



Labour Law Review Bulletin

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STAY AWAY

The section 77 protest that COSATU has been trying to get right for the last year seems to be on track. This application has been passed through NEDLAC and it looks like section 77 protest action around temporary employment services will be protected. The anticipated date for this stay away is 7 March 2012. It is highly likely that there are going to be other matters combined with this stay away including the toll road and other issues. Johnny Goldberg, CAPES Chief Operating Officer is of the opinion that the sooner COSATU get this out of their system the better but that the industry needs to brief and manage clients in this regard. Given the level of uncertainty in the market currently, it could be argued that the clients, and their "cold feet" reaction to TES, is a bigger threat to the industry than legislation or the public comments made by COSATU. To this end, you are encouraged to keep your clients informed: why not share this bulletin with them?

Members are encouraged to keep abreast of the updates from APSO and CAPES and to keep their clients informed. There are many differing opinions in the marketplace and it can be confusing, to say the least. APSO would like to assure members that we are the best placed, through our active membership of CAPES, to provide accurate information that is free from speculation and based directly on the current negotiations.

CIRCULAR TO TEMPORARY EMPLOYMENT SERVICES EMPLOYERS

Some of you may have received the circular that was sent out by the Motor Industry Bargaining Council on the phasing out of temporary employment services (labour brokers).

Please note that this applies only to employers who operate within the scope and definition of sector 5 of the motor industry.

In terms of their collective agreement, no employer operating within sector 5 shall have any of their core workforce belonging to a Temporary Employment Service (labour broker) by the end of February 2012.

This applies to those motor industry employers who operate within the scope and definition of sector 5 and are bound by this clause and provision. The definition of sector 5, as contained in the Main Agreement, include "... fuel dealers, service stations and related establishments (Chapter I)".

This specific agreement's legality is being challenged by CAPES through court papers that have

been served on MIBCO. An urgent application is underway to stop this coming into effect.

We will keep you posted.

SAVE THE DATE: TES BREAKFASTS

Following the success of the CAPES breakfasts held in August 2011, APSO in conjunction with CAPES will host a series of TES breakfasts across the country in late March 2012. These breakfasts provide the ideal opportunity to get the latest information "from the horse's mouth" as Johnny Goldberg, chief negotiator at NEDLAC, will provide an update of the negotiations and probable legislation. In addition, APSO will be launching the international Adapting to Change PR campaign commissioned by the International Confederation of Private Employment Agencies (CIETT) and is proud to welcome James Gribben, head of research at CIETT who will join us from Europe. He will address the breakfast audiences and present the findings of the global research into the private employment agency industry and its effect on economies worldwide. More information will follow in the coming weeks so watch this space!

- 27 March 2012** - JHB
- 29 March 2012** - Cape Town
- 30 March 2012** - Durban
- 02 April 2012** - East London
- 03 April 2012** - Port Elizabeth

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