

## **EXIT REPORT**

### **SHAMEEN NAIDOO**

I joined SATRA at its inception on the 3<sup>rd</sup> of March 1997 as the Executive Secretary to the Chairperson Nape Maepa.

I worked with Nape Maepa for three years. During the three years I performed the full functions of an executive secretary in the Chairperson's office. This included handling correspondence, telephone calls, liaison with all Councillors, their support staff, departmental heads, the Department of Communications, Ministry of Communications, stakeholders, operators and the public in general. As there was no specialized travel department in place at SATRA, all travel arrangements for Councillors was handled by me. During the three year period, I was actively involved in the feasibility study for the third cellular network and the licensing of the third cellular network. I was also asked from time to time to sit in on Council Meetings and take minutes.

When SATRA and the IBA merged in 2000 I was moved to the office of Councillor Neel Smuts because the newly appointed Chairperson Mandla Langa was bringing his own staff to the office of the Chairperson. I must point out that the move from the Chairperson's office to Councillor Smuts was done amicably and in a professional manner. At no point did I feel intimidated or felt that I was being thrown out of my office. Sean Rankin joined Councillor Smuts as his advisor.

I worked with Neel Smuts for over two years. During this period I was involved in all of the Committees he chaired and was a member of. This included the Numbering Committee, the Standard Liaison Committee and the Broadcasting Frequency Plan Committee. I was involved in setting up meetings, setting the agendas, providing documentation to Committee members, typing of minutes. Neel Smuts for the first part of his tenure as Councillor was also the Acting CEO. I assisted him with the full functions associated with the office of the CEO in addition to his duties as a Councillor.

Neel Smuts resigned as Councillor before his tenure was over and for about four months I was without a Councillor. This was a very trying time for me. My moral was very low. There was no communication from both Mandla Langa and the then CEO, Snakes Nyoka to reassure me the situation would change.

In fact, I requested to go on training during the period I had no Councillor in the office in an attempt to keep myself occupied and further advance myself, but my verbal request was turned down and the reason cited was that there was no funding available for training.

After four months, Gerhard Petrick was appointed Councillor for a year. He also treated me with respect and professionalism. He also allowed me to grow and be part of the team.

I performed the full functions associated with the office of a Councillor including being actively involved in the Committees that Gerhard Petrick chaired and was a member of. For the last two months of his tenure as Councillor, Gerhard Petrick was appointed as Acting CEO. I once again performed all the functions associated with the office of the CEO.

My relationship with Nape Maepa, Neel Smuts and Gerhard Petrick was always professional and friendly. They treated me with the utmost respect and professionalism. They provided me with opportunities to grow and fully appreciated my willingness to learn. In fact I still have contact with all of them.

Gerhard Petrick's term was not renewed. Paris Mashile was appointed Councillor and Sean Rankin and I were allocated to him as his support team.

From the very beginning, Paris Mashile made it very clear that he was not happy to "inherit" the staff of past Councillors. This is documented in Council Meeting Minutes. He made sure that both myself and Sean Rankin were not

part of his team. He would not communicate with me and Sean unless we initiated a conversation. In fact, he did very little ICASA work, if any. He would come to work whenever he felt like, take off his shoes and on many occasions fell off to sleep in his office during office hours. Many staff members and Councillors have witnessed this. When he was not sleeping, he would be doing his own work. It seldom was ICASA related. In fact, the only typing I did for Paris Mashile (and I stress I only did one piece of typing for him) was not even ICASA related but related to some assignment he was busy with.

Paris Mashile seldom opened any of his e-mails. In fact, it got so bad that I had to request IT to give me access to his computer so that I could update him on what was on his e-mail and calendar. I would go through his mail and make copies and put it on his desk. I was privy to confidential information between Councillors, which made me very uncomfortable. I had to make sure he had knowledge of his appointments by printing out his calendar as well as physically putting it on his cell phone. When his cell phone broke the only means to make him aware of his appointments was to give him a printout of his weekly calendar.

Paris Mashile would often walk out of the office without telling me where he was going. He would be out of the office for hours and only come back just before or after I would leave after a normal working day. He would be in the office till late in the evening.

Correspondence from the Chairperson's office and the rest of ICASA would lie in his in-tray for weeks. I specifically had to bring matters to his attention, only then he would pay attention to it.

I made sure his files for meetings that he did attend were always up-to-date and in order.

