



Association of South African Travel Agents

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BREAKING NEWS – ASATA LAUNCHES e-WATCH, AN INDUSTRY FIRST

Nine fraudulent actions in the Johannesburg area over a two year period has resulted in a loss to this industry of just under two and a half million Rand. Perhaps the most alarming aspect to this story is that in most cases the individuals had previously defrauded their employer and what's more remain employed in this industry. A good indication that the processes relating to the recruitment and dismissal of staff within the travel industry are seriously lacking and allows these fraudsters to continue without consequence.

All of that is about to change.

ASATA launches the e-Watch initiative, an industry first.

The ASATA e-Watch initiative has been developed to keep a record of fraudsters within the travel industry. However, you as the employer are required to follow due process. The South African law protects employee's and rightly so, but the ASATA e-Watch system is there to protect you, the employer.

In the event that you are questioning whether the nine cases we refer to is a bit of an exaggeration; the following outlines are real and we have the details of the individuals on hand:

- **Fraudster A**, convicted in April 2009 at the Randburg Regional Court on charges relating to fraud and theft to the value of R1,2 Million, perpetrated at an ASATA Member travel agency. She was sentenced to five years imprisonment. This individual has been involved with a Nigerian syndicate orchestrating fraudulent air ticket bookings and R350,000 worth of charge backs resulted in the demise of one of her previous employers.
- **Fraudster B**, convicted in November 2007 at the Germiston Regional Court on charges relating to fraud and theft perpetrated at an ASATA Member. She pleaded guilty and in terms of a plea bargain with the state was instructed to re-pay the R250,000 stolen and received a suspended sentence of 5 years imprisonment. During the investigation it was found that she had been dismissed at a previous travel agency for the same reasons. He previous employer did not report the fraud to the police and did not conduct a disciplinary hearing.
- **Fraudster C**, convicted in December 2008 at the Randburg Regional Court on charges relating to fraud and theft totalling R52,000 at a travel agency. In terms of a plea bargain she was sentenced to five years imprisonment suspended for five years accompanied with a R10,000 fine. The following month it was established that she had been employed at another ASATA Member and after alerting the new employer it was established that she had been dishonest in her interview and as result was she immediately dismissed.
- **Fraudster D**, on the day she was to submit a plea of guilty in respect of fraud and theft perpetrated at a travel agency to the value of R300,000, she absconded. She had fabricated false invoices and channelled the funds in her personal bank account. During the course of the investigation it was established that she had been dismissed at a previous travel agency on charges of dishonesty. She remains at large.

- **Fraudster E**, was successfully prosecuted in terms of a plea bargain at the Specialised Commercial Crime Court in May 2008. This individual was sentenced to five years imprisonment which period was suspended for five years. During the course of the investigation it was established that she was dismissed at a previous travel agency on charges relating to fraud and it has since been established that she has been re-employed within the industry.
- **Fraudster F**, this case is still under investigation but it is known that this fraudster was dismissed at a travel agency on charges relating to theft of privileged client information. He immediately started working at another travel agency making use of the client information. The case is still ongoing.
- **Fraudster G**, found guilty on charges relating to fraud and theft totalling to R277,000. Subsequent to his dismissal from the agency he had defrauded he immediately commenced work at another travel agency. He has been charged with a fine of R30,000.00 and given a suspended sentence of five years and ordered to repay the amount stolen.
- **Fraudster H**, was appointed in a management position and responsible for the recruitment of staff at a travel agency. She had fraudulently set up her own recruitment agency and purported to have recruited a number of staff members for the company and accordingly fraudulently invoiced her employer with R280,000. The employee was dismissed in a disciplinary hearing and the matter is currently under investigation at the Specialised Commercial Crimes Court. She is currently working for another travel agent.
- **Fraudster I**, this individual colluded with a Nigerian Syndicate and defrauded a small travel agency to the value of R70,000. The individual was dismissed and the case is still under investigation at the Specialised Commercial Crimes Court. It is alleged that the individual is currently working for a large and well known travel agency but was arrested on the 21st of September, 2009 and released on bail.

Alarming to say the least!

What is e-Watch?

The e-Watch product is an online resource tool specific to the travel industry, which will assist in determining the suitability of a candidate for employment. ASATA has worked closely with the developers of e-Watch to ensure the appropriateness of this product in our industry.

