

DEPARTMENT OF EMPLOYMENT AND LABOUR**NO. 1128****23 OCTOBER 2020****NOTICE IN TERMS OF SECTION 62(7) OF THE LABOUR RELATIONS ACT 66 OF 1995 (AS AMENDED)**

PLEASE TAKE NOTICE THAT:-

1. The Motor Industry Bargaining Council (MIBCO) (the applicant) has applied to the Commission for Conciliation, Mediation and Arbitration (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 the agricultural co-operatives namely GWK Limited, MGK Limited (Now Obaro Handel (Pty) Ltd), NTK Limpopo Agric Limited, NWK Limited, OVK Limited, Senwes Limited, Suidwes Limited and VKN Limited (the interested parties) conduct activities that fall within the registered scope of MIBCO and must register as an employer under the auspices of MIBCO.
2. It is their case that stand-alone establishments and service stations dispensing fuel at the co-operatives fall within the scope and definition of MIBCO. They argue that the factual position at the various co-operatives have evolved to such an extent that they are currently engaged in activities in retailing in the fuel industry / service stations which operate from the premises of the co-operatives, and does not only serve the farming and or local communities but also the general public. It is furthermore their case that it needs to be determined as to whether MIBCO, or the Bargaining Council for the Grain Industry, enjoys jurisdiction over the co-operatives (the interested parties) relating to their business activities with specific reference to motoring sales, motoring service and parts sales of and at the co-operatives.
3. The respondent, the National Bargaining Council for the Grain Industry (NBCGI), is opposing the demarcation application and will argue that the activities of GWK Limited, MGK Limited (Now Obaro Handel (Pty) Ltd), NTK Limpopo Agric Limited, NWK Limited, OVK Limited, Senwes Limited, Suidwes Limited and VKN Limited fall under its scope in terms of a demarcation agreement between MIBCO and NBCGI entered into in 2011 as well as its certificate of registration, and that these interested parties are therefore correctly registered with their Bargaining Council.
4. The CCMA believes that the question raised by this demarcation dispute is potentially of wider application in that there may be a number of other businesses operating in a similar manner to the interested parties, and those businesses may well be affected by the outcome of this application. Such entities should have the right to make representations to the CCMA. The CCMA therefore invites written representations in relation to the issue in dispute by any interested party.
5. Take notice 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 should be clearly marked with reference number **HO5113-19** and directed to:-

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