

Silence Matsane

Facilitator: This is an interview with comrade Silence Matsane, we are in Nelspruit, the date is 7 August 2012 interview is done by Brown Maaba. Comrade thanks very much for your time. Kindly give me a background of where you come from, where you were born and issues around schooling and how you ended up in nursing. Let's start there

Respondent: My name is Silence Matsane, I'm the Provincial Secretary of DENOSA responsible for Mpumalanga Province. I was born in a Farm near Plaston, well known as Ka-Mfishane, that's a nickname given to the white guy in the farm. I lived more or less all my life around White River, Nelspruit, stayed Twaleni Village, stayed in Tlautlau another village, I stayed in Thembisa Dantji Trust, it's a village as well. I'm currently staying at Ka-Nyamazane Township, I'm a resident there. I did my primary school at Lugogotho Primary in Jerusalem, furthered in Muwai Primary School but I did my Junior Education, Secondary school at Ligawu and Matriculated at Thembeke High School at Ka-Nyamazane in 1985. I worked in between, I could not afford tertiary education at the time but I had a vision. Option 1 was to do IT, then back then you would talk of electronics from time to time. I thought I was going to do as well Electric Engineering or Mechanical Engineering but I did not go very much with the idea. When I Matriculated I had an idea of becoming a nurse, to assist the people around, part of it would be at least you earn a salary, what they often called a stipend. Otherwise I had two admissions at Elija Mango College of Higher Education then and Ka-Ngwane College of Nursing. So I had to choose between the two, because of my poverty situation I ultimately landed in nursing. Well I did well, established myself there, trained as a professional nurse.

Facilitator: Why nursing if I may ask of all the careers for a male?

Respondent: It's very interesting, one of the reasons is the stipend, the income because I wanted to learn and at the same time I needed to earn an income, I could not get anyone to sponsor my education. I lived a very tricky life, stayed with different relatives. I did not grow up in one household with my father and mom, I would stay a few days or weeks with my mum but from time to time she will be gone and I would stay with my grandmother, I stayed with uncle, cousins in different areas.

Nursing was a very tough choice, it had a little bit of .., well assisting people or just giving back to the same community. It had the stipend as a bigger bate, it had as well it's own challenges because at the time, you would not be allowed to do midwifery as a male nurse. You cannot deliver a pregnant woman, as a male nurse you're born and bred in a cultural environment that says no males there. Even in a homestead, when a child is born at least as a father you can only the child after three months at the earliest, otherwise where there's a new born there's no man, it's the kind of environment where one was born into. So it was a very tough choice. I remember when I went in there, what also happened was there was an outbreak of a disease called gastro-anthrithitis, you would see kids having diarrhoea, so every child admitted to the hospital between 6 and 18 months, less than 24 months would be having a runny stomach. It was then tough for me even to change a napkin, worse when it is visiting time because former classmates, relatives would come and a man is changing a napkin. It was tough but then when you know your situation well, you would cross any bridge. I wouldn't have crossed perhaps but because I knew and understood my situation. There was nothing left of me, I just had to take the job or I am doomed.

Well I pursued it, completed the course, it was four years, I completed in record time. I served in different units but ultimately I felt comfortable in a psychiatric ward, mentally challenged people are admitted. I worked there and later specialised in .., I did an advanced diploma in mental health, came back, served. But the challenge would be, the conditions never changed. The conditions of service were forever bad. When we started there was shortage, when we completed we were all absorbed into the system but there was still a shortage. As when the training

continued, when we started we were 32, graduated being 23. So the other groups, at least later on they would take about a 100 students at any given point. So the numbers had not increased, the shortage is still there, I wasn't happy as a nurse in a unit, I never liked the environment in which I served, such that I then picked a spot. Having chosen mental health was one choice but the conditions were even worse there.

The next choice was then to at least look at the rights of the very colleagues and make a difference there. That's how the idea of becoming a trade unionist came about. I was fortunate .., when I became a shop steward of DENOSA at Themba Hospital, I was elected in absentia. Those nurses who gathered there believed that I would make a difference. They then elected me, assigned somebody Mr Shabangu to come and tell me what exactly had happened in the meeting. I accepted it and started serving. I underwent training, our in house training at DENOSA for shop stewards. There's a basic, intermediate and advanced training. I picked it up from there and became actively involved, representing nurses. I enjoyed the new job and what was very interesting to me, the dynamic nature of the trade union environment. You're faced with something that will always take another form. When you think you have won this one, don't fool yourself there's another side of it. I was later elected as a Regional Chairperson, the Provincial Shop Steward co-ordinating the activities of shop stewards across the province. I was later released as a full time shop steward. A full time shop steward is a shop steward of a particular organisation who has been released by the employer to do union work full time but still gets paid from the employment station where he is based, paid by government but serving DENOSA full time. So I served. When the then Provincial Secretary resigned I applied for the post, I had already established myself, enjoying what I'm doing, making contact with different nurses and you realise different levels of people as you interact with them. Up to this point I am a happy employee at DENOSA. There's a lot of work, it's awkward hours, but as an activist you just take it as it is. No overtime, nothing and at DENOSA they will tell you that there's no overtime but you work under pressure.

I've served now as DENOSA staff member from September 2005 and I normally check what is happening. The history, when I came in on average, a person would serve for about two years and the third year she/he would resign. At least I've served for 7 years, I've broken the record that was there. I made contact with the general unions as your mineworkers, metal workers, SADTU we're sharing common platforms and as an affiliate of COSATU I'm also sitting in the Provincial Executive Committee of COSATU serving. I've served for the duration as a leader at DENOSA. I have learnt a lot from DENOSA, I've learnt a lot from other comrades. I believe we can change whatever situation we have as long as we're determined all of us but I also believe I can make a difference as an individual because anything would start from a drop to an ocean. So that's the kind of situation I'm looking at.

