



PROFESSIONAL MANAGEMENT SUPPORT OPS (PTY) LTD



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COMPANY PROFILE

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PROFESSIONAL MANAGEMENT SUPPORT OPS (PTY) LTD; 2019/460917/07

PROFESSIONAL MANAGEMENT SUPPORT OPS herein further referred as Proman is a project management company that thrive to build associations within the construction industry and business corporations. The aspiration is to cater a wide-ranging facility of construction operation stoppages and safety outcome-based solutions.

Our services include the following:

- Community dispute management
- Incident reporting and assistance to crime and civil affected circumstances
- Evidence compiling and profiling
- Risk management continuance
- Building inspection
- Staff identification verification
- Labour representation
- Occupational safety staffing
- Occupational safety and security training
- Occupational safety incident investigation
- Vehicle licence registration
- Debt collection
- Firearm competency training

Employee verification

1. It is with pleasure that we introduce you to our additional services we are able to provide to our clients.
2. We have incorporated our business to provide the services on employee background check and employee criminal check/
3. This service work as follow:
 - **WHAT IS A CRIMINAL CHECK?**
A criminal check establishes if a person has a criminal record. The check that we do only checks if they have a record in South Africa.
 - **HOW DO WE CONDUCT CRIMINAL CHECKS?**
 - Criminal checks are done using fingerprints/ biometrics
 - We are set up with a technology called iCheck™ and this is how clients capture applicant's fingerprints and send them electronically to our service assistant, it is then sent to SAPS and we get a result back electronically.
 - **WHAT DOES AFIS involve?**
 - Automated Fingerprint Identification System
 - **HOW LONG DOES THE AFIS CRIMINAL CHECKTAKE & WHAT DO RESULTS MEAN?**
 - After applicant's prints have been captured and sent through to SAPS the client will get the initial report within 24-48 hours. This report can give the client 2 possible results;

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CLEAR: No illicit activity identified; this means that the applicant is CLEAR-they DO NOT have a criminal record HIT: SAPS Verification Requested. Check will be further processed by the SAPS back office; This means that the applicant has a possible criminal record. If the client gets a result like this, then they have to wait for the SAP69report (conviction report) which can take 3-8 weeks (THIS IS ONLY A GUIDELINE- WE DO NOT HAVE AN SLA!!).

- **USING CRIMINAL RECORD RESULTS FAIRLY**

Just because an applicant has a criminal record does not mean that they should be declined a job. Our clients need to look at the record and decide if it is relevant to the position applied for. The client should take into account how old the record and what it is for.

- **DO WE ADVISE CLIENTS HOW TO USE RESULTS?**

Each client decides, based on their own policies whether to hire an applicant or not

4. Additional we may do the normal ITC background confirmation on individuals and companies.
5. Within our business relationship we can include vehicle fleet rental and fleet roadworthy certification. We can deliver to your door your vehicle license.

Fire-arm Training and accreditation

Our associated partner is an accredited fire-arm training service provider. This include an accredited fire-arm club for dedicated shooting membership. We can assist applicants for fire-arm motivations. We will also assist with the legal requirements for business firearm operations and registers administration.

Forensic audit investigations.

With our business model we have set up a team of specialists in the forensic audit investigations.

POLYGRAPH INVESTIGATION is incorporated into our additional services to our clients.

Construction stoppages

Our business has made progress in building business relationships with various industry related partners. Through this process we have developed ourselves financially viable to ensure furtherance of our business model.

Our manner of operations works as follow when confronted with construction operation stoppages.

1. When representing companies, the aim of engagement with groupings stating they represent local communities, is to determine if there is a criminal intend toward the developer and appointed contractors. The following activities need to be present and associated in order to determine criminal activities.

A) PREVENTION OF PUBLIC VIOLENCE AND INTIMIDATION ACT 139 OF 1991 /

A-1) Intimidation

To prohibit certain forms of intimidation and to provide for matters connected therewith.

(1) Any person who without lawful reason and with intent to compel or induce a particular person to do or to abstain from doing any act or to assume or to abandon a particular standpoint

(a) assaults, injures or causes damage to that person or any other person; or

(b) in any manner threatens to kill, assault, injure or cause damage to that person or any other person, shall be guilty of an offence and liable on conviction to a fine not exceeding twenty thousand rand or to imprisonment for a period not exceeding ten years or to both such fine and such imprisonment.

