

MATJHABENG MUNICIPALITY

MINUTES

OF THE

**SPECIAL LOCAL LABOUR FORUM
MEETING**

HELD ON

WEDNESDAY, 12 SEPTEMBER 2018

AT

10:00

AT

**ROOM 428, 4TH FLOOR, MAIN BUILDING,
WELKOM**

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MINUTES OF THE SPECIAL LOCAL LABOUR FORUM HELD ON WEDNESDAY THE 12TH SEPTEMBER 2018 AT ROOM 428 4TH FLOOR MAIN BUILDING, WELKOM AT 10:00.

PRESENT

COUNCILLORS

Cllr. V.E. Mawela
Cllr. M.A. Mphikeleli
Cllr. D. Direko
Cllr. T.M. Macingwane

OFFICIALS

Mr. F. Wetes	:	Executive Director: Corporate Services
Mr. T.B. Makofane	:	Executive Director: Strategic Services
Mr. J. Gouws	:	Manager: Labour Relations
Mr. W.J. Jansen	:	Salary Department
Mr. T. Mnguni	:	Committee Officer/Scriber

SAMWU REPRESENTATIVE

Mr. M.S. Mahase
Mr. T. Mahlatsi
Mr. W. Makhobotloane
Mr. T. Nqulo
Mr. T.S. Liphoko
Me. M .E. Mocholotsi

IMATU REPRESENTATIVES

Mr. E. Eloff
Ms. C. Smith

1. OPENING:

The meeting was officially opened by the Chairperson Mr. Mahase who welcomed everyone. He reminded the members that it was the continuation of the meeting that was postponed on the 6th of September 2018. He acknowledged and welcomed the new member of the committee, Councilor M. T. Macingwane.

8. CLOSURE:

The meeting was officially closed at **12:45** by the Chairperson who thanked everyone for participating.

CHAIRPERSON

DATE

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SLLF5 of 2018

PROGRESS ON IMPLEMENTATION OF SHIFT SYSTEM IN TERMS OF THE COLLECTIVE AGREEMENT FOR THE FREE STATE DIVISION OF THE SALGBC (ED: CSS) (5/2/2)

PURPOSE OF REPORT

To submit to the Local Labour Forum progress on verification of Shift Workers done by the Basic Conditions Sub-Committee.

DISCUSSION

The Chairperson reminded the members that the meeting has been adjourned since last month and the employer component said they were going to get mandate. He then allowed Cllr Mphikeleli to report back.

Cllr Mphikeleli explained that reason for postponement was that there were two issues that were supposed to be investigated. He said Basic Conditions Sub-Committee have made their presentation to the LLF concerning Shift System which was supposed to be agreed in this meeting as they were mandated by the LLF to deal with Shift System. He said the labour component felt very strong in favour of three shift system and the employer component was in favour of four Shift System, hence the postponement of the last meeting to consider those two types of shift system by both parties.

Cllr Mphikeleli went on to explain the issue of back pay which was the second issue. He said the labour raised the issue of back pay to say the Collective Agreement indicated that the Shift System was supposed to be implemented in November 2006 therefore the shift workers are owed back pay.

Director Wetes said that as employer component they did make research and what came out was that the arrangements of shift currently is that the fire and emergency services are working 12 hours shift which is average a period of four months and the total hours they work over four months will then be 672 which is 168 average per month divided by four weeks. He said the security services work a week an average of 42 hours and in traffic department the shifts are applied in such a way that the total number of hours are worked amount to 8 hour a day from Monday to Friday. He said on waste water treatment one employee, over a period of 8 weeks, works around 336 hours which is average to 42 hours a week.

He said one of the things that they want to bring to the attention of the meeting is that Collective Agreement paragraph 20.2 states that ***“working of a 56 hour working week three shift system shall only be applicable to operational employees performing a 24 hour 7 days a week service”***. He said that during their consultation it came out that none of the employee was working 24/7shift. He therefore made recommendation that labour accept 42 hour shift system as proposed also by the Basic Conditions Sub-Committee.

