

DEPARTMENT OF LABOUR

NO. 1333

18 OCTOBER 2019

ANNEXURE

TAKE NOTICE THAT THE NATIONAL UNION OF FOOD BEVERAGE WINE SPIRITS AND ALLIED WORKERS ON BEHALF OF MEMBERS (the applicants) employed by VECTOR LOGISTICS (PTY) LIMITED has applied to the CCMA for a determination in terms of section 62 of the Labour Relations Act, 1995 ("the LRA")

- (a) whether or not the applicants and their employer are engaged and/or employed in a sector(s) not falling within the road freight and logistics sector; and
- (b) whether or not the applicants and their employer are engaged and/or employed in the road freight and logistics sector and/or any other sector including the wholesale and/retail sector referred to in Sectoral Determination 9; and
- (d) whether or not the merchandising business that the applicants and their employer are engaged or employed in, is a separate business falling within the wholesale and retail sector referred to in Sectoral Determination 9.

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

1. Whether the employer party and its employees are associated wholly or partly for the common purpose of distributing RCL Food's products to RCL Foods' customers; and, if so, what the effect thereof is.
2. Whether or not the applicants and their employer is the distribution arm of RCL Foods and, if so, what the effect thereof is.
3. Whether the employer party and its employees or some of its employees distribute non-RCL Foods' products and, if so, whether this is incidental to the business of the employer party or a separate business;
4. Whether other logistics providers, such as Logico Logistics and Digistics, are providing logistics to RCL Foods and are registered to the National Bargaining Council for the Road Freight and Logistics Industry ("the NCRFLI") and, if so, what the effect thereof is.
5. Whether other merchandising providers, such as Imperial Logistics, On the Dot Media Logistics and Clover Logistics are providing merchandisers to customers and are registered with the NCRFLI and, if so, what the effect thereof is.
6. Whether the employer party provides transport and warehousing (including cold storage and distribution) exclusively to RCL Foods.
7. What percentage of the revenue that the employer party derives from the transport and warehousing business is derived from services provided to third party customers (excluding RCL Foods).

8. What percentage of the income that the employer party derives from its transport and warehousing business, is derived from transporting goods for gain from third party customers (excluding RCL Foods)?
9. What is the core business of the employer party?

TAKE NOTICE FURTHER THAT the issues are to be determined under Case No. RFBC51392 at the Head Office of the CCMA, 28 Harrison Street, Johannesburg 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 section 62 (7) and (9) in relation to the issues to be determined and that such written representations are to be directed to The National Senior Commissioner, Legal Services, CCMA Head Office, 28 Harrison Street, Johannesburg, 2001.