

1 South African Municipal Workers' Union



SAMWU MATJHABENG
Municipal Building
Cnr Ryk & State way
Welkom

Tel No.: 0575732055/Cell:073 281 8404
Fax No.: 0575732058
E-mail: wellycome@gmail.com
Website: <http://www.cosatu.org.za/samwu/>

SAMWU
P.O.Box 708
Welkom
9460

Office of the Local Secretary

05 November 2018

Matjhabeng Local Municipality
Office of the Municipal Manager

Att.: Mr T Tsoaeli

P.O.Box708



REQUEST TO HOLD A GENERAL MEETING

SAMWU is requesting to hold a meeting with members of the union from all the units of the Municipality (Welkom, Odendaalsrus, Allanridge, Virginia, Hennenman and Ventersburg)

DATE: 13 NOVEMBER 2018

VENUE: ERNEST OPPENHEIMER PARK THEATRE, WELKOM

TIME: 11:00

SAMWU kindly request the transport for the employees to the meeting

Kind regards

Welcome Makhobotloane
Matjhabeng SAMWU Local Secretary

Approved
05/11/2018

South African Municipal Workers' Union



SAMWU MATJHABENG
Municipal Building
Cnr Ryk & State way
Welkom

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SAMWU
P.O.Box 708
Welkom
9460

Office of the Local Secretary

29 November 2018

Matjhabeng Local Municipality
Office of the Municipal Manager
Att.: Mr T Tsoaeli
P.O.Box708

RE: SAFETY OF WORKERS AT THE WORKPLACE

SAMWU wishes to draw your attention to the interdict served on the 23rd November 2018 in the High Court Division, Bloemfontein by The Honourable Judge Chesiwe wherein she issued the interdict on the workers who were engaged in an action to demand the payment of third parties and raising health safety issues with the executive management of the Municipality. On the 28 November 2018 employees further received a letter from yourself instructing them to go back to work and report for duty on the 29 November 2018.

The employees who are members of the South African Municipal Workers Union have a difficulty in understanding this contradiction of an interdict that instructs them to leave the premises of the municipality and your instruction to go back to work. They are also demanding that if they are to go back to work, the accounting officer make a commitment in the form of a letter of memo/circular confirming to employees that the building are safe as well as the fleet of the municipality.

We will humbly await your response on issues raised with your office

Kind regards

A handwritten signature in black ink, appearing to read 'Welcome Makhoboloane'.

Welcome Makhoboloane
Matjhabeng SAMWU Local Secretary





NQ

Matjhabeng Shop-Stewards Committee

Samwu Lejweleputswa Branch
 Municipal Building
 Stateway Street
 Welkom

Tel No.: +27 57 910 3939
 Fax No.: +27 57 353 2482
 E-mail: wellycome@gmail.com
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SAMWU
 P.O.Box 708
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 9459

Office of the Local Secretary

SAMWU Matjhabeng Local structure has continuously raised the problems facing the municipality with management and the political leadership of the institution. The problem is the political interference by the Executive Mayor into the administrative matters of the Municipality as this is prohibited by the Municipal Systems Act. He can only be involved on issues of budget relating to the expenditure, liabilities, assets etc.

We feel that since his arrival the municipalities' problems have increased where workers face challenges on daily basis which are not addressed but he is instead prioritising a candle light and other things which do not benefit the institution. Our issues are outlined as follows:

1. NON PAYMENT OF THIRD PARTIES

The Municipal Workers provident Funds, Medical Aids, Policies etc. are not being paid and the executive Mayor prioritises the candle light when we are being told that the municipality does not have Money and ESKOM and SEDIBENG are owed.

2. OUTSOURCING

We have engaged with the Executive Management and the political leadership around the outsourcing of municipal services and the need to scale down due to the bad state of the finances of the municipality and agreement have been signed but to date the private companies whose contracts have expired are still present even though they do not add any value to the municipality and the community of Matjhabeng.

We have asked for the services to be done internally because we have people that are employed to do the work. Some contracts were entered into unlawfully and therefore need to be terminated.

