

Suspended treasurer's hearing to be held at the CCMA

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24 Aug 2016

Suspended SAA treasurer, Cynthia Stimpel has won a small but important victory in the Labour Court after the national airline agreed to hold her disciplinary hearing at the Commission for Conciliation, Mediation and Arbitration (CCMA).



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The hearing had been scheduled to take place at SAA, which has become increasingly notorious for victimising employees who speak out.

Stimpel exposed the now-infamous deal between the airline and little-known "boutique" financier BnP Capital, which stood to score a R256m success fee for sourcing R15bn to restructure the carrier's debt. The fee was inflated to at least three times that of competitors.

The Organisation for Undoing Tax Abuse (Outa) has supported Stimpel through her legal challenge and it, in turn, has been given pro bono support by law firm Webber Wentzel.

Ivan Herselman, Outa legal director, said: "This is a victory for Cynthia and for Outa, her chances of being acquitted of all these charges is much higher and much more likely."

Herselman said this "is like a first-stage victory for a whistleblower against victimisation".

"If we can succeed - and I am sure we will - it will mean that we have proven whistle-blowers can be protected from becoming victims of intimidation at state-owned entities," he said.

Outa's ability to do its work "depends on the quality of information we receive regarding any wrongdoing in state structures", he said.

Stimpel had provided information to Outa that "put us in a position to successfully challenge the planned unlawful payment of more than R250m".

"This will allow us to continue doing other projects - we must win the confidence of future whistleblowers, that they can, and will, be protected," Herselman said.

Before approaching Outa, Stimpel had spent months raising the alarm about the deal and discussed her concerns at length with acting chief financial officer Phumeza Nhantsi without luck. She then made the protected disclosure.

Employees who make such disclosures are protected from being subjected to harassment, dismissal or nonpromotion. Stimpel had applied to the court to interdict the disciplinary hearing.

Source: *Business Day* via I-Net Bridge

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