

## DEPARTMENT OF LABOUR

NO. 945

28 JUNE 2019

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

PLEASE TAKE NOTICE THAT:-

1. **The National Union of Metal Workers of South Africa (NUMSA)** has applied to the CCMA in terms of section 62(1) of the Labour Relations Act 66 of 1995, as amended ("the LRA") for the following orders:
  - 1.1 declaring that FAW Vehicle Manufacturers SA (Pty) Ltd (FAW) does not fall within the scope of MIBCO;
  - 1.2 declaring that FAW is not bound by terms and conditions of service negotiated in MIBCO;
  - 1.3 declaring that NUMSA is entitled to collectively bargain with FAW at plant level or in any bargaining forum which FAW may choose to join;
  - 1.4 directing MIBCO to take such steps as are necessary to deregister FAW as a party to the council.
2. The first respondent, **FAW Vehicle Manufacturers SA (Pty) Ltd**, seeks the following order:

Declaring that FAW Vehicle Manufacturers SA (Pty) Ltd ("**FAW**") is an employer within the registered scope and jurisdiction of MIBCO, and is subject to collective agreements concluded in MIBCO.
3. The second respondent, **The Motor Industry Bargaining Council**, seeks the following order:
  - 3.1 declaring that FAW Vehicle Manufacturers SA (Pty) Ltd (FAW) does fall within the scope and jurisdiction of MIBCO;
  - 3.2 declaring that FAW is bound by the Collective Agreements as negotiated between the parties in MIBCO.
4. The CCMA believes, and the parties have agreed, that the question raised by this demarcation application is of substantial importance and therefore invites written representations by any interested

party. Of relevance is the large number of companies who perform similar activities to that of FAW. As a result, there may be unidentified entities that could potentially be affected by the outcome of this application. Such entities have the right to make representations to the CCMA.

5. 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 **ECPE6984-18** and directed to:-

Contact: **Ms Bianca Mckelvey**

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**6001**

6. Those parties who choose to make written representations will also be entitled to appear in arbitration proceedings to be held at a time and place to be arranged after the date referred to in paragraph 5 above.