3. COLLECTIVE AGREEMENTS THAT ARE NOT IMPLEMENTED

SAMWU has long fought a battle with the municipality management where the collective agreements are not adhered to. There is inconsistency in the application of discipline where the favourites of the mayor are not charged for acts of misconduct but other employees are disciplined for such, in terms of the Disciplinary Code Collective Agreement. Corporate Services is the main culprit as it normally fails to ensure the adherence to legislation. The LLF

that is not sitting and the non-implementation of the Shift Allowance in terms of the Free State Division Collective Agreement which became effective as from the 1 November 2016 is the case in point.

The implementation of the wage agreement in terms of the housing allowance.

4. FLEET

The municipality is not buying fleet and this creates crises because certain individuals can procure outside fleet.

5. COMPENSATION FUND

The municipality has not been paying the Workman's Compensation Fund for years and this has begun to affect the employees as they are not being assisted by the fund. We have five fatalities whose families have not received any compensation because of this situation.

6. UNLAWFUL RECRUITMENT

This is one area where the Executive Mayor likes to interfere as we are aware that he has promised a lot of people jobs at the municipality.

7. PPE AND SAFETY OF EMPLOYEES

Personal Protective Equipment is not provided to the employees and the working environment where employees are working do not conform with the OHS Act. In other areas the criminals target certain facilities at night and this compromises the safety and the lives of our employees.

8. TRANSPORTATION FOR EMPLOYEES

The municipality is not complying with the Labour Court order for the transportation of workers especially those who work shifts.

9. THE FAILURE OF LEGAL SERVICES TO ADVICE THE MUNICIPALITY ON LEGAL MATTERS

This is one area where the money is being wasted and the money is being spent to defend cases which are not winnable and in some instances the municipality is not being represented in order for the applicants to obtain default judgements that compel the municipality to pay.

10. SKILLS DEVELOPMENT PROGRAMMES

Skills Development Programs do not benefit the workers of the Municipality and the community members but are rather aimed for the outsiders who are not residents Matjhabeng.

11. ACTING IN HIGHER POSITIONS

There is no promotion policy in this municipality in order to accommodate the growth of employees in the institution as most employees have in acting positions for forever.

12. ACCOMMODATION

The Municipality should prioritise the workers as most of the apartments of the municipality do not accommodate workers of this Municipality.

13. DISSOLUTION OF COUNCIL (SECTION 139)

We therefore wish to state that we no longer have confidence in this Executive Mayor as he has sought to run the institution in a way that collapses the municipality. He has been trying to counter SAMWU with the rival union in order to ensure that he is not held accountable and dislodge it as a majority union. The Council of Matjhabeng Municipality has failed to deal with the misdemeanours of the Executive Mayor hence we have taken it upon ourselves as the union to deal with the situation.

14. THE CANDLE LIGHT

The money budgeted for the candle light should be used to address some of the issues highlighted in this memorandum.

SAMWU DEMANDS THE REMOVAL OF THE EXECUTIVE MAYOR, THE MAYORAL COMMITTEE AND THE ENTIRE EXECUTIVE MANAGEMENT OF THE MUNICIPALITY AND THE ENTIRE COUNCIL TO BE DISSOLVED AS IT HAS FAILED DISMALLY. THIS DEMAND MUST BE MET WITH IMMEDIATE EFFECT.

Signed at Welkom on Thursday, 15 November 2018:

On behalf of the South African Municipal Workers Union:

Name in Print

Signature

On behalf of COGTA

Name in print

Signature

IMPLEMENTATION PLAN

SAMWU DEMANDS

20 November 2018

ITEMS	DESCRIPTION	ALLEGATION	CURRENT STATUS	SHORT TERM	MEDIUM TERM	LONG TERM	PROGRESS
1	Non-payment of third parties	Third parties are not being paid and the Executive Mayor prioritises candle light and other things and the Municipality does not have money to pay ESKOM and Sedibeng.	We are currently owing the following: <ul style="list-style-type: none"> • Pension funds: R15 million outstanding for 2 months; • Loans: R5,2 million outstanding for 2 months (creditor); • Policies: R1,8 million outstanding for policies for a month; 	We have paid an amount of R1000.000 on loans on Friday the 16 November 2018. The current loans balances are R4.2 million. We will pay for the month of October to enable employees to have access to credit. Policies: An amount of R1.8 million was paid on Friday the 16 November 2018.	We will settle the balance by the 7 th December 2018; The balance will be settled by the 7 th December 2018;		The amount has been paid on the 16 th November 2018 ESKOM and Sedibeng are on-going-let us get council resolution number in order to help assist. Eskom and Sedibeng will be paid on the 03 December 2018 and on the 07 December 2018.