Labour component explained that the report was the one that was delivered to the last LLF and it was misleading. Mr. Mahlatsi gave a background, he said when they initiated a debate on the shift system the employer presented a report, the report that was done by the employer

team outside the bargaining. He said the report was presented to the LLF and the LLF informed the Sub-Committee to go and work on the model, do the verification and work on the arrears. He said that report was referring to the shifts as they are currently. He said that report was misleading and it meant that they were back to square one.

Mr. Eloff explained that the security personnel is working 42 hours a week and he said if one calculate the actual work per week they start with 48 hours for three weeks then it changes to 36 hours and it goes to 38 and 40. He said if one work it over 8 week period, it is an average of 42 an hour a week, it is the same as waste water treatment. He said traffic was not a 4 shift system because they work different unknown form of system.

Director Wetes explained that the meeting was now discussion what was initially said it should be done by Basic Conditions Sub-Committee, he therefore requested a caucus.

Director Wetes, after the caucus read the recommendations which were at page six of the document that was distributed in the meeting. He said as per the sections in the waste water treatment works, they have indicated what changes will be brought about by the 42 hour shift system and on the fire emergency as well.

The labour wanted the employer to elaborate on those 4 shift system that they have recommended. They said that they were referring to practicality not what the Collective Agreement was saying.

The employer visited the recommendations on page 9 of the distributed document; recommendation 4.

The labour wanted to understand that why the employer opted for a 15 hour work in a democratically controlled municipality. The labour regarded that as slavery. They pointed out that there was a confusion about a shift system and hours within a shift.

Mr. Mahlatsi from labour noted that the other reason for 4 shift system is the transport at the security department transporting workers three times. He said the employer was able to consult Advocate from Maluti-a-Phofung municipality who lost the Award, IMATU, SALGA but unable to consult SAMWU.

He said the implication of discussing the new system has a direct bearing on the back pays because the understanding of the management was totally different of the shift system in terms of the Collective Agreement. He proposed to deadlock on that matter and go to Bargaining Council.

Mr. Eloff from IMATU raised a point of correction that there was a Sub-Committee meeting on this matter and the management did not consult with IMATU. He said they raised points in that Sub-Committee were everybody raised their views on that matter.

Director Wetes supported the motion from the labour for a deadlock.

THE SPECIAL LOCAL LABOUR FORUM RESOLVED (12 September 2018)

That the matter **BE REFERRED** to Bargaining Council for the interpretation of the shift system.

SLLF6 of 2018**PROMOTION POLICY AND ITS VIABILITY IN MATJHABENG MUNICIPALITY**
(ED: CSS) (5/1/1B)**PURPOSE**

To review the current Draft Promotion Policy in order that Matjhabeng Local Municipality can have a working Promotion Policy.

DISCUSSION

The item was regarded as a matter of Basic Conditions Sub-Committee because it was dealing with policy.

Director Wetes suggested that the Basic Conditions Sub-Committee must go and deal with this item and bring it back in the ordinary meeting of the LLF.

Mr. Mahlatsi explained that what made the matter to delay in addressing this matter was that it was always referred to Human Resource Sub-Committee instead of Basic Conditions Sub-Committee.

Ms. Gouws explained that it was the Basic Conditions Sub-Committee that submitted the item.

According to Director Wetes the matter might create back pays and the sooner the matter was resolved the better.

THE SPECIAL LOCAL LABOUR FORUM RESOLVED (12 September 2018)

That the item **BE REFERRED** back to the Basic Conditions Sub-Committee because it is a policy matter.

SLLF7 of 2018**LOCAL LABOUR FORUM SCHEDULE OF MEETINGS (ED: CSS) (3/3/24)****PURPOSE OF REPORT**

To inform Local Labour Forum delegates of the schedule for LLF meetings.

DISCUSSION

The meeting felt that as long as the meetings will be held monthly, the schedule can be adopted.

THE SPECIAL LOCAL LABOUR FORUM RESOLVED (12 September 2018)

That the schedule of the LLF meetings **BE APROVED**.

The meeting was officially adjourned at **12:45**.