
GOVERNMENT NOTICE

DEPARTMENT OF LABOUR

No. 69

1 February 2013

LABOUR RELATIONS ACT, 1995

LABOUR RELATIONS ACT, 1995: CALL FOR SUBMISSIONS BY PARTIES AFFECTED BY THE PROPOSED EXTENSION IN TERMS OF SECTION 32 (2) READ WITH SECTION 32 (5) OF THE MAIN COLLECTIVE RE-ENACTING AND AMENDING AGREEMENT OF THE METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL: LABOUR COURT CASE (JR 3062/2011)

BACKGROUND

In a Labour Court judgement issued on 20th December 2012, the decision of the Minister of Labour to extend the collective agreement concluded by parties to the Metal and Engineering Industries Bargaining Council (MEIBC) on 18 July 2011, was set aside. The Court did, however, suspend its order for a period of four months to enable the Minister to consider whether or not to make a decision to extend the agreement in terms of section 32 (2) read with section 32(5) of the Labour Relations Act (no 66 of 1995).

Section 32(5) of the Labour Relations Act gives the Minister of Labour discretion to extend a collective agreement to non-parties if the parties to the bargaining council are sufficiently representative within the registered scope of the council and if the Minister is satisfied that failure to extend the agreement may undermine collective bargaining at sectoral level.

In the case of the MEIBC agreement which came into effect on 26 September 2011 and which primarily provides for wage increases, there would appear to be grounds to consider the parties as sufficiently representative within the registered scope of the Bargaining Council. Furthermore, there appear, *prima facie*, to be grounds to conclude that a failure to extend the agreement to non-parties may undermine collective bargaining at sectoral level as contemplated in section 32 (5) (b) of the LRA.

SUBMISSIONS

The Minister now seeks input from potentially affected parties and would welcome submissions relating to the possible extension of the agreement to non-parties in terms of section 32 (2) read with section 32(5).

It is requested that submissions reach the Department by no later than **Friday 15 February 2013** at the contact details supplied hereunder.

Written submissions should be submitted via email in a scanned document in PDF format. Hard copies may be faxed or delivered to the Department at the detail provided below. Please ensure that submissions contain a name and contact detail for the exchange of further representations.

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