2	Outsourcing	Engagement was done with both the political and administrative leadership around outsourcing and scaling down of outsourced services	We have 26 outsourced services. The following 6 company contracts will terminate by end December 2018: <ul style="list-style-type: none"> • Fezi • Letsete Business Hub. • Men in One • Scheme Security • Forest Technologies • Liquid Telecoms 	Notice of termination will be issued by the 19 th November 2018 for the identified 6 companies.	The contracts would terminate by the 31 st December 2018: Letsete Business Hub; Scheme; Fezi, Men in 1; IT contracts.		Termination letters written to all identified service providers.
3	Collective agreements not implemented	Collective agreement is not adhered to. This includes inconsistency in the application of discipline.	The collective agreement is implemented with immediate effect.	<ol style="list-style-type: none"> 1. The list of cases is attached to indicate that all cases are treated. 2. The schedule of LLF is attached. 3. The list of delegates to the LLF is attached. 4. The minutes on the deadlock of the shift system is attached. 5. The referral forms for the shift system attached. 	There will be immediate adherence to the Collective Agreement.		
4	Fleet	Municipality does not buy fleet and this creates crises because certain individuals can procure outside fleet.	The current fleet was purchased in 2011.	We are now engaging with government garage to get us vehicles: <ul style="list-style-type: none"> • An order for 10 compactor trucks; • An order to purchase 10 bakkies for sewer; • An order for 4 high performance vehicles for traffic; • An order for 2 graders and 2 TLBs; • 1 Eco-combination unit; 		To request HOD to provide confirmation on the agreement to purchase.	Confirmation letter from government garage
5	Compensation fund	Payment has not been done.	We owe R15 million since 2012.	To engage the Compensation fund to see how much we need to pay per month for the arrears.	We will pay R3 million during the 10 th December 2018.		

				To engage Department of Labour to establish if they will cover past injuries.			
6	Unlawful recruitment	The Executive Mayor interferes by promising people jobs		As the institution we are following the recruitment policy.			
7	PPE and Safety of employees	The working environment does not conform to Occupational Health and Safety regulations as workers are not provided with protective equipment.	PPE ➢ Waste management have been delivered what is outstanding is shoes, the service provider request to be paid R250, 000 in order to deliver protective shoes of which is was paid on Friday the 16 th of November 2018. On Friday the 16 th of November 2018, the service provider brought the sample of the safety shoes that were scheduled to be delivered on Monday the 19 th of November 2018 in presence of the Shopseward by the Name of Me Zangwa. Me Zangwa indicated that they do not want that type of safety shoes as the employees complain that they hurt them. On Monday the 19 th of November 2018 which today, the Service Provider brought the new sample and the same Shopseward agreed to the sample. Therefore the order was placed today	Delivery of protective shoes for waste management personnel is anticipation to be the 26 th November 2018. Medical surveillance are currently being conducted. Revive the occupational health and safety committee Conduct and audit of municipal building with assistance of the Department of Labour			

