

UPDATE: ROUNDING UP THE REITZ CASE AND DEED OF SETTLEMENT
University of the Free State (UFS)
18 March 2014

Since 2008 to date, so much work has been done to restore the dignity of the 5 colleagues and ensure their financial security, while plans with regard to the commitments made in the Deed of Settlement are rolled out. As the UFS designed a process to follow in addressing all the areas requiring action, the University of the Free State (UFS) ensured that the salaries went through as normal

From the University of the Free State's side, the commitment to empower the 5 colleagues, has always been strong even when there were challenges of communication along the way. What made life easier for us as the UFS, was the permission to work directly with the 5 colleagues; Prof. Jonathan Jansen requested permission from the South Africa Human Rights Commission (SAHRC) in March 2013, to be allowed to work with colleagues directly and openly, as employees of the UFS. From there, work with regard to the last part of our commitment, started to be implemented: point 2.4 in the Deed of Settlement on Job Security.

This Report focuses on the work done in the period March 2013 – March 2014, however it is also important to mention a few milestones made before this period:

- In 2010, the Deed of Settlement was signed among the parties; UFS, SAHRC and The 5 Colleagues;
- Still in 2010, the International Institute for Studies of Race, Reconciliation and Social Justice (IISRRSJ) was established and later renamed to be the Institute for Reconciliation and Social Justice. For more information on the work done at this Institute, please visit <http://institute.ufs.ac.za>;
- In 2011, a Reconciliation Ceremony was held, where the 5 colleagues came in contact for the first time with the 4 students since the beginning of case in 2008. A journey of deep-hearted reconciliation took root in a closed session with the parties involved and genuine reconnections happened. This session behind closed-doors (the evening before the Reconciliation Ceremony) with the SAHRC, the UFS, the 5 colleagues and their families, and the 4 students, was crucial to the process going forward. In fact, the following day depended on what happened the day before, and all went extremely well. Public apologies were made and parties took the responsibility to rebuild and educate society on issues around responsible citizenship & human dignity;
- In 2012, a company was registered in the name of the 5 colleagues; MAMELLO TRADING 864 CC. A process to determine the type of business the 5 colleagues wanted to establish ran parallel to the registration process. A Cleaning company was agreed on and from here a process to identify an appropriate company to train and mentor the 5 colleagues, began;

- In 2013, a further development to the Institute for Reconciliation and Social Justice was made in honour of our commitment as the UFS, to “eradicate the culture of racial and gender intolerance”, and to educate society through robust debate and discussion, and to encourage critical thought processes among students, staff and the broader society - the Human Rights Desk.

The Human Rights Desk was established and launched. More about it will be shared at a feedback session planned for 18 March 2014, at the Institute for Reconciliation and Social Justice. This will also serve as an opportunity for the 5 colleagues and the SAHRC to interact more and share ideas; and

- Another development in 2013 was the beginning of the training and mentorship programme for the 5 colleagues. The programme has progressed well and will come to an end on 18 June 2014. Training and mentorship is one step towards ensuring job security, and real empowerment.

The part on **Job Security**, which was the last piece outstanding, began after a long time of silence. When the South African Human Rights Commission (SAHRC) allowed us (UFS) an opportunity to communicate directly with the 5 colleagues, it brought excitement for a new beginning and a chance to rebuild trust.

Rebuilding relations and resuming work on ensuring Job Security

On 14 May 2013, the UFS leadership team met with the 5 workers to start planning together. Before work could be done, we allowed space for all parties to express their frustrations, especially that of not being able to communicate direct, which was a serious impediment to progress needed to be done. From this point both parties made a commitment to work very hard, to make a success of the challenge ahead.

Both parties agreed on:

- period necessary for training and mentorship, within the 5 year relationship / contract;
- office space to be provided at the South Campus of the UFS and name plates on the wall next to their offices;
- shared kitchen and fridge, microwave and kitchen utensils bought
- painting of offices in the colour paint of their choice and blinds replaced
- telephone line, computer, printer and furniture
- provision of start up equipment by the UFS
- regular meetings on bi-weekly basis, to get feedback from the 5 colleagues and the trainers, respectively;
- avoid media attention to allow thorough training and mentorship work to happen, and invite media at the right time when there is something worth sharing; and
- that additional requests will follow along the way.

All the above were honoured and together the parties involved continue to improve on some areas along the way. It was difficult to keep the media out for this critical stage, but this did not bother us much as UFS, as there was nothing to hide; we just wanted a quieter period for the 5 colleagues to focus fully on their further development as business owners.

Study for Free Benefit for the Children

On behalf of the UFS, we reminded the 5 colleagues of the benefit they have still, for themselves and their children to study for free. On this commitment, the Rector and Vice Chancellor, Prof. Jonathan Jansen, went a step further. He arranged a meeting with all the children of the 5 colleagues, from the youngest to the eldest, to talk about their education and dreams. After the first meeting, the children were divided into different categories based on their educational needs and follow up meetings were held. Currently, 3 of the children are now studying at the UFS for free and will continue to do so even after the 5 colleagues resign to focus on their business, which will be having a contract with the university.

Their needs are catered for, including monthly stipend for lunch on campus.

Training and Mentorship

On 21 May 2013, after a long struggle to get a suitable company to do the work, the UFS met with potential trainers and shared what the job entails, including the language requirement of Sesotho for better understanding and success. After we satisfied ourselves with the company and the personalities of the people to be involved, we arranged a meeting with the 5 colleagues on 23 May 2013, for them to meet the company / people being considered. This was an opportunity to build rapport and gain confidence in the process, as they needed to be happy with the people who were going to spend 12 months training and mentoring them.