ICASA did performance evaluations in March 2005. At my evaluation Paris Mashile took exception to the fact that I looked upon Sean Rankin as a

superior and would take instructions from Sean as I would any other person in a position higher than mine. Paris Mashile's position was that I should decide who my boss is and in his opinion I was doing Sean a favour by doing his work. Paris Mashile further prevented me from getting a 5 rating in that he lowered my score which related to doing work on the internet. In his opinion I did not do any work which was internet related and did not deserve a score higher than 3 for that aspect. It is a small wonder that I did not do any work on the internet because if Paris Mashile was doing his work then maybe I would be in a position to do mine. It stands to reason that he was my superior and my work performance would directly impact on how he did his work. The fact of the matter is that he did little work caused me to be creative and make myself busy. In essence my job function was reduced to taking messages, printing e-mails and filing.

Then the issue of the suspension and disciplinary action arose. Sean Rankin and myself were suspended after participating in the public process of nominating candidates to fill a vacancy on the ICASA Council. I have to admit that both myself and Sean Rankin played right into Paris Mashile's hands. Something that was innocent and never intended to undermine anyone especially Paris Mashile and done previously and accepted by Parliament and Council was deliberately turned into a major issue and resulted in ICASA paying out over R45 000,00 of taxpayers money (plus our salaries over four months of suspension during which we were prevented from being productive for ICASA) (which is my tax paying money I might add) when it could have been sorted out with mere communication between the parties. This gave Paris Mashile the ideal opportunity to get rid of us and get his own people in his office, which is what he wanted from the beginning.

ICASA has various policies in place. In my opinion the policies are very good and when followed properly, there should be no problems. I will elaborate further below on this.

The suspension of myself and Sean Rankin was a deliberate ploy to get us out of the office. Paris Mashile, contrary to his assertions that it was an

operational issue and he had nothing to do with it, was involved from beginning to end. The Council meeting where the matter was discussed resolved that Acting CEO (Jayshree Naidoo at the time) should instruct HR to do a fact finding exercise. I have it on good authority that Paris Mashile instructed HR and the CFO to do the exercise and not the Acting CEO or the CEO. In fact the CEO was out of town and only got to know about the matter a week later.

Paris Mashile wrote a letter to the CEO on 3 June 2005 requesting that both myself and Sean Rankin be redeployed. The CEO only acted on the request via the CFO's office on the 24<sup>th</sup> of June 2005. At my disciplinary hearing, Paris Mashile went on at length to try and convince the Presiding Officer that he wanted us re-deployed so that we (both myself and Sean) would not be subjected to a case of constructive dismissal. I find this very strange as the CEO's office is right next door to the office occupied by Paris Mashile. He could and did have many conversations with the CEO, and the questions arise: Why did he not raise the issue of redeployment and why it was taking so long? The strangest of all or is it a coincidence, that Sean Rankin and I got suspended on the 6<sup>th</sup> of July 2005 (over a month after the instruction to have us redeployed was issued) and Paris Mashile was announced Chairperson of the Authority on the 7<sup>th</sup> of July 2005.

The outcome of the disciplinary hearing speaks for itself. The Presiding Officer at the hearing was disgusted that both myself and Sean Rankin were signaled out and punished for something that was done before and also the use of ICASA fax machine and letterheads is a common and everyday occurrence, so why wasn't everyone, including Paris Mashile, who admitted that he was also guilty of this offence, not suspended, charged and brought before a disciplinary hearing. There were twelve other staff members who were signatories to the nomination letter but they only got warning letters. I will not elaborate further as I am sure all Councillors have read the Presiding Officer's judgment and fully appreciate the contents therein. I have mentioned this above, but will stress again, were it not for Paris Mashile's personal

vendetta against myself and Sean Rankin, at least R45 000 of taxpayers money would not have been wasted.

As I mentioned again above, the policy documents of ICASA are very good. Paris Mashile wanted us out of the office. He used his position and staff to get his own way. The alleged offence, in terms of the policy, called for a verbal warning and counseling. None of these procedures were followed. Paris Mashile was instrumental in ensuring that we were removed from his office. No regard to the policies in place was heeded. In fact, the CEO, HR and Legal did nothing to convince him that the course of action taken was not in terms of the policies in place. They just let him have his own way.

