



EXHIBIT U 45

**ELSIE MAMOLATELO
PULE**



**JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE,
CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE**

2nd floor, Hillside House
17 Empire Road,
Parktown
Johannesburg
2193

Tel: (010) 214 to 0651

Email: inquiries@sastatecapture.org.za

Website: www.sastatecapture.org.za

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JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE,
CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF
STATE

AFFIDAVIT

I, the undersigned

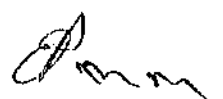
ELSIE MAMOLATELO PULE

Do hereby state under oath in English:

1. I am an adult female, a South African citizen, with ID number 6710040509083. I am currently employed by Eskom Holdings Soc Limited ("Eskom") as Group Executive Human Resources, with offices situated at address 2 Maxwell Drive, Megawatt Park, Sunninghill.
2. My contact details are:
 - 2.1. Office: 011 517 7017
 - 2.2. Cell: 0834617654
 - 2.3. E-mail: PuleEM@eskom.co.za
3. I depose to this affidavit in my personal capacity, confirm that the contents thereof are within my personal knowledge and are both, true and correct.

E. M. Pule

4. I have been approached by the investigators of the Judicial Commission of Inquiry into Allegations of State Capture ("the Commission") who requested me to submit an affidavit to the Commission on the following points:
- 4.1. My employment history at Eskom, during the period in question (March 2015, currently, in what capacity and my duties;
 - 4.2. My responsibilities and duties in March 2015;
 - 4.3. The Eskom suspension policy that was applicable in 2015 insofar as it may relate to F band executives;
 - 4.4. Whether, in my experience at Eskom, F band executives have ever been suspended prior to 2015 and if not, how they were dealt with;
 - 4.5. My attendance and involvement at the Board meeting of 11 March 2015 at 9h00-how was I invited, why did I attend, what was discussed with me and by whom;
 - 4.6. My version of what was said about me in para 16 of Mr. Phukubje' s affidavit, the advice I gave in response and by reference to what document(s);
 - 4.7. How my email of 11 March 2015 at 9h27, came about, what was discussed with me by who that made me write the email and what I did with the documentation received from Mr. Phillip Mashego;
 - 4.8. My engagement with Ms. Venete Klein and/or any other member of the Board or staff, particularly in regard to the suspension of the executives and thereafter, obtaining tools of trade from them after their suspensions (refer to the emails exchanged between you, Venete and Anton Minnaar on this issue) and steps taken in regard their exit negotiations and ultimate conclusion of separation agreements with three of the suspended



executives;

4.9. The steps taken in regard to exit negotiations with executives and conclusion of separation agreements with three of the suspended executives;

4.10. What was the process followed in the suspension of the executives on 11 March 2015? Explain whether the suspensions were procedural. If not, what should have been the correct procedure.

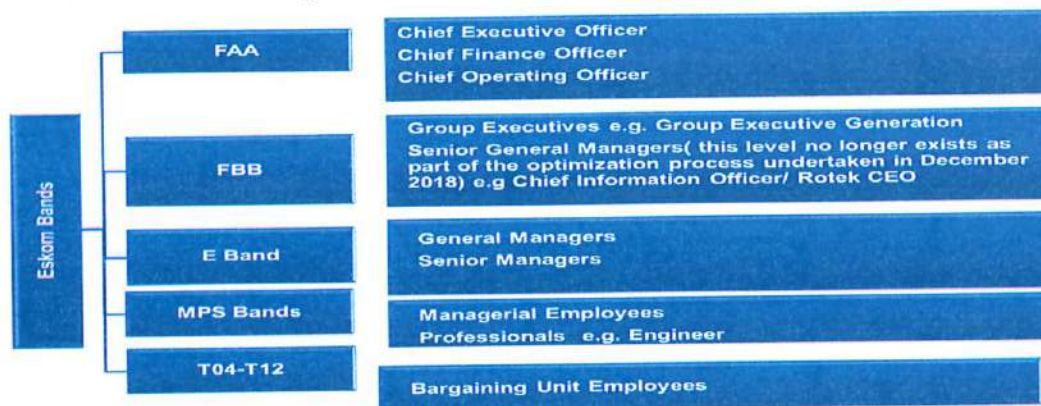
MY EMPLOYMENT HISTORY AT ESKOM, AND MY DUTIES AND RESPONSIBILITIES IN MARCH 2015

5. I am employed at Eskom, from 1 December 1995 to 31 January 2010 and then from 1 December 2012 to date. Currently, I am employed in the capacity of Group Executive Human Resources.
6. In March 2015, I occupied the position of Senior General Manager Human Resources and acted in the capacity of Group Executive Human Resources. In the Acting Group Executive Human Resources role, my duties were:
- 6.1. Responsible for functional leadership and direction for the Human Resources functions (these include Workforce Planning, Performance, Talent Management, Reward and Benefits, Skills Development, Employee Engagement, Organisation Effectiveness and Employee Relations).
- 6.2. Influence operational excellence, which included directing a step change in performance and securing the current and future mandate.
- 6.3. Responsible for providing the strategic oversight and guidance for the Eskom Academy of Learning function to drive the business forward.
- 6.4. Drive stakeholder relationship management to lead and partner with the

business.

6.5. Direct the Human Resources Division's operations.

7. In March 2015, I was responsible for a staff complement of 1500 HR employees, ranging from bargaining unit level, to managerial and senior management levels. At an Eskom level, I was responsible for all except F band employees. Below is the Eskom band categorisation.



ESKOM SUSPENSION POLICY APPLICABLE IN 2015 INsofar AS IT MAY RELATE TO F BAND EXECUTIVES

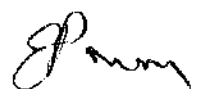
8. The management of F-band employees in terms of the HR value chain at Eskom has been outside Human Resources (HR). This is managed through Executive Support reporting to the CE office. This means that the conditions of service of F band employees including their remuneration, their appointment, the promotions, settlements and the overall personnel management is the responsibility of Executive Support. The involvement of HR on F-band employee matters was on certain matters, depending on who was at the helm as CEO at the time. F band executives in 2015, were:

- 8.1. Group Chief Executive
- 8.2. Chief Financial Officer
- 8.3. Group Executive Human Resources
- 8.4. Group Executive Legal and Compliance

- 8.5. Group Executive Generation
 - 8.6. Group Executive Transmission
 - 8.7. Group Executive Distribution
 - 8.8. Group Executive Group Capital
 - 8.9. Group Executive Group Technology and Commercial
 - 8.10. Group Executive Risk and Sustainability
 - 8.11. Divisional Executive Group Information Technology
 - 8.12. Divisional Executive Corporate Affairs
 - 8.13. Divisional Executive Eskom Enterprises (including subsidiaries)
 - 8.14. Senior General Manager Strategy and Support
 - 8.15. Senior General Manager Audit and Forensic
 - 8.16. Senior General Manager Group Technology
 - 8.17. Senior General Manager Southern Africa Energy(SAE)
 - 8.18. Senior General Manager Company Secretary
 - 8.19. Senior General Manager Demand Management
 - 8.20. Senior General Manager Shared Services
 - 8.21. Senior General Manager Primary Energy
9. Based on the 2018 Executive employees staffing optimisation process, the Senior General Manager(SGM) level was done away with and other F band roles were at General Manager level leading to a reduced number of F bands namely:
- 9.1. Group Chief Executive
 - 9.2. Chief Financial Officer
 - 9.3. Chief Operating Officer
 - 9.4. Group Executive Human Resources
 - 9.5. Group Executive Government and Regulatory Affairs
 - 9.6. Group Executive Legal and Compliance
 - 9.7. Group Executive Generation
 - 9.8. Group Executive Transmission
 - 9.9. Group Executive Distribution
 - 9.10. Group Executive Group Capital

9.11. Group Executive Rotek Industries(ERI)

10. Having said that, I am aware that the Executive Support function has never been able to deliver the full scope of HR and in an ad-hoc fashion, the Eskom HR procedures and policies would then be applied.
11. With regard to the suspension process, in the absence of a specific process for F band employees, the Eskom Disciplinary Process (UI 32-1113) applies to all employees including F-band employees. Below is an explanation of the suspension process:
 - 11.1. When there are allegations of serious misconduct against an employee, which may be brought to Eskom's attention through different channels including but not limited to anonymous whistle- blowers, investigations, audits, etc. the line manager may commission an investigation into the allegations.
 - 11.2. The line manager, in consultation with the Industrial Relations Department and/or the Assurance and Forensic Department, will evaluate if there is a risk or any possibility of interference by the employee against whom the allegations are made, with the investigation process.
 - 11.3. If there exists a possibility of interfering with the investigation, the employee would be served with the letter of intention to suspend, which would outline the nature of allegations and the applicable conditions.
 - 11.4. Amongst the suspension conditions is the return of Eskom assets and in addition not to interfere with the investigation. The employee will be given two working days to make representations as to why the suspension should not be made final.
 - 11.5. In circumstances where the presence of the employee in those two days



does not pose a serious risk, the employee will not be placed on immediate but temporary suspension.

- 11.6. In circumstances where the presence of the employee, in particular senior employees and executives, pose a serious risk, the employee will be placed on immediate temporary suspension pending the submission of the written representations.
- 11.7. After submission of the representations, the line manager will consider the representations and decide in the best interest of Eskom whether to confirm the suspension or not.
- 11.8. In the event that the line manager is satisfied with the representations, and the employee was not placed on temporary suspension, a formal letter will be issued to the employee confirming that there will be no suspension.
- 11.9. In circumstances where the employee was placed on temporary suspension and the line manager is satisfied that there is no risk posed by the employee during the investigation, the employee will also be advised in writing that the suspension will not be confirmed and the employee must resume his duties.
- 11.10. In circumstances where the line manager has decided to confirm the suspension, the employee will be advised in writing of the pre-cautionary suspension with pay and the applicable suspension conditions. A copy of the Suspension Practice Note and relevant letter templates is attached hereto marked "EP1".

WHETHER, IN MY EXPERIENCE AT ESKOM, F BAND EXECUTIVES HAVE EVER BEEN SUSPENDED PRIOR TO 2015 AND IF NOT, HOW THEY WERE DEALT WITH,

12. Yes, F-band employees have been suspended before. Since 2012 for example, Kiren Maharaj; Senior General Manager Primary Energy and Sal Laher; Chief Information Officer were suspended.
13. I am not aware of any CEO and CFO who were suspended before March 2015.

MY ATTENDANCE AND INVOLVEMENT AT THE BOARD MEETING OF 11 MARCH 2015 AT 9H00

14. On the 11 March 2015, there was a scheduled Board Meeting from 9h00 to 12h00. I was at the scheduled Board meeting of 11 March 2015 that started at 9H00 by invitation with the rest of the ExCo members.
- 14.1. For board meetings, we get an invitation through outlook calendar (I cannot retrieve the 2015 calendar however, secretariat can confirm).
- 14.2. I was at his board meeting by invitation I did not have a specific role at this meeting except for attendance as part of the ExCo. The Agenda and Minutes of this meeting are hereto attached marked "EP2".
15. On 11 March 2015, the same day, there was a Board In-committee meeting which I did not attend. A copy of the minutes is attached hereto marked "EP3".
16. On 11 March 2015, the same day, there was a People and Governance In-committee meeting where the suspensions were discussed and again, I was not in attendance. A copy of the minutes is attached hereto marked "EP4". Based on those minutes of the People and Governance In-Committee Meeting of the 11 March 2015, the meeting was adjourned at 16:25.

MY VERSION OF WHAT WAS SAID ABOUT ME IN PARA 16 OF MR. PHUKUBJE'S AFFIDAVIT, THE ADVICE I GAVE IN RESPONSE AND BY REFERENCE TO WHAT DOCUMENT(S)

17. Mr. Phukubje mentioned in his affidavit that, I was called in for the meeting of the 11 March 2015. In para 16 of his affidavit, he states that Mr Tsotsi handled the suspensions and that I was called in to advise on the HR processes.
18. As indicated above, I was only part of the scheduled board meeting (9h00-12h00) and as per the agenda and minutes, there was no discussion of suspensions.
19. According to the minutes of the board meeting (In-Committee that started at 12h00 on 11 March 2015 (sourced from Mr. Wayne Werner who was the official secretariat on that day), I was not in attendance nor part of the deliberations.
20. At the People and Governance In-Committee meeting held on the 11 March 2015 from 14:58-16:25 where the three executives were suspended, I was not in attendance.
21. On 12 March 2015, there was a People and Governance In-Committee meeting. I refer to the relevant copy of the minutes hereto attached and marked "EP5". The secretariat called me into Hovunkulu Boardroom at Megawatt Park from my office by the secretariat.
22. Under normal circumstances, I would not be part of the In-committee meeting. On this day, in the presence of the People and Governance Committee members with the Chairman of the Board Mr. Zola Tsotsi, I was informed about the suspensions of the executives. Below is an extract of the minutes of the 12 March 2015 that shows my involvement:

DISCUSSION WITH MS E PULE

Ms Pule joined the Meeting: 09h04


Ms Pule was called in and it was explained to her what the Board has decided on and she was also advised on the inquiry, the reasons therefor and the names of the Executives who have been suspended. It was also explained to her that the Board's understanding is that Eskom has no provision for the Special Leave. She confirmed that it can be granted at the discretion of the Line Manager but that the route which is being taken is that of a suspension. She was advised of the Acting positions so that the Business of Eskom can proceed.

It was requested that Ms Pule engage with Mr Tsholanku regarding the fact that there is no Special Leave in Eskom and find common ground on the matter. She pointed out that the organization's morale is very low; that it will take a lot to return it to healthy levels and the Board needed to handle it very carefully.

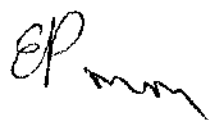
23. I did not provide advice to the Board as alleged by Mr Phukubye at the Board meeting of 11 March 2015. On the 12 March 2015, I was asked to confirm whether Eskom has a provision for special leave to which I responded as per the extract above.
24. After joining the meeting, other executives, namely Ms. Nonkululelo Veleti, Mr. Edwin Mabelane and Mr. Abram Masango were also invited in and briefed on their acting roles in the place of the suspended executives. Then the rest of the ExCo members were invited in and briefed on the developments.
25. Mr Phukubje's assertion in para 16 of his affidavit that on 11 March 2015, I provided guidance on the HR processes is not correct. My involvement was only on the 12 March 2015, by then the executives were already suspended.

HOW MY EMAIL OF 11 MARCH 2015 AT 9H27, CAME ABOUT, WHAT WAS DISCUSSED WITH ME, BY WHO THAT MADE ME WRITE THE EMAIL AND WHAT I DID WITH THE DOCUMENTATION RECEIVED FROM MR. PHILLIP MASHEGO,

26. In the meeting with the investigators on 25 September 2020, when I was asked what prompted me to write an email to Mr. Philip Mashego on 11 March 2015 at 9h27, I responded that I did not recall.



27. In preparing for this request for the Affidavit, I searched the Outlook Archives again and managed to retrieve an email trail with Mr. Zethembe Khoza, a board member. I attach hereto a copy of the email trail marked "EP6".
- 27.1. I can confirm that on the **11 March 2015 at 9:27**, I send an email to Mr. Phillip Mashego at 9:27 as per my outlook records, I requested him to provide me with a step-by-step process of suspending F-band employees;
- 27.2. **On 11 March 2015, 11:36**, Mr. Mashego responded to my request and provided me with the three attachments pertaining to suspensions, which I subsequently opened at 16:05.
- 27.3. **On 11 March 2015**, I send two sets of emails to Mr. Khoza titled "As discussed" and "Suspension Process" respectively at 14:30 and 16:06. I do not know what Mr. Khoza did with the following documents I send to him:
- 27.3.1. Practice Note: Suspension Process. Copy already attached "EP1";
- 27.3.2. Draft Letter: Intention to suspend. Copy already attached "EP1";
- 27.3.3. Draft Letter: Confirmation of Suspension. Copy already attached "EP1";
- 27.3.4. F band employees list with Eskom assets copy attached hereto marked "EP7";
- 27.3.5. Disciplinary Project Plan: Sal Laher. Copy attached hereto marked "EP8".
28. My response to the above question is as follows, from the email trail to Mr. Khoza:
- 28.1. I can only assume that Mr. Khoza' s request might have prompted my email to Mr. Mashego however I am unable to provide any evidence to support this assumption.
- 28.2. I do not recall how Mr. Khoza asked for the information as at the time the



Board meeting was underway. It is possible that he might have asked me either directly or through his office. I can confirm that it could not have been through text as I have now found an email where I requested his cell number from his PA on 18 May 2015.

- 28.3. It is possible that when he asked me for the information, I may not have asked him what he needed it for, I therefore cannot say he required the information for purposes of the suspensions, which were effected on the same day.
- 28.4. I can confirm that on 11 March 2015, I was not briefed about the suspensions.
- 28.5. As to why it took me so long to open an email response from Mr. Mashego to my urgent request for information, I cannot say and would not want to make assumptions.
- 28.6. It is possible that I may have send information to Mr. Neo Tsholanku on the day however, I do not remember and I cannot find any other email trail on the subject.

MY ENGAGEMENT WITH MS. VENETE KLEIN AND/OR ANY OTHER BOARD MEMBER OR STAFF

Particularly in Regard to the Suspension of the Executives and thereafter

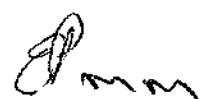
29. I had no involvement with Ms. Klein or any board member or staff with regard to the suspension of the four executives.
30. I cannot confirm that Mr. Khoza might have requested the suspension information to suspend the executives in question as indicated in point 28 of this document.

31. On 12 March 2015, I was the first executive to be called into Hovunkulu Boardroom. The P&G committee members and the Chairman of the Board were present. A copy of the Minutes of People and Governance Committee meeting held on 12 March 2015 is hereto attached "EP8". My involvement was limited to:
- 31.1. Being informed about the suspensions and who would be acting during that time;
 - 31.2. I was asked about special leave. My response was that special leave can be granted at the discretion of the line manager however the route that was being taken was that of a suspension;
 - 31.3. I was informed about the executives who were going to act;
 - 31.4. I was present when the rest of ExCo was invited in and briefed on the developments.
32. My subsequent engagements with board members mainly Mr. Venete Klein, Mr. Zola Tsotsi mainly through his assistant Mr. Leo Dlamini and Mr. Zethembe Khoza (then appointed Acting CEO). A copy of these engagement activities is hereto attached marked "EP9" which illustrates all the engagements with the affected staff, the senior management, all employees and organised labour:
- 32.1. A communique to all employees about the developments. Copy included in the pack marked "EP9".
 - 32.2. On 12 March 2015, the Chairman Mr. Tsotsi accompanied by myself and Ms. Klein engaged the following teams and briefed them on the developments in particular that their Group Executives was on suspension. These were briefing sessions and we did not record them;

- 32.2.1. Finance team;
 - 32.2.2. Group Capital team;
 - 32.2.3. Group Commercial team;
- 32.3. The Chairman with my support engaged the leadership of organised labour. Courtesy calls were made to the Secretary Generals of the three trade unions namely NUM, Solidarity and NUMSA.
- 32.4. We implemented a Survey which we subsequently named "The Pulse Check" which we reported daily on to Ms. Venete Klein. Several reports were provided to Ms Klein a copy of the Pulse report is included in the pack marked "EP9".
- 32.5. We held at Executive Forum which Mr. Tsotsi hosted facilitated by my office on 17 March 2020, the agenda is included in the pack marked "EP9".

