

INDUSTRY CIRCULAR

Friday, 26 May 2017

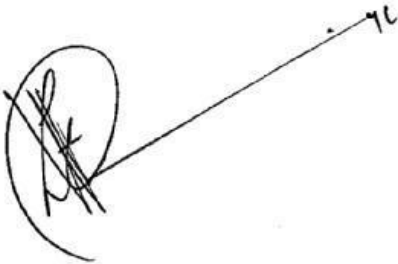
To: All Parties to the MEIBC
All Employers and Employees

IMPLICATIONS OF THE SETTING ASIDE OF AMENDMENTS TO THE MAIN AGREEMENT (1 JULY 2011 TO 30 JUNE 2014 AND 1 JULY 2014 TO 30 JUNE 2017) BY THE LABOUR COURT

1. It is common cause that on or about 26 April 2017 Honorable Justice Lagrange made the following order in respect of the review of the Main Agreement concluded on 29 July 2014 under the auspices of the MEIBC which was due to expire on 30 June 2017:
 - 1.1. The decisions of the first respondent (“The Minister”) taken in December 2014 to renew and extend the terms of the collective agreement (“Main Agreement”) to non-parties that fall within the registered scope of the second respondent (“MEIBC” or “Bargaining Council”), as embodied in Government Notice R 1050 and R 1051 published in Government Gazette No. 38366 dated 24 December 2014 are reviewed and set aside;
2. It is also common cause that on or about 17 December 2014 Honorable Acting Justice CE Watt-Pringle made the following order in respect of the review of the Main Agreement concluded on or about July 2011 under the auspices of the MEIBC:
 - 2.1. The decision of the Minister of Labour taken in April 2013 to extend the terms of the collective agreement to non-parties that fall within the scope of the respondent is reviewed and set aside and that Government Notice R. 268 as published in Government Gazette No. 36338 on 12 April 2013 is declared invalid and of no force or effect.

3. The Labour Court held that the above mentioned Government Gazette Notices are declared invalid and of no force or effect. This simply means that all non-parties that fall within the registered scope of the MEIBC have no legal obligation to comply with these agreements.

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized initial 'T' followed by a surname, with a long horizontal line extending to the right.

Thulani Mthiyane
General Secretary