

NOTICE 139 OF 2012**NOTICE IN TERMS OF SECTION 62(7) OF THE LABOUR RELATIONS ACT, NO 66 OF 1995**

TAKE NOTICE THAT the NEASA acting on behalf of Coastlands on the Ridge (Coastlands") has applied to the CCMA for a determination in terms of section 62 of the Labour Relations Act, 1995 ("the LRA") -

- (a) that Coastlands and its employees who are partly employed in its laundry department are/were engaged or employed in the hospitality sector and not in the laundry sector; and
- (b) that the sectoral determination of the hospitality industry is/was binding on Coastlands and its employees working in its laundry department and that the main collective agreement of the Bargaining Council for the Laundry, Cleaning and Dyeing Industry ("the bargaining council") is/was not binding on them.

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

1. The registered scope of the bargaining council includes the laundry industry in a specific area of KwaZulu-Natal which is defined as meaning "without in any way limiting the ordinary meaning of the expression, the industry carried on in establishments where articles are laundered... to the order of customers, and shall include depots and/or vehicles where such articles are received in order to be laundered...to the order of customers.
2. Coastlands is operating a hotel in Musgrave, Durban (within the area referred to in paragraph 1) providing accommodation, conference facilities and catering including operating a restaurant and a bar.
3. The linen, towels and cloths used in providing accommodation and used in the conference area, the restaurant and the bar are laundered in house by the in house laundry department of Coastlands.
4. Part of the service offered to guests accommodated in the hotel is a valet service which includes the washing and ironing of clothes to the order of such guests in the said in house laundry department.

TAKE NOTICE FURTHER THAT amongst the underlying issues that parties require the arbitrator to decide, are the following issues:

- (i) Whether the laundering activities referred to in paragraphs 3 and 4 above fall within the registered scope of the bargaining council;
- (ii) Whether the main collective agreement of the bargaining council is binding on Coastlands and its employees engaged in the laundering activities referred to in paragraphs 3 and 4 above;
- (iii) What the effect thereof would be if a finding is made that it is only part of the duties of the employees working in the in house laundry department to perform a laundry function and that they also perform duties elsewhere in the hotel.
- (iv) In regard to the activities referred to in paragraph 3 whether it is a requirement that such laundering must be performed to the order of customers before it will fall within the laundry sector and, if so, whether such laundering is performed to the order of customers.
- (v) Whether Coastlands operates mainly in the hospitality sector and whether the sectoral determination of the hospitality sector is binding on it and, if so, what the effect thereof is;

TAKE NOTICE FURTHER THAT the issues are to be determined under Case No. KNDB 15209-11 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 email NokuthulaL@CCMA.org.za