I've done case representations at institutional level very successfully with it's own challenges. I've also done a few cases at the CCMA successfully. I have never represented any member at the Labour Court. But what I have done really I have enjoyed, I've learnt tricks applicable in each situation and I believe if there would be more people interested in trade union work, they would learn. In my opinion every manager should be exposed to trade union work so that then they would understand how to in fact deal with trade union challenges vs management challenges or how do you fuse the two. Where I served I would discipline members without fear because I knew what I would be doing at any time .., in terms of procedure, fairness of the situation, substantive matter applicable in each environment. So it was easy but I continued to realise that you still have managers that are afraid of a person who's from a trade union office even if this person you are supervising is elected as a shop steward, now there's a gap or a distance between the employee and the manager, simply because the manager doesn't know what to do, how to handle these other ones. I've even recommended to Labour Relations Officers to run workshops for managers on labour relations so that they know exactly what to do, otherwise you become a fool where you have power just because you don't have the knowledge.

I am a proud member of the SACP, I'm not active in the activities of the SACP, I am a member of the ANC and proud to be. For me anything that comes as a challenge is a university, I stand to learn from it and the people around will, that is what keeps me going, otherwise it would be very tough. As it is it is tough when you come from an environment like mine, where a man is a man, a woman is a woman. If a similar job is offered to a woman they would simply decline because they may not be able to meet the challenges of the job and the challenges of the family because a woman in our context becomes the house manager .., which is a very serious gender, a challenge which we must work on such that one day we are able to look at the same thing the same way, nobody among men and women being looked at as perhaps lesser than the other in terms of power, the capacity and the abilities because for example I was brought up by a woman. My father was not in the picture but here I am today but vowed comrade that I will stay with my wife and my kids, I never told them so that I want to beat my parents record. They could not stay together so I made it a challenge to myself that I will stay with my wife and kids so that they know what a father is, a mother is, what a family is. Before I could build my house I built the family house that's where my mum stays. When I tell my kids that's my home and you're saying this is your home. I am the kind of leader who survived through thick and thin of situations. All in all for me it was universities.

There are things I learnt from the previous dispensation, I knew what we had to fight for in the struggle. As the political landscape changed, I anticipated what I see, the confusion over resources because in my definition government is resources and when you're not used to such amounts of resources you will get a little confused and loose your direction, that is probably what we're seeing labelled as corruption and if you look at corruption today, it's the talk of the world, as if it is not happening in other areas. The difference is we have different laws. In Zimbabwe you can't talk about things that would freely speak to .., in terms of our constitution in South Africa. Those are some of the things, the confusion over tenders and so on and so forth. There has been tendering over the past centuries, there were tenders, they were awarded in those ways but there were laws that were not transparent. So you would not talk to these. As a nurse one of the striking challenges I have had was to know that in the older versions of the Nursing Act, there was a clause: "No Native

Nurse shall be promoted into any senior position". So you would serve as a nurse knowing that you cannot be promoted into a senior position because of the political landscape, you then realise where we are coming from.

We had an association before, organisations like DENOSA were born, we had what we call SANA, South African Nursing Association. It was compulsory to belong to SANA if you were a nurse, otherwise if you don't register you cannot be a nurse, you had to register with both the Nursing Council and the association. It was compulsory but at the time when organisations like DENOSA were born things changed, it was optional, it was a democratic situation hence we're here.

In the organisation, when I became active we had about 2300 and 2500 members, since I arrived we grew to 3000/3600 currently we have over 4200 paid up members in the province. The statistics from the public service is around 8200, maybe slightly more than that. So at least we commanding the majority of nurses in the Mpumalanga province and we're recruiting/organising nurses only, no other health worker, we're competing over those few nurses.

That would be, I would say a brief about me, I am a man with a wife and four kids, my daughter has done BA Accounting at Wits, she's currently in the same institution doing her Honours. She obtained her degree in 2009, it's a girl, two boys, they are in the car and a little one who is 4. She will be 22 in October, she turned 4 on 1 May. My wife is a teacher, we take different directions in the morning, from Ka-Nyamazane she goes east to where she is teaching at Bukhosibethu Primary school, I go west to Nelspruit. I love kids, I'm a member of the 5 Assemblies Church of God. I'm enjoying being a member in that church and I've got .., that's my new family in the last two years. I enjoy being with them. On the other had I've got the comrades, NUM, NUMSA, SADTU, all the affiliates we have a very good relationship including NEHAWU, you see with NEHAWU we are sister unions but as well we are rivals in terms of organising because we all organise in health, they also want the nurses, but maybe one day such will be dealt with automatically as an when the

one country, one federation, one sector, one union comes to the fore. We might probably have less frictions.

I have learnt, suffice to say I've learnt that it is tough to be a leader, it is very challenging, there are decisions that you from time to time have to take but they are not always popular. There are things you must guard against, for example when you talk to the media, there are things you may not say. Very interesting because such would be taken against you and would be pitched as you instigating that members should go on strike. In 2007 I was interviewed by Legwalagwala FM. When they crafted their footage it was such that I said nurses in Mpumalanga will go on strike, and I had a meeting in Durban, as soon as I landed at the airport everybody wanted to know what have I told the media guys. Well guys, it's not about what I said, it's about what you heard, did you hear my voice there, no, then. I was understood from that context. Otherwise they believed that I had told the media, DENOSA is going on strike. You see with us, our members, all of them are in the essential service list. Then you can't go on strike, you cannot even announce. If you announce you instigate people to go on strike. The employer will take DENOSA to court, just for announcing. So that is the kind of a situation we are in, but is far much better than where we're coming from because you wouldn't say anything in the previous dispensation. However, I believe the days are becoming lesser and lesser where we will complain about apartheid. We should then be able to quote it in those extreme circumstances, but it's time that you must be able to look back and say this is what we have achieved.

I have been around this province, you are aware of the service delivery protest in Mpumalanga?