Both myself and Sean Rankin were found not guilty on all counts and reinstated to our positions. I have a letter from the CEO to this effect. In the meantime Paris Mashile got the Admin Assistant to Mandla Langa to inform Charmaine White that she was no longer needed in his office and she was moved to my office. The outcome of Charmaine White's case is well documented and known to all so I will not elaborate further except to state that in terms of the policies in place at ICASA and the Labour Relations Act no person can be moved to another person's office who has been suspended until the outcome of the disciplinary hearing has been finalized. Paris Mashile, together with the CEO pre-empted the situation, removed Charmaine White from the Chairperson's office and into in my office.

By the time the disciplinary hearing was completed the new Councillors were already at ICASA. Councillor Zokwe made it very clear that he would like to choose his own staff for his office. He was not prepared to have myself and Sean Rankin in his office. In my opinion, he based his opinion of me solely on hearsay. Councillor Zokwe has never met me so on what basis did he decide that I was not worthy of being part of his office. The only conclusion I can come to is that he acted on hearsay.

Both myself and Sean Rankin agreed to be re-deployed. My reason for agreeing to the re-deployment was simple. I did not want to be working for

someone who had made up his own mind about the kind of person I am without having met me.

I was then moved to the GM LCCC, Jayshree Naidoo, who I learned afterwards, specifically requested that I be moved to her office. In fact she moved her secretary from the office to accommodate me. From the outset, I was made to feel a part of a team. Jayshree's office was in a mess. It took me about two months to sort it out. I am pleased to advise that when I left ICASA I left a fully functional office with the knowledge that whoever moves in there will be able to work immediately and efficiently. The people in Block C, especially the legal department made me feel like I was part of their family. I was always respected and valued for the knowledge I had because I worked so long at ICASA. The secretaries always came to me for advice because of my seniority and experience in the Authority and were always prepared to use my methods of doing things. Before joining the legal department, my moral and confidence was at its lowest and my move to the legal department helped build up my moral and confidence and I am now able to believe in myself and my ability.

During my time at the legal department, it became very clear that policies at ICASA are only in name. The suspension of the CEO, the SM IT, Manager HR and resignation of the CFO under a cloud of suspicion is clear evidence of this. The policies, in my opinion, are simple, clear and easy to follow but for some reason, it is never adhered to. ICASA seems a place of opportunities for wrongdoing because the policies are never strictly followed. The policy that is most violated is the Travel Policy and Council is the most guilty of this. The policy clearly states that travel will be economy class for local travel and business class for overseas travel. This for the most part is adhered to because Council has, as yet, not found a way around this. Accommodation and car hire is the most abused. I have during the past months seen quotations for accommodation and car hire that far exceeds the amounts allocated in the policy. Categories of car hire are upgraded to suit the needs of a particular Councillor. In fact, the Chairperson uses an automatic car when in Cape Town, which is a Group C car when in fact the policy states

clearly that local car hire would be Group B and his excuse is that he does not want to change gears in the Cape Town traffic. One wonders how different the traffic in Cape Town is compared to the traffic in Johannesburg.

In my opinion, travel at ICASA is for the privileged few. Only a few people travel and they travel a lot. A quick look at the Activities of the Week will give a good indication of who is traveling. Travel to various parts of the world is done continually but no feedback is generated back to ICASA. In fact, I am sure the library has very few reports from people who travel.

The Mission Statement of ICASA should be "To regulate in the Public Interest". At present, certain Councillors regulate in their own interest. This is evident from my observations above. ICASA is a means for them to travel and see the world and fill up their passports. Certain Councillors just don't pitch up for meetings, they postpone meetings to suit their needs without due regard on how it affects certain departments and stakeholders and operators.

The moral of staff at ICASA is at an all-time low. In my opinion, the reason for this is the poor leadership at ICASA. A further reason is the treatment of staff by Council. The suspension of myself and Sean Rankin is a case in point. Staff were shocked to the core at the way we were treated. The current surge of resignations is another reason for low morale. The ultimate responsibility for the operations of ICASA, in terms of the Act, lays with Council and in turn the Chairperson. Feedback filtered back from Council Meetings is that the Chairperson has little if any control.

The treatment of myself, Sean Rankin and Charmaine White is a clear indication that racism is rife at ICASA. In fact on two occasions, Paris Mashile accused both Sean Rankin and I of racism. Once in writing and once verbally. The verbal racist remark was in his office on the 31<sup>st</sup> of May 2005 when he told both Sean and I that "if he was a little bit more pink or blue, we (Sean and I) would be more comfortable working for him". The second racist remark was in his letter to the CEO dated 3 June 2005 requesting our redeployment when he stated "that we were pinning for the nostalgic and

glorious days of the past". The only deduction I can come up with is that I have worked for two White men before him and that I preferred working for "White" people instead of "Black" people. I am sure a quick survey with staff at all levels at ICASA will quickly dispel that notion.

