

NOTICE 137 OF 2012**NOTICE IN TERMS OF SECTION 62(7) OF THE LABOUR RELATIONS ACT, NO 66 OF 1995**

TAKE NOTICE THAT the National Union of Metalworkers of South Africa ("NUMSA") has applied to the CCMA for a determination in terms of section 62 of the Labour Relations Act, 1995 ("the LRA") -

- (a) that Labsol Consultants and/or Supershield and their employees are/were engaged or employed in the motor sector: and
- (b) that the main collective agreement of the Motor Industry Bargaining Council ("MIBCO") is/was binding on Labsol Consultants and/or Supershield and their employees.

TAKE NOTICE FURTHER THAT it will be considered during the demarcation proceedings whether the following factual allegations made by the parties are correct:

1. Supershield provides an auto valet service to motor vehicle manufacturers and car dealerships. As part of this business Supershield runs a wash bay and collects and delivers motor vehicles from and to the manufacturers and the dealerships.
2. Supershield also does tinting of windows for car dealerships and also collects and delivers motor vehicles from and to clients for this purpose.
3. Labsol Consultants is a labour broker that provides cleaners, the employees who do the window tinting and the drivers to Supershield. Labsol Consultants employs these employees in terms of open ended contracts of employment.
4. Labsol Consultants and the employees referred to in the preceding paragraph were previously registered with MIBCO. NUMSA is a party to MIBCO and some of the employees became members of NUMSA.
5. In April 2011 the Bargaining Council for the Contract Cleaning Industry (KwaZulu-Natal) ("the BCCCI") required of Labsol Consultants to register the cleaners as employees falling within the scope of that bargaining council and served compliance orders to such effect on Labsol Consultants. Labsol Consultants complied with the compliance orders and the cleaners were from then onwards registered as employees falling within the scope of the BCCCI. NUMSA is not a party to the NBCCCI.
6. The drivers and the employees doing the tinting of windows do not fall within the registered scope of the BCCCI.

TAKE NOTICE FURTHER THAT amongst the underlying issues that parties, or at least some of them, require the arbitrator to decide, are the following issues:

- (i) Whether the businesses/operations of Supershield and/or Labsol Consultants or any part thereof fall within the registered scope of MIBCO and/or the BCCCI.
- (ii) Whether the main collective agreement of MIBCO or the main collective agreement of the BCCCI is binding on Labsol Consultants and its employees working at Supershield.

TAKE NOTICE FURTHER THAT the issues are to be determined under Case No. KNDB 14984-11 at the offices of the CCMA, 6th Floor, Embassy Building, 199 Anton Lembede Street (Smith Street), Durban on a date to be determined by the Registrar.

TAKE NOTICE FURTHER THAT any interested party may, within 21 days of date of publication of this notice, make written representations envisaged by sections 62 (7) and 62 (9) in relation to the issues to be determined and that such written representations are to be directed to Nokuthula Langa at CCMA House, 20 Anderson Street, Johannesburg, 2001, fax No 011 834 8265 or via email NokuthulaL@CCMA.org.za