Facilitator: Ja from time to time

Respondent: I want to tell you those unrests they may have just come and gone sometimes with lives, maybe jail terms for some, or whatever torture by the police, but they have really worked for the province. I've been to areas where I can tell you for over 20 years you would have a street that you could not use, you could not even walk there. But because of this service delivery toyi toyi – those areas were filled and graded, now you can drive. There's a lot of things that have changed due to the service delivery campaign, though in some instances they may be unruly and uncontrolled but they yielded quite a lot of dividends, there are as well negative things like I'm saying in a township, it's a city of speed humps. Just a few metres there's a speed hump, there's another speed humps because there's been accidents, a child hit or somebody drunk or what or sober. Then it's speed humps, now you ask yourself another question, if there's a building, a shop or a shopping complex on fire. How then do you get there as quick as you could, with all the speed humps. It's a set back for fire fighters, for ambulances and so on and so forth. I believe there, my idea would be law enforcement. Traffic officials, radders, you exceed the limit, subjected to a fine on the other hand it's gonna be revenue, it's traffic control on the other side so that when those circumstances come you are able to work on them.

DENOSA, things I think I have achieved at DENOSA is membership, it's .., we managed, before at DENOSA, you see the Captiva I'm driving, it's a DENOSA car for the secretary. But otherwise the previous ones used Tazz's and Golf Chiccos. For me this is an achievement. We rented offices from 1997 to 2007, we rented in one place at 25 Rod Street. And when we moved, the owner of that building said that he is disappointed because over the period of 10 years he has never had to take us to court to recover his payments. But in the process I have been now struggling within the organisation to convince them to buy a building. It took us about seven years, today we are sitting in a building that belongs to DENOSA, we just pay rates, water and electricity, but the building is a DENOSA building. For me that's an achievement. Quite a number of things have changed internally and we commanding a good relationship even with managers, but with the understanding that not at the expense of our members. We have done that. We have confused

what I've said but is all true. I'm not sure if there may be specific areas where you would want me to give any information?

Facilitator: Just to go back you become a shop steward of DENOSA at Themba Hospital?

Respondent: Ja

Facilitator: Why you, you were actually even elected in absentia?

Respondent: Well I asked Mr Elias Shabangu, who was the shop steward, he is the guy who came to me and said I am tasked to come and share with you what happened in the meeting because I had not attended the meeting. He said we checked, we went to HR, we checked in which organisation you belonged, we thought you belonged to NEHAWU as one of the recognised unions here but we then realised that we've got gold in our pocket, it's just that we did not see it. Why me? He said well, the nurses have spoken, they believed in me, I don't know what they saw. Well I said to this guy I will give it a try if it works for me it's fine, if it doesn't sorry. I will walk out. I'm one person who decide to do something, do it for as much as I am comfortable and then I can change it as and when I need change.

So I just accepted that and when I went to the training, I was elected now present with other shop stewards who are from the other parts of Mpumalanga, but who for whatever reason believed in me, we were attending the same basic shop steward training in our DENOSA programme. They believed in me, they elected me, the shop steward now elected me to lead them. The guy who ran our training at the time, Mr Makhombe who is currently doing our operations at Head Office, he said to me "comrade Silence, this is your people, I come from Pretoria, I don't know you, you don't know me, but you are elected by these people. I would not really worry much

whether they know you or they don't, but they believed in you". They see perhaps a potential, they believe you can change their situation". I took it again with open arms and I ran with it, made my mark, maybe visited areas. One thing I picked up is people, when I started moving from one hospital to the next, clinics, people were complaining so much about DENOSA. A person will tell you I've been a member of DENOSA for the past ten years, or seven years or five years, I have never seen a leader from DENOSA coming to this institution. I'm just paying my subscription. I joined this organisation because there was no DENOSA, so a guy from that organisation came and I joined, that is, and my interpretation which could be funny but it's my interpretation. My interpretation then said "oh people like DENOSA, we just need to be there from time to time". I don't know what other reasons those people elected me in absentia had for me. One time I ask myself whether they wanted to get me out of the hospital environment I don't know. If it was then it was a blessing in disguise because I'm enjoying what I'm doing far much more that what I would do. I would know what to do in a hospital while I'm at home, even if they call me somebody's not coming, he is sick, he has just sent a sick note or fax, I would know what to do to patch up. Maybe it's because I was able to talk, I would stand my ground, I'm the only brother at one, I've got one sister. I said to you I had no father, so I had to find my way to my own success all the time. If somebody gives me a clap at school or anywhere, I had nowhere to report because my mom would not be there, my grandmother would never even consider that. So if it is a fight I had to fight for myself, all the time. Maybe it is out of then that I learnt to have this character, if you are to frighten me, I am not aware of something I'm afraid of, because not even death would frighten me, simply I'm in dying body, death in this body is a package. You can't separate life and death, I'm living but the package has got death in it so.

I had a little test in my life as a shop steward, where I was investigating some cheques, somebody reported that there's a cheque that appeared to have been issued in her name but that cheque she never received. I investigated the matter, I was able to get two copies of the cheque from the department, then I had to come back to the members to go and report the matter to the police, so that the department would hand over the cheques to the police. The other one said I don't

want to take my employer to court, just keep fighting until you get my money. This other one called me and said no Mr Matsane thanks for the work you have done, don't bother to pursue this matter any longer, I will pursue it from Gauteng I'm transferring to Gauteng, I just ..(unclear) what could be behind the story. She had a relationship with the HR practitioner there, she gave consent to the use of that cheque at the time, the relationship became sour then she brought DENOSA to fight. When DENOSA was trailing very close, two young came to me and said but we heard that there's a Mr Matsane who is investigating some cheques, doesn't this guy know that there is death in that. I said you see guys, I'm the only Matsane in DENOSA, in the whole country. If I should respond to what you have said, this is my version. Go tell your people I'm in a dying body, whether they kill me I will die, whether they leave me I will die. Ask them if the situation is not the same with them, because if it comes to firing shots, believe me the survivor is the one who strikes first fast and hit on the mark. So that's how the situation sorted itself out. But what the guy did, he went back, revived the relationship, went to the magistrate, they signed, hence they both transferred to Gauteng, there would no longer be a job for me to investigate and further pursue.