A-2) Extortion

It consists of taking from another some patrimonial or non-patrimonial advantage by intentionally and unlawfully subjecting that person to pressure which induces him or her to submit to the taking.

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A-3) Public violence

It consists of the unlawful and intentional commission, together with several people, of an act/s which assume serious dimensions, and which are intended forcibly to disturb public peace and tranquillity or to invade the rights of others.

A-4) Harassment

means directly or indirectly engaging in conduct that the respondent knows or ought to know

(a) causes harm or inspires the reasonable belief that harm may be caused to the complainant or a related person by unreasonably

following. watching. pursuing or accosting of the complainant or a related person, or loitering outside of or near the building or place where the complainant or a related person resides, works, carries on business, studies or happens to be;

1) engaging in verbal, electronic or any other communication aimed at the complainant or a related person, by any means, whether or not conversation ensues;

2) or sending, delivering or causing the delivery of letters, telegrams, packages, facsimiles, electronic mail or other objects to the complainant or a related person or leaving them where they will be found by, given to, or brought to the attention of, the complainant or a related person;

"harm", means any mental, psychological, physical or economic harm.

A-5) PREVENTION OF ORGANISED CRIME ACT NO. 121 OF 1998

"criminal gang" - includes any formal or informal ongoing organisation, association, or group of three or more persons, which has as one of its activities the commission of one or more criminal offences, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity;

i. "enterprise" - includes any individual, partnership, corporation, association, or other juristic person or legal entity, and any union or group of individuals associated in fact, although not a juristic person or legal entity;

ii. "pattern of criminal gang activity" - includes the commission of two or more criminal offences referred to in Schedule 1: Provided that at least one of those offences occurred after the date of commencement of Chapter 4 and the last of those offences occurred within three years after a prior offence and the offences were committed-

a. on separate occasions; or

b. on the same occasion, by two or more persons who are members of, or belong to, the same criminal gang

iii. "pattern of racketeering activity" - means the planned, ongoing, continuous or repeated participation or involvement in any offence referred to in Schedule I and includes at least two offences referred to in Schedule 1, of which one of the offences occurred after the commencement of this Act and the last offence occurred within 10 years (excluding any period of imprisonment) after the commission of such prior offence referred to in Schedule 1;

iv. "proceeds of unlawful activities" - means any property or any service, advantage, benefit or reward which was derived, received or retained, directly or indirectly, in connection with or as a result of any unlawful activity carried on by any person, whether in the Republic or elsewhere, except for purposes of Chapter 5 where it means—
any unlawful activity carried on by any person.

v. "property" - means money or any other movable, immovable, corporeal or incorporeal thing and includes any rights, privileges, claims and securities and any interest therein and all proceeds thereof

vi. Conspiracy to commit a crime – People who plan to commit a crime can be found guilty of conspiracy even where there has been no attempt made. People may be charged with this offence if there is evidence that more than one person planned a crime and there was an agreement to commit a particular crime.

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- "The State rely on the statutory offence created by s 18(2) (a) of the Riotous Assemblies Act 17 of 1956. Although the title of the Act suggests that it is concerned with the gathering of persons for purposes of fermenting civil unrest it is well established that the sub-section in question is wide enough to cover the offence of conspiracy to commit any crime including that of murder. Section 18 is headed: "Attempt, conspiracy and inducing another person to commit offence" The salient provisions of subsection 2(a) for present purposes read:

"Any person who... conspires with any other person to aid or procure the commission of or to commit ... any offence, whether at common law or, shall be guilty of an offence and liable on conviction to the punishment to which a person convicted of actually committing that offence would be liable". It is evident that ss (2)(a) deals with conspiracies while ss (2)(b) deals with incitement or procurement and the like. The requirement of intention in respect of the offence of a conspiracy is satisfied provided the accused;

- A) has the intention to commit the crime or assist in its commission; and
- b) intends to conspire with another person to attain that objective"

A-6) Offences. -- (1) Any person who—

(d) acquires or maintains, directly or indirectly, any interest in or control of any enterprise through a pattern of racketeering activity;

(e) whilst managing or employed by or associated with any enterprise, conducts or participates in the conduct, directly or indirectly, of such enterprise's affairs through a pattern of racketeering activity;