Obtaining Tools of Trade from the Executives after their Suspensions

33. On 14 March 2015 at 9:28, Ms. Klein enquired about the laptops and access cards. I then referred the matter to Mr. Minnaar who finally confirmed on 18 March 2015, that all the laptops in particular of Mr, Tshediso Matona had been received.
34. This indicates that the Eskom process and protocol of suspending employees was not followed accordingly. The Eskom practice is that when an employee is suspended the tools of trade i.e. laptop, 3G, access card etc. are taken from the employee on the day of suspension.
35. When an employee is suspected that he/she may interfere with the investigation



or conceal information, it is even crucial to take the laptop before he/she exits the workplace upon suspension.

Steps taken in regard to the suspended executives' exit negotiations and ultimate conclusion of separation agreements with the three

36. I do not know whether the investigation against the executives was concluded neither have I heard or seen the outcome of the investigation or the copy of the report.
37. I am not aware of whether the executives were formally charged on the alleged acts of misconduct and thereby concluding the disciplinary process. The reason for the suspension according to Mr. Tsotsi was that there was going to be an inquiry into Eskom's current state of the business and that the board wanted to ensure that the executives will not interfere with this process.
38. I have subsequently seen in the Annual Report that there were settlements with the three executives. However, I do not know the details thereof and the grounds of settlement.

PROCESS FOLLOWED IN THE SUSPENSION OF EXECUTIVES ON 11 MARCH 2015

39. Whilst I do not have details on how the suspensions were executed, I believe that the Eskom Disciplinary Procedure was not followed to the letter. For instance, point 4, of the Eskom Disciplinary procedure states: "No disciplinary action shall be instituted against an employee unless he/she is afforded a proper opportunity to state his/her case and to defend him/herself against any allegations that may be taken into consideration against him/her".
40. Suspensions form part of this process and as far as I am concerned, these were rushed. I do not believe that the affected executives had sufficient time to submit

proper written representations regarding their suspensions as per the Disciplinary Procedure.

41. In terms of the Practice Note on Suspensions, the employees are given two working days' notice to make written representations regarding their suspensions and in this case, it appears that the executives were suspended on the same day.
42. Gathering from the minutes I have now read, it appears that on the 11 March 2015, they were suspended without being given sufficient time to provide reasons why they should not be suspended. In Mr Koko's case it appears that, he was just excused from the meeting for a bit and subsequently called in and given the letter of suspension.
43. In conclusion, I was asked why would I request information on F-bands employees when they were not serviced by Human Resources (HR). I do not find this strange, as it is also not unusual that HR would be asked for advice for HR related information or even advice on policies or practice. Whilst Mr. Anton Minnaar is responsible for the management of HR processes for F-bands employees, he does not have the capacity to facilitate industrial relations and other HR matters as his duties were mainly recruiting, appointments, remunerations and settlements. There are inter-dependencies between Executive Support (Mr. Minnaar's area) and Human Resources, so it is not surprising that HR would have handled the disciplinary matter of Mr. Sal Laher who was an F band employee for example.
44. I have also been requested to provide the Commission with any further information and documentation that I deem relevant to the Commission's investigation. Copies of the Disciplinary Procedure "EP10" and the Disciplinary Code "EP11" are hereto attached.

HAVE YOU HAD TO DEAL WITH SALIM ESSA, ERIC WOOD OR ANY OF THE GUPTA BROTHERS? IF YES, PLEASE PROVIDE DETAILS

45. No I have not had to deal with abovementioned names.

1. After completion of the statement, the following questions were put to the deponent and his answers were recorded accordingly:

1. Q. Do you know and understand the contents of this statement?

YES

2. Q. Do you have any objections in taking the prescribed oath?

NO

3. Q. Do you consider the prescribed oath as binding in your conscience?

YES

I believe the statement gives a fair account of the event that happened.

[Signature]

Signature of Deponent

10/11/2020

Date

I HEREBY CERTIFY that the deponent has acknowledged that she knows and understands the contents of this affidavit, which was signed and sworn before me at

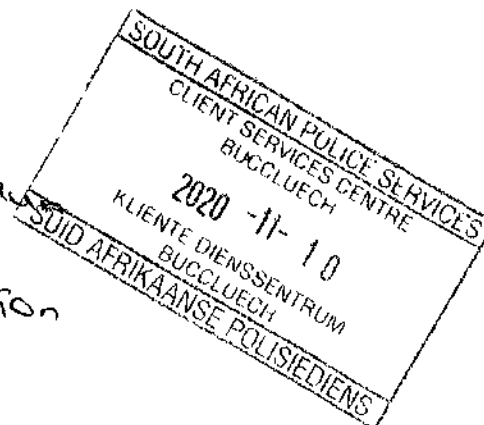
SANDTON on the 10 day of NOVEMBER ²⁰²⁰ ~~2019~~, the [Signature]

regulations contained in Government Notice No R1258 of 21 July 1972, as amended, and Government Notice No R1648 of 19 August 1977, as amended, having been complied with.

[Signature]

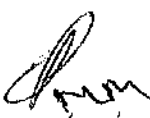
COMMISSIONER OF OATHS

Ahmed Mubsi Makhulu
2 Summit Road
Morningside Sandton



FINAL AFFIDAVIT FOR ELSIE MAMOLATELO PULE: ATTACHMENTS

#	Description	Marked
1	Suspension Process Practice Note Draft Letter: Intention to suspend Draft Letter: Confirmation of suspension	EP1
2	Board Meeting 11 March 2015 Agenda Minutes	EP2
3	Board In- Committee Meeting 11 March 2015 Minutes	EP3
4	People and Governance In- Committee Meeting 11 March 2015	EP4
5	People and Governance In –Committee Meeting 12 March 2015	EP5
6	Email trail with Mr. Mashego and Mr. Khoza	EP6
7	List of F band Employees with Eskom Assets	EP7
8	Disciplinary Project Plan: Sal Laher	EP8
9	Engagement Plan Affected employees of the suspended Executives Eskom Employees Survey(Dipstick) Executive Forum Communiques	EP9
10	Disciplinary Procedure Unique Identifier 32-1113	EP10
11	Disciplinary Code Unique Identifier 32- 1114	EP11
12	Email trail tools of trade with Ms. Klein	EP12

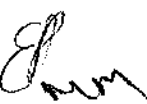


EP1

Suspension Process Practice Note

Draft Letter: Intention to suspend

Draft Letter: Confirmation of suspension

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is cursive and appears to be the name 'Liam'.

7(e)6

SUSPENSION PROCESS

In line with the principle of natural justice, the "*Audi Alteram Partem*" rule and the doctrine of case law, the doctrine of "*Stare Decisis*" the Suspension Process pending an investigation and/or disciplinary hearing is reviewed.

A suspension of an employee pending an investigation and/or a disciplinary hearing in terms of clause 3.4. of the Eskom Disciplinary Procedure will not be effected unless the following process has been followed:

Suspension Process

Stage 1: Grounds for suspension

Any person who wishes to impose suspension on an employee pending an investigation and/or a disciplinary hearing must determine whether any of the following grounds exist or there is a possibility that any of these grounds can materialize:

- Element of dishonesty in the alleged misconduct
- Possibility of tempering with evidence
- Possibility of interfering with investigation
- Possibility of intimidating witness
- The impact on industrial peace
- The image of the organisation.
- Alleged violation of a safety rule including cardinal rule

N.B A suspension includes a "leave of absence". The above is not intended to be an exhaustive list but merely a guideline.

Stage 2: Representation

Once a person is reasonably satisfied that the above grounds exist or there is a possibility that they will materialize, an employee must be advised and be given an opportunity to make representation as to why a suspension should not be imposed.

The employee must be written a letter detailing the intention of imposing a suspension. The letter must call upon the employee to make written representations prior to a decision being made.

In the event where there are **extreme exceptional circumstances** that warrant an immediate suspension, the above process may be dispensed with. Consequently an employee may be temporary suspended with immediate effect however, immediately after the employee is suspended, the employee must within the same day of suspension be given a letter calling the employee to make representations within two days as to why the suspension should not be made final. The letter must also detail the reasons for dispensing with the normal process.

7(5)7

NB: Extreme exceptional circumstances must be objectively assessed and only accepted if there are no other mitigating and alternative options.

Stage 3: Decision

Once the representations have been received, they must be considered. The representations must be weighed against the interest of the organisation.

A decision must be communicated to the employee in writing.



7 (e) 8

Dear Employee

INTENTION TO EFFECT A SUSPENSION PENDING INVESTIGATION (DISCIPLINARY HEARING)

As you are aware, we have launched an investigation/intend to launch an investigation on the alleged misconduct/s levelled against you or we are to proceed with a disciplinary hearing against you.


We have reasons to believe that your presents at work will have a negative effect on the continuous investigation process/disciplinary hearing. We believe that:



We are of the view that you should be suspended from work pending the outcome of the investigation/disciplinary hearing. Prior to final decision being regarding your suspension from work, you are hereby called upon to make written representation as to why a suspension should not be effected. Kindly submit your representation within two working days of receipt of this letter.

Your representations will be considered and a final decision be made as to whether a suspension is effected or not. Kindly note that failure to make the representation, will leave us with no alternative but to take a unilateral decision.

Yours faithfully



7(e)9



Date:

Enquiries:
Tel: +2711

Dear

NOTICE OF SUSPENSION WITH PAY PENDING AN INVESTIGATION INTO ALLEGED MISCONDUCTS AND/OR DISCIPLINARY ACTION

I refer to your written representations dated

I have carefully perused and considered your representations.

Having considered your representations, I have decided to confirm your suspension with pay pending the finalization of an investigation into the allegations of misconduct against you. My decision is based on the following:

- 1.
- 2.
- 3.

If you still have not done so, please return to Eskom all Eskom property within your possession and control, including but not limited to your access card, lap top computer and any Eskom documentation.

During the period of your suspension you are required to observe the following:

- 1. You shall not contact any employee, supplier or customer of Eskom; in the any Eskom customer, supplier or employee contacts you, you are required to inform them to contact ---. No further information should be shared with them that may prejudice Eskom or affect the integrity of the organisation.
- 2. You are to co-operate with the investigation process and will ensure that you make yourself available upon request.
- 3. You shall not perform any work at any Eskom work site and/or enter any Eskom premises without an express permission from my office;

Your access to Eskom's information technology systems will be suspended.

Group Technology & Commercial
Office of the Group Executive
Eskom Megawatt Park Maxwell Drive Sunninghill
P O BOX 1090 JHB 2000 SA
Tel +27 11 800 4262 Fax +2786 537 8448

Eskom Holdings SOC Limited Reg No 2002/015527/30



J. M. M.

A contravention of any of these suspension conditions will lead to disciplinary action being instituted against you.

Should you require contacting Eskom during your suspension period, please do so through my office at telephone number

Yours sincerely

.....
.....)

Received:

Signature

Date

Paul

EP2

Board Meeting 11 March 2015

Agenda

Minutes

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is stylized and appears to be a name, possibly "L. M. M.", written in a cursive or semi-cursive script.

9 (9)

	MINUTES OF THE ESKOM HOLDINGS SOC LTD BOARD MEETING	Unique Identifier	221-209
		Document Type	OCSDFM
		Revision	0
		Review Date	July 2015
		Office of the Company Secretary Department	

**MINUTES OF THE ESKOM BOARD MEETING B15-2014/15 HELD ON 11 MARCH 2015 AT
THE HUVU NKULU BOARDROOM, MEGAWATT PARK FROM 09H00**

STRICTLY CONFIDENTIAL

PRESENT

Mr Z A Tsotsi	Board Chairman
Mr NT Baloyi	Member
Ms N Carrim	Member
Mr Z W Khoza	Member
Ms V J Klein	Member
Mr R Kumalo	Member
Ms C Mabude	Member
Mr T Matona	Chief Executive
Ms T Molefe	Finance Director
Dr P Naidoo	Member
Ms V Naidoo	Member
Dr BS Ngubane	Member
Mr MV Pamensky	Member

APOLOGIES

Mr D Marokane	Group Executive: Group Capital
Ms A Noah	Group Executive: Distribution (GE: DX)
Mr M Ntsokolo	Group Executive; Generation
Mr M Rossouw	Specialist Consultant: Energy

BY INVITATION

Mr T Govender	Group Executive: Transmission and Customer Services
Mr M Koko	Group Executive: Technology & Commercial
Dr S J Lennon	Group Executive: Sustainability Group (GE: SD)
Mr F Ndou	Acting Divisional Executive: Office of the Chairman
Ms E Pule	Acting Group Executive: Human Resources

IN ATTENDANCE

Mr L Dlamini	Senior General Manager: Office of the Chairman
Mr M Phukubje	Company Secretary
Mr N Tsholanku	Senior General Manager: Regulation & Legal
Mr W Venner	Committee Secretary



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1. OPENING AND WELCOME

The Chairman welcomed members to the meeting.

2. APOLOGIES

Apologies as indicated above were noted and it was noted that Ms Carrim would be arriving late.

3. QUORUM

A quorum being present, the Acting Chairman declared the meeting duly constituted.

4. DECLARATIONS OF INTEREST

There were no declarations of interest pertaining to items on the Agenda.

5. SAFETY AND EVACUATION PROCEDURE

The safety and evacuation process to be followed in the event of an emergency was presented and noted.

6. APPROVAL OF THE AGENDA

The agenda was approved. It was agreed that the shareholder business would be dealt with first and any other items not dealt with would be held over to the next meeting. It was noted that the meeting would adjourn when the Minister of Public Enterprises ("Minister of PE") arrived to engage with the Board.

It was agreed that members should hand their cell phones over to the Secretariat for safe keeping during the meeting and for information security reasons.

7. CHAIRMAN'S REPORT

The Chairman stated that he had some concerns around governance housekeeping and requested that all members' concerns and queries should be given to the Company Secretary. Furthermore all communications by Board members to executives should also be communicated to the CE.

He noted that the Minister of PE would consult with the Board meeting later that morning.

He reported that the World Association of Nuclear Operators ("WANO") conducted regular visits to Koeberg and that the nuclear industry was highly regulated. During their last visit they had interviewed the Chairman as well.



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The GE: SD reported that the last visit had included a Corporate Review and a peer review on nuclear safety. In this regard they looked at the relationship between nuclear and the corporate function in terms of governance, sustainability and finance as well as the roles of Exco, SESC, NMC and all resources associated with nuclear. He reported that they had recommended some areas for improvement ("AFI") as follows:

- HR and HR interventions without considering nuclear safety, including overtime.
- Major projects such as steam generator replacement and nuclear fuel.
- Management oversight and standards of processes.
- Teamwork and alignment in terms of nuclear generation.

The Chairman undertook to share the final report with members for information. Ms Klein reported that she had not been interviewed which she felt should have been done in her capacity as Chairman of the SESC and pointed out that that was an opportunity lost. The Chairman and GE: SD stated that they were not aware of this and would address it going forward.

The Chairman noted that there had been some challenges around the Secretariat and the timeous delivery of packs and noted that this was a result of staffing shortages and was being addressed. Also, intermittent meetings did cause challenges as well.

In response to members' concerns that they were not receiving responses to their queries, it was noted that this would be actively addressed and followed up.

Resolved that:

1. the Chairman's verbal report is noted;
2. the final report from the World Association of Nuclear Operators ("WANO") should be distributed to members for information;
3. it should be ensured that the Chairman of the Social, Ethics and Sustainability Committee is also interviewed during the WANO review in future; and
4. members' queries submitted to the Office of the Chairman should be responded to.

8. CHIEF EXECUTIVE'S REPORT

Reference document 8.1 (a) (b)

The CE's report was tabled for information, details of which had been included in the Board meeting pack for the 26 February 2015 (which was not held), and was taken as read.

The CE drew members' attention to some of the key items in the report.

He stated that the major concern within Eskom at the moment was the instability in the executive as a result of some top executives resigning and retiring and others were still in acting positions. In this regard Mr Marokane had been appointed as GE: GC and Mr Koko as GE: T&C. Ms Pule was still in the Acting GE: HR role. Mr Mongezi Ntsokolo had been transferred to become GE: Gx and Mr Govender had been transferred to become GE: Tx and GE: CS.



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The CE had developed a turnaround plan which was being updated and put onto a firm foundation. The initial presentation had been used at the Board induction and presented to the Deputy President.

The CE was in the process of engaging Labour and the Trade Unions. Staff morale was a serious challenge that was being explored.

He stated that the turnaround strategy considered all initiatives and tabled them at the War Room for consideration. At the last War Room meeting with the Deputy President, Eskom had advised that they had responded to all requests for information from the War Room and had requested that management be advised of any gaps.

At this point the Chairman was excused from the meeting to meet with the Minister of PE. Ms Klein took over as Acting Chairman.

In response to members' concerns that they were not receiving feedback from the War Room, it was reported that this was part of the Agenda.

The CE reported that it was unlikely that savings targets would be met as a result of serious leakages in primary energy costs.

It was noted that the voluntary separation package initiative had been suspended for the time being, details of which were in the CE report. The CE reported on the success of the recent bond issue.

With regard to Group Capital and the build programme, it was noted that the Board had visited Medupi. It was reported that Medupi Unit 6 had been synchronised which was a significant event in Eskom's history and was the first time such an event had taken place in the last 20 years. It was noted that in future the Minister of PE wanted to be included in successful events like this.

In response to a query it was noted that capex generally did not include HR costs but HR costs related to resources associated with a project would be capitalised.

It was reported that Eskom preferred to keep a liquidity buffer of R20Bn but this had slipped to around R4.9Bn because two expected loan amounts had not yet been received. The Financial industry wanted to review Eskom's going concern status and liquidity.

In response to a request that an analysis of primary energy costs in respect of diesel and coal be made available to members, the GE: T&C reported that the information was readily available and would be distributed to members for information. The FD reported that these were 2 issues that the War Room was focusing on.

Dr Ngubane noted that as Chairman of the Board Tender Committee ("BTC"), he was concerned about the various different centres for decision making and that some decisions



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were made low down in the governance process without the Board being aware thereof. The Acting Chairman stated that this was an issue for discussion with a view to reviewing what decisions were made at which committees. She stated further that all deep dive analyses should be co-ordinated and aligned. It was agreed that this should be considered for the Board Breakaway.

In response to a concern that Board members were having challenges aligning with the Eskom calendar, the Company Secretary reported that members had been requested to advise on their availability for the meetings. Some changes could be effected to accommodate members but generally the meeting dates were aligned with regulatory deadlines. It was requested that this also be considered for inclusion at the Board Breakaway. A member recommended that consideration be given to only holding the Board Breakaway for 2 days instead of 3.