One of the characters I think people had identified in me, I confront any situation, I confront anybody. Zuma in my house is not a president, I'm the president. He is the president of South Africa but in my house I'm the president. If I say he must just then he would ask me how high. I'm sure they might have identified that, it's a character that was built in me by my socialising agents, because the fact that you would not have anybody .., me as a boy I would not even worry, even if you attack me being 3, but I know each one of you cannot handle me. If you are all three standing in front of me, I can find weaknesses in all of you before the fight starts and I know who you believe in, if you are three, I will good a good shot to the very person you believe he is gonna rescue you and when he goes down the rest will run. Those are the things I learnt, I would not fear, even management when I have to sit with management, management is either this or that. If there's a law of a country, that's one thing I told Dr. Smith who was the superintendent at Themba hospital at the time. He wanted me to admit a certified patient, I refused, she is the superintendant of the hospital, this is not a psychiatric hospital, a certified case must be sent to

Wiskopies, so I refused. She said no I'm a superintendant, I said no Dr Smith with due respect when there's a law of a country and a superintendent of a hospital I obey the law. May you and me please obey the law. Just consult others and check if what I'm telling you is wrong or right. That's .., maybe some of these comrades identified that.

One of the worst things I do in life is I can play the same song for three months, that's what my son said he's 14. I asked him if he's aware that I can play the same song for 30 days he said no papa, 3 months I have counted.

Facilitator: three months not 30 days?

Respondent: 3 months, 90 days, and put the cassette/cd and mark repeat, I will repeat for the same month. Like he is saying I have played from May, I have played 1 song from the latest Donny's track, from me, one song to August. That's me. In a way, I'm trained as a person, I'm trained by my environment, to survive the same situation, no matter the circumstances. When I was in Form 2 I was punished very severely, I could have stopped schooling then because one boy provoked me and I clapped him. He reported to the teacher and I asked the teacher what would happen, because the teacher wanted to punish me, before he could listen to my story. Sir after you have punished me, and you find that the situation was really beyond .., I could not tolerate anyhow, you would not tolerate yourself, what then should happen. Then the teacher walked out of the class, he went to the staff room and told the rest of the teachers that "Silence said if I dare punish him he is gonna hit me back, if I give him 5 he is gonna give me 5". So every teacher walked into the class would ask a funny question. I remember Mr Zwane asked, we were sitting in 2s in the desks. What type of trees are found in a botanical gardens, you ask this one said natural vegetation, he punished him, this one tropical, he punished him. Then he came to me I never responded, I just submitted. He hit me, he went back. Are they sensitive to frost? This one said yes, he hit him, this one no, hit came to me I never said anything I submitted. Until the period was over, he left, another one

came, and a friend of mine, she's in Polokwane now, a classmate, she said to me "go to these teachers and apologise. These teachers might force you out of the school, the behaviour is going that direction". I said no don't worry Lindi, nobody will wake up in his house, leave his kids and family and plan to punish me everyday. At some point they will be happy that I have never done anything to them. I never fought with any teacher but I was punished very heavily. She said no you should try, I said no I won't. Until today, I met Mr Mabuza he could not recognise me, I looked at him with a smile, because all I'm saying is if only he knew who he was dealing with. I don't have anything to deal with him. In life, our lives are just like in the jungle, it's survival of the fittest. If you are only physically fit you cannot survive, you must be mentally fit and you must survive your circumstances. I have survived. When things get tough I normally would ask a simple question. In one meeting I asked who of you can play the same song for a week. They said what do you mean, I said do you know a CD, there are tracks there, maybe 7 or 10. Can you play one for the whole week? When you start your vehicle it's on, it's playing, you go wherever, when you stop it's playing, from Jo'burg to Nelspruit play the same song. Can you do it yourself? I can do it for 90 days. So I can survive any circumstance. That's the security measure I have built around myself. When people say things about me somewhere, it's fine it's them talking about me. Pity I don't have time to talk about them, I have time to run my programme because of many programmes in life. An employee of DENOSA, a small business person, in my little corner, a member of the church who is active in activities of the church. When you have to do things there I'm there, I'm available, a very sociable somebody. I've got friends, this is me and I'm proud to be me and I'm proud to be a man. All the things I went through at university

Facilitator: education processes

Respondent: I did a diploma in nursing for four years, I also did a post-basic diploma in mental health with Stellenbosch University in 1998, currently I'm not sure what to do. I thought I would do, I considered Masters in Mental Health, now I'm running

around an idea of business management. I have not pursued anything, I'm not studying at the moment.

Facilitator: when you were a shop steward at Thabo Hospital, what were the pressing issues on the ground?

Respondent: Basically it was conditions of service. It would be bad, you work in an environment with ..., the environment is not conducive for the service you have to render. Imagine a hospital ward that has got 40 patients, 2 toilets on one side with the kitchen door just next to the toilet. Water leaks all over, doors that you need a forklift to open. Cleanliness in the environment being one of the challenges. Staffing levels it was just terrible. The management styles, because for example you would apply for a job, and not be offered the job not because you don't have experience, you don't know the job – if somebody would walk in and say “no man not this guy, not Brown” they wouldn't try to find your reasons, they will take those decisions. It was run like a home, you should belong to a particular church, predominantly you must be a member of the Catholic Church or alliance, you must be a resident of Kwa-Bokweni township. Those people were given first option. So for me it was just ridiculous. When these people speak they talk their history from the Old White River location, because that township was moved from White River to a place known as Kwa-Bokweni. So that would be basically the situation. But as and when we moved on, you then have to deal with real political issues around appointments. You would see now it's mafia style, you have to be tough to survive. Even if you walk in there as a trade union representative, you have to have your reservations, otherwise management is on your case. In no time you may be charged with misconduct and be dismissed on something that others do, and nothing happens to them. You would be charged for absenteeism yourself but they can't touch Silence, he is well known guy, the day after month end he would not come to duty but still get a full pay. So we then realised ..., I remember one time I spoke to one matron, safe not to mention her name. They allocated someone, whom they believed in my unit, I was in charge of that unit. They allocated someone who is believed to be mentally unsound on probation. Then the manager came to me and said “no man, but Mr

Matsane how is this one"- no he is fine, do you want to say hello, he said "no, no about her work, because in ward 6 she used to take food for the patients, she will eat, take juice and drink, apples, so you must write a report because she's still on probation so that appropriate steps would be followed and then she may not be confirmed at the end of the probation". Matron can you show me a sample of that report did you write something. She said no I'm just raising it because now she's with you. Then I said for as long as there's no report from ward 6 and this person is a daughter to somebody from Madalaskom in White River. I will find my own way to deal with this person, I'm not going to take your advice, because you did not use it yourself, she left and never spoke to me about that again.

