

NOTICE 732 OF 2010**DEPARTMENT OF LABOUR****LABOUR RELATIONS ACT, 1995****APPLICATION FOR VARIATION OF REGISTERED SCOPE OF A BARGAINING COUNCIL**

I, Johannes Theodorus Crouse, Registrar of Labour Relations, hereby, in terms of section 58(1) of the Labour Relations Act, 1995, give notice that an application for the variation of its registered scope has been received from the **National Bargaining Council for the Road Freight and Logistics Industry (NBCRFLI)**.

Particulars of the application are reflected in the subjoined table.

Any person may object to the application on any or all of the following grounds:

- (a) the applicant has not complied with the provisions of section 29 of the Act, read with the changes required by the context;
- (b) the sector and area in respect of which the application is made is not appropriate; and
- (c) the applicant is not sufficiently representative in the sector and area in respect of which the application is made.

Any person who objects must lodge his/her written objection with me, c/o the Department of Labour, Laboria House, 215 Schoeman Street, Pretoria (postal address: Private Bag X117, Pretoria, 0001), within 30 days of the date of this notice. A copy of the objection must be

served on the applicant within the said period and I must be satisfied that a copy of the objection has been served on the applicant.

The applicant may respond to the objection within 14 days of the expiry of the 30-day period mentioned above and must satisfy me that a copy of the response has been served on the person who objected within the 14-day period.

TABLE

Name of the bargaining council:

National Bargaining Council for the Road Freight and Logistics Industry (NBCRFLI).

Address of bargaining council:

31 De Korte Street
Braamfontein
Johannesburg
2017

Private Bag X69, Braamfontein, 2017.

Tel: 011 703 7000
Fax: 011 403 1726

Date on which application was lodged:

21 July 2010

Intention of the application

The intention of the application is to vary the scope of the definition of the sector

Interest in respect of which the application is made:

The Road Freight and Logistics Industry in the Republic of South Africa.

“Road Freight and Logistics Industry” or “Industry” means the industry in which employers and employees are associated for carrying on one or more of the following activities for hire or reward:

- (i) The transportation of goods by means of motor transport;
- (ii) The storage of goods, including the receiving, opening, unpacking, packing, despatching and clearing or accounting for of goods where these activities are ancillary or incidental to paragraph (i); and
- (iii) The hiring out by temporary employment services of employees for activities or operations which ordinarily or naturally fall within the transportation or storage of goods as contemplated by paragraphs (i) and (ii) of this definition.

The **“transportation of goods”** does not include the undertakings industries, trades or occupations in respect of which the following bargaining councils are registered:

- (i) Transnet Bargaining Council and
- (ii) Motor Ferry Industry Bargaining Council of South Africa.

Sector and area(s) in respect of which registration is held:

The transportation of goods for hire or reward by means of road transport in the Republic of South Africa including those areas which formed part of the former Republic of Bophuthatswana, Republic of Venda, Republic of Transkei, Republic of Ciskei, and the former Self-Governing Territories of Kwazulu, QwaQwa, Lebowa, Gazankulu, Kangwane and Kwandebele.

For the purpose hereof, transportation of goods means the undertaking in which employers and their employees are associated for carrying out one or more of the following activities for hire or reward:

- (i) The transportation of goods by means of motor transport;
- (ii) The storage of goods, including the receiving, opening, unpacking, packing, despatching and clearing of, or accounting for of goods where these activities are ancillary or incidental to paragraph (i) above; and
- (iii) The hiring out by labour brokers of employees for activities or operations which ordinarily or naturally fall within the transportation of goods irrespective of the class of undertaking, industry, trade or occupation in which the client is engaged as an employer.

The **“transportation of goods”** does not include the following:

- (i) The undertakings industries, trades or occupations in respect of which the Transnet Industrial Council was registered on 2 October 1991. The interests in respect of which the latter council was registered were the undertakings, industries or trades of Transnet Limited known as Spoornet, South African Airways, Autonet, Portnet, Transnet, Transwork, Promat, Protekon, or any other business, undertaking, industry, trade, occupation, unit, department or section of Transnet Limited
- (ii) The Motor Ferry Industry which means the industry in which employers and their employees are associated for the transportation of motor vehicles by road and/or sea and/or rail between vehicle manufacturers and motor dealerships

Representativeness of the Council:

Total number of employees falling within the new scope of the Council and who belong to the trade unions which are party to the Council:

28 451

Total number of employers falling within the new scope of the Council and who belong to the employers' organisations which are party to the Council:

703

Total number of the employers within the new scope of the Council:

3 578

Total number of employees employed within the new scope of the Council by the employers who belong to the employers' organisation which is a party to the Council:

28 709

Total number of the employees employed within the new scope of the Council:

56 653

J T CROUSE
REGISTRAR OF LABOUR RELATIONS
2010-07-23