Resolved that:

1. the Chief Executive's report for February 2015 is noted;
2. an analysis of primary energy costs in respect of diesel and coal should be distributed to members for information;
3. consideration should be given to discussing Board committee's roles and responsibilities at the Board Breakaway, with a view to reviewing what decisions were made at which committees;
4. consideration should be given to tabling all deep dive analyses at the Board Breakaway; and
5. consideration should be reviewing the Eskom Calendar at the Board Breakaway; and
6. consider holding the Board Breakaway only over two days.

9. MATTERS FOR APPROVAL

9.1 ESKOM DEBT STRATEGY
Reference document 9.3 (a)

The Eskom: Strategy for Municipal Arrear Debt and Residential Customers was tabled for approval, details of which had been included in the Board meeting pack for the 26 February 2015 (which was not held), and were taken as read.

It was reported that all parties had realised that the Municipal Debt situation was untenable and the various structures and interventions that had been put in place in the provinces had so far been unsuccessful in reducing the municipal debt owed to Eskom. The municipal debt was spiralling out of control and would impact Eskom's investment rating and ability to remain sustainable. Eskom had no choice but to pursue stringent strategies to fulfill its fiduciary duty and mitigate the final risk to the organisation. Eskom was to be more assertive in dealing with non-paying municipalities and interventions were to be



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implemented to persuade politicians, provincial and municipal leadership to be accountable and take the necessary actions to rectify the arrear debt situation.

The strategy that Eskom would apply would be to implement the interventions noted below (as approved at the inter-ministerial 'War Room' meeting on 5 February 2015) in all provinces:

- Management of Notified Maximum Demand ("NMD") had been exceeded.
- Prioritise load shedding to the targeted defaulting municipalities when emergencies were declared and small loads were required on Stage 1.
- Implement additional load shedding during daily evening peak periods to avoid incurring the cost of using gas turbines whilst limiting the growth of the unpaid debt.
- Limit the supply to the targeted municipalities in line with what they were currently paying on a monthly basis.
- Placing of municipality's bulk accounts on a Prepayment option.

It was reported that this strategy could result in litigation from the municipality or the municipal customers. It could also have a negative impact on relations with various stakeholders and continuous active support and involvement from the Eskom Board, Eskom management and National Government, specifically the Minister of PE, was required to influence the Provincial leadership to support the implementation of these interventions and manage the various stakeholders. Consideration needed to be given by the Board as to whether to inform the Minister of PE in regard to Eskom being more assertive in dealing with defaulting municipalities and taking the necessary steps in protecting Eskom's revenue risk.

A member reported that he had been advised that some municipalities were using electricity payments to pay for rates and taxes and other expenses.

Members unanimously agreed with the strategy as tabled and that all non-paying municipalities should be disconnected. The GE: Tx and GCS advised that any disconnection would be done through Eskom's normal process. He stated that a separate strategy would be tabled in due course for Soweto.

A member stated that municipalities forced their customers to pay their accounts which gave rise to the perception that the cost of electricity was too high and this ultimately affected Eskom's collection processes. In this regard Eskom should engage the relevant municipalities legally as to whether it was right and proper that they use electricity payments to fund other municipal opex.



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The CE was of the opinion that although the Board had made the correct decision, that the Board should be aligned around this issue. It was reported that a letter to the Minister of PE had been prepared stating that the Board had a fiduciary duty towards Eskom and that Eskom was running out of cash and cannot get more funds and therefore needed to collect its debts. It was unanimously agreed that this position would be presented to the Minister of PE during the meeting that day as some members were of the opinion that the letter itself was not sending a strong enough message.

Resolved that:

1. Eskom is to be more assertive in dealing with non-paying municipalities and interventions are to be implemented to encourage politicians, provincial and municipal leadership to be accountable and take the necessary actions to rectify the arrear debt situation;
2. Eskom will implement the interventions below (as approved at the inter-ministerial 'war room' meeting on 5 February 2015) in all provinces:
 - 3.1 Management of Notified Maximum Demand ("NMD") by disconnecting if NMD has been exceeded;
 - 3.2 prioritise load shedding to the targeted defaulting municipalities when emergencies are declared and small loads are required on Stage 1;
 - 3.3 implement additional load shedding during daily evening peak periods to avoid incurring the cost of using gas turbines whilst limiting the growth of the unpaid debt;
 - 3.4 limit the supply to the targeted municipalities in line with what they are currently paying on a monthly basis;
 - 3.5 placing of municipality's bulk accounts on a Prepayment option; and
- 4 all non-paying municipalities should be disconnected in accordance with Eskom's revenue management procedure.

At this point the Minister of PE arrived and the Board went into an In-committee session. All executives and non-members were excused from the meeting, except for the Company Secretary.

10. MINISTERS MEETING (Recorded Separately)

11. CLOSURE

There being no further matters for discussion, the Chairman declared the meeting closed at 14:00.



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Signed by Dr. Ngubane for purposes of noting the meeting's proceedings

CHAIRMAN:  DATE: 18/11/16



9(i)

	AGENDA FOR THE ESKOM BOARD OF DIRECTORS MEETING 14/2014-15 TO BE HELD ON 11 MARCH 2015 AT THE HUVU NKULU BOARDROOM, MEGAWATT PARK AT 09H00	Unique Identifier	221-205
		Document Type	OCSDTE
		Revision	0
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STRICTLY CONFIDENTIAL

TIME	NO	SUBJECT	SPONSOR/ PRESENTER	Page
09h00	1	OPENING AND WELCOME	Chairman	
	2	APOLOGIES	Chairman	
	3	QUORUM	Chairman	
	4	DECLARATION OF INTERESTS	All	
	5	SAFETY AND EVACUATION PROCEDURE	Secretariat	
	6	ADOPTION OF THE AGENDA	Chairman	
		STRATEGIC ISSUES		
09h05	7	CHAIRMAN'S REPORT	Chairman	Verbal
		Chairman's report		
09h30	8.	CHIEF EXECUTIVE'S REPORT	Chief Executive	
	8.1	CE Report Reference document 8.1 (a) (b)	Chief Executive	
	8.2	War Room Reference document 8.2 (a) (b)	Chief Executive	
		MATTERS FOR APPROVAL		
10h00	9.	MATTERS FOR RECOMMENDATION TO THE SHAREHOLDER		
10h00	9.1	2015/16 – 2019/20 CORPORATE PLAN AND THE 5 YEAR FINANCIAL PLAN Reference document 9.1 (a) (b) (c)	F Ndou	
10h30	9.2	THE BORROWING PROGRAMME AND NATIONAL TREASURY REGULATION Reference document 9.2 (a)	T Molefe	
11h00		TEA		



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	AGENDA FOR THE ESKOM BOARD OF DIRECTORS MEETING 14/2014-15 TO BE HELD ON 11 MARCH 2015 AT THE HUVO NKULU BOARDROOM, MEGAWATT PARK AT 09H00		Unique Identifier	221-205
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11h15	9.3	ESKOM DEBT STRATEGY Reference document 9.3. (a)	T Govender	
11h45	9.4	PROPOSED INQUIRY INTO ESKOM'S STATE OF AFFAIRS	Z Tsotsi	
12h15	9.5	MOU BETWEEN ESKOM, TRANSNET AND THE SFF	T Matona	
13H00		CLOSURE DATE OF NEXT MEETINGS: Board and Executives Training 27 March 2015 Board Breakaway 30 March to 1 April 2015 Main Board meeting: 28 May 2015		



EP3

Board In-Committee Meeting 11 March 2015

Minutes

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10 (a)

	MINUTES OF THE ESKOM HOLDINGS SOC LIMITED SPECIAL BOARD MEETING IN COMMITTEE	Unique Identifier	221-209
		Document Type	OCSDFM
		Revision	0
		Review Date	July 2015
		Office of the Company Secretary Department	

**MINUTES OF THE ESKOM BOARD IN-COMMITTEE MEETING HELD ON 11 MARCH 2015 AT
THE HUVO NKULU BOARDROOM, MEGAWATT PARK FROM 12H00**

STRICTLY CONFIDENTIAL

PRESENT

Mr Z A Tsotsi	Chairman of the Board
Dr B Ngubane	Member
Ms V Naidoo	Member
Ms N Carrim	Member (Left early)
Ms V Klein	Member
Ms C Mabude	Member
Mr Z Khoza	Member
Mr N Baloyi	Member

APOLOGIES

None

IN ATTENDANCE

Mr M Phukubje	Company Secretary
Mr N Tsholanku	GM: Legal & Regulatory
Mr N Linnell	External Consultant

1. OPENING AND WELCOME

The Chairman opened the meeting and welcomed all those present.

2. APOLOGIES

Apologies as indicated above were noted.

3. QUORUM

A quorum being present, the Chairman declared the meeting duly constituted.

4. DECLARATIONS OF INTEREST

There were no other declarations of interest pertaining to items on the Agenda.



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	MINUTES OF THE ESKOM HOLDINGS SOC LIMITED SPECIAL BOARD MEETING IN COMMITTEE	Unique Identifier	221-209
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		Revision	0
		Review Date	July 2015
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5. SAFETY AND EVACUATION PROCEDURE

The safety and evacuation process to be followed in the event of an emergency was presented and noted.

6. APPROVAL OF THE AGENDA

There was only one item on the agenda, which was to discuss the issues which arose at the meeting with the Minister of Public Enterprises.


7.1 BOARD IN-COMMITTEE SESSION

A number of issues were raised in the In Committee session, being as follows:

- It was proposed that the P & G Committee initiate a process and that the ARC be responsible for the ultimate forensic element of the inquiry;
- It was agreed, confirmed and resolved that the ARC be the custodian of the process and to engage with other committees where it was necessary to do so.
- The Chairman highlighted the view that it may be necessary for employees whose areas are implicated to be requested to step aside whilst the inquiry was proceeding. A question was asked about what effect this would have on the operations of the business. Members also discussed the possible impact on continuity this approach would have on the company's business activities.
- It was noted that there had been a trust deficit and that people who may be to blame would not want the truth to be found and findings to be made. The Chairman outlined a number of misdemeanours allegedly committed by some executives. It was pointed out that these issues needed to be investigated forensically but that the executives who are responsible for those areas not be around during the inquiry.
- A member pointed out that a fact finding exercise should be undertaken before actual suspensions are implemented and this was to avoid acting against possibly innocent executives. If Eskom acts hastily then it will find itself in the spot and having to fight cases in the Labour Court, so the Board needed to exercise great caution.
- The executives identified initially as being likely to be requested to step aside are the GE: Commercial and Technology, GE: Group Capital, FD and the CE. It was pointed out that it would be advisable to have sub-committees discussing the matters first and then ensuring that proper processes were followed. The Chairman reported that a lot of groundwork has been done and a report can be given to Board members at a later stage. The most important thing is that the inquiry is done and that it should be done soon. A Member pointed out that it would be worrisome, especially in the market, for Eskom to suspend the FD and the CE at the same time. That would not be ideal. It was stated that the FD had an issue around her as she had allegedly met with tenderers during a tender process.



10 (C)

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- It was noted that the inquiry is not about individuals but rather was intended to focus on areas of responsibility. That was the rationale for letting those responsible for the said areas go on leave for the duration of the inquiry.
- It was proposed that the relevant Board Committees deliberate on the matters and issues and then revert with recommendations to the Board.
- It was then resolved that the inquiry should proceed, that the executives concerned should be put on leave and that the ARC and the P&G should work on the ToRs.
- The P&G Committee was then mandated to look into who should act in the absence of the executives who would be on leave and make the necessary decisions.
- It was agreed that the Corporate Plan and the Borrowing Programme be deferred.
- It was also resolved that management must investigate the issue of the bugging of the Boardroom as well as information leaks and come up with a report to be presented to the Board.

RESOLVED that:

- An inquiry be instituted into the affairs of Eskom and that the duration of the inquiry shall be three months;
- The ARC take custodianship of the inquiry and P&G Committee and other committees assist where necessary and report to the Board. The ARC is mandated to draft the Terms of Reference, with the assistance of the P&G Committee;
- The executives whose areas will be investigated be put on suspension for the duration of the inquiry;
- The Corporate Plan and the Borrowing Programme be deferred until further notice; and
- Management must institute an investigation into the bugging of the Boardroom and report to the Board on their findings and recommendations;

10. CLOSURE


There being no further matters for discussion, the Chairman declared the meeting closed.



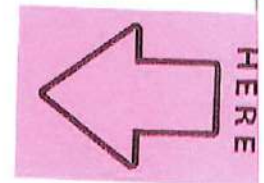
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	MINUTES OF THE ESKOM HOLDINGS SOC LIMITED SPECIAL BOARD MEETING IN COMMITTEE	Unique Identifier	221-209
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		Revision	0
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Signed by Dr Ngubane for purposes of noting the meeting's proceedings

CHAIRMAN: 

DATE: 15/11/16





EP4

People and Governance in –Committee Meeting 11 March 2015

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	MINUTES OF THE ESKOM HOLDINGS PEOPLE & GOVERNANCE COMMITTEE	Unique Identifier	221-209
		Document Type	CCGTE
		Revision	0
		Effective Date	July 2015
		Office of the Company Secretary Department	

MINUTES OF THE PEOPLE AND GOVERNANCE COMMITTEE MEETING NO 07/2014/15 HELD
IN THE HUVU NKULU BOARDROOM, MEGAWATT PARK ON 11 MARCH 2015 AT 14:58

STRICTLY CONFIDENTIAL

PRESENT

MEMBERS

Mr Z Khoza	Chairman
Ms N Carrim	Board Member (left meeting early)
Ms C Mabude	Member
Dr P Naidoo	Board Member
Ms D Naidoo	Board Member
Mr N Babji	Board Member
Mr Z Tsotsi	Member
Ms V Klein	Member

IN ATTENDANCE

Mr N Tsholanku	GM: Legal and Regulatory
Mr M Phukubje	Company Secretary
Mr N Linnell	External Consultant

APOLOGIES

No apologies were noted

1. OPENING AND WELCOME

The Chairman welcomed all members and officials present and declared the meeting open.

2. APOLOGIES

There were no apologies.

3. QUORUM

A quorum being present, the Chairman declared the meeting duly constituted.



11 (b)

	MINUTES OF THE ESKOM HOLDINGS PEOPLE & GOVERNANCE COMMITTEE	Unique Identifier	221-209
		Document Type	CCGTE
		Revision	0
		Effective Date	July 2015
		Office of the Company Secretary Department	

4. DISCUSSION OF ITEMS ARISING FROM BOARD'S DECISION TO INSTITUTE INDEPENDENT INQUIRY

P&G applied their minds to the current impact that the executives would have on the inquiry. The executives identified were:

1. Mr T Matona
2. Ms T Molefe
3. Mr M Koko
4. Mr D Marokane

It was agreed that the Chairman of the Board would lead the discussion and chair the meeting as he was familiar with most of the issue to be discussed. The Chairman started the meeting by confirming that the Board had made the decision for the enquiry to continue.

Mr Linnell introduced himself and gave a brief background of his skills by stating that he was a non-practising attorney who now runs a consulting firm. He is from Cape Town and he understands the environment of SOC's, having performed similar work in other SOC's previously. He proceeded to outline the important elements of carrying out such an inquiry, stating that impartiality was an extremely important aspect of any inquiry. He also stated that it would be important to ensure that service providers with the requisite levels of skill and competency are appointed to undertake the exercise.

The committee agreed that it would appoint a specialist communications advisor in terms of Eskom's procurement process, to ensure that the Board's communications strategy around the inquiry and matters related thereto were managed properly.

Each of the executives were then called into the meeting and notified of the Board's decision. They were also handed suspension letters which were signed by the Chairman of the Board and each of the executives. The purpose of the inquiry was explained, as well as why the Board felt the need for the executive to vacate their position. Each executive was given an opportunity to give reasons why they did not believe the decision to be the best course of business.

Mr T Matona

(No record was kept of this discussion.)

Ms T Molefe

She was advised that the Board had arrived at a decision to institute an inquiry into the affairs of Eskom. The Board had mandated the P&G Committee to implement the Board's mandate. A number of areas would be looked into by the inquiry.

In order for the inquiry to proceed unhindered, it had been decided that executives in whose areas the inquiry will be focusing would be requested to step aside for the duration of the inquiry. It was stated that there is no apportionment of guilt on anyone's part. It was explained further that the committee had decided to put her on precautionary suspension while the inquiry was proceeding. She was requested to make input and she stated that the Board needs to do what it



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believes is in the interests of Eskom but she cannot comment on whether it was right or wrong. She stated that she did not know what transpired during the engagement with the Minister. The letter was then handed to her and she signed it.

Mr M Koko

Mr Koko stepped into the meeting and the Chairman gave him the background of what had happened that morning, including the fact that a decision had been made by the Board to institute an independent fact-finding inquiry into the affairs of Eskom.

The focus of the inquiry was explained and the specific areas of focus outlined to him, these being maintenance, commercial processes, technology inputs and the new build programme as well as finance. The inquiry will focus on these areas and come up with recommendations on how best to improve these. It was explained that the executives leading these areas would be put on precautionary suspension for the duration of the inquiry, which will run for a period of approximately three months.

It had therefore become necessary to give him a notice of suspension and he was advised that he was entitled to give a view on whether the suspension was justified or not. He was then requested to make his input. He confirmed whether he understood the Chairman to be saying that the executives for the areas pointed out must make way for the inquiry to proceed in an unfettered manner and this was confirmed. He then stated that the executive in Eskom responsible for maintenance was Mr Thava Govender and he should be the one sitting before the committee. He asked why then was it him sitting in front of the committee. He also would like to understand for the areas are not being brought to face the committee.

It was explained to him that there were problems in his area and it had been decided to request him to step aside so that there would be an unhindered inquiry into that area. He stated that while he understands and agrees, he still wants to understand why the other executives were not being given the same notices of suspension.

He was told that he should not concern himself with what was happening in the other areas of the business. He then entered into a dialogue with the Chairman and asked whether it meant that those other areas are not areas of concern for the organization. The Chairman explained to him that the committee was addressing him and that it was not for him to concern himself with matters which were not for him to be concerned about. He then stated that he is not different from other executives who were not being requested to step aside and further that he should therefore not be made to step aside.

It was proposed that his concerns and inputs have been noted and he then stated that for reasons of equity, he would like to be treated on an equitable basis like the other executives (such as Dr. Lennon, Mr. Govender and Mr Ntsokolo). Apart from the submissions he had made, he had nothing further to add. It was made clear to him this was not judgment against him personally. He would like to reserve his rights because he does not know where this process will end.

(Mr. Koko was requested to step outside to allow the committee to deliberate)



11(9)

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Upon his return he was advised that the Board had deliberated and made its decision and that its position had not changed. He was informed that his presence during the inquiry would not be ideal and the committee had decided to give him a notice of suspension. He stated that the nature of the inquiry had nothing to do with maintenance or technology and this was noted. The letter of suspension was then handed to him to read and he wanted to clarify that the period of the inquiry would be three months and this was confirmed. He then signed and accepted the letter.

11. CLOSURE

There being no further matters for discussion the Chairman declared the meeting closed at 16h25.

SIGNED AS A CORRECT RECORD OF THE PROCEEDINGS



 CHAIRMAN

01/12/2017

 DATE



EP5

People and Governance In –Committee Meeting 12 March 2015

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is cursive and appears to be the name 'L. M. M. M.'.