That would be basically a situation where from time to time you would find a person doing things, sometimes you do things you don't like just because the situation calls for that. When I joined DENOSA I realised that the province was a little ..(unclear) not personal. Anything wrong was associated with Mpumalanga as a province until such time I stepped in and said guys is this as terrible as .., can be equated to what is happening in Mpumalanga, no man you can't compare it ..,no it's because people do worst things but nothing is said about them. And then when a drop in Mpumalanga falls into the same cup then it's a mountain. We are sorry comrade if we made you feel like that, you just get in gradually and .., who is the leader in front of you. Basically that would be me, my work, my leadership, my challenges, my do's and don'ts, my abilities. When it comes to abilities nobody would match me because I can play one song for 90 days.

Facilitator: It's for a long time.

Respondent: For me that was a survival. I had to portray a particular behaviour to be who I'm not so that I can be there.

Facilitator: Any other challenges other than the issues that you have mentioned when you were still a shop steward, were there cases that you had to deal with expulsion of people and defending people and so on ..(unclear) from the hospital?

Respondent: I dealt with them actively from 2001 I still am dealing with them. The last case was scheduled for 6,7,8 December 2011, that's one of the critical cases where a director was to be dismissed. The motion was a dismissal, they had a mandate to dismiss but we dealt with the situation. The plan was that 6,7 and 8 in the three days we must be able to finalise the case and dismiss the person in December. It never happened, even early this year, we still dealt with the same case until it was concluded in early March where the comrade was served with a final written warning and one month's suspension without pay. It's a fraud situation. I don't know how much I can trust you, I never asked you how old are you but I believe you are old enough. You see certain information becomes privileged, you know it on the basis of you having had a contact with a person but you can't share. What managers did, they would take .., if you me and any other person we go to the same meeting, instead of us using three vehicles, we use one, we all get into that one in the good name of curtailing costs. But when we come back you claim as though you used your vehicle, I claim as such and the third person claims as such, but we know all of us we used yours. Your claim is legitimate, the other two are not. Another time we use mine, we claim the same way. So it was that kind of a situation, but they could not dismiss the director because it was a practice, even those that represented the employer were guilty as charge. So it was a practice. Sometimes you've got a Prado, Avio, or a Land Rover V8, you use the Hyundai, but when you claim you claim on the capacity of the Land Rover so that you get some money. So those were the practices. How old are you?

Facilitator: I'm 41

Respondent: I'm not interested in the number per se but probably you must be old enough again to understand privileged information. We had a case where this

nurse was there, did not attend to the patient, a pregnant woman, she just left the woman there, alleged to have called an ambulance but there's no record, and that woman delivered herself there and the baby died. Now this one is charged with misconduct. The media, the people in the area, they want this one out. At the hearing we put all the circumstances that were there but they would not suffice not stop employer from dismissing the person. She was dismissed. We filed an appeal, while we were waiting for the response, ED came to our rescue, the Premier, he reshuffled his cabinet, the appeal is filed in the MEC's office. Now the MEC is taken from health to public service, Public Works Road and Transport. Now the new MEC has got this pending thing on the system, but does not have the documents. Those that have left, the PA and everybody gone, they can't find the document. They are calling us to now give them a copy. Played hide and seek while we advise this one to apply for a transfer, get out of the picture. The guy is in Limpopo, you can't dismiss somebody when he is not there. So these are some of the challenges. I never slept when I had to defend a nurse from Medi Clinic on counts of negligence. They wanted to dismiss the nurse, they already had a dismissal at the hearing but we tried to defend her. They said she recorded blood pressure without checking the blood pressure from the patient. Now that was chaired by Adv. Pierre de Villiers, he's a well known advocate in the area. He was chairing. I asked the employer "employer which blood pressure machine was used to find this record which is different from the others"? – they tell me we used this one and the digital one in theatre. Was my client afforded the same BP machine to check the blood pressure from the patient – "no Silence don't be impossible, this is not a court of law" I said I am asking a simple question. I requested the employer to respond to the question. Employer could not respond. The next question, the nurse used the blood pressure machine which was mounted on the wall. When was this thing mounted there, when the hospital was built. That's about more than seven years ago. When last was it serviced or checked just for correctness, can we be afforded the record thereof. There was no record. Somebody who was complaining was the Chairperson. Chair ..(unclear) recorded that you are bias on this matter so that whatever decision you take is based on the biasness because now I seem to be struggling with you not with the employer. I expect you to ask questions of clarity but I am asking clear questions which need clear answers, now you're just stepping in, employer can't barge. The nurse was given a suspended sentence and I said to her

they are going to find a way to dismiss you. I suggested she changes her employer completely because in the suspended sentence you will be serving under a dark cloud. She took my advice, she left for Gauteng and lived her life. Those would be some of the things. You never sleep when you are defending a case where you know dismissal is an option.

I had a similar experience with choice termination of pregnancy case. It's a free service but the nurse made people to pay and she pocketed the money. First time she was then confronted by the situation, she closed the deal with the employer without representation. She was given a final written warning which is valid for 6 months. Three days before that one expires she committed a similar case. Dismissal was an option and she never told me she had this deal with management. The Labour Relations Officer called me, "comrade Silence, who is going to represent this bastard" – we are going to dismiss tomorrow. It's myself, he said alright, "did this bastard tell you at the time of the transgression she was serving a notice, it was three days before the notice expired". I am going to enjoy a dismissal tomorrow, see you there. I went to the manager, I asked "are you aware that Labour Relations will want your view on this matter", "what" – if you tell them dismiss the bastard they will, if you tell them send a strong message they will send a strong message. The guy was subjected to a one month suspension without pay, but he is back at work, was changed from that position to another one where he had served for 17 years without a struggle. Some people you don't just have to put them where there's money they will transgress. Put them at the back of the building, they will do sterling work. Those will be some of the things, but cases are very tough.