(f) manages the operation or activities of an enterprise and who knows or ought reasonably to have known that any person, whilst employed by or associated with that enterprise, conducts or participates in the conduct, directly or indirectly, of such enterprise's affairs through a pattern of racketeering activity; or

(g) conspires or attempts to violate any of the provisions of paragraphs (a), (b), (c), (d), (e) or (f),

2. It is my experience that groups of persons would approach construction sites in different manners. At time, a group of persons would be at the site to confront operations to the point of a standstill. The aim is to get the most senior representative of the construction to address these groups of persons. Mostly the aggressive group would insist that it be the company owner that is the main contractor of the operations.
3. When these aggressive groups approach, they would threaten the workers with assault and their lives. I myself had been attacked physically by such groups on a construction site. These groups of persons would then introduce them self to represent the local community as a business forum. Most of the time the business forum would be known by a name or by a number. More senior persons in this representation would then step forward with the motivation that everything would be calm if they are incorporated into the site operations.
4. This incorporation may include the related process presented by the South African government on the Expeded Public Works Project, Local Economic Development, Radical Economical Transfer and the Public Procurement Act. What is to be found is that these so-called representatives claim all the processes through their office and their representatives. The reason to this is that the EPWP – extended public work project, LED – local economical development, RET – rapid economical transfer and PPA – public participation act is for application on government and municipality owned projects only.
5. The EPWP was set up by the South African government and appointed Adv. S Vukela as the Director General: Department of Public Works to lead the project. The following is then documented – " The Minister of Labour issued and gazetted a Code of Good Practice for Special Public Works Programmes that guide stakeholders in EPWP with regards to working conditions, payment and rate of pay, disciplinary and grievance procedures. It further promotes a common set of good practices and minimum standards in employment practices

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among the different EPWP sub-programmes within South Africa. Refer to Gazette No 34032, 18 February 2011.

6. The EPWP target group is for “Poor and unemployed, local South Africans willing and able to work at the wage rate offered. The target group is further disaggregated, with predetermined targets for women, youth and persons with disability.”
7. It is also stated – “The Ministerial Determination applies to all employers and employees engaged in Expanded Public Works Programmes gazette by the Minister of Labour. Refer to Gazette No 9745, May 2012.
8. Most of these groups stating representation cannot present the following prescribed requirement – “The Unemployment Insurance Act (UIA) 63 of 2001 applies to all employers and employees engaged in Expanded Public Works Programs. All projects must be registered with Unemployment insurance fund (UIF), and all employees must be registered on commencement of employment.” The further is stated – “The Compensation for Occupational Injuries and Diseases Act (COIDA) 130 of 1993 applies to all employers and employees engaged in Expanded Public Works Programs. All projects must be registered on commencement of a project.
9. Monitoring the EPWP is as follow – “Monitoring is a process that involves measuring and tracking progress according to the planned activities including; inputs, resources, completion of activities, costs, timeframes, etc.” This statement is then made by the so-called community representatives. They state that they will set up a committee of their own members and will sit weekly with the private developer doing the same monitoring process. The private developer is requested to provide all financial documents so that this self-appointed steering committee may ensure that their demands are adhered to.
10. It is to be noted the EPWP is aimed for a public body Government department, municipality or State-Owned Entity that implement EPWP programs or projects. The target community is All persons living in the municipal ward in which an EPWP project is being implemented. The work opportunity is defined as “Paid work created for an individual on an EPWP project for any period of time.” The same individual may be employed on different projects and each period of employment, in each project, will be counted as a work opportunity. There is no standard length of time for a work opportunity.
11. The Expanded Public Works Program (EPWP) is one of Government’s medium to long term strategies to reduce unemployment and alleviate poverty through the creation of work opportunities using labour-intensive methods. The EPWP is implemented in four sectors namely: Infrastructure, Social, Environment & Culture and Non-State. All spheres of government and State-Owned Entities are expected to implement the program. The EPWP Phase I was implemented from 1 April 2004 to 31 March 2009, with a target of creating 1 million work opportunities, which was achieved one year ahead of schedule. Phase II of the EPWP was implemented from 1 April 2009 to 31 March 2014 and created more than 4 million work opportunities against a target of 4.5 million work opportunities.
12. Employment of EPWP participants is governed by the following documents:
 - a) Code of Good Practice, Notice No. 129 issued by the Minister of Labour in terms of the Basic Conditions of Employment Act, 1997 as appeared in Gazette No. 34032 on 18 February 2011; and
 - b) Ministerial Determination 4: Expanded Public Works Programs, Notice No.347 issued by the Minister of Labour in terms of the Basic Conditions of Employment Act, 1997 as appeared in Gazette No. 9745 on 04 May 2012. These Guidelines have been developed to ensure public bodies comply with the principle of selecting workers through a fair and transparent process. This process is supported with the set rules and responsibilities – “Public bodies or, in the case of the Community Work Programme (CWP), the relevant publicly appointed Implementing Agencies are responsible for the recruitment and selection of EPWP participants on each project. The implementing bodies will plan the recruitment process in