2(9)

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MINUTES OF THE PEOPLE AND GOVERNANCE COMMITTEE MEETING NO 08/2014/15 HELD
IN THE HUVU NKULU BOARDROOM, MEGAWATT PARK ON 12 MARCH 2015 AT 0800

STRICTLY CONFIDENTIAL

PRESENT**MEMBERS**

Mr Z Khoza	Chairman
Ms V Klein	Member
Ms C Mabude	Member
Mr Z Tsotsi	Member
Dr B Ngubane	Member

OFFICIALS

Mr M Phukubje Company Secretary

APOLOGIES

No apologies were noted

1. OPENING AND WELCOME

The Chairman welcomed all members and officials present and declared the meeting open.

2. APOLOGIES

There were no apologies.

3. QUORUM

A quorum being present, the Chairman declared the meeting duly constituted.

4. DECLARATION OF INTERESTS

There were no declarations of interest for items on the Agenda.



8(b)

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5. SAFETY AND EVACUATION PROCEDURE

The safety and evacuation process to be followed in the event of an emergency was presented and noted

6. CONFIRMATION OF THE AGENDA

The Agenda was confirmed as tabled.

7. INDEPENDENT INQUIRY

The Chairman explained that the Committee mandate is to carry out its mandate from the Board in terms of which an independent fact finding inquiry into the affairs of Eskom will be undertaken. There has been a supportive call in favour of establishing the facts around the affairs of Eskom. The Board took the view that it would like to establish the facts around the status quo of the organization. To that end the Board has had to make a tough decision and that the inquiry must be an unfettered inquiry which is not subject to any undue influence or bias.

Associated with this, it was felt that the Executives who are responsible for the areas which have been identified as problematic be put on suspension. Therefore, a notice of suspension will be given to the Executives as their physical presence in the organisation may have the undesired effect of causing an influence on the process, regardless of whether they actually interfere with the inquiry or not. There is no intention to establish culpability at all but it seeks to create the space for the inquiry to proceed in an unfettered manner. It is anticipated that the process will run for a period of 3 months.

Mr Dan Marokane

Mr Marokane confirmed that he was on leave and he confirmed that the period of the suspension will be a period of 3 months. He would like to check whether the Board is aware that he took over the portfolio which he currently occupies in November 2014 after acting for a period of 12 months. Having said that, he stated that he would like to know whether this is only applicable to him alone. It was confirmed that it applies to the four areas of Group Capital, Commercial, FD and the CE. He asked whether Generation, with all its problems, will not be dealt with. It was explained to him that the steps which were being taken were not personal in nature or driven by other ulterior motives but were being undertaken in the Company's best interests. He confirmed that he will abide by the Board's decision. He confirmed further that he is very worried about the progress at Unit 5 at Medupi and requested the Board to ensure that the work on the unit will continue in his absence.

Mr Marokane was handed his letter of suspension and signed it after making a few changes which were countersigned for with the Chairman of the Board.

Mr Marokane left the meeting at 08h44.



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8. DISCUSSION WITH MS E PULE

Ms Pule joined the Meeting: 09h04

Ms Pule was called in and it was explained to her what the Board has decided on and she was also advised on the inquiry, the reasons therefor and the names of the Executives who have been suspended. It was also explained to her that the Board's understanding is that Eskom has no provision for the Special Leave. She confirmed that it can be granted at the discretion of the Line Manager but that the route which is being taken is that of a suspension. She was advised of the Acting positions so that the Business of Eskom can proceed.

It was requested that Ms Pule engage with Mr Tsholanku regarding the fact that there is no Special Leave in Eskom and find common ground on the matter. She pointed out that the organization's morale is very low; that it will take a lot to return it to healthy levels and the Board needed to handle it very carefully.

9. DISCUSSION WITH MS N VELETI AND MESSRS A MASANGO AND E MABELANE

Messrs Mabelane, Masango and Ms Veleti joined the meeting

It was explained to the colleagues what the Board had decided to do with regard to the State of affairs and the fact that the Executives whose areas are impacted should not be in their positions while the inquiry is taking place. So, they have been asked to step aside from their positions for a period of 3 months, without culpability. Due to that fact, they were being requested to act in the following positions: Finance Director; Group Executive: Group Capital; Group Executive: Technology & Commercial. It was explained that one of the Board Members, Mr Z Khoza has been requested to act in the GE's position. They were advised that the appointment is with immediate effect. Acceptance of the appointment was confirmed by all the selected acting candidates.

10. DISCUSSION WITH EXCO

Background information on developments in the past two days was given and explained to Exco. The acting positions were also explained to Exco, together with their new roles. Exco was advised that a press conference had also been called for the same day at 10:00 in the Franklin Auditorium so that matters can be clarified. A press statement will be released after which there will be a press release which will be made in the course of the morning.

The Chairman of the Board also explained that the decision was very difficult one but that the Board is confident that it has made the right decision. It was only later that it was learnt that there are provision for forced or special leave in Eskom's processes.

The Organization should appreciate that there is no witch hunt and that the exercise is intended to achieve stability for the organization - particularly with Mr Khoza being new in the area. He should get together with the team to familiarize himself with what is going on.



gca)

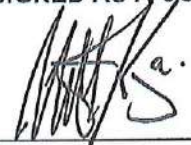
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Dr Lennon commented that while Eskom has a very capable Executive Team it faces serious challenges such as the loss of 700MW from the STPPPS. There is no cash coming in for that. There is only three weeks left for this to be concluded. He inquired whether there was any political support for these kinds of things or not. He also commented that the money must be found. With regard to the Press Conference, he inquired whether questions will be taken from the media and whether there will be a spokesperson or not. It was confirmed that there will be questions taken and that no further questions or interviews will be granted on the day. Also there is a need for communication with staff so that they don't hear it from the Media. Mr Choeru clarified that an e-mail will be sent to all staff, just as the Press Conference Commences.

11. CLOSURE

There being no further matters for discussion the Chairman declared the meeting closed.

SIGNED AS A CORRECT RECORD OF THE PROCEEDINGS



 CHAIRMAN

30/10/2017.

 DATE



EP6

Email trail with Mr. Mashego and Mr. Khoza

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is stylized and appears to be a name, possibly 'P. Mashego'.

7 (c)

Elsie Pule

From: Phillip Mashego
Sent: Wednesday, 11 March 2015 11:36
To: Elsie Pule
Subject: RE:
Attachments: SUSPENSION PROCESS_240811 (3) covering Safety rules violations.doc; Confirmation suspension.docx; Draft Letter of suspension.doc

Elsie.

Attached please find the disciplinary process as requested.
Proforma letters have also been included for your information.

The process has been agreed with our legal colleagues as well.

Hope you find it in order.

Regards.

Phillip.

From: Elsie Pule
Sent: 11 March 2015 09:27 AM
To: Phillip Mashego
Subject:

Please urgently compile a step by step process to follow when suspending an F band



7(2)

Elsie Pule

From: Elsie Pule
Sent: Wednesday, 11 March 2015 14:30
To: Zethembe Khoza
Subject: as discussed
Attachments: Copy of F Band List assests Jan 2015.xls; Disciplinary Process.xlsx



7 (E) S

Elsie Pule

From: Elsie Pule
Sent: Wednesday, 11 March 2015 16:06
To: Zethembe Khoza
Subject: SUSPENSION PROCESS
Attachments: SUSPENSION PROCESS_240811 (3) covering Safety rules violations.doc; Confirmation suspension.docx; Draft Letter of suspension.doc

[Mr Khoza](#)

[Additional information.](#)



3 (a)

SUSPENSION PROCESS

In line with the principle of natural justice, the "*Audi Alteram Partem*" rule and the doctrine of case law, the doctrine of "*Stare Decisis*" the Suspension Process pending an investigation and/or disciplinary hearing is reviewed.

A suspension of an employee pending an investigation and/or a disciplinary hearing in terms of clause 3.4. of the Eskom Disciplinary Procedure will not be effected unless the following process has been followed:

Suspension Process

Stage 1: Grounds for suspension

Any person who wishes to impose suspension on an employee pending an investigation and/or a disciplinary hearing must determine whether any of the following grounds exist or there is a possibility that any of these grounds can materialize:

- Element of dishonesty in the alleged misconduct
- Possibility of tempering with evidence
- Possibility of interfering with investigation
- Possibility of intimidating witness
- The impact on industrial peace
- The image of the organisation.
- Alleged violation of a safety rule including cardinal rule

N.B A suspension includes a "leave of absence". The above is not intended to be an exhaustive list but merely a guideline.

Stage 2: Representation

Once a person is reasonably satisfied that the above grounds exist or there is a possibility that they will materialize, an employee must be advised and be given an opportunity to make representation as to why a suspension should not be imposed.

The employee must be written a letter detailing the intention of imposing a suspension. The letter must call upon the employee to make written representations prior to a decision being made.

In the event where there are **extreme exceptional circumstances** that warrant an immediate suspension, the above process may be dispensed with. Consequently an employee may be temporary suspended with immediate effect however, immediately after the employee is suspended, the employee must within the same day of suspension be given a letter calling the employee to make representations within two days as to why the suspension should not be made final. The letter must also detail the reasons for dispensing with the normal process.

3 (b)

NB: Extreme exceptional circumstances must be objectively assessed and only accepted if there are no other mitigating and alternative options.

Stage 3: Decision

Once the representations have been received, they must be considered. The representations must be weighed against the interest of the organisation.

A decision must be communicated to the employee in writing.



e (a)

Dear Employee

INTENTION TO EFFECT A SUSPENSION PENDING INVESTIGATION (DISCIPLINARY HEARING)

As you are aware, we have launched an investigation/intend to launch an investigation on the alleged misconduct/s levelled against you or we are to proceed with a disciplinary hearing against you.

We have reasons to believe that your presents at work will have a negative effect on the continuous investigation process/disciplinary hearing. We believe that:



We are of the view that you should be suspended from work pending the outcome of the investigation/disciplinary hearing. Prior to final decision being regarding your suspension from work, you are hereby called upon to make written representation as to why a suspension should not be effected. Kindly submit your representation within two working days of receipt of this letter.

Your representations will be considered and a final decision be made as to whether a suspension is effected or not. Kindly note that failure to make the representation, will leave us with no alternative but to take a unilateral decision.

Yours faithfully



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Date:

Enquiries:
Tel: +2711

Dear

NOTICE OF SUSPENSION WITH PAY PENDING AN INVESTIGATION INTO ALLEGED MISCONDUCTS AND/OR DISCIPLINARY ACTION

I refer to your written representations dated

I have carefully perused and considered your representations.

Having considered your representations, I have decided to confirm your suspension with pay pending the finalization of an investigation into the allegations of misconduct against you. My decision is based on the following:

- 1.
- 2.
- 3.

If you still have not done so, please return to Eskom all Eskom property within your possession and control, including but not limited to your access card, lap top computer and any Eskom documentation.

During the period of your suspension you are required to observe the following:

- 1. You shall not contact any employee, supplier or customer of Eskom; in the any Eskom customer, supplier or employee contacts you, you are required to inform them to contact ----- . No further information should be shared with them that may prejudice Eskom or affect the integrity of the organisation.
- 2. You are to co-operate with the investigation process and will ensure that you make yourself available upon request.
- 3. You shall not perform any work at any Eskom work site and/or enter any Eskom premises without an express permission from my office;

Your access to Eskom's information technology systems will be suspended.

Group Technology & Commercial
Office of the Group Executive
Eskom Megawatt Park Maxwell Drive Sunninghill
P O BOX 1090 JHB 2000 SA
Tel +27 11 800 4262 Fax +2786 537 8448

Eskom Holdings SOC Limited Reg No 2002/015527/30



45)

A contravention of any of these suspension conditions will lead to disciplinary action being instituted against you.

Should you require contacting Eskom during your suspension period, please do so through my office at telephone number

Yours sincerely

.....
.....)

Received:

Signature

Date



6 (9)



Project Plan - Disciplinary Action (Sal Laher)

Activity	Responsible Person	Date
Institute an in investigation - Appointment internal Forensic Department	Line Manager	17-Dec-14
Conclusion of the investigation	Forensic Invetigator	09-Jan-15
Appointment of case presenter - Attorney	Line Manager/ Legal Dept	13-Jan-15
Appointment of chairperson - Advocate *(Note 1)	Line Manager/ Legal Dept	13-Jan-15
Drafting of charges	IR/legal Office/Attorney	15-Jan-15
Serving the charges (minimum 5 working days notice before the hearing)	Line Manager	16-Jan-15
Preparation of witnesses	Attorney	20-Jan-15
Exchange of bundles of documents	Attorney	21-Jan-15
Disciplinary hearing (Schedule 4 days 27-30 January 2015)	Chairperson/All parties	27-Jan-15
Closing Arguments	Attorney/Employee	03-Feb-15
Verdict/Finding (Within working 5 days from date of submissions)	Chairperson	10-Feb-15
Mitigating/Aggravating factors (Only if found guilty)	Attorney/Employee	13-Feb-15
Sanction	Chairperson	20-Feb-15
Employee served with sanction	Line Manager	20-Feb-15
Appeal (Employee to lodge appeal within 5 working days) **(Note 2)	Employee	27-Feb-15
Eskom responds appeal (Within 5 working days)	Attorney	06-Mar-15
All relevant documents to be submitted to the appeal chairperson (Next level of management - CE) *** (Note 3)	IR Office	09-Mar-15
Consider the appeal and make a determination (Within 5 working days)	Office of the CE	16-Mar-15
Employee given the outcome	Office of the CE	16-Mar-15
Dispute with CCMA **** (Note 4)	Employee	16-Apr-15
Future dates will be determined by CCMA ***** (Note 5)	CCMA	May-15
Notes 1 My initial recommendations were that we appoint an advocate through a briefing attorney. In further discussion with our legal department. We have agreed to appoint the advocate through TOKISO to avoid appointing via the same attorney who might be presenting the case. It does not necessary differ from my initial recommendation, we will have an option of selecting the most experienced advocate on the TOKISO panel.		
Note 2 This will apply only if the employee is not satisfied with the outcome. Further, he may decided to refer the dispute direct to CCMA without lodging an appeal. Irrepective of the process he follows, the sanction will be implemented accordingly until a contrary decision is taken either at the appeal or dispute level.		
Note 3 The Chief Executive has an option to delegate the appeal to a senior person.		
Note 4 In the event the employee gets dismissed, he has 30 calender days to refer an Unfair Dismissal Dispute to CCMA. In case of any sanction short of dismissal, he has 90 calender days to refer an Unfair Labour Practice dispute to CCMA.		

7(b)

<p>Note 5 CCMA will take charge of the process and set down all the dates. Both Eskom and the employee/applicant will be given an opportunity to consider settling the matter before it is arbitrated. The same attorney used at the hearing should continue with the dispute resolution process so that there is continuity.</p>		
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Masingita Norman Rikhotso
Manager: Industrial Relations (Services Function)

Date



EP7

List of F band Employees with Eskom Assets

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is stylized and appears to be a name, possibly "R. van der Merwe".