Facilitator: So are there cases of unfair dismissals that you had to deal with?

Respondent: A lot of them. You see what I have learnt in the process is this thing of following the procedures, the laws as outlined in any law whereas your Labour Relations Act, your Basic Conditions of Employment Act, the purpose of the law is to guide if by any chance certain things happen, but how employers use the law is

different. They use the law to punish you whereas discipline should be a corrective measure. They use it as punishment. They use the law to frustrate you, they use the system to frustrate you, always. They will dismiss you un-procedurally. The fact remains you are dismissed, while you are running the process of challenging the unfair dismissal, your side of the story was not heard, but you are starving anyway, your furniture may be repossessed, your car, while your matter is referred to the CCMA or to the Sectoral Bargaining Council, or to the Labour Court for that matter, you are still stuck because you don't have a pay, these people are maintaining that we have dismissed you, even if they may lose the case going forward, they will still dismiss you. The whole MEC will tell you dismiss this bastard we will cross the bridge when we get there, you go there you dismiss the person without facts, you delay, at the end of the day you may have to pay. We had one case, Dr van Mollendorf ..(unclear) Ferreira. He was dismissed for a period of two years, he had no income. But when the case ultimately went to Labour High Court of Appeal, he brought four advocates, and the department brought their RDP lawyers who could not challenge some of the things that are said by advocate, by law. He won his case, he came back, reinstate retrospectively and pay retrospectively. Automatically this man became rich. He spent about maybe 10 minutes and resigned. We have such cases in nursing, we have had such experiences as DENOSA, one of the cases in Mpumalanga, we had quite a number of minor cases of unfair dismissals, where the employee would suffer, we had a case with a guy from Venda, who was dismissed because it was believed that he wrote something on the table, something vulgar, but nobody saw him. You and me came into this office, if we could find anything here, excuse my language "voetsek" - how can I say so and so did it because I was not there. So it was that kind of a situation. This guy for four years he was out of a job, he was dismissed for sexual harassment. No hearing but when this thing ultimately sat at the CCMA, the lawyers of the employer advised the employers and said "no man, but DENOSA has got a strong case here, yes you pay us to represent you, but representing you includes advising you. You take this thing further we are going to lose it with costs, try any other company and lose it with costs unlike now, if you settle now the damage is controlled, it's minimal". We won the case the member was compensated, he already had a job then. He was compensated. We have those that were dismissed and we could not do a thing. One of them is a nurse .., I represented her myself, who assaulted a patient, literally assaulted a

patient. And she was applauded by the person in charge "*mbonise, le patient iyadelela*" they fought, it was war. Then the patient sustained serious injuries, a bite on the chest, so the nurse when she felt that it was tough, she then bit the patient. Those are some of the things, that nurse was dismissed. I sat with her husband and uncle who is said to be working in the attorney's office, their legal expert sort of, I said well, you see there are things I could not discuss with you as family, but I have of course discussed with the DENOSA member. Ask her what I said on this day, they looked at her, we were in the office, at the Old Mutual building. She said "Mr Matsane said this matter is very serious, if it was him, having to deal with this he would rather take the option of resigning because we have a case that serves as a case law as we speak, where the person was served with charges and the person submitted a letter of resignation before the date of the hearing .., because of the fact that this person had to serve a notice, a condition which employer may as well have a right to .., this person had to serve notice but he no longer had a relationship with the same employer. He had submitted a resignation letter, so he was serving notice. What relationship are you going to talk to because it's no longer there, the person has raised a motion of intent in writing, unless otherwise the person withdraws that motion, then you can still pursue this one. So that guy was dismissed in absentia because he did not attend that case. But when the judge made a ruling on the matter, he said no there was no relationship because the person, while you're raising a motion to charge, and probably dismiss this person is raising a motion that there is no longer a relationship, I'm just forced by circumstances, if it was myself I would walk out. I dealt with that. It's tough. One of the toughest things is to see a person losing his/her job. The thought of it because I've been around for quite a long time with cases. You know a case which speaks to insubordination, you know automatically dismissal is an option. A case where they will tell you in the hearing that the relationship is irreparable damaged, there's no way we would reconcile. That statement on its own says you are dismissed. This employee has put our organisation into disrepute. Then you know it's a dismissal. However, I mean which ever way they may polish the English because we predominantly use English, but the last one is dismissal. Therefore dismissal is recommended.

Those things will burn your fat and some of the cases, even when somebody else will try to take you away from the scene, you assault the colleague and go back and assault the patient. *U funa ukumkhombisa ukhuthi wena ubani?* What is your role there, your role is to serve any patient who comes in as a client of the employer, and the employer pays you for that. I even advise nurses ..., "you see the person who is supposed to be found in any hospital is the MEC, in the context of the province, is the MEC for Health. But because he/she cannot be all over, then she hires you so that the people that want to shout at the MEC will find you and shout at you. Whatever the people are saying they're not saying it to you personally, they can only be saying to you personally in your house, but here you get paid to be shouted at, whatever happens to you that's what you get paid for, that's the statement I used. It may not send the correct message maybe but I often use, when I advise because with us we're running DENOSA as a trade union without neglecting the fact that we're organising a group of professionals, a particular group of professionals. If we check with council and we find that there's a lot of challenges around records, we then run workshops on record keeping to try and assist ..., and if you see there are four/five nurses in one hospital then you step in, but your recording guys do not represent what has happened, what we have done to the patient. Those will be some of the things. It burns your fat. With any case I would never sleep even if I try I can't fall asleep because I know that when I read the charge sheet there's disrepute, there's irreparable damage, the relationship of trust in the presentation is broken. You must start questioning trust, where is this person going to. So it's tough. Some people are ..., that's my observation and experience. Some people are moved even dismissed not necessarily because the transgression is so severe, it's because the person is not aware of the political mandate that goes with the position, politically when you are deployed somewhere, whichever way you might think you have been interviewed and you succeeded but you could be deployed. There's another panel sitting out there saying but Brown is fine, which organisation does he belong to ..., okay let's take this one, which ever way you may think of it, you are deployed, you've got a political role to play there. Sometimes you are expected to look at the colour of a skin just like our pink brothers did, looked at the colour of the skin and then understand that the skin must not continue to starve, and give that person a job. You will take support, in time it's gonna get there. Some managers are kicked out of the system because they are labelled as not

