

Date: 02 June 2014

MEIBC response to Wiseman Khuzwayo Article dated 02 June 2014 Business Report – The Star Newspaper

The wage and working conditions negotiations is the matter of MEIBC parties to resolve, the office is going to continue through facilitation to bring parties together around the negotiating table and try to bring them to a middle point that will lead to an industry agreement, hopefully this can be achieved without a strike.

The matter we are worried about though is the impression created by Wiseman Khuzwayo article of 2 June in The Star Business Report under the heading National strike likely in Metals industry, the last paragraph of this article. The labour court judgement must be read and understood within the right context.

We take this opportunity to forward to you and your readers the correct context of this judgement. Please also feel free to visit our website www.meibc.co.za 68th Annual General Meeting 2014, The General Secretary's Report, page 145

COLLECTIVE BARGAINING AND AGREEMENT ADMINISTRATION MAIN AGREEMENT

Our 2011/4 Main Agreement has been under attack since its coming into operation in July 2011, there was an attempt to stop the Labour Department Minister from gazetting and extending it to non-parties, when this failed the agreement was again challenged based on different reasons. On the 20th December 2012 Judge Van Niekerk's judgement set aside this Agreement and this judgement was suspended for four months to give the Minister an opportunity to gazette and extend this Agreement in terms of section 32(5). On the 12 April 2013 this agreement was again signed and extended to non-parties. We are going back to court because this signing and extension by the Minister is again challenged on different grounds. Our Agents on the ground are faced with employers who have different interpretation of this judgement and our Legal team has been instructed by General Secretary to workshop all council Agents on this judgement. It is important for all interested parties to note the following comments of Judge Van Niekerk contained in this judgement.

- *"If an order of invalidity were to operate with immediate effect or retrospectively, uncertainty and confusion are likely to arise in the ranks of both employees and employers as to the remuneration and other benefits to be provided to employees.*

- *This will, in all likelihood, lead to tension, anxiety and potentially serious disputes which could undermine orderly collective bargaining and labour peace. Recent events, particularly on platinum and gold mines as well as in the agricultural sector, have shown the seriously prejudicial consequences of a failure to ensure smooth and orderly collective bargaining through recognized structures, sometimes manifesting in violence and unlawful industrial action.*

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- *It is in the interests of sound collective bargaining and harmonious and peaceful labour relations, and in the interests of workers, their unions and employers and in the general public interest, that the process for a decision as to whether or not to extend under s 32(5) of the LRA should be allowed to run its course without the potential disruption and risk of adverse consequences which could materialise if an order of invalidity were to take immediate or retrospective effect.*
- *This is particularly so given the degree of representativity that the parties to the council enjoy within the registered scope of the council”.*

Please do not hesitate to contact us for further clarity on this matter,

Yours in Collective Bargaining



Mr Thulani Mthiyane
General Secretary
MEIBC