Once the 5 workers confirmed that they were satisfied with the company chosen – Bhai Development & Training, we (UFS) requested the company to make a further presentation to us. Together we refined the training programme and agreed in principle that it would be a flexible arrangement where changes would have to be done based on needs identified along the way. Regular meetings had to be held to review plan.

Training had to be:

- very basic and at the level of the 5 colleagues' level of literacy; and
- provided in Sesotho strictly, while basic English course takes off (ABET type).

We agreed that training would start on 18 June 2013 – 18 June 2014, and work began as planned. Both parties (UFS and 5 colleagues) agreed that normal working conditions of UFS would continue to apply during training and mentorship, as they remain staff members of the University until Cleaning Contract is signed. When they needed time off, specially designed leave form had to be filled and submitted to Vice Rector External Relations' office, for approval.

Continuous monitoring and evaluation of progress throughout the 12 months of training and mentorship, and feedback have been provided to the service provider as well as to the 5 colleagues, on bi-weekly basis.

Cleaning Contract with the UFS for a specified period of 5 years (including training and mentorship period)

The UFS' commitment was confirmed at every opportunity when we held bi-weekly meetings; that the first year, would focus on empowering the 5 colleagues as MAMELLO TRADING and then 4 years to follow, their company would be expected to provide a service at a particular standard agreed upon with UFS, at the South Campus. During the 4 year of formal contract, MAMELLO TRADING 864 CC, will be allowed to market itself externally and get business contracts from other companies, while working at the UFS, without compromising quality of work at UFS. This will ensure independence and **job security** beyond what the UFS can offer.

As training progressed, it came to our realization that, for mentorship to happen thoroughly, "in-service learning environment" had to be created. So, instead of sending the 5 colleagues to another cleaning company for the practical experience, we (UFS) decided to start the Cleaning Contract 6 months earlier than intended. So, from 1 January 2014, Mamello Trading was allocated 2 buildings (the Library and the Law Building) to clean. All preparations for this step were done in 2013. Two staff members were appointed under Mamello Trading and all equipment necessary was ordered and stored. Appropriate clothing for the Cleaners was ordered and branded accordingly.

To date, everything is going well and the outstanding equipment and furniture will be provided before the launch of company in June 2014.

Cleaning Contract details and signing

In February 2014, a draft copy of the Cleaning Contract to be signed was availed to Mamello Trading, with a request to the company to seek external advice on content of document. Final comments were received by 14 March 2014 as agreed, for document to be finalized for signing.

Mamello Trading consulted with Rampai Attorneys, who wrote to the UFS seeking clarification of some clauses and asking some questions. To respect the process

fully, while providing an opportunity for Mamello Trading to learn, we then responded to the questions asked and instructed the UFS lawyers to formally respond. All this happened in a spirit of trust and ensuring that all parties are comfortable with every stage of the process.

Today, 18 March 2014, marks yet another milestone in our lives as the UFS, Mamello Trading and the SAHRC. Reaching a stage where a Cleaning Contract is signed, is an emotional stage for us. We all knew that it was not going to be an easy journey, but we needed the courage and strength to take it. We knew that there were no short-cuts to the deep emotional work we needed to embark on, bring the professional side on board as well. All of us who were involved at any stage of this journey in the past 6 years, have grown so much and we would not exchange this rich experience, for anything.

Now, the next 3 months, 18 March – 18 June 2014, are set aside for several things have to happen and these are:

- Registration with the South African Revenue Services (SARS) for V.A.T purposes – March 2014;
- Identification of Financial Advisor (s) by the 5 colleagues, to sit in when each colleague's severance package is discussed (to provide support and financial expertise). A trusted person as this is a sensitive matter – March 2014;
- Advice to Mamello Trading to appoint an Accountant for the business;
- Printing of branding materials for Mamello Trading as a gift to the company – April 2014;
- Individual sessions to discuss severance packages - May 2014; and
- Formal Resignation from UFS of 5 colleagues as their bigger role take off; management of Cleaning Contract – June 2014.

Formal launch of MAMELLO TRADING 864CC - planned for 19 June 2014

The launch of the company is not a requirement, but an opportunity to celebrate together as a way of introducing the business to the market and the public, giving the company a bit of publicity mileage on take off. This will be a special moment, marking the end of the first part where there was a lot of supervision and training, to allow a new beginning, where the company will function independently of the UFS. A lot of support will still be provided, but at the same level as other companies contracted to the UFS.

In the 4 years coming (1 June 2014 – 30 June 2018), Mamello Trading will have monthly meetings with the Physical Resources team of the UFS for feedback, then annual evaluation sessions.

Please note that, the University of the Free State, has provided premises / office space to Mamello Trading for the period of 5 year (June 2013 – June 2018), at no cost. This is a continued contribution to the company, beyond the 1 year of training and mentorship. The money for rental of premises, will instead be used to cover other costs within the company.

Closing Remarks

It has been a refining journey of 6 years and we want to thank all those people who believed in us as the UFS, to work tirelessly on genuine reconciliation; those who believed that something beautiful, unique and powerful would emerge from a situation so terrible. We want to say, thank you for challenging us to do this great work!

To the UFS community, thank you for all the work put in, to ensure that we all come out as winners. To the South African Human Rights Commission, you were a real partner throughout and your input helped us grow as a community (collective) and as individuals. The Mangaung Metro Municipality came on board for the Reconciliation Ceremony and we knew that we could count on the municipality as a partner then, and in the future.

As we reach the point where Mamello Trading has to stand on her feet, we call upon all of you, including the business sector, to join us help this baby get on her feet. Let us take a few steps with them and show them that they too, can walk and fly high, as Mamello Trading 864CC.

See you on 19 June 2014!

Thank you.