

COLVEN RESPONSE TO THE GEORGE HERALD'S REQUEST DATED 6 MARCH 2018

In November 2015 an employee in an administrative position within the Colven Group used a term in an e-mail addressed to another employee, which the receiving employee considered derogatory. The employees were colleagues and their duties required them to frequently liaise directly. The offending term was not directed at the receiving employee, or at any specific person or racial group, but was made in reference to staff in the branch generally not following laid down company procedure. The employee who sent the initial e-mail was confronted via e-mail by the receiving employee and responded that there was no racial or derogatory intent in the mail and apologised to the receiving employee, for unintentionally offending her. This matter was not reported to any senior manager or director at the time of the incident and was essentially conciliated by the parties on their own.

The receiving employee and another colleague were dismissed from the company on completely unrelated charges in November 2017 (two years after the incident), after the company followed due legal process.

It was only at this point that the receiving ex-employee made the rest of her colleagues at the branch, as well as senior management aware of the two year old incident. Colven senior management, post an investigation, then took the harshest disciplinary action against the offending employee, within the confines of the law. This offending employee also met with the remainder of the staff within the branch office of the aggrieved ex-employee and formally apologised to them (none of whom were employed by Colven at the time of the original incident). This apology was accepted based on the good working relationship between these colleagues.

The aggrieved dismissed employees referred an unfair dismissal dispute to the CCMA. A settlement agreement was subsequently reached and signed for by all parties, and legally complied with by Colven.

The aggrieved dismissed employees then decided to refer an unfair discrimination dispute to the CCMA, based on the event that took place in 2015, even though this was completely unrelated to their dismissal in November 2017.

The matter was set down and heard at the CCMA on 1 March 2018 and an outcome is currently being awaited from the CCMA.

The Colven Group of Companies expressly prohibits any action or behaviour that leads to racial, gender or sexual disharmony and we have and will continue to enforce the harshest disciplinary action, within the confines of the law, against any employee whom is found guilty of such action or behaviour.