This product and access to the listing is available to ASATA Members only - another benefit of being an ASATA Member.

There is no limit as to what constitutes a dishonesty related offence, but guidance as to the nature of such offence can be seen from the list of possible offences : theft, fraud, bribery, and corruption including the giving and accepting or receiving of money as an inducement, unauthorised use of your business services

What is required of the ASATA Member before access granted to the database is given?

1. All ASATA Members must complete the pre-launch registration form (Attached to this email).
2. Then obtain from all your existing employees, their written consent to be listed on e-Watch following a guilty finding for a dishonesty related offence.
3. The ASATA Member shall include in all its employment contracts an appropriate provision for the employee's consent to be listed on e-Watch following the finding of a dishonesty related offence. The consent should include; permission to his or her listing, as well as the subsequent reference checking.

For obvious reasons, it is imperative that you must ensure that your disciplinary processes and performance management procedures are in place and in accordance with the South African Labour Law. E-Watch will not entertain any listing until they are totally satisfied that you have followed the correct process.

Guidelines for your People Management Processes

- ASATA Members must ensure that a set of disciplinary procedures for the purpose of conducting a disciplinary hearing of your employees charged with dishonesty related offence is established.
- Specific training and education must be provided within your business to educate your employees regarding your disciplinary processes and procedures.
- All Employees must be made aware of the existence of e-Watch and your subscription to e-Watch. The nature and purpose of e-Watch must also be explained to the employees.
- ASATA Members shall as soon as practically possible following the registration of access to e-Watch, obtain from all its existing employees their written consent to be listed on e-Watch following a guilty finding for a dishonesty related offence.
- In addition you must make provision to include in all your employment contracts the employee's consent to be listed on e-Watch following the finding of a dishonesty related offence. The consent should include both consent to his/her listing, as well as the subsequent reference checking.
- e-Watch is to be used by the ASATA Member as one source of information used to reference the suitability of an Applicant for employment within the ASATA Member's business. e-Watch is to serve as a starting point for enquiries by the ASATA Member and should not be used as the sole reference to exclude an applicant from employment.
- When it is established that an applicant employee is listed on e-Watch, the ASATA Member must disclose this fact to the applicant. The ASATA Member should afford the applicant an opportunity to explain the circumstances of his/her listing on e-Watch and the reasons why he/she should be employed by the ASATA Member notwithstanding his/her listing.
- In the event that the employee disputes the finding of the disciplinary hearing and challenges such finding in a court of law, the ASATA Member should, notwithstanding such challenge, still follow the disciplinary procedures as discussed above. However, the ASATA Member must note on the Listing Notice that the Employee is intending to challenge the finding of the disciplinary hearing.
- The ASATA Member is to list the employee on e-Watch by rendering to e-Watch the Listing Notice. e-Watch will not upload the Listing Information unless it receives the Listing Notice duly completed and signed by the presiding officer of the disciplinary hearing.
- The ASATA Member will ensure that it records written minutes of the disciplinary hearing and that it will retain a copy of such minutes of the hearing on its records for so long as the employee remains listed on e-Watch.
- Listings will only be removed from e-Watch if :
 - ordered to do so by an Order of Court;
 - the effluxion of 3 (three) years from the date of the listing of the employee on e-Watch.

Indemnity

The ASATA Member acknowledges, understands and agrees that e-Watch or ASATA is not responsible to determine whether or not the disciplinary procedures were properly conducted and whether the finding of the disciplinary hearing is accurate in the circumstances. e-Watch Business Trust, as proprietor of e-Watch, acts in its capacity as administrator thereof and will update the Listing Information on e-Watch based on its receipt of the Listing Notice from the Subscriber from time to time. e-Watch Business Trust takes no responsibility and the Subscriber agrees to hold harmless e-Watch Business Trust, its trustees, employee and agents from a listing error or a failure to list any of the Subscriber's Employees found guilty of any dishonesty related offences.

In closing

In our ongoing attempts to uplift the professionalism offered within the travel industry, ASATA is proud to introduce this product to you and we are certain that you will adopt the utilisation of the tools that we continue to develop and deliver to our Members.

"With us you're NEVER on your own"