with.
- The recognition agreement seems to be a regulatory document binding only the union. We need to be able to enforce the document against the employer when in breach of the agreement. Emphasis was placed on the public statement made by the Director during his meeting with commissioners and addressed the independent contractors regarding the affairs of the CCMA/CSA, without consulting the union.

- Regarding the matter of the director being in breach of the recognition agreement by the way he addressed us, we had resolved that we write to his office seeking an apology. Has a response been received?
- When going into the negotiating season, we should be mindful of the current economic climate as well as take lesson from the public sector wage negotiation debacle which had shaken the landscape of collective bargaining nationally.
- With regards to the interpreter's case that has been ongoing, will the union ensure that the fruits yielded from the matter be to the benefit of all the interpreters who were party to the matter from the beginning, including interpreters who have since left due to retirement and other reasons.
- Mention was made in the report that the NOBs were met with disciplinary charges however no further information regarding the basis of the charges and how these were resolved was provided.
- The manner in which leaders address each other within the available communication channels is a cause for concern and the manner in which we communicate must be regulated.
- The CSA website makes mention of organising fulltime and parttime employees. Was part-time an error? If not, then such should also reflect on the constitution.

<u>Statements made that was suggested they be addressed on Day 2, item 3: items for resolution.</u>

- When negotiating, can we refrain from parking issues for later and deal with all demands at once, to avoid the unfortunate situation of budgetary cuts that happen along the way. If all demands cannot be dealt with, we can then exercise our right and move onto picketing rules and request our certificate of non-resolution.
- A proposal for resolution is that the CSA have a team that does the preparatory work that will assist with the negotiations.
- The union should consider looking for external service providers for training. We cannot rely on the assistance of the employer.

Answers (in no particular order):

The Delegates were made aware that the NOBs are NOT dominated in any way by the President and the General Secretary. It was explained that it was resolved by NOBs that when it comes to formal communication, the Office of the General Secretary will be the main port of call so that true and proper communication can be discerned. This is to ensure that false information does not spread easily where there is no clear channel from which members must be given information.

Secondly, the Delegates were advised that from Negotiation to meetings of national structures or of national concern other NOB were being utilised to make presentations. Anyone who only sees the President and General Secretary as being prominent had not attended all meetings.

On the George Meeting with the CCMA Director, the President explained that the meeting was a long overdue engagement that NOBs were promised by the Director. The delay with having the meeting was as a result of the earlier restrictions that in place due to Lockdowns; and later it was due to the tight calendar of the Director. Information related to the discussions were not shared because some of the issues related to concessions that were obtained related to Bonus Negotiations; and would have been unwise to divulge such information prior the process having taken place.

The President advised plenary that there was no Medical Aid Committee and that the Treasurer represents the CSA in the Provident Fund Committee. Delegates were referred to the reports on Committees that are attached to the General Secretary's Report.

The Report was adopted having been moved for adoption by North West region and seconded by Durban region.

Day 1 ended at around 17h40 with the Reports being duly adopted for filing in the records of the Movement.

Day 02
03 November 2023

The President opened day two of the CSA's 11th tri-annual Congress. Delegates were reminded of the house rules and an apology was registered by the Deputy General Secretary that he could not be in attendance due to writing an exam on the day.

The President requested that we stick to the times allocated and even possibly shorten them so that we can deal with item 3, dealing with resolutions. It was important to deal with them because we did not do justice to this item in the previous congress.

1. **Presentations by special guests**

Presentation by CCMA Employee Wellness

The presentation was made by Bongi Mzamane from the Wellness Office of the CCMA. Her presentation explained the structure of the wellness office, the key employee wellness partners and their role of the office within the CCMA. She also advised Delegates of the services that her office and the Employee Wellness Program offer to CCMA Staff and their families. Questions were dealt with and her presentation was shared with the Office of the President and General Secretary for circulation.

Presentation by ASI:

Briefly gave their presentation on the approved two-pot system that will apply to Employee savings towards retirement. Questions were fielded to the ASI representatives and due to time constraints the session was cut short. ASI was undisturbed by the reduction of its time slot. The slides will be sent to the president who will then distribute to the delegates.

Presentation by FNB

FNB was represented by Mr Churchill Chirwa and his associates from the FNB. He gave an overview of what his office stands for. Pamphlets with detailed information were circulated. The bank's offerings to the CSA and its members were presented. The CSA has reserved its comments as to whether it will move its account to FNB.