He removed Charmaine White from her office, why, to this day I am still trying to come up with an acceptable answer. Charmaine was efficient and on top of her game in the Chairpersons' office. Ask anyone at ICASA and they will confirm this. She also, two month's before, got a 5 rating on her PMS. Yet she was removed from that office and replaced with the Admin Assistant with no specialized experience at all. His reason was that he wanted a team for the duration of his contract as Chairperson. He even went through the process of "transparency" to get new staff, only to confirm the Admin Assistant (who is a permanent employee of ICASA) as his Executive PA and was told by HR that her conditions of employment, in term of the LRA, cannot be changed. So all the talk about having staff for the duration of a Councillor's term goes right out the door because the Executive PA in the office of the Chairperson is a permanent employee who now gets to be the problem of the next Chairperson in 2010. Why in the first place remove a perfectly competent and efficient person, who's only crime was to be a permanent employee and signatory to the nomination letter, and replace her with someone who is a junior and is also permanent. Where does the argument of having contract staff for Council go when the Chairperson is back to square one unless of course it was because Charmaine White was not of African descent and she signed the nomination letter.

The fact that I can do my job and am efficient and professional appears not to have been good enough. The fact that I do not have a blemish in my personal file throughout the 9 years and 2 months I was employed at ICASA accounts for nothing. The fact that I was head-hunted for the present position I occupy is testimony of the calibre of person I am.

ICASA is about to embark on new activities, with the new Bills coming into effect. New Councillors will be appointed. In my opinion, the staff at ICASA,

through the Union (CWU) should be involved in the process of nominating suitable people for the position of Councillor. Staff have been at the Authority for a number of years, they do the work and they should know best the kind of calibre of people that is needed at Council level to take the Authority forward. At the moment, the Council is looked upon as being “spineless”. Stakeholders and operators will not do anything about rectifying the situation because it suits their needs to have a weak Authority. Hopefully with the intervention of staff through the union, this issue can be addressed and rectified. A strong Council will also help curb the resignations currently at play at the Authority and it will also help attract strong people to the Authority.

The knowledge that has been lost to ICASA over the last few months with the resignation of key staff will not be replaced. The attitude of Council that “people are entitled to better themselves” is regretted. The fact that three GMs, with about 15 years of experience between them at ICASA, resigned within weeks of each other, speaks volumes. This experience cannot be replaced no matter how much Council says otherwise. With the new Bills coming into effect ICASA will be hard pressed to find suitable replacements. In my opinion, I don’t think it can be done.

I have been very fortunate to work with some of the great minds of the telecommunications and broadcasting industry. People like Nape Maepa, Neel Smuts, Gerhard Petrick, Nadia Bulbulia, Lumko Mtimde, Peter Hlapolosa, Andries Matthysen, Jayshree Naidoo, Alison Gillwald, Willie Currie, Libby Lloyd, Tracy Cohen and Mandla Langa. They have always recognized my potential and encouraged me to go forward to achieve my dreams. They have always shown me respect and I will always be grateful for their support especially during my suspension and disciplinary hearing.

There are no systems in place at ICASA to voice one’s concerns about the problems facing staff at ICASA. The only time, unfortunately, is when one resigns and has to do an exit report and then it is too late. ICASA needs to put systems in place for staff to come forward, without the fear of intimidation and harassment, to voice their concerns about wrongdoings at the Authority.

Having a “whistle-blowing unit” outside of ICASA, as suggested by the Chairperson, is not the only solution.

I sincerely wish everyone at ICASA well for the future. I fully believe that ICASA regulates the most vibrant and important industry in the country. The growth of the economy depends on the telecommunications and broadcasting industry. For this reason, it is important that the Authority is strong at all times.

Finally, I have no illusions that Council will heed what I have stated above or do anything about changing the situation for the better. I wish to state that I do not consider this report as confidential. I will also exercise my constitutional, legal and moral rights to ensure that some good change does come to Authority because I believe that the work done by the staff needs to be recognized at the highest level.

Thank you.

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Shameen Naidoo  
12 May 2006