

**DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID****No. 527****26 July 2013****NOTICE IN TERMS OF S62(7) OF THE LABOUR RELATIONS ACT,
NO 66 OF 1995**

PLEASE TAKE NOTICE THAT:

Blazing Sun Investments 44 (Pty) Ltd trading as Retail Shopfitting Services (Blazing Sun Investments) has applied to the CCMA for a determination in terms of section 62 of the Labour Relations Act, 1995 ("the LRA") that -

- (a) Blazing Sun Investments and its employees are/were not engaged or employed in the furniture manufacturing sector in South Africa as a whole and particularly not in KwaZulu-Natal; and
- (b) the main collective agreement and other collective agreements of the Bargaining Council for the Furniture Manufacturing Industry – KwaZulu-Natal ("the Council") are/were not binding on Blazing Sun Investments and its employees.

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

- 1. The operations of Blazing Sun Investments are project management, design, manufacture, installation and supply of any discipline required to enable a retail store to function.
- 2. To the extent that part of the operations of Blazing Sun Investments fall within the registered scope of the Council it is such a small portion of its operations that that on its own is not indicative thereof that it and its employees or any of them are engaged in an industry falling within the registered scope of the Council.
- 3. Such part of its operations that may fall within the definition of the furniture manufacturing industry referred to in the annexure to the Council's certificate of registration are not separate but part of the main operations of Blazing Sun Investments.
- 4. Blazing Sun Investments is a national company and the nature of its operations and the industry in which it operates should be determined on a national basis.

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

- (i) The extent to which the operations of Blazing Sun Investments fall within the registered scope of the Council.
- (ii) The significance of such extent for the purposes of making a demarcation determination.
- (iii) The existence and relevance of further factors that the parties may rely on.

TAKE NOTICE FURTHER THAT the issues are to be determined under Case No. KNDB7941-13 at the offices of the CCMA, 6th Floor, Embassy Building, 199 Anton Lembede Street (Smith Street), Durban on 30 September 2013 at 09h00 or such later date as 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 section 62(7) and (9) in relation to the issues to be determined and that such written representations are to be directed to-

Ms Barbara Du Randt, 7th Floor, Embassy Building, 199 Anton Lembede Street (Smith Street), Durban;
Tel: 031 362 2397/2300; Fax: 086 506 9677; Email: BarbaraDR@ccma.org.za