2. Discussions and Debates on Resolutions

Constitutional Amendments:

The President requested that due to time constraints and the many issues that still need to covered for the day; the item dealing with constitutional amendments only speak to the adoption of the Constitution for submission to the Department of Employment and Labour and not open floor for additional amendments. The President gave a context behind this item and highlighted that a resolution was taken during the National Conference held in 2017 at the Reef Hotel related to amending the Constitution. A committee that was established to deal with the amendments failed to deliver a satisfactory product. In the Conference held in 2021, the issue was deferred to the NEC post the Conference to finalize the process. The amendments were dealt with and adopted by the NEC in December 2021. The amended Constitution was submitted to DEL by the NOBs however it could not be registered because DEL noted a major omission related to the clause speaking to the Winding up of the Union, which was a standard clause as provided by the LRA. It was important that the Constitution be adopted and submitted to DEL to avoid being subjected to the constitution of 1997.

After delegates having expressed their concerns with the constitution, it was resolved that the incumbent NOBs with the NEC should look into establishing a constitutional amendment task team to deal with possible constitutional amendments for ratification in the next congress.

Port Elizabeth moved for the adoption of the constitution and seconded by Head Office.

Port Elizabeth moved for the adoption of the Constitution and Head office seconded.

The President requested the Conference to first deal with the Resolution Register, which NEC had adopted, and Conference must ratify in order to activate its usage to capture resolutions that will be taken at this Conference.

Northwest moved for the approval of the Resolution Register and Port Elizabeth/Gqeberha seconded.

Substantive Negotiations and mandates:

The Conference deliberated on whether the resolutions and substantive mandates should be dealt with at the Conference as most of the regions did not submit the mandates prior to the Conference as requested by the Office of the General Secretary. Some Delegates submitted that there was uncertainty on their part as to what was expected of them when communication around mandates was sent to themselves; and when the agenda was adopted. The President expressed his discontent with this turn of events and submitted that a failure to properly deal with this item at the Conference was a serious setback to the interest of the members that the CSA serves. Furthermore, election of Office Bearers who have not been given marching orders in the form of such Mandates, is equally undesirable.

The item on discussions around resolutions unfortunately could not be completed due to time and the independent election officials had arrived to assist with the election of the new national office bearers. Another contributing factor was that the venue could not accommodate the union till late and additional costs would have been incurred.

As a result of this, this item will be ventilated with its deserved time allocated in the next NEC.

Gqeberha raised a concern that the list of mandates submitted by regions are not being discussed in congress as they are supposed to be and that no resolutions were taken again in the Congress because of time constraints."

3. Elections:

The elections of the new NOBs were facilitated by Ms Goitseone Matlhabegoane, a Part-time Commissioner in Tshwane and Mr Aubrey Mokoena who is a Full-time Commissioner at Ekurhuleni. Following a briefing on the voting process, elections of the NOBs were conducted via secret ballot and the voting process produced the following outcome:

The following members were elected:

- **President:**
  Matome Selapisa and Mandlenkosi Zwane were nominated. Mandlenkosi Zwane was elected into the position.

- **Deputy President:**
  Joy Mhlongo and Matome Selapisa were nominated for the Deputy President position. Matome Selapisa won majority of the votes and elected into the position.

- **General Secretary:**
  Nkosinathi Mkhwanazi was nominated and elected unopposed.

- **Deputy General Secretary:**
  Katleho Seanie and Joy Mhlongo were nominated for the position of Deputy General Secretary. Katleho Seanie won the elections; and became the first Female Deputy General Secretary of the CSA.

- **National Treasurer:**
  Thandile Kona together with Regan Jacobs were nominated, Thandile Kona in his absence was nominated and elected on the position. This was after an ineligible candidate from Port Elizabeth/EGqeberha had been admitted into the ballot, and the issue was dealt with and resolved. The Delegate made way for eligible candidates to be considered for the position. This is in relation to clause 16.3 of the CSA constitution which states: "*16.3 To be eligible for election as the National Office Bearers, the candidate must be the member of the Association who has held office in the REC for a period of at least twelve (12) months prior to the Congress;"*

- **Additional National Office Bearers:**

Additional members were nominated and contested by the following Delegates: Katy Khuduga, Kirsty Payne, Lebohang Mdi, Gcobani Poltini, Mixo Machebe, Zodwa Maduna, Gloria Mashau, Joy Mhlongo, Malathisi Qamngana, Tshepo Kgwasi.

The following comrades won majority of the votes and elected on the position:

1. Gcobani Poltini
2. Lebohang Mdi
3. Kirsty Payne

The President did not deliver his acceptance speech as is the norm after elections due to time constraint but made remarks; and handed to the General Secretary to make announcements prior closure of the Conference.

Following the announcements, Mpumalanga moved for the closure of the Conference. Free State seconded.

Congress was duly closed in terms of the CSA's Constitution and practices.

Signed at (Electronically signed).

Signed at (Electronically signed).

Mandlenkosi Zwane

President – Elect

16 November 2023

Nkosinathi Mkhwanazi

General Secretary – Elect

16 November 2023