

DEPARTMENT OF LABOUR

NO. 900

14 JUNE 2019

NOTICE IN TERMS OF SECTION 62 (7) OF THE LABOUR RELATIONS ACT 66 OF 1995 AS AMENDED (THE LRA)

PLEASE TAKE NOTICE THAT: -

1. Amabamba Fencing (Pty) Limited (the applicant) has applied to the CCMA in terms of section 62(1) of the Labour Relations Act 66 of 1995 as amended (the LRA) for a demarcation order to the effect that its scope and activities do not fall under the jurisdiction of the respondent, the Building Industry Bargaining Council (Cape of Good Hope) (BIBC).
2. The applicant's business is involved in the installation of fencing mostly on commercial sites. The business purchases metal fencing panels and posts which are installed on various sites. The applicant seeks a demarcation order that the business (either in whole or part) should not be subject to the certificate of registration and collective agreements of the BIBC.
3. The respondent, the BIBC, is opposing the demarcation application on the basis that the activities and scope of the applicant business does fall under the jurisdiction of the bargaining council. To the extent, that the fencing is made of metal and the possible overlap between the BIBC and the Metal and Engineering Industry Bargaining Council (MEIBC), all parties are in agreement that the MEIBC should be joined as a second respondent. A ruling, to this effect, has been issued.
2. The CCMA believes that the question raised by this demarcation application is potentially of substantial importance. Of relevance is the fact that all parties agree that there may be other similar businesses that perform the same activities as the applicant that have registered with the BIBC or have been exempted from the provisions of the BIBC, or have registered with the MEIBC. The respondent, the BIBC/and or MEIBC intends to pursue these businesses that are not registered with the council in its attempt to have these businesses registered. It is therefore apparent that there may be other businesses or entities that could potentially be affected by the outcome of this application. Such entities should have the right to make representations to the CCMA.
3. Written representations may be made within 21 calendar days of the date of publication of this notice, and should be clearly marked with reference number **WECT 3976-19** and directed to: -

Contact: **Ms Shoneez Abrahams**Tel: **021 469 0118**Fax: **021 465 7193**Email: **ShoneezA@CCMA.org.za**Hand delivery: **Third Floor, CCMA House, 78 Darling Street, Cape Town.**