			<p>the anticipated time of delivery will be Thursday the 22nd of November 2018.</p> <ul style="list-style-type: none"> ➤ Parks department was the largest number of employees and their PPE is still outstanding but the order has been issued, the service provider wants a payment of R1.2m once paid the PPE will be delivered within 3 working days and also took 2 weeks for embroidery. ➤ Fire Department: only 10 Pairs of Booths outstanding. ➤ Security & Traffic: PPE was procured and the Service Provider delivered partial stock so still awaiting the full delivery. Boots were returned back as they were black instead of brown. ➤ Technical services :For West requisitions for 58 personnel who work for sewer, roads and water was done; ➤ Technical services: For East requisition for 68 personnel who work 	<p>The Service Provider will be prioritised after the payment of salary, anticipated date 30 November 2018.</p> <p>Serviced was called by the Director he produced proof of delivery of some item which were delivered on Friday the 16th of November still awaiting the final delivery. It was agreed that the manufacturer will in writing indicate when will the final merchandises be ready</p> <p>Deliveries for 56 of the 58 employees in the West have been done. This is requisition made in 2016 which was delivered in February 2018.</p> <p>Orders to be issued.</p>		
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			<p>for roads, sewer and water sections was done.</p> <p>➤ Central employees for the maintenance of the plants and pump stations have also requested PPEs for 194 employees.</p>	Orders to be issued			
8	Transportation for employees	The Municipality does not comply with the Labour Court order for transportation of workers who work shifts.	There were times when we could not provide transportation because our kombis were in for repairs.	The MEC is referring the matter to the State Law advisors.			
9	Failure of legal services to advise the Municipality on legal matters	Money is being wasted defending cases that are not winnable.	We have a COGTA led district forum of legal Practitioners in the district.	The forum must implement programmes as a matter of urgency.			
10	Skills Development Programmes	The programme does not benefit workers of the Municipality and community members. Instead it benefits outsiders who are not residents of the Municipality.		Will adhere to the WSP and funds for Skills development will be ring in fenced. Establishment of Skills Development Committee	The implementation of the Workplace Skills Plan is implemented immediately.		
11	Acting in Higher positions	There is no promotion policy.	The promotion policy has been submitted to the LLF and was returned to the sub-committee for refinement. It is in the agenda of the next LLF	The LLF meeting of the 12 th September 2018 adopted the schedule of meetings and it is adhered to. (Attached)	Immediately after the LLF has endorsed it and Council approved it in the first meeting of Council ensuing	The next LLF meeting will be on the 28 th November 2018 and the Promotion Policy will be ratified.	
12	Municipal rental Units & Accommodation	Municipality should prioritise workers of the Municipality in available apartments owned by the Municipality.	The current status is that rental is provided in terms of the rental policy of the institution. Preference is given to people who are allocation list.	A report will be submitted to council to review the allocation policy in order to accommodate the request on this matter. The process must be completed by 31 st January 2019.			
13	Dissolution of council	No longer confident of the Executive Mayor.		There is an application of section 154 of the constitution before section 139 can be effected.			
14	Candlelight	Money budgeted for candle light should be reprioritised for programmes mentioned in the memorandum.		There will be no expenditure on the candlelight.			

MATJHABENG

Municipality
Umasipala
P O Box 708
Welkom, 9460
South Africa



Mmasepala
Munisipaliteit
Tel: (057) 391 3106
Fax: (057) 357 4393

OFFICE OF THE MUNICIPAL MANAGER

Enquiries/Navrae/Dipatlisi	:	Mr. Thabiso Tsoaeli
Room no/ Kamer nr/ Kamore ya	:	Room 203, 2 nd Floor
Date/ Datum/Letsatsi	:	21 st November 2018

TO: Secretary General SAMWU
PER EMAIL: gerutrude.ntuli@samwusa.org.za

AND TO: Deputy Secretary General SAMWU
PER EMAIL: gerutrude.ntuli@samwusa.org.za

AND TO: President of SAMWU
PER EMAIL: zimkhithak@gmail.com

AND TO: Provincial Secretary SAMWU Free State
PER EMAIL: thabang.tseuo@ yahoo.com

AND TO: Provincial Chairperson SAMWU Free State
PER EMAIL: dikololo.matsephe@mangaung.co.za

AND TO: Regional Secretary SAMWU Lejweleputswa
BY HAND DELIVERY:

AND TO: Regional Chairperson SAMWU Lejweleputswa
BY HANDE DELIVERY:

AND TO: Branch Executive SAMWU Matjhabeng Local Municipality
PER EMAIL: wellycome@gmail.com

