

# Bank jobs on the line after failed exams

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Staff Reporter

Johannesburg - Thousands of employees at major South African banks are at risk of losing their jobs after failing the Financial Advisory and Intermediary Services (Fais) regulatory examinations.

The examinations, whose deadline was the end of June, are meant to ensure that the employees meet minimum competence requirements.



File picture: Waldo Swiegers. Credit: BLOOMBERG

Sources in the industry yesterday confirmed that a number of bank employees had failed the examinations, estimating that thousands of jobs were on the line as a result.

Some banks have already commenced with dismissals and so-called incapacity inquiries against affected employees on the basis that the failure to complete the examinations breached conditions of employment.

On its website the Financial Services Board (FSB), the state-owned financial regulatory agency, said the once-off regulatory examination would ensure that all financial service providers had a proper understanding of their regulatory roles. It said the examinations were compulsory for everyone rendering financial services to clients.

Gizelle Conradie, the head of legal affairs at the Finance Union, Sasbo, said yesterday that it recently took one of the country's big banks - which she refused to name - to the Commission for Conciliation, Mediation and Arbitration (CCMA) after it dismissed one of its members for not completing the examinations by June 30.

## **Incapacity**

“We took the matter to the CCMA on two grounds. Firstly, our argument was that there is nothing called legal incapacity in our law. Secondly, we argued that the bank could have treated the matter as a retrenchment, instead of a dismissal. The commissioner agreed with us. The bank had to reinstate the individual and he got a back pay.

“The bank is taking the matter on legal review. We are happy to argue this in court. We would like a higher (legal) institution to rule on this matter,” Conradie said.

Sasbo represents approximately 70 000 banking and finance employees in South Africa. “We have tried so hard to argue that the Fais legislation should not contribute to unemployment. We understand the banks have to comply with the law. But at the least, do it properly,” she said.

She said, instead of dismissing the employees, the banks could move them to other departments.

“Help them find alternative employment. These are people who have been good and loyal to the banks. The one gentleman had been with the bank since 1995,” Conradie said.

She was critical of the different banks’ attitude so far. “They have not been amenable to listen. They have been resolute to dismiss employees,” Conradie said.

Stefani Liebenberg, the manager for Fais registrations at FSB, said the examinations were part of the “fit and proper” competency requirements applicable to all authorised financial services providers, and their approved key individuals and appointed representatives.

Liebenberg said the competency requirements were aligned to the various financial product subcategories, and consisted of specified experience requirements, qualification requirements and the successful completion of the regulatory examination.

The Banking Association of South Africa, the industry body representing banks in South Africa, did not respond to requests for comment.