



ADJUDICATION NO: 28/A/2025

NAME OF PROGRAMME: POINT OF VIEW
DATE AND TIME OF BROADCAST: 29 OCTOBER AT 20:00
BROADCASTER: KAYA FM
COMPLAINANT: ISON XPERIENCES (PTY) LTD

COMPLAINT

Complaint that call-in programme allegedly contained unsubstantiated and one-sided allegations which damaged Complainant's reputation - aired without any attempt to verify the accuracy of the claims or to offer a right of reply.

APPLICABLE CLAUSES

15. Privacy, Dignity and Reputation

- (1) Broadcasting service licensees must exercise exceptional care and consideration in matters involving the privacy, dignity and reputation of individuals, bearing in mind that the said rights may be overridden by a legitimate public interest.
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ADJUDICATION

[1] A complaint was lodged with the BCCSA against *Kaya FM*'s broadcast of a call-in programme on 29 October 2025 at 20:00. One segment allegedly contained unsubstantiated and one-sided allegations which damaged the Complainant's

reputation - aired without any attempt to verify the accuracy of the claims or to offer a right of reply.

[2] **The complaint reads as follows:**

"RE: FORMALCOMPLA INT- DEFAMATORY AND UNVERIFIED STATEMENTS BROADCAST ON KHAYA FM (29 OCTOBER 2025)"

1. We, iSON Xperiences (Pty) Ltd, hereby lodge a formal complaint with the Broadcasting Complaints Commission of South Africa (BCCSA) against Kaya FM for broadcasting unverified and defamatory statements concerning our company and one of our clients during their live programme titled "*Point of View*", aired on Wednesday, 29 October 2025, at approximately 20:00.

2. DETAILS OF THE BROADCAST

2.1. The programme in question featured a caller, Ms. Nokuthula Mnguni, who is currently employed by iSON Xperiences (Pty) Ltd. During her call, she made several false and defamatory statements relating to internal company matters in that we iSON is ill treating her, explicitly naming both iSON Xperiences (Pty) Ltd and one of our clients (hereinafter referred to as "Client X" for purposes of confidentiality and to safeguard the client's reputation).

3. NATURE OF THE COMPLAINT

3.1. The Broadcasting contained unsubstantiated and one-sided allegations, aired without any attempt by Kaya FM to verify the accuracy of the claims or to obtain comment from iSON Xperiences. These actions constitute a breach of the BCCSA Code of Conduct, specifically:

3.1.1. Clause 11(1): requiring broadcasters to report news truthfully, accurately, and fairly;

3.1.2. Clause 11(2): requiring that material facts not be omitted or presented in a misleading manner; and

3.1.3. Clause 13(1): requiring that a person or organisation that is the subject of serious criticism be afforded a right of reply.

3.2. The failure by Kaya FM to ensure fair and balanced reporting has caused reputational harm to both iSON Xperiences and its client, and has placed the professional relationship between the two companies into disrepute.

4. STEPS ALREADY TAKEN BY ISON XPERIENCES (PTY) LTD

4.1. A formal letter has been addressed to Kaya FM requesting the immediate removal of the recording and any associated content from all public and digital platforms. We

served the letter by email and by hand which they reject service by hand by the their personal name Mr Maekana, instruction us that we must write straight to BCCSA, the letter send to them is attached here and also the e mail sent is attached hereto.

5. RELIEF SOUGHT

5.1. iSON Xperiences (Pty) Ltd respectfully requests that the BCCSA:

- 5.1.1. Investigate the conduct of Kaya FM in broadcasting defamatory and unverified statements without due diligence or balance;
- 5.1.2. Direct Khaya FM to remove all recordings, clips, or references to the broadcast from all media platforms;
- 5.1.3. Require a public apology or retraction to be aired by Khaya FM, correcting the misleading impression created by the broadcast; and
- 5.1.4. Take any other appropriate remedial or disciplinary action in accordance with the BCCSA Code of Conduct.”

[3] The Broadcaster responded as follows:

“Thank you for sharing this and for the opportunity to respond to the complaint.

Point of View is a weekly talk show segment designed as an educational and empowerment platform, where members of the public are invited to seek guidance on various legal matters. The show features a qualified resident legal expert, and its primary purpose is to inform and educate listeners on their rights and responsibilities under South African law.

In this particular show (with this caller) the discussion was centred around the broader legal topic of constructive dismissal, a matter of significant public interest. The caller shared her personal experience, which the legal expert then used to unpack further and then talk about the general principles governing employment disputes of this nature.

At no stage did our presenter or legal expert make or endorse any defamatory or unverified allegations against iSON Xperiences. The conversation was handled responsibly and sensitively, with the focus consistently directed toward educating the public about the legal remedies available to employees who believe they are being treated unfairly in the workplace.

It is also important to note that the caller’s account represented her own experience and perspective ... voluntarily shared on a live broadcast.

The intention and context of the segment were educational and public-interest driven.

We remain fully committed to upholding the highest journalistic and ethical standards, and to providing our listeners with credible, balanced, and educational content.

Please do not hesitate to contact me should you require any additional information.”

EVALUATION

- [4] I listened to the impugned segment featuring the aggrieved caller who argued that she was suspended without reason from her workplace and then, after a hearing, re-instated into the company, but without her understanding the reasons behind the suspension in the first place. The *Point of View* programme is focused on education and advice regarding legal matters - its format is adequately described by the Broadcaster in paragraph [3] above.
- [5] The Complainant maintains that the segment contained unsubstantiated, one-sided and unchallenged allegations against the company, without an attempt to verify the accuracy of the claims or to obtain comment from the company. Neither the presenter nor the legal expert made or endorsed any defamatory or unverified allegations by the caller against the Complainant. The discussion was to educate the public about the legal remedies available to employees who believe they are being treated unfairly in the workplace. The caller presented her own experience and perspective voluntarily on a live broadcast.
- [6] The Complainant based its complaint on Clause 11, however, this Clause is irrelevant in this case since the programme cannot be classified as a news programme. It is a talk show designed as an educational forum where callers and listeners can obtain legal advice and guidance from a legal expert. In this instance, it was clear that the caller's statements were expressions of her own experience and what she believed the facts to be.
- [7] The Complainant argues that according to Clause 13, a person whose views are to be criticised in a programme on a controversial issue of public importance must be given the right to reply to such criticism on the same programme or given an opportunity to respond later. However, the Broadcaster cannot reasonably be held responsible for statements voluntarily made by callers who are aware of the fact that it is a live and open broadcast. Clause 13 clearly applies to a controversial issue of public interest, which this discussion was not.

[8] The Complainant argues that the allegations made by the caller have “*caused reputational harm to both iSON Xperiences and its client, and has placed the professional relationship between the two companies into disrepute*”. I could not identify any reference to a client which could place the relationship between the two companies into disrepute. Furthermore, Clause 15 focuses on the privacy, dignity and reputation of individuals, which was not the case here. The mention of the Complainant’s company name was incidental and very fleeting. The segment addressed constructive dismissal, and the entire context was educational and driven by public interest.

[9] **Accordingly, I could find no contravention of the Code and the complaint is dismissed.**



**DR LINDA VENTER
COMMISSIONER: BROADCASTING COMPLAINTS COMMISSION**