**TO: SAMWU AND ITS MEMBERS AND ANY OTHER PERSON PARTICIPATING IN THE
UNLAWFUL STRIKE**

1. This letter serves to inform you that ***you are all participating in an unprotected strike*** of which conduct is unlawful;
2. In view of the aforementioned, you are conducting yourselves unlawfully and breaching the law in one or more of the following acts:
 - 1.1. You are using municipality trucks unlawfully to transport and depose and/or threw faeces on municipal buildings and that act prevents community members and employees from entering the municipal offices and continuing with their work.
 - 1.2. You have forcefully removed employees from their offices, and are still continuing to intimidate and/or threaten employees from entering municipal offices as well as intimidating and threatening any other persons to enter the municipal offices of which conduct is unlawful. Preventing community members from accessing services from the municipality temper with their constitutional rights, and that conduct by you is unlawful.
 - 1.3. You are burning tyres and have threatened to burn the municipal offices, you are advised that your conduct of burning tyres with the intention of limiting employees as well as community members from using roads, and access to municipal offices is unlawful.
 - 1.4. Employees who are not part of and/or are not participating on the unlawful strike their rights and choices should not be violate in any manner whatsoever, e.g. they should not be intimidated, and/or threatened, and/or prevented from working and accessing the municipal offices, and/or they should not be attacked physically nor verbally.



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- 1.5. Your conduct of burning tyres and making an open fire in front of the municipal doors, and so close to the municipal building will and / or might burn the municipal buildings and that will amount to an act of arson, furthermore, the act of burning tyres might be harmful to persons and threatens the well-being of people.
- 1.6. You have blockaded the national road (Stateway) and that conduct is disturbing the flow of traffic and preventing community from using the road, and that conduct is infringing on employees and the communities constitutional rights.
- 1.7. Your conduct is disturbing adjacent buildings, in that you are causing noise, by your chanting and singing during office hours, the smoke as a result of the burning tyres is affecting persons as well as neighboring businesses. Furthermore, your conduct of embarking on the illegal strike is affecting neighboring businesses.
- 1.8. You have damaged the municipal fence next to the tower and that act amounts to malicious damage to property.
- 1.9. You have attacked a police officer yesterday, the 20th November 2018, and further have attacked security officers on Monday the 19th November 2018, and such conduct is unlawful.
2. The municipality is a service authority and has the constitutional obligation to provide services to the community, and your continued unlawful conduct is prohibiting the municipality and its employees from performing its constitutional mandate.
3. **THE MUNICIPALITY IS URGING ALL OF YOU TO CEASE THE ABOVE MENTIONED CONDUCT WITH IMMEDIATE EFFECT.**



4. The municipality reserves the right to take disciplinary action against all employees who will continue to embark on the above mentioned unlawful conduct.
5. Further take note that should you not cease with your unlawful conduct immediately, the municipality will have no option but to launch an urgent interdict application against any person who is neglecting to adhere to this Notice.

Yours faithfully,



Mr. THABISO TSOAELI
MUNICIPAL MANAGER



IN THE HIGH COURT OF SOUTH AFRICA
FREE STATE DIVISION, BLOEMFONTEIN

Case No: 5899/2018

Before the Honourable Judge **CHESIWE**

On the 23rd day of NOVEMBER 2018

In the matter between:

MATJHABENG LOCAL MUNICIPALITY

Applicant

and

SOUTH AFRICAN MUNICIPAL WORKERS UNION
(SAMWU)