UNIQUE NUMBER	TITLE	INITIALS	SURNAME	NICKNAME	DESIGNATION	OFFICE TELEPHONE NUMBER	FACSIMILE NUMBER	CELL NUMBER	HOME NUMBER	E-MAIL/GROUP/WS E	COST CENTRE	ADDRESS	HOME EQUIPMENT
1027206	Mr	Z.A.	Tsoeli	Zola	CHAIRMAN	600-4650-6909	011 800 5303	083 654 2768		zola.tsoeli@eskom.co.za	210007	D3 EXECUTIVE	
4500314	Mr	T.J.	Moloto	Tshadiso	CHIEF EXECUTIVE	600-4585	011 800 5303	082 376 0448		Tshadiso.Moloto@eskom.co.za	210007	D3 EXECUTIVE	
GROUP EXECUTIVES													
0746767	Mr	T.	Gowender	Thava	GROUP EXECUTIVE (TRANSMISSION & GROUP CUSTOMER SERVICES)	600 20015001	600 3601	042 456 0470	011 803-2225	Thava.Gowender@eskom.co.za	210007	D3 EXECUTIVE	Desktop & Led Screen
0676709	Mr	M.	Koko	Mashela	GROUP EXECUTIVE (TECHNOLOGY AND COMMERCIAL)	600-4652-6467	065 668 2072	082 659 9334	013 662-4732	Mashela.Koko@eskom.co.za	210007	D3 EXECUTIVE	
0402159	Dr	S.J.	Lennon	Steve	GROUP EXECUTIVE (SUSTAINABILITY)	600-4004/4055	600-4069	083 601 2082	011 702-1838	Steve.Lennon@eskom.co.za	210007	D3 EXECUTIVE	Monitor, Desktop
42363148	Mr	G.L.	Marekane	Dan	GROUP EXECUTIVE (GROUP CAPITAL)	600-5518/2336	600 6705	082 401 0226		MarakaDL@eskom.co.za	210007	D3 EXECUTIVE	
3836535	Ms	T.	Moloto	Tsholofelo	FINANCE DIRECTOR	600-3740/4647	011 800 4790	082 830 4531	011 462 4516	Tsholofelo.Moloto@eskom.co.za	210007	D3 EXECUTIVE	Screen
3844254	Ms	A.	Hoah	Ayanda	GROUP EXECUTIVE (DISTRIBUTION)	600-2094/5173	600-3697	063 270 2665	011 807-2566	Ayanda.Hoah@eskom.co.za	210007	D3 EXECUTIVE	None
7641035	Mr	M.M.	Makobane	Mangwal	GROUP EXECUTIVE (GENERATION)	600-2064/5977	600 3039	082 651 3666	011 463-6225	Mangwal.Makobane@eskom.co.za	210007	D3 EXECUTIVE	Desktop & Led Screen
1028667	Ms	E.M.	Pule	Ebbie	ACTING GROUP EXECUTIVE (HUMAN RESOURCES)	011 518 7017/600 6362		063 461 7654	012 651 7005	Ebbie.Pule@eskom.co.za	210007	C3 U39	None
4262145	Mr	D.A.K.	Chose	Chose	DIVISIONAL EXECUTIVE (CORPORATE AFFAIRS)	600 3852/4122	066 249 3666	082 783 7302	011 466-3106	Chose.Chose@eskom.co.za	210007	D3 EXECUTIVE	Screen
7845163	Mr	J.A.	Diala	Johnny	CHIEF EXECUTIVE (ESKOM ENTERPRISES)	600-5853/5404 011 622 4372	066 605 2309	082 729 7545	-	Johnny.Diala@eskom.co.za	210007	D3 EXECUTIVE	None
4439649	Mr	S.H.	Lahe	Gal	CHIEF INFORMATION OFFICER	600-5007/2596		082 451 3158	011 783 4207	Gal.Lahe@eskom.co.za	210007	D3 EXECUTIVE	Monitor, Desktop, Printer
1057849	Ms	K.	Maharaj	Karen	DIVISIONAL EXECUTIVE (PRIMARY ENERGY)	600 6368 / 3765	065 963 9855	082 538 0573	011 315-3291	Karen.Maharaj@eskom.co.za	210007	D3 EXECUTIVE	IPAD
3537039	Mr	M.F.	Ntsou	Fraddy	ACTING DIVISIONAL EXECUTIVE (OFFICE OF THE CHIEF EXECUTIVE)	011 800 3072	065 667 5561	082 694 1652	-	Fraddy.Ntsou@eskom.co.za		OG Future Centre	
SENIOR GENERAL MANAGERS													
1032925	Mr	L.B.	Dlamini	Leo	SENIOR GENERAL MANAGER (OFFICE OF THE CHAIRMAN)	600 4766/5396	065 665 2010	083 260 3029	-	DlaminiLB@eskom.co.za	210007	LG Future Centre	
0606460	Mr	A.	Etzinger	Andrew	SENIOR GENERAL MANAGER (INTEGRATED DEMAND MANAGEMENT)	600 5316/4196	011 800 4190	082 655 3463	011 701-7779	Andrew.Etzinger@eskom.co.za	210007	D3 EXECUTIVE	
0302534	Ms	G.M.	Henry	Caroline	SENIOR GENERAL MANAGER (TREASURY)	600 2601/3225	600-2308	082 893 4994	011 916-5293	Caroline.Henry@eskom.co.za	210007	CG Treasury	
0011772	Mr	C.R.	Le Roux	Clive	SENIOR GENERAL MANAGER (KOBBERG)	600-3253/0593	600-3001	082 652 7585	011 466-2190	LeRouxCR@eskom.co.za	210007	DG Y46	
0969693	Mr	E.T.	Mabizane	Edwin	SENIOR GENERAL MANAGER (OUTAGE MANAGEMENT)	600-6697/7872/7855/6697	086 668 4483	082 652 2691	013 244-1215	Edwin.Mabizane@eskom.co.za	210007	C35 Simba & Leistikop Road, Sunninghill	
0916620	Mr	W.	Majola	Willy	SENIOR GENERAL MANAGER (ENGINEERING)	011 800 2763/9673	011 825 4529	083 633 1600		Willy.Majola@eskom.co.za	210007	Greenpark Park, Zimba Road, Sunninghill	
858063	Mr	L.	Makela	Louis	SENIOR GENERAL MANAGER (DISTRIBUTION)	012 421 6629	012 421 3084	083 256 6781		Louis.Makela@eskom.co.za	210007	Merlyn	
0929065	Mr	V.	Mboweni	Vusi	SENIOR GENERAL MANAGER (COAL 1)	011 800 3036/5610	066 667 5421	084 580 9309	011 913 1815	Vusi.Mboweni@eskom.co.za	210007	Club Area next to Gym	
0012028	Ms	B.A.	Nakedi	Ayanda	SENIOR GENERAL MANAGER (RENEWABLES)	012 484 5200/012 421 6569	012 484 5202	082 829 7758	-	Ayanda.Nakedi@eskom.co.za	210007	C2 U35	
4430544	Mr	M.D.	Ntshabu	Mofeni	SENIOR GENERAL MANAGER (INTERNAL AUDIT)	011 800 2898/5300		082 769 7690	012 661 6655	Mofeni.Ntshabu@eskom.co.za	210007	C3 U32	
0927716	Mr	S.M.	Schepers	Sigemcoo	SENIOR GENERAL MANAGER (SOUTHERN AFRICAN ENERGY)	011 800 2287/2174	011 800 2715	082 806 3061	011 807 2310	Sigemcoo.Schepers@eskom.co.za	210007	D3 EXECUTIVE	
0410706	Mr	H.J.	Steyn	Kobus	SENIOR GENERAL MANAGER (ESKOM CONSTRUCTION MANAGEMENT)	600 8205/2657	068 662 8128	082 041 3908		Kobus.Steyn@eskom.co.za	210007	DG V45	
0450934	Mr	F.C.	Van Niekerk	Christo	SENIOR GENERAL MANAGER (COAL 2)	012 481 5173/600 7252	065 539 0747	082 502 3648		VfDieFC@eskom.co.za	210007	D2 Y39	
1232183	Ms	N.S.	Veleki	Nankulalwe	SENIOR GENERAL MANAGER (SHARED SERVICES)	011 800 4716/2934	065 665 9527	083 742 6342	-	Nankulalwe.Veleki@eskom.co.za	210007	Libido House, Sunninghill	

7(d)

Elsie Pule

From: Palesa Tswai
Sent: Wednesday, 18 March 2015 10:31
To: Elsie Pule
Subject: RE:

Hi Ausi Elsie,

Mr Khoza's number is 081 477 3000.

Regards,
Palesa Tswai

From: Elsie Pule
Sent: 18 March 2015 10:08 AM
To: Palesa Tswai
Subject:

Please send me the boss's number



EP8

Disciplinary Project Plan: Sal Laher

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is cursive and appears to be the name 'Sal Laher'.

7 (e)s



Project Plan - Disciplinary Action (Sal Laher)

Activity	Responsible Person	Date
Institute an in investigation - Appointment internal Forensic Department	Line Manager	17-Dec-14
Conclusion of the investigation	Forensic Invetigator	09-Jan-15
Appointment of case presenter - Attorney	Line Manager/ Legal Dept	13-Jan-15
Appointment of chairperson - Advocate *(Note 1)	Line Manager/ Legal Dept	13-Jan-15
Drafting of charges	IR/legal Office/Attorney	15-Jan-15
Serving the charges (minimum 5 working days notice before the hearing)	Line Manager	16-Jan-15
Preparation of witnesses	Attorney	20-Jan-15
Exchange of bundles of documents	Attorney	21-Jan-15
Disciplinary hearing (Schedule 4 days 27-30 January 2015)	Chairperson/All parties	27-Jan-15
Closing Arguments	Attorney/Employee	03-Feb-15
Verdict/Finding (Within working 5 days from date of submissions)	Chairperson	10-Feb-15
Mitigating/Aggravating factors (Only if found guilty)	Attorney/Employee	13-Feb-15
Sanction	Chairperson	20-Feb-15
Employee served with sanction	Line Manager	20-Feb-15
Appeal (Employee to lodge appeal within 5 working days) **(Note 2)	Employee	27-Feb-15
Eskom responds appeal (Within 5 working days)	Attorney	06-Mar-15
All relevant documents to be submitted to the appeal chairperson (Next level of management - CE) *** (Note 3)	IR Office	09-Mar-15
Consider the appeal and make a determination (Within 5 working days)	Office of the CE	16-Mar-15
Employee given the outcome	Office of the CE	16-Mar-15
Dispute with CCMA **** (Note 4)	Employee	16-Apr-15
Future dates will be determined by CCMA ***** (Note 5)	CCMA	May-15
Notes 1 My initial recommendations were that we appoint an advocate through a briefing attorney. In further discussion with our legal department. We have agreed to appoint the advocate through TOKISO to avoid appointing via the same attorney who might be presenting the case. It does not necessary differ from my initial recommendation, we will have an option of selecting the most experienced advocate on the TOKISO panel.		
Note 2 This will apply only if the employee is not satisfied with the outcome. Further, he may decided to refer the dispute direct to CCMA without lodging an appeal. Irrespective of the process he follows, the sanction will be implemented accordingly until a contrary decision is taken either at the appeal or dispute level.		
Note 3 The Chief Executive has an option to delegate the appeal to a senior person.		
Note 4 In the event the employee gets dismissed, he has 30 calender days to refer an Unfair Dismissal Dispute to CCMA. In case of any sanction short of dismissal, he has 90 calender days to refer an Unfair Labour Practice dispute to CCMA.		

7(e)4

<p>Note 5 CCMA will take charge of the process and set down all the dates. Both Eskom and the employee/applicant will be given an opportunity to consider settling the matter before it is arbitrated. The same attorney used at the hearing should continue with the dispute resolution process so that there is continuity.</p>		
--	--	--

Masingita Norman Rikhotso
Manager: Industrial Relations (Services Function)

Date



EP9

Engagement Plan

Affected employees of the suspended
Executives
Eskom Employees
Survey(Dipstick)
Executive Forum
Communiques



7 (b) (c)

Elsie Pule

From: Venete Klein
Sent: Friday, 13 March 2015 20:11
To: Elsie Pule
Cc: Venete Klein; Zethembe Khoza; Freddy Ndou
Subject: Re: EMPLOYEE ENGAGEMENT'S POST EXECUTIVES SUSPENSION ANNOUNCEMENT

Thanks very much Elsie.
Have a great weekend too.
I am also available 24/7.
Regards

Sent from my iPhone

> On 13 Mar 2015, at 18:25, "Elsie Pule" <PuleEM@eskom.co.za> wrote:

>

> Venete

>

> As discussed please find the following:

>

>

> 1. I am resending the Plan of action to manage perceptions and engage employees post the announcements yesterday

>

> 2. An organizational Pulse Check from the ground- it should be noted that this is raw coming from the mouths of our employees. We have created a template send to business so that we can cover more ground. In the next week for the duration of next week you will receive a daily update.

>

> 3. I have attached the communiques that went out separately today to all employees from the Chairman and the CE respectively.

>

> I hope this meets with your expectations, have a great weekend. Please do not hesitate should you require more information.

> _0150313_Eskom Employee Engagement Pulse Check_V4.doc> <[All

> employees] - Interim CE address – Organisational update.eml> <[All

> employees] - Introduction of new interim Chief Executive and three

> acting Group Executives.eml> <Organizational Engagement

> proposal_V01.doc>



7(b)2

Elsie Pule

From: Elsie Pule
Sent: Thursday, 19 March 2015 13:48
To: Venete Klein
Subject: RE: 20150316_Eskom Employee Engagement Pulse Check_V01

Thank you

From: Venete Klein
Sent: Thursday, March 19, 2015 7:35 AM
To: Elsie Pule
Cc: Venete Klein; Zethembe Khoza
Subject: Re: 20150316_Eskom Employee Engagement Pulse Check_V01

I am comfortable with that Elsie. Pls do update me if there are any major shifts which are of concern to you.

Warm regards

Sent from my iPhone

On 19 Mar 2015, at 7:26, "Elsie Pule" <PuleEM@eskom.co.za> wrote:

Venete

I wanted to propose that we stop tracking this tomorrow as the views are unlikely to shift beyond a week since the announcement.

From: Venete Klein
Sent: Wednesday, March 18, 2015 9:40 PM
To: Elsie Pule
Cc: Venete Klein; Zethembe Khoza
Subject: Re: 20150316_Eskom Employee Engagement Pulse Check_V01

Elsie,

Thanks so much for the continuous feedback.

Given that the messaging remains largely unchained, lets rather do 2 feedbacks per week - unless of course there is a significant change either positively or negatively.

Your support is appreciated.

Warm regards

Sent from my iPhone

On 16 Mar 2015, at 21:58, "Elsie Pule" <PuleEM@eskom.co.za> wrote:

Venete



7(b)3

Please find attached the Monday assessment of climate in relation to the developments of last week for your information.

<20150316_Eskom Employee Engagement Pulse Check_V01.doc>

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is stylized and appears to be a name, possibly "A. M. M.", written in a cursive or semi-cursive style.

7(b)A

Elsie Pule

From: Elsie Pule
Sent: Friday, 13 March 2015 18:31
To: Zethembe Khoza; Chose Choeu; Freddy Ndou; Steve Lennon; Ayanda Noah; Nonkululeko Veleti; Abram Masango; Edwin Mabelane; Mongezi Ntsokolo; Thava Govender; Sean Maritz; Johnny Dladla
Cc: Louis Maleka
Subject: FW: EMPLOYEE ENGAGEMENTS POST EXECUTIVES SUSPENSION ANNOUNCEMENT
Attachments: 20150313_Eskom Employee Engagement Pulse Check_V4.doc; [All employees] - Interim CE address – Organisational update; [All employees] - Introduction of new interim Chief Executive and three acting Group Executives; Organizational Engagement proposal_V01.doc

Colleagues

Please find the following:

1. The Plan of action to manage perceptions and engage employees post the announcements yesterday
2. An organizational Pulse Check from the ground- it should be noted that this is raw coming from the mouths of our employees. We have created a template send to business so that we can cover more ground. In the next week for the duration of next week you will receive a daily update.
3. I have attached the communiques that went out separately today to all employees from the Chairman and the CE respectively.

I hope this meets with your expectations, have a great weekend. Please do not hesitate should you require more information.



7654

Elsie Pule

From: Elsie Pule
Sent: Monday, 16 March 2015 09:27
To: Venete Klein
Subject: FW: [all employees] - Employee Engagement Programme Business Update Volume 03
Attachments: Employee Engagement Programme_Business Update_Volume 03_version 04 - Edited.pdf

Importance: High

Venete

Please note that as part of the HR strategy, in an attempt to keep the Guardians engaged, we started a drive last year and with the appointment of the CE in October 2014, started communicating regularly with our employees. This is just c of the platforms and we send it from my desk weekly.

From: Human Resources Update
Sent: Monday, March 16, 2015 9:04 AM
Subject: [all employees] - Employee Engagement Programme Business Update Volume 03
Importance: High



A handwritten signature in black ink, located in the bottom right corner of the page.

76) 10



Eskom Employee Engagement Programme



Employee engagement centres on ensuring that we rebuild the relationships with our employees and other stakeholders to create a harmonious workplace and increase employee engagement levels.

Stabilizing and aligning the organization post events of the 12th March 2015:

1. Thursday

Chairman's briefing sessions with top teams in:

Finance

Group Capital

Group Commercial

Psycho social support to the Pas of the affected Executives

2. Friday 13th March 2015: Morning

- a. Mail from the Chairman to the business
- b. Theme: Introduction of our interim CE and 3 acting GE's
- c. Key messages:
 - i. Business as usual
 - ii. Avoid corridor chats
 - iii. Keep the lights on
 - iv. Don't drop the ball; everyone to pull together for financial year-end
 - v. Give new individuals full support

3. Friday 13th March 2015: before mid-day

- a. Mail from GE HR to the GM forum (as a follow up on earlier mail from Chairman)
- b. Theme: Leadership alignment
- c. Key messages
 - i. Acknowledgement of organizational events,
 - ii. Support for Chairman's earlier email (if email has been sent)
 - iii. Encouragement to all GM's to attend Exec Forum on Tuesday 17th and be briefed in person by the Chairman and interim CE

4. Friday 13th March 2015; before mid-day

- a. Eskom Employee Engagement Programme business update from GE HR
- b. Theme: Organizational alignment
- c. Key messages:
 - i. Acknowledgement of organizational events,
 - ii. Support for Chairman's earlier email (if email has been sent)
 - iii. Give new individuals full support

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7(b)11



- iv. Business as usual
- v. Encouragement of team cohesiveness
- vi. VSP's
- vii. Retrenchment

5. Friday 13 March – end March 2015

- a. Leadership support for 3 acting GE's
- b. Theme: Leadership alignment
- c. Co-ordinated by HR Eskom Leadership Institute

6. Monday 16th 2015

- a. Labour briefing on organizational changes and meet & greet with interim CE
- b. Theme: Stakeholder alignment
- c. Co-ordinated by HR Employee Relations

7. Tuesday 17 March 2015: 08:00 – 15:30

- a. Executive Forum
- b. Theme: Leadership alignment
- c. See agenda below

Date: 17 March 2015 (Tuesday)
Time: 08:00 to 15:10 (with an extended agenda for EXCO members)
Venue: Eskom Megawatt Park - Capricorn
MC: Ms Elsie Pule, Group Executive Human Resources (Acting)
Theme for the day: **Leadership Alignment on Current Critical Issues**

1. Address by the Chairman : high-level introduction of the interim CE and 3 acting GE's (30 min)
2. Q&A session to managed by the Chairman (45 min)
3. Address by the interim CE (30min)
4. State of the finances by N.Veleti (15min)
5. BPP Leadership feedback by N. Veleti (30min)
6. State of the system by T. Govender (15min)
7. Generation turn-around strategy by M. Ntsokolo (15min)
8. War-room and Cabinet's 5 point plan by L. Maleka (15min)
9. Lunch (45min)
10. Structured engagement and feedback session facilitated by E.Pule (100 min)
11. Session closure by Z. Khoza (10min) – delegates will depart
12. Special ad-hoc wrap-up meeting with EXCO members and the Chairman (30min)

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7 (b) 12



Eskom Employee Engagement Programme



Employee engagement centres on ensuring that we rebuild the relationships with our employees and other stakeholders to create a harmonious workplace and increase employee engagement levels.

Topic: Business challenges	GM Forum Lead	Exec Forum Lead
1. Employee Morale	Dan Marokane	Ayanda Noah
2. Outstanding Municipal Debt	Ayanda Noah	Nonkululeko Veleti
3. War-room and Cabinet's 5 point plan	Louis Maleka	Louis Maleka
4. Eskom turn-around strategy	Steve Lennon	Abram Masango
5. Generation sustainability	Mongezi Ntsokolo	Edwin Mabelane
6. State of the system	Matshela Koko	Thava Govender
7. State of our finances	Tsholofelo Molefe	Mongezi Ntsokolo
8. Embedding and living our new vision	N/A	Elsie Pule

Date:

17 March 2015 (Tuesday)

Time:

08:00 to 15:10 (with an extended agenda for EXCO members)

Venue:

Eskom Megawatt Park - Capricorn

MC:

Ms Elsie Pule, Group Executive Human Resources (Acting)

Theme for the day:

Leadership Alignment on Current Critical Issues

Agenda: Executive Forum			
Time	Duration	Item	Who
08:00 – 08:50	0:50	Registration & Refreshments	All delegates to be seated by 08:50
09:00 – 09:05	0:05	Welcome, Introductions, Safety Evacuation & Setting the scene for Employee Engagement	Ms. Elsie Pule and Joe Phakathi
09:05 – 09:30	0:25	Address by the Chairman	Mr. Zola Tsotsi
09:30 – 10:15	0:45	Engagement session (Q&A)	Mr. Zola Tsotsi, facilitated by Ms. Elsie Pule
10:15 – 10:45	0:30	Address by the interim CE	Mr. Zethembe Khoza
10:45 – 11:00	0:15	Tea/ coffee	All delegates
11:00 – 11:15	0:15	State of our finances	Ms. Nonkululeko Veleti
11:15 – 11:45	0:30	BPP Leadership feedback	Ms. Nonkululeko Veleti
11:45 – 12:00	0:15	State of the system	Mr. Thava Govender
12:00 – 12:15	0:15	War-room update	Mr. Louis Maleka
12:15 – 12:30	0:15	Generation turn-around strategy	Mr. Mongezi Ntsokolo
12:30 – 13:15	0:45	Lunch	All delegates
13:15 – 14:55	1:40	Structured Engagement Session (including feedback)	Facilitated by Ms Elsie Pule
14:55 – 15:10	0:15	Session closure and way forward	Mr. Zethembe Khoza

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	<p>Eskom Employee Engagement Programme</p>	 <p>Employee engagement centres on ensuring that we rebuild the relationships with our employees and other stakeholders to create a harmonious workplace and increase employee engagement levels.</p>
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15:10 – 15:40	0:30	Special ad hoc wrap up meeting	EXCO and Mr. Zola Tsotsi
15:40 – 16:00	0:20	Tea/ coffee	EXCO members

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 Organizational Engagement proposal_V01



7616

	<p align="center">Eskom Employee Engagement Programme</p>	 <p>Employee engagement centres on ensuring that we rebuild the relationships with our employees and other stakeholders to create a harmonious workplace and increase employee engagement levels.</p>
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**Organisational Health Pulse Check Post Executive Suspension Announcement:
Friday 13 March 2015**

The data below is based on general observations and corridor conversations. To protect anonymity amidst the sensitivity of the conversations, no attempt was made to identify the groups/ individuals.