transformed, then you're kicked out. That's some of the terrible experiences. We had HOD's who were just dismissed because they failed to carry political mandates, out. When you worked with Mr van Rensburg, did you know his qualification, ..(unclear) – those are some of the things. So it's .., whether you talk to affirmative action as reverse apartheid, but it is what it is, with or without the other things. So those are some of the things. You're talking to bigger political issues like for example, look at the R20 billion that you and I are owing the Australian company in Gauteng. The risk is if they cut a reasonable size of the cake and throw it into somebody's mouth, we might find ourselves finding a way to pay the debt as a country. But if the shares went and diminish somewhere, those are some of the things, this is classified information. Partly it is privileged. So we are affected by the rest of what is happening because it's there, you will see in Mpumalanga we are very known by service delivery campaigns. As we approach 2014 cholera may come back, we may have an outbreak, we may have an outbreak of typhoid, those are things that happen. To me they are not very far away from chemical warfare, who is to be blamed, the nurse. You would have a clinic, a building, but there's no medication. If people have cholera you don't have medication, it's a problem. The other part of the workplace that is terrible is safety, we've got nurses who were stabbed in the workplaces by so called community members. The latest case from Lydenburg the nurse was followed and gunned down in her house.

Facilitator: Really?

Respondent: Some are raped at gunpoint, some are assaulted in the line of duty. You really ask yourself a question "why am I a nurse"? Are these people aware of my role in the society, it's not there, you hear people out there talking "these dogs earn a lot of money". It's simple, when you advertise the position of a nurse they put a salary in the newspaper. If we are sane enough as trade unions in South Africa, why are we allowing the person who wants the service to determine the price – because the employer wants a director, now they give you the package, the package of the director is this. No negotiations, take it or leave it. That is the kind of a situation we're faced with, our labour is for free. You go out to any market, you go

to those women who are selling along the street, you will ask them how much this packet of tomatoes is. You want somebody maybe to build a wall round your house, how much are you going to charge me to build a wall, I will provide bricks, cement. Then the person who is gonna construct the wall gives you a price, but it's not with us. With us they tell you how much they gonna give you, how different are we from the previous dispensation? Those are questions that need to be answered. Recently we signed an agreement on wages last week, 7%. You look at the agreement, it's a shame. What we had achieved with the previous agreement for salaries from 1 April .., with the new financial year, we lost it with this agreement because we're starting 1 May. The entire public service workforce have each one lost a month's salary, or a month's increment, but we are there, we are in power. How dare us because you even lose what you already have. Those are challenges worst than any other, is to lose what you've already won. Those people who went on *toyi toyi* in 2007 they suffered huge losses on "no work no pay implementation". But today they are losing 7% of their income and today we're talking one organisation, the teachers have signed. If you check all the other agreements, SADTU never signed, why now? So it's a challenge my brother that we might think we are there but we're not. There's a long way to go, we have to fight .. – I sat in a meeting last weekend, where a question was asked: Do you have a specialist in nursing? Yes or no? What is it that would qualify a nurse to be a specialist? Some say no if a person doesn't have a Masters then she's not a specialist. Do all the people who are specialists have Masters as we speak? I don't know, I did not check but I doubt. So you then start with the profession that it's still finding itself, after so many years we are still finding ourselves. Now we must define what is a specialist in nursing, a specialist nurse. Those are some of the things, with the profession and the trade union. You must have a specialist, we're also having a very silent fight within COSATU that we call ourselves professionals, they hate the concept of professional. They want you to say worker. Don't tell them you are a professional nurse, you are a nurse, you're a worker. So it's how people perceive or interpret the concept professional or they interpret it for us. Those would be some of the things, but all in all it's tough to represent somebody in a system you don't know. I think early this year, around February we concluded a conciliation, in fact that case was for arbitration but employer decided that we should change it to a conciliation when a conciliation had failed because at the conciliation they said they were not going to

settle, then the commissioner issued a certificate of non resolution, then the matter became due to be referred for arbitration. The matter was referred, an arbitration date was set, then employer wanted us to caucus off the record. They wanted to request that we change the arbitration to a conciliation and they are willing to settle with minimal conditions. They settled, well our member was happy, she was given a back date of almost R34 500 – it's more than. In fact this thing was concluded last year, now it's almost over 7 months. The money has not been paid. The money was to be paid by the end of April, it's not paid. As I went into a meeting at the government complex today, I made the necessary inquiries, well at least the last person for the first time promised that no they've concluded the internal processes, the money will be deposited with their run next week, the member should expect it, so I've cautioned the member, please check if your phone tells you there's money, check if it is the amount you know. Remember there will be tax and so on, but the entry amount should be equal to what is on that agreement, if it's not talk to me so that I can follow that up. It's tough, we do a lot of conciliations in the province, we do a lot of arbitrations. Some cases do go to court but as DENOSA we have not taken any case to court to so far. We are managing to deal with them internally, we have got a legal expert who .., this guy is a lawyer, with a licence to practice but he is an employee of DENOSA, so that we deal with legal issues internally, you pay a salary instead of paying a service because service becomes very expensive as and when you need it. That's basically some of the challenges.

Facilitator: The last question. The state of facilities in hospitals around Mpumalanga, and .., what have you taken that up with the government as DENOSA?