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consultation with local community leaders to ensure coordination, and if possible, combine recruitment for multiple projects.”

- 13 The business forums or other persons stating to represent the community can at no point provide legal process documents to make such a claim of representation as described above. This then cause that there comes conflict between the different groups that would represent the same local community. This conflict then gets so aggrieve that the developers and all their staff on site feel threatened for personal injury, lives and damage to property. This is not without reason since the construction industry had been in the media due to financial loss caused by conflict with persons stating they represent a community.
- 14 It is to be noted that these self-appointed representatives aim to follow their own guidelines. The state government stated “Before initiation of an EPWP project, the target community shall be mobilized to set up committees that will serve as the entry point for community participation and representation in the various phases of the project implementation cycle. The community shall be involved in identification and prioritization of the assets to be developed.” The so-called community representatives cannot present legal representation even close to what the government would prescribe. Even on a private development that is not a government body, these groups will make statement of representation only by arguments.
- 15 Added within the government legal eligibility requirement it is prescribed – “All EPWP implementing bodies must endeavour to meet the prevailing demographic targets for EPWP Phase III, namely: 55% women, 55% youth and 2% persons with disabilities. The percentages are to be calculated by availability per project on percentages. If more participants apply for work than the project can offer, the required number of candidates should be selected through a lottery process from all of those who applied, taking into account the above demographic target. The prioritization of participants to be recruited shall be agreed upfront (e.g., female-headed households, those receiving social grants, etc.). Other special considerations include:

EXPANDED PUBLIC WORKS PROGRAM RECRUITMENT GUIDELINES INITIAL:

- a) to ensure fairness and equity, the following criteria are suggested to help in targeting the poorest of the poor, namely persons who come from households:
 - i. where the head of the household has less than a primary school education,
 - ii. that have less than one full time person earning an income, and
 - iii. where subsistence agriculture is the source of income.
 - b) persons with disabilities shall be actively sought for participation in the program. The United Nations definition of a person with a disability shall be used.
 - c) Persons with disabilities will be recruited based on consultation with local structures and community associations for persons with disabilities.
 - d) Persons receiving social grants, including disability grants, are eligible to participate in the EPWP.
- 16 The national department of public works is appointed to monitor the implementation of the EPWP. There are specific roles that this office will coordinate and monitor. This include responsibilities for municipalities to implement the EPWP and to report on all work opportunities created utilizing their own budgets, as well as the Integrated Grant from the national DPW. These Recruitment Guidelines are issued in terms of the EPWP Ministerial Determination Gazette number: 35310 4th May 2012 and the Code of Good Practice as published in Gazette number: 34032 of 18th February 2011.
 - 17 The government also set up a Local Economic Development. LED is about communities continually upgrading their investment climates to improve their competitiveness, retain jobs and improve incomes. Local communities respond to their LED needs in many ways. There are a wide variety of LED initiatives including:
 - a) Ensuring that the local investment climate is functional for local businesses
 - b) Supporting small and medium sized businesses (SMEs)
 - c) Encouraging new enterprise establishment