Bottom-line: PULSE OF THE BUSINESS IS WEAK

- ✓ employees are experiencing a culture-shock – totally unexpected
- ✓ lack trust in the organization due to poor communication
- ✓ little faith in process integrity; conflicting messages
- ✓ fear and anxiety for what's going to happen next
- ✓ employees are embarrassed to acknowledge that they work for Eskom

Some comments to substantiate:

1. Why only the 4 execs and not others? the CE is new and these problems started long before he was in the picture.
2. If there is nothing sinister against these 4, why not investigate the whole of EXCO? This is probably a witch hunt.
3. Will the inquiry also involve the previous CE and FD as they were accountable for decisions made regarding plant maintenance, finance and New Build?
4. Are these guys just the fall guys?
5. How will this impact Cabinet's 5 point plan considering that the suspended employees are running streams there?
6. Are the execs suspended or not? Why were they pounced on?
7. What agenda is the Minister pushing?
8. Why is the Chairman saying there is no crisis? Does he know what a crisis is?
9. Who will be next to go?
10. How can we trust anything leadership says?
11. Is this part of retrenchments?
12. The divided camps in the ANC have got something to do with this?
13. Is this linked to corruption?
14. Now that these 4 have been suspended, this does not send out a good message about Black professionals. It is implying that Black professionals cannot lead the a large organization
15. We have hit rock-bottom; can we get any lower than this?
16. In the past year or two, we have seen a mass departure of executives; what is going on? If this is not a crisis, what is a crisis?
17. Will people fired after the investigation?
18. Should I start looking for another job? Looks like this is linked to retrenchments
19. No comment; if I comment, I don't trust where this will land up.

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7(b)17

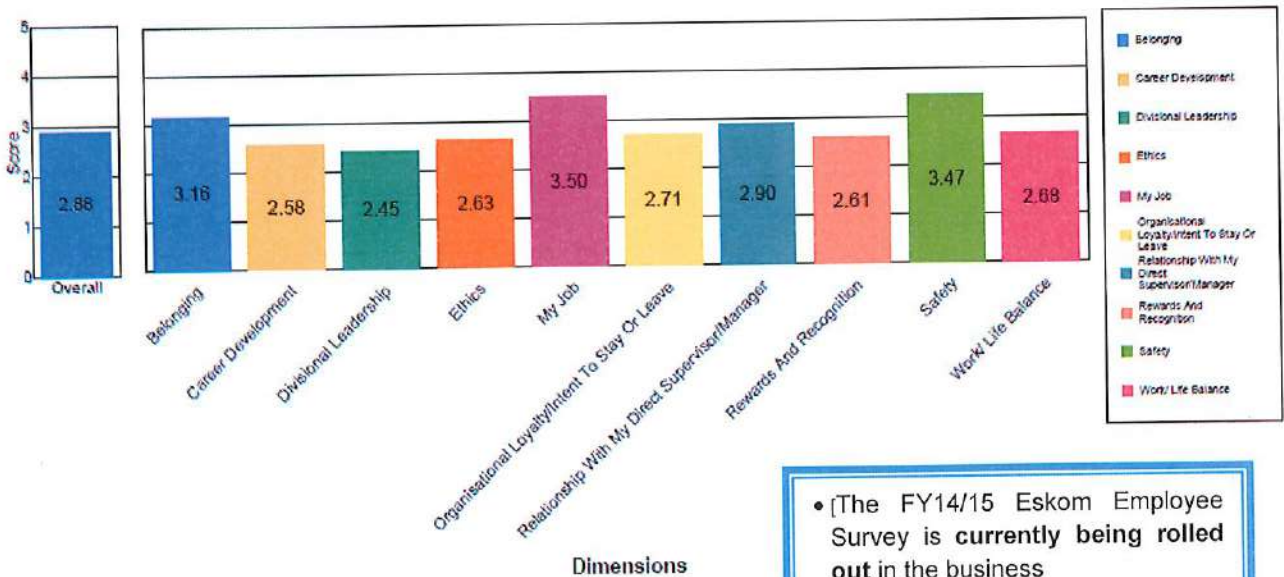
	<p align="center">Eskom Employee Engagement Programme</p>	 <p>Employee engagement centres on ensuring that we rebuild the relationships with our employees and other stakeholders to create a harmonious workplace and increase employee engagement levels.</p>
---	--	---

- 20. The last time we saw a bold leadership move like this was in 1998 when TSI fired all their employees
- 21. If people are dirty, they must go. We fired the whole Board; why can't we fire the whole EXCO?
- 22. We need a thorough leadership clean-up at the top; a fish rots from the head

As part of the Eskom Employee Engagement Programme, we are currently conducting an Employee Engagement Survey and the responses as at 13h00 on Friday 13 March 2015 is highlighted below:

Eskom Employee Engagement Survey 2014 - 2015

Number of responses: 2 078



Pulse check indicates:

- ✓ Overall baseline of 2.88 (low score – of concern)
 - Bears noting that survey is still running
 -
- ✓ Lowest scoring dimensions are:
 - "Divisional leadership" (2.45)
 - "Career Development" (2.58)
 - "Rewards & recognition" (2.61)
 - "Ethics" (2.63)
 - "Work-life balance" (2.68)
- ✓ Highest scoring dimensions are:

- [The FY14/15 Eskom Employee Survey is **currently being rolled out** in the business
- To date, **2 078 Eskom employees** have responded across all task grades
- The survey is available in **both online and manual** formats (to enable participation of employees without access to a computer)
- The survey consists of 50 statements housed under **10 comprehensive dimensions**
- The survey has been **translated** into various African languages

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EP

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	<p style="text-align: center;">Eskom Employee Engagement Programme</p>	 <p>Employee engagement centres on ensuring that we rebuild the relationships with our employees and other stakeholders to create a harmonious workplace and increase employee engagement levels.</p>
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- "My Job" (3.50)
- "Safety" (3.47)
- "Belonging" (3.16)
- "Relationship with direct supervisor and manager" (2.90)
- "Organizational loyalty" (2.71)

The points below were raised at the Press Briefing on the 12th March 2015, they are highlighted below for your information:

Questions raised by the press at the media briefing (12 March 2015):

1. Is this a suspension or garden leave?
2. Is there any wrong doing on the part of the suspended employees?
3. Who are these replacements- profile?
4. Be frank and tell us what's going on
5. The role of the shareholder in this discussion
6. You have a new CE have you lost confidence in the role of the CE
7. What is the issue now with Eskom's cash flow issues?
8. Where did the war room come into this decision?
9. Chairman for the last few years, you declined that there was a crises, now you are suspending all the top executives, why are you not the one being suspended
10. Will these executives be able to give evidence?
11. What is the real state of the system?

On the 12th March 2015, sessions were facilitated for the teams who's Group Executive had been suspended and below are comments and questions raised:

Questions/ comments raised at management briefing of affected teams (12 March 2015):

1. What is the expected outcome of this enquiry?
2. What does the decision to ask the executives to step aside, say about black professionals in this country? Are we saying that Black professionals cannot lead a big organization?
3. How will these events affect our organizational reputation?
4. We have hit rock-bottom; there cannot be any lower than this

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7(b)19

	<p>Eskom Employee Engagement Programme</p>	 <p>Employee engagement centres on ensuring that we rebuild the relationships with our employees and other stakeholders to create a harmonious workplace and increase employee engagement levels.</p>
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5. How is HR going to help? Managers need one message that can be consistently shared with staff
6. Why exclude other EXCO members? Are they next to be asked to step aside?

As From Monday, HR will continue to do Pulse checks using different platforms.

End.

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	<p style="text-align: center;">Eskom Employee Engagement Programme</p>	 <p>Employee engagement centres on ensuring that we rebuild the relationships with our employees and other stakeholders to create a harmonious workplace and increase employee engagement levels.</p>
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Eskom Employee Engagement Pulse Check: (Friday 20 March 2015)

The data below is based on data collection templates sent through by HRBP's

Bottom-line: PULSE OF THE BUSINESS IS STILL WEAK

- ✓ employees still anxious and nervous about the decision to suspend the execs
- ✓ ongoing lack of trust and faith in leadership (R10M bonuses for execs yet no money)
- ✓ employees feel embarrassed and ashamed to be associated with Eskom (credit rating down-graded to junk)
- ✓ managers unable to engage employees due to lack of credible info re the matter
- ✓ media continues exposing Eskom (today's Business Day article exposing Chairman)

Some comments to substantiate:

1. The issue is still talked about more so in the corridors as employees are waiting for the progress announcement
2. I am speechless. Things are not going OK and this might have an effect to my career in Eskom
3. More transparency is needed in the future
4. People are uncertain about the future of Eskom
5. Everybody is talking in the passages instead of our management bringing us into the boardroom and formally explaining to employees what is happening in Eskom
6. Need more open conversations by Managers and top Management
7. I gave the team assurance that Eskom is slightly stabilised
8. At this moment the issues are understood and the situation is more calmer
9. Announcements like this are coming so regular that it was no surprise, E.g. Duvha explosion, Majuba coal dump, then these 4 suspensions. Then the reduction of white staff for Equity. Then the R10 Mil. Rand paid out as a bonus to 10 people.
10. We are the laughing stock of everybody.
11. What surprises are there still to come out?
12. It is just the one negative wave on the other.
13. People are very negative and the morale is very low.
14. Is this the way management is going to get rid of extra staff, to make things unstable?
15. There is no money but R10 mil. for bonuses.
16. We should get honest feedback from management, not from stories in the media.
17. Management is no longer to be trusted, and this is destroying the organization image more and more.
18. I cannot talk to my team because I am just as confused as the team. Nobody is talking to me.
19. General sense of anxiety and negativity amongst employees.
20. The latest front page article in today's Business Day about the Chairman is detrimental to us moving forward; what's lower than junk status?

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7(b)8

Elsie Pule

From: Chairman
Sent: Friday, 13 March 2015 15:56
Subject: [All employees] - Introduction of new interim Chief Executive and three acting Group Executives

Importance: High



Chairman's  Eskom
message

A handwritten signature in black ink, appearing to be 'Pule'.

7(b)9

Dear Guardians

Introduction of new interim Chief Executive and three acting Group Executives

In the past 48 hours, the Board made a resolution to conduct an independent enquiry into the current status of the business. The Board felt that areas that need particular attention are the poor performance of generation plant, the delays in bringing the new generation plant on-stream, the escalating and high costs of primary energy and the cash flow challenges.

To ensure a process that has the integrity of independence, it was necessary to ask certain executives to step aside for the duration of the enquiry. It is important that Guardians appreciate that this process is not an investigation, but an independent enquiry. As you are aware, the executives that have been asked to step aside include the Chief Executive, Mr Tshediso Matona, Finance Director (Ms Tsholofelo Molefe), Group Executive for Group Capital (Mr Dan Marokane) and Group Executive for Group Commercial and Technology (Mr Matshela Koko).

To ensure business stability and continuity, the Board resolved to appoint Mr Zethembe Khoza as the interim Chief Executive. Mr Khoza was appointed onto the Eskom Board as a non-executive director in December 2014 and later appointed as the Chairman of the People and Governance Committee of the Board. He has strong experience in telecommunications, specialist knowledge in the financial sector with a specific focus on capital investments and experience in other areas of the private sector. Mr Khoza will be supported by the Exco members Ms Ayanda Noah, Ms Elsie Pule, Mr Mongezi Ntsokolo, Mr Thava Govender and Dr Steve Lennon. The Exco will be joined by Mr Abram Masango, Mr Edwin Mabelane and Ms Nonkululeko Veleti as acting Group Executives for Group Capital, Group Commercial and Technology and Finance respectively. All three executives have served the business in various roles and bring many years of experience to the respective portfolios.



Zethembe Khoza
Interim Chief Executive



Nonkululeko Veleti
Finance Director - Acting



Abram Masango
GE (Acting) Group Capital



Edwin Mabelane
*GE (Acting) Group
Commercial & Technology*

Mr Edwin Mabelane has been with the organisation for 21 years. He is also a qualified engineer and has looked after our Outage Management department for a number of years.

Ms Nonkululeko Veleti is a registered Chartered Accountant and has been with our organisation for almost 14 years working in the Finance Division. She has also managed Eskom's multi-dimensional Shared Services environment for some time and is closely associated with the Business Productivity

7(b) 14

Elsie Pule

From: Chief Executive
Sent: Friday, 13 March 2015 16:27
Subject: [All employees] - Interim CE address – Organisational update
Importance: High



Message from the
Acting

Chief Executive



A handwritten signature in black ink, appearing to be 'Mum' followed by a stylized flourish.

7(b) 15





Dear Guardians

Interim CE address – Organisational update

Following the announcement made yesterday, we as Exco wanted to connect with you all to say we understand how unsettling such an event can be on you, your work teams and the organisation. We recognise that you may have varying reactions, but we want you to take a moment to reflect on the significant role we all play in the service of South Africa - we can assure you that we as leaders continue to reflect on this.

We can all agree that regardless of what has happened, the Eskom machine must still operate – we still have a vital job to do. The country is relying on us to ensure that we improve the quality of electricity supply – now is our moment of truth to step into this role of serving South Africa. This requires us to be resilient and to be tenacious in our efforts. We ask that you stay focused on the task at hand, particularly as we move toward our financial year end which also means concluding our performance management. We as Exco are currently deliberating on the key focus areas for the new financial year and will be sharing these with you in due course.

Please take a moment to reflect on how you could lead Eskom in this context. Here are some examples:

	<ul style="list-style-type: none"> • Acknowledge that this reality has evoked different thoughts and emotions for different individuals and therefore engage with each other to pull together as a collective • Remember what we need to do our best to serve South Africa <i>(Emotions/thoughts shape action – Heart of a Servant)</i>
	<ul style="list-style-type: none"> • Leading from the context of where you are • The accountabilities have not changed, we still need to execute them effectively <i>(Individual leadership and individual accountability (everyone has a role to play) – Disciplined Execution)</i>
	<ul style="list-style-type: none"> • Question your own and other assumptions about the situation • Acknowledge the interdependencies in the organisation and work hard to learn from each other, as well as taking the time to teach others <i>(Transparency and Ubuntu – the solution lies in the collective – Learning Organisation)</i>
	<ul style="list-style-type: none"> • Keep on doing what you are here to do, govern yourself • Acknowledge the governance process that is in progress <i>(Focusing on doing the right things and not get distracted by creating and listening to stories “as an excuse for apathy” – Good Governance)</i>

Guardians, if we work and collaborate as **one** unit during this period, the journey ahead will be less difficult.

Kind regards

Zethembe Khoza

INTERIM CE ON BEHALF OF EXCO


7(b)5

Dear Guardians

Employee Engagement Programme Business Update Volume 03

Employee engagement centres on ensuring that we rebuild relationships with our employees and other stakeholders to create a harmonious workplace and increase employee engagement levels. This week is our 3rd Employee Engagement Business Update with the objective of communicating relevant information around the programme, which is a multiplatform approach designed to cover a broad spectrum of employees and other stakeholders.

In this week's bulletin, our primary focus is to share relevant and accurate information on the recent organization's events, in addition to an extension of a further week for you to complete your Employee Engagement Survey. We have also provided some comments from Eskom Guardians who have completed their survey and pictures from last week's HR employee engagement session as well as one of your own comments, for which we are very appreciative.

We hope you enjoy reading all about the many different initiatives under this programme and we look forward to hearing from you!

Regards

Elsie Pule

GROUP EXECUTIVE: HUMAN RESOURCES (ACTING)



A handwritten signature in black ink, appearing to be 'Elsie Pule', located in the bottom right corner of the page.

7(b)6



Employee Engagement programme Business Update



Elsie Pule
Group Executive -
Human Resources
(Acting)

Dear Guardians

In the past 48 hours, the Board has had to implement some critical resolutions pertaining to the current state of our business. Many of us have seen conflicting messages coming from the different external media platforms, and we can be forgiven for initially feeling as if we have been hit by a bus! Fortunately, we have some clear consistent internal communication platforms, such as the email sent out by Corporate Affairs yesterday, the emails sent by our internal distribution channels, and this business update (already in our third week and going strong with your support!).

In this issue, the Eskom Employee Engagement Team and I want to focus on ensuring that we communicate clearly and consistently with all Guardians on the events of yesterday, where top executives (including our Chief Executive, Mr Tshediso Matona, and three other executives, Ms Tsholofelo Molefe, Mr Dan Marokane, and Mr Matshela Koko) were asked to step aside, such that an unhindered independent enquiry process into the challenges facing Eskom could be conducted. In this issue, the team and I will also be communicating on the efforts to stabilise and align our business, so that all Eskom Guardians have the same access to clear and accurate information. We are also in the process of compiling a list of frequently asked questions (FAQs) to provide consistent messages across the business and will be including, in the bulletin, a brief synopsis and some photographs of our new Interim Chief Executive (Mr Zethembe Khoza) and the three Acting Group Executives (Ms Nonkululeko Veleti, Mr Abram Masango, and Mr Edwin Mabelane). On behalf of Exco, I would like to welcome Mr Khoza and our three Acting Group Executives to our leadership team.

I cannot sufficiently stress how important it is for us to have access to clear, accurate, and relevant messages. Firstly, this ensures that all Guardians, irrespective of grade, have access to the same information about important organisational events. In this way, we demonstrate respect for one another. However, in the absence of this, we are at risk of becoming distracted and losing focus. None of us can afford for that to happen, especially in the run-up to financial year-end. Also, in support of our Chairman, we have a duty to keep the lights on for our country and our customers! So, we need to pull together as a cohesive team.

I encourage all Guardians to personally desist from negative corridor chats and gossip and to discourage your employees, colleagues and friends from doing so. Instead, I encourage you to use the official emails distributed internally and the FAQs being prepared by the Eskom Employee Engagement Team to communicate clearly and consistently. Remember, with the rapid pace of change, these FAQs are a work in progress, so keep a watch out for regular updates on our intranet web page (where you can find this); also feel free to email the team and me with suggestions for any questions you feel we may have missed.

Additionally, in this business update, we also want to remind you about the Eskom Employee Engagement Survey currently running (we have extended this by one week) and encourage you to complete this and make your voice heard. We have included some photos and comments from Eskom Guardians across diverse grades who have completed their survey. We will also share some photos from the HR employee engagement session held last week and one of your comments sent to our email address (EskomEmployeeEngagementTeam@eskom.co.za). I encourage all of you to visit our intranet web page, which is easy to access and where you may find all information relating to the Eskom Employee Engagement Programme, including this business update and other useful links.

This week's great idea:

"I speak to everyone the same way, whether he is the garbage man or the president of the university."