1st Respondent

LOCAL BRANCH CHAIRPERSON: SOUTH AFRICAN
MUNICIPAL WORKERS UNION

2nd Respondent

DEPUTY LOCAL BRANCH CHAIRPERSON: SOUTH
AFRICAN MUNICIPAL WORKERS UNION

3rd Respondent

LOCAL BRANCH SECRETARY OF THE SOUTH AFRICAN
MUNICIPAL WORKERS UNION

4th Respondent

LOCAL BRANCH EXECUTIVE: SOUTH AFRICAN
MUNICIPAL WORKERS UNION

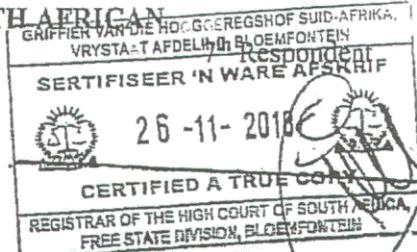
5th Respondent

PROVINCIAL SECRETARY: SOUTH AFRICAN
MUNICIPAL WORKERS UNION

6th Respondent

THE PROVINCIAL CHAIRPERSON: SOUTH AFRICAN
MUNICIPAL WORKERS UNION

CATHERINE NGCWANGU
Registrar's Clerk
High Court
Bloemfontein



THE DEPUTY PROVINCIAL CHAIRPERSON: SOUTH
AFRICAN MUNICIPAL WORKERS UNION

8th Respondent

REGIONAL SECRETARY OF THE SOUTH AFRICAN
MUNICIPAL WORKERS UNION, LEJWELEPITSWA

9th Respondent

REGIONAL CHAIRPERSON OF THE SOUTH AFRICAN
MUNICIPAL WORKERS UNION, LEJWELEPITSWA

10th Respondent

SECRETARY GENERAL: SOUTH AFRICAN MUNICIPAL
WORKERS UNION

11th Respondent

DEPUTY SECRETARY GENERAL: SOUTH AFRICAN
MUNICIPAL WORKERS UNION

12th Respondent

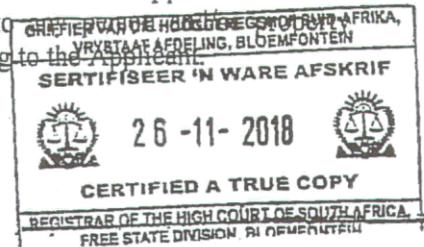
ANY OTHER PERSON PARTICIPATING IN THE
UNLAWFUL STRIKE

13th Respondent

Having considered the notice of motion and the other documents filed of record and having heard Counsel for applicant,

IT IS ORDERED THAT:

1. Condonation be granted for non-compliance with the rules relating to form and process regarding service and that this application be heard as an *ex parte* application on an urgent basis in terms of the provisions of High Court 16(12).
2. A rule *nisi* be issued calling upon the Respondents to show cause, if any, on Thursday, 7 February 2019 at 09h30 or as soon thereafter as Applicant's representatives may be heard why the following order should not be granted:
 - 2.1 The First to Fifth Respondents and Thirteen Respondents and any other individual be interdicted and restrained from:
 - 2.1.1 provoking riot, taunting, encouraging, instigating, promoting and/or provoking themselves and other employees of the Applicant or individuals with the riot action taken and/or perform any act described in paragraph 2.2 below.
 - 2.2 The First to Fifth Respondents and Thirteen Respondents and any other individual be prohibited from being present at the Applicant's offices with the intent of causing any harm to the Applicant, whether it be fixed or movable belonging to the Applicant.



3. The First and Fifth Respondents and Thirteen Respondents and any other individual be prohibited from doing anything which directly or indirectly obstructs, disrupts, delays or interferes with the work and functioning of the Applicant, as well as any of its workers situated wherever their property and/or offices are.

4. The First to Fifth Respondents and Thirteen Respondents and any other individual are prohibited from blockading of entrances, roads and buildings and/or damaging any property situated on the Applicant's property whether it be movable or immovable and regardless of whom the owner thereof may be.

5. The First to Fifth Respondents and Thirteen Respondents and any other individual are interdicted and restrained from:
 - 5.1 entering or remaining on the Applicant's premises for any purpose not expressly set out in a written consent of the Applicant;
 - 5.2 erecting any unauthorised structures, including but not limited to burning tyres on the Applicant's premises;
 - 5.3 destroying, damaging or defacing any of the Applicant's property;
 - 5.4 initiating violence or intimidating any member of the public or employee of the Applicant;
 - 5.5 unlawfully without consent of the Applicant utilise the Applicant's vehicles to transport tyres and faeces in order to obstruct the Applicant and the general public to whom the Applicant must deliver services.

6. The Sheriff of this Honourable Court and/or the South African Police Services be authorised and directed and expel from the property and premises of the Applicant any Respondents and/or people supporting them or refuse to comply with paragraphs 2.1 to 5.5.
 - 6.1 Further order granted that prayer 2.1- 6 be faxed to the relevant sheriff.

7. The relief in paragraph 2.1-6 operates as a rule *nisi* with immediate interim effect pending finalisation of this application.

8. The First to Fifth Respondents be directed to pay the cost of the application jointly and severally, the one paying the other to be absolved.