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- d) Attracting investment from elsewhere (within the country and internationally)
 - e) Investing in physical (hard) infrastructure
 - f) Investing in soft infrastructure (including human resource development, institutional support systems and regulatory issues)
 - g) Supporting the growth of particular business clusters
 - h) Targeting particular parts of the city for regeneration or growth (spatial targeting)
 - i) Supporting survivalist (often informal) businesses
- 18 LED occurs when a local authority, business, labour, Non-Government Organizations (NGO's) and most importantly individuals strive to improve their economic status by combining skills, resources and ideas. Combining public sector and private sector resources to attain the objectives neither could obtain alone. LED is not community development. Community development is about solidarity – it is about self-help groups, mutual assistance and voluntary work to help the disadvantaged and solve health, education, housing and other problems. Local economic development is based on various key concepts. These consist on one of the following: Building Community Level Institutions for Development as well as combining public sector and private sector resources to attain the objectives neither could obtain alone.
- 19 LED is important because it:
- a) Creates jobs and new employment opportunities; increases income levels and enable people to pay for services;
 - b) Broadens the tax and revenue base of a local authority;
 - c) Enables the local authority to:
 - d) Provide more and better services and facilities,
 - e) Concentrate on human resource potential
Concentrate on opportunities for development,
 - a) Promotes linkages between developed and under-developed areas; and builds new institutions for sustainable economic development.
- 20 The LED forms an integral part of the Investment Development Plan (IDP), which is a process through which the municipality prepares a strategic development plan. It draws together all the developmental objectives of a municipality including LED and formulates strategies to realize those objectives in an integrated manner. By drawing together the development priorities, objectives, strategies and budgets in this way, the IDP helps to ensure coordination between LED and other initiatives of government. Local Economic Development (LED) is an important tool for the development of sustainable local economies and for local economic growth. The LED Plan will be based on identified development needs, opportunities and comparative advantages to inform and guide the Municipality to facilitate development, unlocking the latent economic development potential, encourage private sector investment and create economic development and job opportunities for the poor.
- 21 Local Economic Development (LED) is an outcome, based on local initiative and driven by local stakeholders. It involves identifying and using local resources, ideas and skills to stimulate economic growth and development. The aim of LED is to create employment opportunities for local residents, alleviate poverty, and redistribute resources and opportunities to the benefit of all local residents.
- 22 The government's perceived inability to improve the conditions of the black working class and the poor LED, the organization, at its December 2017 54th National Conference in Johannesburg, to adopt an economic and development policy that has come to be known as the Radical Economic Transformation program (RET). The plan lays out a long list of initiatives as critical to the country's economic transformation in South Africa:
- a) reigniting growth by encouraging an investment pact between government, business, and labour;
 - b) rooting out corruption;
 - c) avoiding credit downgrades;
 - d) regulating uncompetitive behaviour by corporations;

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- e) accelerating land redistribution by, among other measures, expropriation without compensation, while at the same time ensuring food security; improving the governance and management of state-owned companies, and using them to catalyse growth;
- f) addressing the pay gap between company executives and workers and implementing the minimum wage;
- g) nationalizing the central bank; transforming financial institutions such as banks, to make development finance more widely available;
- h) fast-tracking the establishment of a state bank;
- i) setting up a sovereign wealth fund;
- j) strengthening black economic empowerment through preferential procurement for black companies; and supporting small businesses in general.

23 The government set in place a public participation plan with the following goal to outline and mainstream minimum norms and standards for public participation processes and procedures to achieve meaningful involvement of the public in the legislative and other processes of Parliament. In simple terms, public participation may be defined as a process by which Parliament consults with the people (interested or affected individuals), groups, communities, organisations, and civil society and government entities before making decisions to enable them to participate in the processes leading to that decision. Public participation is a two-way communication process with the goal of reaching better and more acceptable decisions.

24 In all the above processes, when on a government or municipality body project there is appointed a steering committee with a Labour Desk Official and a Community Liaison Officer. On all these there is a legally required process where the community is gathered that is recorded on documents of agenda to participants and matters on hand noted. Three CLO's and Labour Desk Officer are selected in the community meeting. The contracted company on such a government body then has the opportunity to select which CLO and LDO the contracted entity would utilize. These persons are then paid monthly by the government. These appointed persons must be qualified with in the appointment. In Pretoria high court case 15564/20, I was a respondent. On this matter the applicants referred to this public participation act by including the act in their plea. On to this PPA reference at point 2 it is stated that the PPA regulations only apply to organs of the state. The high court application against me was dismissed with cost to the applicants.

With all the above matters in consideration, we always aim to have a pleasing relation with the local community in participation or support programmes that would justify an open-minded relation between community and developer.

Our pricing of services will be provided on request of quotations.

Regards

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