Albert Einstein

The lesson is: treat everyone with respect, no matter what their status is.



Take care, be safe, and engage!

Elsie Pule
Group Executive (HR) – Acting

Be sure to attend one of the Employee Engagement sessions in your area. Talk to your HRBP.



International Women's Day



Sunday 8 March 2015 was International Women's Day. To commemorate this important day, women at Eskom were encouraged to dress in purple on Monday 9 March as a symbol of the proud and regal women of Africa. To all our amazing women, we salute you!

Most Attractive Employer Award



Last week, we communicated and celebrated that Eskom had been named the most attractive employer among engineering students at the 2015 Universum Most Attractive Employer Awards! Check out the link below to read more: <http://finweek.com/2015/02/26/cover-the-battle-of-the-employer-brands/>



76)6

Employee Engagement programme 

Unpacking the email from the Chairman (sent to the business today)

- What happened?** *The Chief Executive, Mr Tshediso Matona, and three Exco members, Ms Tsholofelo Molefe, Mr Dan Marokane, and Mr Matshela Koko, were asked to step down from their roles.*
- Why?** *The Board sanctioned an independent fact-finding enquiry into current business challenges, and these executives were asked to step aside to allow the enquiry to proceed unfettered.*
- What are our business challenges?** *Among others, we experience poor performance of our generation plant, delays in bringing the new generation plant on-stream, the high costs of primary energy, and our cash flow challenges.*
- Are we getting a new CE?** *For the interim period, Mr Zethembe Khoza (a non-executive Board member) has been asked to assume the position of Chief Executive.*
- Who will look after the GES' roles?** *Three experienced executives were asked to step in: Ms Nonkululeko Veleti (Finance), Mr Abram Masango (Group Capital), and Mr Edwin Mabelane (Group Commercial and Technology).*
- Have they been appointed in these roles?** *No, they will support the new Interim CE and were, thus, asked to look after the respective areas of the group executives who were asked to step aside for the duration of the enquiry.*
- Who is Zethembe Khoza?** *Mr Khoza joined Eskom in December 2014 as a non-executive Board member and has experience in the private sector, which includes construction, consulting, and building maintenance. He also has specialist knowledge within the financial industry, with a specific focus on capital investments.*
- Who is Abram Masango?** *Mr Masango is a qualified engineer who has been with Eskom for over 18 years. Currently, he is the Project Director at Kusile Power Station Project.*
- Who is Edwin Mabelane?** *Mr Mabelane has been with Eskom for 21 years. He is also a qualified engineer and, for a number of years, has been the Senior General Manager looking after Outage Management.*
- Who is Nonkululeko Veleti?** *Ms Veleti is a registered chartered accountant who has been with Eskom for 14 years, largely in Finance. She is the Senior General Manager of Shared Services and is closely associated with BPP.*
- Is this process an investigation?** *No, this process is a fact-finding enquiry and is being conducted with the full support and participation of all associated parties.*
- How do we deal with different stories about this?** *We need to be aware that there are some very conflicting messages being communicated on the different external media platforms. As Guardians, we need to rely on good sources of accurate information.*



Zethembe Khoza
Interim Chief Executive



Nonkululeko Veleti
Finance Director - Acting



Abram Masango
GE (Acting) Group Capital



Edwin Mabelane
GE (Acting) Group Commercial and Technology

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Eskom Employee Engagement Survey FY2014/15

- Check emails for the survey link; it has been sent to you.
- Visit the Employee Engagement link on the intranet.
- 10 dimensions assessed; takes 10 minutes to complete.
- Anonymous (common user ID); Eskom-wide (everybody participates).
- Survey runs from 23 February to 20 March 2015 (one-week extension).
- Check your mailbox for information, or speak to your HRBP.

The Eskom Employee Engagement Survey is currently running and was discussed in last week's business update. See below for some of the comments from the 5-in-5 (five questions in five minutes) change management campaign supporting the process; these are some of our proud Eskom Guardians who have completed their Employee Engagement Surveys.



My name is Nomaswazi Shongwe

- I work at the Media Desk
- I feel connected to the business when I respond to media queries, as this has an impact on Eskom's reputation and the relationship it has with the media and perceptions of key stakeholders who are influenced by media reportage
- I am proud to be an Eskom Guardian because I am part of an organization that generates approximately 95% of the electricity used in South Africa, and approximately 45% of the electricity used in Africa. This not only powers the South African economy, it also improves the quality of life of our people, now and into the future.
- My favourite place in SA is Durban, KwaZulu-Natal. I love the combination of the city and an ocean that has an ideal swimming temperature.



Join thousands of fellow Guardians, and have your say!



Thank you for the feedback!



My name is Nandha Govender

- I work in the Primary Energy Division: Water and Environmental Operations.
- I feel connected to the business when people smile back at me...when people greet me...when people take the time to talk to me...when people say thank you.
- I am proud to be an Eskom Guardian because of my passion for water and its importance to the country and electricity generation.
- My favourite place in SA is my home. It is my sanctuary and a place of peace and tranquility.

Please keep checking the Eskom Employee Engagement intranet web page for further comments; maybe you will even spot your own!



My name is Lloyd Modimogale

- I work in Group IT SEA (Strategy, Execution, Architecture).
- I feel connected to the business when I see people using our products, e.g. processes and systems. Then I feel that I am not just a number, but add value.
- I am proud to be an Eskom Guardian because we provide energy to the country.
- My favourite place in SA is Cape Town because of the crazy weather and the sun sets late.

HR EMPS Employee Engagement Session at Franklin Auditorium (6 March 2015)

We hope that you have enjoyed reading more about the Eskom Employee Engagement Programme this week and encourage you to visit our intranet web page and share your thoughts and suggestions with us at EskomEmployeeEngagementTeam@eskom.co.za. Thank you for your comments and suggestions ... and for the compliments! We love to hear from you!

As the programme unfolds, we will be sure to keep sharing these developments with you.

Regards
The Eskom Employee Engagement Team

"This is a great initiative. I find it very constructive and informative. Well done to Elsie and the team!"

Ryno Lacoock
Tutuka

Your feedback!



Check out our Eskom Employee Engagement intranet web page for further photos from this HR engagement session.

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1. INTRODUCTION

The Disciplinary Procedure outlines the process to be followed or utilised in the event of alleged misconduct as provided for in the Disciplinary Code/Standard.

2. SUPPORTING CLAUSES

2.1 SCOPE

2.1.1 Purpose

The purpose of the Disciplinary Procedure is to correct behaviour that is unsatisfactory to Eskom and to encourage expected behaviour.

Discipline will, on the whole, be applied progressively with due regard to the nature and seriousness of infringements, but will not preclude dismissal for first infringement.

2.1.2 Applicability

This Procedure shall apply throughout Eskom Holdings Limited, its Divisions, and Business Units.

Employees who participate in unprotected industrial action need not necessarily be dealt with in terms of this Procedure, but subject to the requirements of the specific circumstances and with due cognisance of the provisions of the Labour Relations Act (66/1995), hereinafter referred to as the Act.

2.2 NORMATIVE/INFORMATIVE REFERENCES

Parties using this procedure shall apply the most recent edition of the documents listed below:

2.2.1 Normative

- [1] ISO 9001 Quality Management Systems.
- [2] Recognition Agreement.
- [3] Grievance Procedure.
- [4] Disciplinary Code.
- [5] Disciplinary Procedure
- [6] Sexual Harassment Standard
- [7] Labour Relations Act.

2.2.2 Informative

- [1] Constitution of the Republic of South Africa.
- [2] Labour Relations Act.
- [3] Basic Conditions of Employment Act.
- [4] Employment Equity Act.

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- [5] Collective agreements.
- [6] Codes of Good Practice.
- [7] Various Conditions of Services.

2.3 DEFINITIONS

2.3.1 Controlled disclosure: controlled disclosure to external parties (either enforced by law or discretionary)

2.3.2 Eskom: is used for Eskom Holdings Limited and its Divisions and owned subsidiaries.

2.3.3 Him/His: is used for describing a "person" and is not gender based, that is, male or female gender.

2.3.4 Representative: is a fellow employee or an official of a recognised trade union appointed by the employee to assist him/her.

2.4 ABBREVIATIONS

Abbreviation	Description
CCMA	Commission for Conciliation Mediation Arbitration
ER	Employment Relations
HR	Human Resources
IR	Industrial Relations

2.5 ROLES AND RESPONSIBILITIES

It is the responsibility of management to institute discipline in a lawful and equitable manner.

An employee shall, during all disciplinary proceedings, be entitled to be assisted or advised by a representative.

2.6 PROCESS FOR MONITORING

Annual review and implementation of new collective agreements and legislation.

2.7 RELATED/SUPPORTING DOCUMENTS

This procedure supersedes the previous version of the document.

3. PRINCIPLES

The following principles will be observed when applying the procedure:

- 3.1 The principle of fairness and equity shall always be adhered to.

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3.2 Any disciplinary action, shall as far as possible, emphasize corrective measures rather than punitive measures.

3.3 Eskom will endeavour to take disciplinary action within three (3) months from the date that it becomes aware of any misconduct.

4. DISCIPLINARY PROCEDURE

No disciplinary action shall be instituted against an employee unless he/she is afforded a proper opportunity to state his/her case and to defend him/herself against any allegations that may be taken into consideration against him/her.

When it is suspected that an employee has committed misconduct, one of the following disciplinary processes will be followed:

4.1 Disciplinary Enquiry

4.1.1 Disciplinary enquiry is an inquisitorial process to be conducted by the manager or supervisor of the employee. The manager has a right to determine the finding and sanction, having considered the facts.

4.1.2 The process will only be utilized for offences that, on the face of it, may not result in severe sanction.

4.1.3 In the event where it becomes apparent during the enquiry that the misconduct may require a disciplinary hearing, the manager must advise the employee and refer it to a disciplinary hearing.

4.2 Disciplinary Hearing

4.2.1 Disciplinary hearing is an adversarial process to be chaired by an internal independent chairperson.

4.2.2 The process will only be utilised for offences that may, or have the potential to, result in/or warrant a penalty of dismissal.

4.2.2 The utilisation of this process does not necessarily mean that a sanction of dismissal will be the only sanction. It means a sanction of dismissal and other sanctions (as prescribed in the Disciplinary Code/Standard) are appropriate sanctions.

4.3 Pre-Dismissal Arbitration

4.3.1 Pre-dismissal arbitration is an adversarial process to be chaired by an independent external chairperson.

4.3.2 The process will only be utilised for offences that may, or have the potential to, result in/or warrant a penalty of dismissal.

4.3.3 The process can only be utilised if the parties (employer and employee) involved in that particular disciplinary case agree to utilise the process.

4.3.4 The process is, *mutatis mutandis*, subject to the provision of Section the 188A of the LRA 66 of 1995, as amended.

4.3.5 If the parties agreed to follow a pre-dismissal arbitration procedure in terms of the LRA 66 of 1995, an agreement shall be made in writing by the parties before the case can be referred to the Commission or a selected accredited agency.

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4.3.6 The parties must exchange all relevant documents to be submitted into evidence at the arbitration, at least 4 days prior to the arbitration.

4.3.7 The process will constitute the following:

- a. A list of all arbitrators from the Commission or Panellists from any Accredited Agency shall be acquired by the parties.
- b. Parties to choose three (3) possible names from the list and, finally, select one name of the Arbitrator who will chair the Pre-dismissal arbitration.
- c. The case presenter to lead employer's case.
- d. Alleged offender and his/her representative.
- e. Legal representation during the pre-dismissal arbitration will subject to the provisions of Rule 25 of the Commission for Conciliation Mediation Arbitration rules.
- f. The arbitrator shall have the same powers as contemplated by Section 188A(7) of the LRA 66 of 1995.
- g. The provisions of Section 143 to 146 of LRA 66 of 1995 shall apply to any award made by an arbitrator in terms of this procedure.
- h. The method of recording will include audio tape recording but exclude visual recordings.
- i. The arbitrator will have 14 days to make an award; the award must be in writing.
- j. An arbitrator's award will be final and binding and have similar status and effect as those issued by the arbitrator at arbitration under auspices of the CCMA.

4.4 Suspension of employee with pay pending Disciplinary Enquiry, Hearing or Pre-dismissal arbitration

4.4.1 When it is suspected that an employee may have committed misconduct and that his/her continued presence in the premises of the company might interfere with the disciplinary investigations, the manager may decide to suspend the employee with pay pending the outcome of the investigation.

4.4.2 Depending on the outcome of the investigation, the manager may extend the suspension or impose the suspension (if the employee was not suspended) pending the outcome of disciplinary process.

4.4.3 The decision to suspend the employee must be considered if and when one or more of the following factors are involved:

- a. element of dishonesty in the alleged misconduct
- b. possibility of tampering with evidence
- c. possibility of interfering with the investigation process
- d. possibility of intimidating witnesses.

4.5 Notification of Disciplinary Enquiry, Disciplinary Hearing or Pre-dismissal arbitration

A written notice advising the employee of the alleged misconduct (charge), process to be followed (enquiry, hearing or Pre-dismissal arbitration), the particulars relating thereto, as well as his/her rights and the time and place of the hearing shall be furnished to the employee at least five (5) days prior to the hearing or three (3) days for enquiry or ten (10) days for pre-dismissal arbitration.

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5 DISCIPLINARY ENQUIRY PROCEDURE

- 5.1 Once the manager has determined that the process to be followed is a disciplinary enquiry procedure in terms of paragraph 4.1 and the employee has been advised in terms of paragraph 4.5, the manager shall prepare for an inquisitorial approach.
- 5.2 The parties must exchange all relevant documents to be relied upon at the enquiry at least 24 hours prior to the enquiry.
- 5.3 At the disciplinary enquiry, the following process will be followed:
- 5.3.1 The manager will put the charge(s) and all the relevant facts and documents to the employee.
- 5.3.2 The employee will be afforded an opportunity to give an explanation for the allegations.
- 5.3.3 Witnesses may be called in to give evidence.
- 5.3.4 The manager will consider all the facts and make a finding. The finding must be in writing.
- 5.3.5 If the finding is a guilty verdict, the employee must be advised to furnish mitigating factors.
- 5.3.6 The manager must consider the mitigating factors and aggravating factors and issue a sanction. The sanction must be in writing.
- 5.3.7 The finding and the sanction of the manager do not necessarily have to be given on the same day.
- 5.3.8 The only method of recording will be in terms of the Disciplinary Enquiry Summary of Events form.

6 DISCIPLINARY HEARING PROCEDURE

- 6.1 Once the manager has determined that the process to be followed is a disciplinary hearing procedure in terms of paragraph 4.2 and the employee has been advised in terms of paragraph 4.5, the manager shall prepare for an adversarial approach.
- 6.2 The parties must exchange all relevant documents to be submitted into evidence at the hearing, at least two days prior to the hearing.
- 6.3 The process will constitute:
- 6.3.1 an internal independent chairperson; a prosecutor or case presenter;
- 6.3.2 accused employee and his representative; and
- 6.3.3 an employee relations practitioner.
- 6.4 The method of recording will include audio tape recording, but exclude visual recordings.
- 6.5 The parties will be given an opportunity to lead their respective evidence.
- 6.6 The chairperson will have 5 days to make a finding. The finding must be in writing.
- 6.7 If the finding is a guilty verdict, the employee and the case presenter must be advised to furnish mitigating and aggravating factors, respectively.
- 6.8 The chairperson must consider the mitigating and aggravating factors and issue a sanction. The written sanction must be issued within five days.
- 6.9 The sanction notice must advise the employee of his/her right to lodge an appeal against the finding and/or sanction.

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7 PRE-DISMISSAL ARBITRATION PROCEDURE

- 7.1 Once the parties have agreed to follow a pre-dismissal arbitration procedure in terms of paragraph 4.3 and the employee has been advised in terms of paragraph 4.5, the manager shall prepare for a pre-dismissal arbitration approach.
- 7.2 The parties must exchange all relevant documents to be submitted into evidence at the arbitration at least four days prior to the arbitration.
- 7.3 The process will constitute the following:
- 7.3.1 An external independent chairperson agreed to by both parties (the employer will submit three (3) names from the Tokiso Panel or any other dispute resolution agency and the employee must choose one from the names submitted) or appointed by the CCMA.
- 7.3.2 A prosecutor or case presenter to lead employer's case.
- 7.3.3 Accused employee and his/her representative (Legal representation during the pre-discipline arbitration will be subject to the provisions of Rule 25 of the CCMA rules).
- 7.3.4 An employee relations practitioner.
- 7.3.5 The arbitrator shall have the same powers as contemplated by Section 188A(7) of LRA 66 of 1995.
- 7.3.6 The provisions of Sections 143 to 146 of LRA 66 of 1995 shall apply to any award made by an arbitrator in terms of this procedure.
- 7.3.7 The method of recording will include audio tape recording, but exclude visual recordings.
- 7.3.8 The arbitrator will have 14 days to make an award; the award must be in writing.
- 7.3.9 An arbitration award will be final and binding and have similar status and effect as those issued by an arbitrator at arbitration under auspices of CCMA.

8 APPEAL

- 8.1 The employee must lodge his/her appeal in writing with the employee relations practitioner (in case of hearing) or the manager (in case of enquiry) within five working days of receipt of the sanction.
- 8.2 The employee must clearly specify his/her grounds of appeal.
- 8.3 In case of a hearing, the employee relations practitioner must advise the case presenter of the appeal and furnish him/her with a copy of the grounds of appeal.
- 8.4 The case presenter must furnish the employee relations practitioner with his/her grounds of response within 5 days of receipt of the grounds of appeal. The employee relations practitioner must furnish the employee with a copy of the grounds of response.
- 8.5 The employee relations practitioner (in case of hearing) or manager (in case of enquiry) must forward all the relevant documents (minutes, finding, sanction, grounds of appeal and grounds of responses) to the duly nominated internal independent chairperson or his/her senior manager respectively.
- (Note: appeal will only be considered on the submitted documents).**
- 8.6 New evidence that was not presented at the hearing or enquiry will not be automatically considered. The appeal chairperson must evaluate the reasons for failure to lead the evidence in the disciplinary Hearing and the significance of the evidence and decide whether he/she is going to take it into consideration.

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8.7 The appeal chairperson (in case hearing) or appeal senior manager (in case of an enquiry) has five days to consider all the relevant documents and issue a written finding.

8.8 The appeal chairperson or senior manager has a right to:

8.8.1 uphold the finding and/or sanction of the disciplinary/enquiry chairperson;

8.8.2 vary or rescind the finding, and/or sanction of the disciplinary/enquiry chairperson; and

8.8.3 order a *de novo* hearing where there was a procedural defect that was prejudicial.

9 DISPUTE SETTLEMENT MECHANISM

In the event of the employee not being satisfied with the outcome of the appeal, the employee may, if he/she so wishes, invokes Part 6 of the Recognition Agreement, as amended.

10 AUTHORIZATION

Not applicable.