Respondent: Most of the 32 hospitals in the province have been revitalised, some underwent more or less, complete renovations. It's like when you go to hospitals like Shongwe, they had to build a new structure altogether because all along they've been functioning in military structures. We have engaged employer in many instances. DENOSA in this province, at one time I think somebody very influential spoke to COSATU about DENOSA and the media in Mpumalanga. When I attended a PEC of COSATU they said no man some smaller organisations have become

celebrities at Ligwalagwala FM. At any given point is this smaller union on the radio, we are sick and tired. Well I had to challenge that. It was a very tense meeting because I then challenged NUM, I challenged NUMSA, I challenged NEHAWU. NEHAWU you're saying we don't attend meetings but your meeting was in your office and I use your landline to try and locate you, you come here you tell this PEC DENOSA did not attend a meeting, why lie when the truth is there and I'm there. People are dying ..(unclear) are you done with all that so that you can now cross over and assist DENOSA? NUMSA many people died in the steel pots, people get cooked there with the steel, but then decide to .., if you want to join DENOSA be a nurse. So it was tense and I also accused the Chairperson: "Chairperson if you are chairing you ought to protect all the people in the meeting, but you have not protected the people and organisations, not DENOSA maybe it's because you are from NEHAWU. We need protection otherwise we are going to protect ourselves. You may be bigger unions but those unions are not your houses. You are this big guy in your house not in the trade union, you can be dismissed like anybody else today". So it was tough, we have already spoken to employer about .., you see when you visit the clinics you then realise how bad they are but some of the clinics have been renovated, at least they are up to scratch, they represent clinics, current day clinics because of the interventions. Some of them the structure is sharp, the ..(unclear) the equipment is fine, but your medication is not there. How then do you consider this building a clinic when there's no medication, there's not enough personnel, especially medical and nursing personnel.

We have engaged employer repeatedly, we have made some strides but we are not yet there. We looking forward to the recitation, changing to reality, that of a university in the province with an academic hospital. We're looking forward to that because if such happens, then we will attend classes there in the evening. Otherwise we don't have Mpumalanga University, we've got TUT Campus, another campus for UNISA and University of Pretoria, Potchefstroom, they are there but we want the university of the province so that we can see how best we can build our capacity around them.

Generally in the struggle I must really mention that we have made some strides, but there's a long way to go still. In the profession nursing, in the general politics out there and the other professionals there's a lot to do. Otherwise we get zero if we can't achieve anything, we get zero and that zero will be ours. That's who we are, that's where we are. Our nurses are not as much clued up on the general politics and labour laws and laws in general. We trying here and there to assist, even distribute copies like you would see, when we did our training, we would then distribute, the Basic Conditions of Employment, a copy of the Labour Relations Act, Employment Equity, we want to try and work on gender. We are terribly challenged gender wise. In DENOSA as one example, DENOSA is 88% female nurses and 12% males. But when it comes to senior positions, for an example, provincial secretaries in the 9 provinces: Limpopo, Mpumalanga, Northwest, Western Cape, KZN, Northwest, Northern Cape and Gauten they are led by men – Free State, Gauteng and Eastern Cape women comrades. So it's six males and three females. But in fact it would be acceptable even if the situation was vice versa, six women and three males because the membership is 88% women. So we're challenged gender wise. We have to work on that. We hoping that some day we will be able to talk some sense. In the general politics men dominate as well. The taxi industry is men, because they use muscles. Truck drivers, predominantly men. So we're all over but in the context of DENOSA we're trying to work on that, sensitise people on equity and try to raise issues like when is it a fair discrimination and when it is not. If we apply for a driving job you've got one eye I've got two eyes, it's not a discrimination that the one eyed guy is not employed, it is fair discrimination in that you need both your eyes in driving. It's an inherent requirement otherwise even if I may become blind, I may no longer be eligible to drive because I cannot see, so seeing is an inherent requirement and when you bring an expert, the expert will tell you what percentage is viewed or seen by this eye and what goes to the other one. So without this one then there's almost so much percentage in terms of vision. If you've got 50% less chance to see, you can't beat somebody who's sees 100%. If you put it in that context then it becomes a fair discrimination, you've got half the inherent requirements and this one has got a full set 100% vision. Those will be some of the reasons.

What is not happening so much nowadays is building of new facilities is very slow but we have for example a clinic in town, Khuthalani Clinic, that clinic is more than two years now. The structure was completed but is not opened yet. A security company was appointed to look after the building but there's nothing in the building. I'm told last week there was an official opening but this morning somebody went there with flu, she cannot be assisted. They are there to write a letter and refer you to Rob Ferreira hospital, they don't have anything but it's a newly opened clinic, opened last week, so you .., those are things you must challenge. It's continuous engagement, sometimes you are put off in that they would be reshuffling. When you have moved with Brown this far, Brown is no longer there, somebody else is in there we're starting afresh. It happened with the organogram, at a point you would then ask which organogram was used to advertise this post. The old and adopted one or the new an un-adopted. So it's tough, there are areas where people would create positions for themselves. But some of these things are very difficult to prove, how do you prove it. But you've seen somebody move from this point, came to provincial office, a new post was created, and then he got it and went back somewhere. A new position higher than the previous one. At this level you come to this level, from here you go to another one. Some comrades they would even change provinces. I remember Mr Mdebele worked at Embuleni Hospital as one example. He left from the hospital, he left for KZN and then he became an assistant director in KZN. He served for two years and came to Mpumalanga he was a deputy director. A nurse in the hospital, an assistant director in an office then a deputy director in another office in another province. Now is back to KZN he is a director. So it's Mpumalanga, KZN, go to Mpumalanga, and then KZN you're a director. He left them as an assistant director, but now he's a director because he was deputy this side. So it's a matter of people opening their eyes, there's quite a lot of them who are doing that.

We wish things change, conditions improve at work, but it's a pity capitalism as a system works on profit, if you can get a profit from the product, you get from the salaries, that is why you retrench them. You count the number of people who will be equal to your target then give them packages, you still get the same package with a lesser number of employees. That's how it works. Whatever principle you use, last

in, first out, you are cheaper when you are the last person in because you would have served for a shorter period, paying you a week's wage for every full year completed. So it's a .., that's what it is, but we're hoping one day we will make a difference.

Facilitator: Okay, comrades thanks very much for your time, it's detailed.

Respondent: Thanks for listening to me.

END

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