

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. 4403

23 February 2024

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

PLEASE TAKE NOTICE THAT:-

Truworths Ltd is a company operating primarily in the wholesale and retail fashion industry. As at 21 December 2022 it operated some 766 retail stores throughout South Africa, mostly selling clothing, and it employs some 10 500 employees.

During 2022 the company acquired two new businesses as going concerns, viz. K2020 (Pty) Ltd trading as Barrie Cline Clothing, and Bonwit (Pty) Ltd. In terms of section 197 of the Labour Relations Act No. 66 of 1995 as amended, the employees of these businesses were transferred to Truworths on the same conditions of employment as applied prior to the transfer. Both of the companies, prior to the transfer, were registered with the National Bargaining Council for the Clothing Manufacturing Industry (NBCCMI).

Truworths has applied to the Commission for Conciliation, Mediation and Arbitration ("the CCMA") in terms section 62(1) of the Labour Relations Act for a demarcation order to the effect that the former employees of the two acquired businesses no longer fall under the jurisdiction of the NBCCMI, as the employees are now employed to perform a support function to the company's main business enterprise, being retail. Truworths also claims that the functions performed by the employees in relation to design and the manufacturing of samples do not fall within the registered industry definition of the NBCCMI. The application is opposed by the NBCCMI, as well as by the Southern African Clothing and Textile Union (SACTWU).

The CCMA believes that the questions raised by this demarcation dispute are potentially of wider application in that there may be other parties who have an interest in this dispute, and those parties 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.

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 **WECT1194-23** and directed to:-

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