11 REVISIONS

Date	Rev.	Compiler	Remarks
October 2010	0	T Ngele	Adopted for Back to basics and allocated a new number

12 DEVELOPMENT TEAM

This procedure was developed in consultation with the following stakeholders:

- Eskom Holdings
- National Union of Metalworkers of South Africa (NUMSA)
- Solidarity
- National Union of Mineworkers (NUM)

13 ACKNOWLEDGEMENTS

This procedure has been negotiated with the following stakeholders:

- NUMSA
- NUM
- Solidarity

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Annexure A

(Normative)

Notice to Attend Disciplinary Enquiry

NOTICE TO ATTEND DISCIPLINARY ENQUIRY			
PERSONAL DETAILS			
NAME OF THE ALLEGED OFFENDER:		UNIQUE NO:	
DEPARTMENT:		POSITION:	
<u>ALLEGED MISCONDUCT</u>			
(Note: name the misconduct, and give a brief description of the incident.)			
<u>ADMINISTRATIVE DETAILS</u>			
BE ADVISED THAT THE DISCIPLINARY ENQUIRY WILL TAKE PLACE AT:			
DATE:		TIME:	
PLACE:			
<u>RIGHTS</u>			
Kindly take note that you have the following rights to:			
<ul style="list-style-type: none"> • present your case/defence; • call witnesses; and • be represented by a fellow employee or trade union representative. 			
<u>DOCUMENTATION</u>			
The parties must exchange all relevant documentation to be relied upon at the enquiry at least 24 hours prior to the enquiry.			
<u>SERVICE</u>			
SERVED BY:		RECEIVED BY:	
SIGNATURE:		SIGNATURE:	
DATE:		DATE:	

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(i)

Disciplinary procedure

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Annexure B

(Normative)

Notice to Attend Disciplinary Hearing

NOTICE TO ATTEND DISCIPLINARY HEARING			
PERSONAL DETAILS			
NAME OF THE ALLEGED OFFENDER:		UNIQUE NO:	
DEPARTMENT:		POSITION:	
<u>ALLEGED MISCONDUCT</u>			
(Note: name the misconduct, and give a brief description of the incident.)			
<u>ADMINISTRATIVE DETAILS</u>			
BE ADVISED THAT THE DISCIPLINARY HEARING WILL TAKE PLACE AT:			
DATE:		TIME:	
PLACE:			
<u>RIGHTS</u>			
Kindly take note that you have the following rights to:			
<ul style="list-style-type: none"> • present your case/defence; • call witnesses; and • be represented by a fellow employee or trade union representative. 			
<u>DOCUMENTATION</u>			
The parties must exchange all relevant documentation to be relied upon at the hearing at least two days prior to the hearing.			
<u>SERVICE</u>			
SERVED BY:		RECEIVED BY:	
SIGNATURE:		SIGNATURE:	
DATE:		DATE:	

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Disciplinary procedure

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Annexure C
 (Concluded)

FINDINGS:	GUILTY	NOT GUILTY	
<u>SUMMARISED REASONS FOR FINDING</u>			
<u>MITIGATING FACTORS</u>			
<u>AGGRAVATING FACTORS</u>			
<u>SANCTION</u>			
<u>ACKNOWLEDGEMENT OF PROCESS</u>			
I hereby confirm that the above-mentioned information was discussed with me during the disciplinary enquiry. (Note: acknowledgement of discussion does not mean that the employee agrees with the content.)			
NAME OF ALLEGED OFFENDER: _____		CHAIRPERSON'S NAME: _____	
DATE: _____		DATE: _____	
SIGNATURE: _____		SIGNATURE: _____	

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**2. Eskom Disciplinary Code Unique Identifier
32 1114**

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is stylized and appears to be a name, possibly "P. ...".

EP11

Disciplinary Code Unique Identifier 32- 1114

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is stylized and appears to be a name, possibly "R. van der ...".

2 (4)

	Standard	Human Resources Division
---	-----------------	-------------------------------------

Title: **Disciplinary code** Unique Identifier: **32-1112**

Alternative Reference Number: **NA**

Area of Applicability: **E**

Documentation Type: **ST**

Revision: **0**

Total Pages: **7**

Next Review Date: **November 2013**

Disclosure Classification: **CONTROLLED DISCLOSURE**

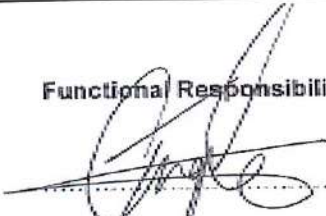
Compiled by



N Theko
Employee Relations Officer
Human Resources Division

Date: 24/01/2011

Functional Responsibility



T Ngale
Senior Manager Legal and
Statutory Portfolio
Human Resources Division

Date: 24/01/2011

Authorized by



B E Bulunga
Divisional Executive
Human Resources

Date: 25/01/2011



2(b)

Disciplinary code

Unique Identifier: 32-1112

Revision: 0

Page: 2 of 7

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2 (c)

Disciplinary code

Unique Identifier: 32-1112

Revision: 0

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1. INTRODUCTION

This standard outlines and provides for conduct (actions and/or omissions) that is deemed by Eskom Holdings Limited as unacceptable.

2. ACTS OF MISCONDUCT

An employee shall be guilty of misconduct if he/she does the following.

- 2.1 Contravenes or fails to comply with Eskom's Conditions of Service, agreements with trade unions, operating regulations, security and/or safety measures, procedures, directives and applicable statutory requirements.
- 2.2 Disregards or wilfully fails to carry out a lawful order given to him/her by a person authorised to do so.
- 2.3 Assaults or attempts or threatens to assault other employees, contractors, customers or visitors.
- 2.4 Endangers the safety of fellow employees, contractors, visitors and customers.
- 2.5 Is insubordinate and/or insolent.
- 2.6 Participates in or incites unprotected industrial action or labour unrest.
- 2.7 Intimidates fellow employees, contractors, customers or visitors.
- 2.8 While on duty, conducts himself/herself in an improper or disgraceful manner or at any time behaves in such a manner that he/she harms the image of Eskom.
- 2.9 Prohibits or prevents employees from belonging to any trade union.
- 2.10 Victimises and /or harasses other employees, contractors, customers or visitors.
- 2.11 Causes racial conflict between employees, contractors, customers or visitors.
- 2.12 Operates any scheme aimed at lending money to fellow employees for which interest is charged.
- 2.13 Without authorisation, utilises Eskom's labour, material, transport, equipment, and assets to his/her own advantage or to the advantage of another.

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2(4)

Disciplinary code

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-
- 2.14 Is absent from duty without leave.
- 2.15 Without a valid reason, reports late for work.
- 2.16 Sleeps on duty.
- 2.17 Is absent from his/her workpost without authorisation.
- 2.18 Is under the influence of intoxicating liquor or drugs while on duty or when reporting for duty.
- 2.19 Is in unauthorised possession of, or removes or attempts to remove, property belonging to Eskom.
- 2.20 Is in unauthorised possession of, removes, or attempts to remove from Eskom premises, property belonging to fellow employees, contractors, customers or visitors.
- 2.21 Is found guilty by a competent court of a criminal offence that directly relates to, or arises from, his/her duties.
- 2.22 Has paid an admission of guilt in respect of a criminal offence that directly relates to, or arises from, his/her duties.
- 2.23 Is found guilty by a competent court or has paid an admission of guilt in respect of any criminal offence that can breach the trust relationship between Eskom and the employee.
- 2.24 Discloses information obtained in the course of his/her duties with Eskom that is personal and confidential to Eskom.
- 2.25 Without the written consent of Eskom, directly or indirectly accepts any benefit or compensation in cash or otherwise resulting from his/her association, engagement, or duties with Eskom.
- 2.26 Without the written consent of Eskom, performs any work in a private capacity for another person or organisation for compensation.
- 2.27 Wilfully or negligently damages Eskom's property.
- 2.28 Is negligent in the performance of his/her duties.
- 2.29 Commits an act or omission that is detrimental to Eskom.
- 2.30 Makes any false statement or representation that relates to, or ensues from, his/her duties.
- 2.31 Falsifies any documents, claim forms, or records that relate to his/her duties.
- 2.32 Knowingly gives false evidence during proceedings in terms of the provisions of the procedure.

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2.33 Possesses a dangerous weapon in the workplace without prior authorisation.

2.34 Commits an act of sexual harassment.

2.35 Conduct himself/herself in a way that is reasonably regarded as unacceptable in terms of Eskom's values and ethics.

3. PENALTIES

The following penalties will be applicable:

3.1 Written warning valid for six months.

3.2 Final written warning valid for twelve months.

3.3 Suspension without pay (minimum seven days and maximum fourteen days) and will be considered as a disciplinary record for future discipline for a period of twelve months).

3.4 Dismissal with notice or summary dismissal (without notice)

Note: the above penalties do not necessarily follow a particular order; it will depend on the severity of the misconduct / offence.

4. SUPPORTING CLAUSES

4.1 SCOPE

4.1.1 Purpose

The purpose of the Disciplinary Code is to correct behaviour that is unsatisfactory to Eskom and to encourage expected behaviour.

4.1.2 Applicability

This Disciplinary Code shall apply throughout Eskom Holdings Limited, its divisions, its subsidiaries, and entities wherein Eskom has a controlling interest.

4.2 NORMATIVE/INFORMATIVE REFERENCES

Parties using this document shall apply the most recent edition of the documents listed in the following paragraphs.

4.2.1 Normative

- [1] ISO 9001 Quality Management Systems.
- [2] Recognition Agreement
- [3] Agency Shop Agreement
- [4] Full time Shop Steward Agreement
- [5] Minimum Services Agreement in an Essential Service

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- [6] Grievance Procedure
- [7] Disciplinary Procedure
- [8] Social Plan
- [9] Sexual Harassment

4.2.2 Informative

- [1] Labour Relations Act
- [2] Basic Conditions of Employment Act
- [3] Employment Equity Act
- [4] Collective Agreements
- [5] Various Conditions of Service
- [6] Eskom's Operating Regulations

4.3 DEFINITIONS

4.3.1 Controlled disclosure: controlled disclosure to external parties (either enforced by law, or discretionary).

4.3.2 Eskom: is used for Eskom Holdings Limited and its divisions and owned subsidiaries.

4.3.3 Him/her: is used for describing a "person" and is not gender based (that is, male or female gender).

4.4 ABBREVIATIONS

Abbreviation	Description
HR	Human Resources
ER	Employment relations
IR	Industrial Relations

4.5 ROLES AND RESPONSIBILITIES

This standard falls under the responsibility of Corporate Industrial Relations and Stakeholder Relations (collectively known as Employment Relations).

The role of these parties is to manage and review the standard.

4.6 PROCESS FOR MONITORING

Annual review and implementation of new Collective Agreement and legislative requirements.

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2 (9)

4.7 RELATED/SUPPORTING DOCUMENTS

This standard supersedes the previous version of the document.

5. AUTHORIZATION

Not applicable.

6. REVISIONS

Date	Rev.	Compiler	Remarks
November 2010	0	T Ngele	Adopted for Back to basics and allocated a new number.

7. DEVELOPMENT TEAM

Not applicable.

8. ACKNOWLEDGEMENTS

Not applicable.

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EP12

Email trail tools of trade with Ms. Klein

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is stylized and appears to be a name, possibly "Klein" or similar, written in a cursive or semi-cursive script.

7(9)1

Elsie Pule

From: Venete Klein
Sent: Saturday, 14 March 2015 09:28
To: Elsie Pule
Subject: Urgent feedback pls

Importance: High

Categories: Red Category

Hi Elsie,

I see from the collections of the cards, laptops etc that we did not collect from the CE, what was the reason for that?

Warm regards

Venete Klein
CDSA
Eskom Board Member

7 (a)2

Elsie Pule

From: Venete Klein
Sent: Wednesday, 18 March 2015 15:31
To: Elsie Pule
Cc: Anton Minnaar; Venete Klein; Sean Maritz
Subject: Re: Urgent feedback pls

Categories: Red Category

Anton,
Given the significance of this matter I would like your confirmation ASAP.
regards

Sent from my iPhone

On 18 Mar 2015, at 9:11, "Elsie Pule" <PuleEM@eskom.co.za> wrote:

Anton

As discussed please confirm whether the laptop has been collected from the CE.

From: Venete Klein
Sent: Saturday, March 14, 2015 9:28 AM
To: Elsie Pule
Subject: Urgent feedback pls
Importance: High

Hi Elsie,

I see from the collections of the cards, laptops etc that we did not collect from the CE, what was the reason for that?

Warm regards

Venete Klein
CDSA
Eskom Board Member



7(a)3

Elsie Pule

From: Sean Maritz
Sent: Thursday, 12 March 2015 15:48
To: Elsie Pule
Subject: FW: suspension of access to systems of Eskom Execs

Fyi

Sean Maritz
CIO and Divisional Executive (Acting)
Group Information Technology Division
Eskom SOC Limited

Executive Assistant: Michelle Viljoen
michelle.viljoen@eskom.co.za
Telephone: [+27 \(0\)11 800 5067](tel:+27(0)118005067)

From: Leon Govender
Sent: 12 March 2015 03:25 PM
To: Sean Maritz
Cc: Jacob Leeuw; Darryn Mecoy
Subject: FW: suspension of access to systems of Eskom Execs

FYA

Thanks leon

From: Angie Ndlovu [<mailto:Angie.Ndlovu@t-systems.co.za>]
Sent: 12 March 2015 03:12 PM
To: Leon Govender
Subject: FW: suspension of access to systems of Eskom Execs

FO

Kind regards

Angie Ndlovu

T-Systems South Africa (Pty) Ltd
Delivery
Angie Ndlovu
Backup Team Leader (CIC)
Ulwazi Park, 505 15th Road, Midrand, 1685
P O BOX 2496, Midrand, 1685
+27(11)207-1361 (Phone)
+27(79)780-0427 (Mobile)
E-mail: Angie.Ndlovu@t-systems.co.za
<http://www.t-systems.co.za>
Registration Number: 1989/007547/07

From: Morgan Maseko
Sent: 12 March 2015 03:12 PM



7(9)4

To: Angie Ndlovu

Subject: RE: suspension of access to systems of Eskom Execs

Proof of suspensions

Attribute	Value	Explanation
eskomAppointmentStatus	3	Employees Employment Status Active
eskomAccountStatus	3	Employees Account Status
Login Disabled	true	Account disabled
EskomAccountAID	MarokaDL	Previously associated account
EskomContext	\ELECNET\GENER\GT\GPE\MarokaDL	Previously associated account

Home User not found on UPS

Matches found for 0676209 = 1

Attribute	Value	Explanation
eskomAppointmentStatus	3	Employees Employment Status Active
eskomAccountStatus	3	Employees Account Status
Login Disabled	true	Account disabled
EskomAccountAID	KokoMM	Previously associated account
EskomContext	\ELECNET\ESENT\GT\ESP\KokoMM	Previously associated account

Home User not found on UPS

Matches found for 3936535 = 1

Attribute	Value	Explanation
eskomAppointmentStatus	3	Employees Employment Status Active
eskomAccountStatus	3	Employees Account Status
Login Disabled	true	Account disabled
EskomAccountAID	MolefeTB	Previously associated account
EskomContext	\ELECNET\TRANS\GT\MPK\MolefeTB	Previously associated account

7(9)5

Home User not found on UPS		
Matches found for 4589314 = 1		
Attribute	Value	Explanation
eskomAppointmentStatus	3	Employees Employment Contract Active
eskomAccountStatus	3	Employees Account disabled by UPS
Login Disabled	true	Account disabled
EskomAccountAID	Matona TJ	Previously associated ELECNET account
EskomContext	NONE	No previously associated ELECNET account

Kind regards

Morgan Maseko

T-Systems South Africa (Pty) Ltd
 Delivery
 Morgan Maseko
 Logical Security Administrator
 Ulwazi Park, 505 15th Road, Midrand, 1685
 P O BOX 2496, Midrand, 1685
 +27(86)072-4365 (Phone)
 E-mail: Morgan.Maseko@t-systems.co.za
<http://www.t-systems.co.za>
 Registration Number: 1989/007547/07

From: Angie Ndlovu
Sent: 12 March 2015 02:46 PM
To: Morgan Maseko
Subject: FW: suspension of access to systems of Eskom Execs

FYI

Kind regards

Angie Ndlovu

T-Systems South Africa (Pty) Ltd
 Delivery
 Angie Ndlovu
 Backup Team Leader (CIC)
 Ulwazi Park, 505 15th Road, Midrand, 1685
 P O BOX 2496, Midrand, 1685
 +27(11)207-1361 (Phone)
 +27(79)780-0427 (Mobile)
 E-mail: Angie.Ndlovu@t-systems.co.za
<http://www.t-systems.co.za>
 Registration Number: 1989/007547/07

From: Leon Govender [<mailto:GovendLU@eskom.co.za>]
Sent: 12 March 2015 02:39 PM
To: Angie Ndlovu
Subject: FW: suspension of access to systems of Eskom Execs

Please act on asap with proof of suspended accounts.

→ (A)S

From: Sean Maritz
Sent: 12 March 2015 02:11 PM
To: Leon Govender
Subject: suspension of access to systems of Eskom Execs

Hi Leon

Please ask TSSA to revoke all system access for Dan Marokane, Matshela Koko, Tsholofelo Molefe, Tshediso Matona with immediate effect.

Sean Maritz
CIO and Divisional Executive (Acting)
Group Information Technology Division
Eskom SOC Limited

Executive Assistant: Michelle Viljoen
michelle.viljoen@eskom.co.za
Telephone: +27 (0)11 800 5067

I'm part of the 49Million initiative.

<http://www.49Million.co.za>

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79)6

Executive Equipment Collected for Suspended Employees

Name	Equipment	Serial Number	UID	Status
Tsholofelo Molefe	Samsung Slate	Hyww91cd200095	6004708-188-04016	Returned
	Ext hdd	W881423d9789	none	Returned
	64GB SD Card			Returned
	Vodacom 3G	8987000000003379310		
Koko Matshela	Samsung Slate	Hyww91ed100014	6004708-188-04241	Returned
	Ext hdd	3275081161		Returned
	64GB SD Card			Returned
	Vodacom 3G	8987000000003379369		Returned
Dan Marokane	Samsung Slate	Hyww91ed100136	6004708-188103718	Returned
	Ext hdd	3446920728		Returned
	64GB SD Card			Returned
	Vodacom 3G	8987000000003379203		Returned
Tshediso Matona	Samsung Slate			?
	64GB SD Card			?
	Vodacom 3G			?

7(9) 7

Elsie Pule

From: Sean Maritz
Sent: Thursday, 12 March 2015 15:48
To: Elsie Pule
Subject: FW: Returned Equipment
Attachments: Executive Equipment Collected for Suspended Employees.docx

Fyi

Sean Maritz
CIO and Divisional Executive (Acting)
Group Information Technology Division
Eskom SOC Limited

Executive Assistant: Michelle Viljoen
michelle.viljoen@eskom.co.za
Telephone: [+27 \(0\)11 800 5067](tel:+27(0)118005067)

From: Leon Govender
Sent: 12 March 2015 03:41 PM
To: Sean Maritz
Cc: Darryn Mecoy; Jacob Leeuw
Subject: Returned Equipment

Please note we have not collected The CE's machine and when enquired it was mention that he left with his machine form his PA.

Thanks leon.

