

07 May 2015

Greetings to All

RE: MEIBC CDR JURISDICTION QUERIES

The office of the General Secretary of the Council has been inundated with queries regarding the jurisdiction of the Centre for Dispute Resolution (CDR) to preside over disputes that have been referred by parties to its offices. I would like to take this opportunity to clarify this issue for those who seem to be unclear about the status quo.

As you might all be aware that the Dispute Resolution Agreement of the Council has expired on the 31st of March 2015. However, the Council has since submitted the application to the Department of Labour to renew this agreement. This application was submitted sometime in February 2015 already and on the 24th of April 2015 it was publicised for public comments. Since the expiry of this agreement, parties are not compelled to contribute towards the dispute resolution levy. The said levy is the cash injection that enables the Council to render the dispute resolution functions to its parties. However, the Council has, after have considered the effectiveness and the importance of this function, concluded that we will continue to render this function without collecting such levies due to the unavailability of the agreement.

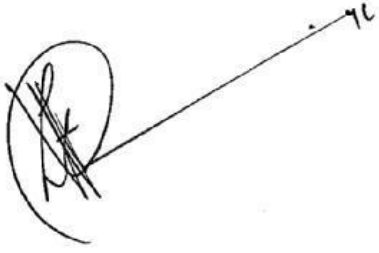
The Council is duly accredited by the CCMA to conduct the dispute resolution function. The accreditation of the Council expires on 30 June 2015 and we have already submitted the application to renew this accreditation. The CCMA when accrediting the Council, amongst others, it considers if the Council has a collective agreement and that such an agreement has a dispute resolution agreement that is operational. Our accreditation was granted whilst the expired agreement was still operational and it was extended to non-parties. Similarly, our accreditation is extended to non-parties.

It is against this background that we maintain that the MEIBC CDR is still accredited by the CCMA to conduct the dispute resolution functions until 30 June 2015 (please see the attached certificate of accreditation for ease of reference).

I hope and trust that this will address all the concerns that have arisen regarding this issue and settles the issue.

Yours in collective bargaining

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A handwritten signature in black ink, consisting of a large, stylized letter 'M' with a vertical line through it, and a long horizontal line extending to the right that ends in a small flourish.

Thulani Mthiyane
General Secretary