

PRESENTATION TO THE PARLIAMENTARY PORTFOLIO COMMITTEE ON LABOUR



BRIEFING ON THE MP CASE (INYONI BOERDERY)

13 April 2016

- ❖ Background
- ❖ Con-Arb
- ❖ Rescission and New Arbitration
- ❖ Current Status
- ❖ CCMA Actions and Corrective Measures

- ❖ On 15 September 2015 members of Parliament visited the farm where the employees were employed and a selected group were called for an interview in relation to fair labour practices on farms.
- ❖ Employees (six) were employed as general workers and were dismissed on 24 September 2015.
- ❖ Employees lodged case with CCMA on 28 September 2015

CON-ARB (Arbitration)



- ❖ With permission of employees, the Commissioner telephoned the representative of the employer, to enquire why they were not in attendance. This was done as per the Regions drive to ensure attendance of both parties in cases. The representative indicated that he had not received the notice and would therefore not be attending.
- ❖ Thereafter the Commissioner proceeded to arbitrate the matter **in default** and issued a **Default Award** dated 28 October 2015.
- ❖ Found that the employees were unfairly dismissed. She ordered compensation for employees, equivalent to **4 months** salary per applicant, calculated thus: R2 640, 00 x 4 months= R10 560 , 00 per employee.

- ❖ Matter **rescinded** by Commissioner on her own accord on 11 November 2015 **due to improper service** of Con-Arb on parties.
- ❖ Matter set-down for Arbitration on **08 December 2015** and heard by an experienced commissioner.
- ❖ Employees **sought compensation** at hearing.
- ❖ Award in favour of employees – Compensation ordered as sought
- ❖ Equivalent of **ten months salary** – $R2\ 600 * 10\ \text{Months} = R26\ 000$ (**per employee**) to be paid on or before 31 December 2015 (Change from initial process **4 months – now 10 months**).

- ❖ Employees approached the CCMA for assistance in enforcing the award as the employer did not honour the award.
- ❖ Challenge its enforcement – lack of authority
- ❖ Writ of Execution received and sent to employees and submitted to Sheriff in Barberton
- ❖ Labour Court review application from employer submitted to LC on 10 February 2016

- ❖ Acknowledgement that initial default award not in pursuit of social justice.
- ❖ Award quality improvement system in place.

Thank you to the Portfolio Committee on Labour for the opportunity to brief.

Questions??