9. Such further and/or alternative relief as the Court deems appropriate in the prevailing circumstances.

GRIFFIER VAN D.E HOOGGEREGSHOF S.A. Court of Appeal SERTIFISEER 'N WARE AFSKRIF	
	25 -11- 2018
CERTIFIED A TRUE COPY	
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA <small>(Signature)</small>	

10. This order and application be served on the Respondents without delay and the further orders be served by way of substituted service in the following form:

10.1 by affixing a copy of the order at all gates of the Applicant's municipal buildings.

BY ORDER OF THIS COURT



COURT REGISTRAR

MICHAEL DU PLESSIS ATTORNEYS

CATHERINE NGCWANGU
Registrar's Clerk
High Court
Bloemfontein



MATJHABENG



**Municipality
Umasipala**

P O Box 708
Welkom, 9460
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**Mmasepala
Munisipaliteit**

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OFFICE OF THE MUNICIPAL MANAGER

Enquiries / Navrae / Dipatlisiso: T Tsoaeli

Room no / Kamer nr / Kamore ya: Second Floor, Main Building, Welkom

Date / Datum / Letsatsi: 28 November 2018

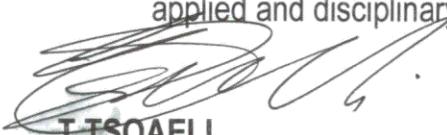
Your Ref / U Verw / Ho ya ka bona: Our Ref / Ons Verw / Ho ya ka Rona:

All Employees
Matjhabeng Local Municipality
WELKOM
9459

Sir / Madam

UNPROTECTED STRIKE: NOVEMBER 2018

1. Take note that Matjhabeng Local Municipality obtained an interdict against employees participating in the illegal strike at the Municipality.
2. This effectively means that employees must return to work and resume duties.
3. Take note that roll call will be taken at all workstations with effect 29 November 2018 at 07:30.
4. Further note that failure to report for duty will result in the No Work No Pay principle being applied and disciplinary proceedings will be instituted against yourself.



T TSOAEI
Municipal Manager



SOUTH AFRICAN MUNICIPAL WORKERS' UNION
FREE STATE PROVINCE

SAMWU Free State Provincial Office
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 Bloemfontein, 9300

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 E-Mail: dumisane0527@live.com
 Web site: <http://www.samwu.org.za/>

SAMWU
 P O Box 2646
 Bloemfontein
 9300

22 November 2018

To : The Municipal Manager
 Mr T Tsoaeli
 Matjhabeng Local Municipality

From : Deputy Provincial Secretary
 Dumisane R Magagula

RE: SAMWU AND ITS MEMBERS AND ANY OTHER PERSON PARTICIPATING IN THE UNLAWFUL STRIKE

Sir,

Your letter dated 21 November 2018 with the above mentioned title and served by email, hereby bears reference.

The South African Workers Union hereby states that its members are currently not in an unlawful strike and have also not been involved in any unlawful strike. In our knowledge and also as known to yourselves our members and or your employees are not able to carry out any work due to the failure of the employer in your duty to provide a safe working environment. This include and is not limited to:

1. Safe and Secure buildings –

By your own admission in an intervention meeting held with the MEC of COGTA Free State on the 15th November 2018, Matjhabeng Local Municipality has not complied with the High Court Order regarding safety of the Buildings. The Department of Labour

2. Un-roadworthy Vehicles –

A submission in this regard has been made

3. PPE –

By the 13th November 2018 Employees in all sections, including sections that are highly unsafe and hazardous, had not been issued with Personal Protective Equipment.

The Occupational Health and Safety Act Section 8 General duties of employers to their employees. read together with Section 14 provides that an employee may not be expected to carry out any work in an unsafe working area or use unsafe equipment, or enter into any area of work without taking precautionary safety measures including wearing personal protective equipment. Employees may also not be expected to use unsafe vehicles. Any instruction to perform duties in unsafe conditions and to use unsafe equipment and vehicles is equal to an unlawful order.

Employees at Matjhabeng are exposed to hazards and toxic workplace and shall carry out lawful orders as soon as the employer has met the minimum health and safety requirements. Currently all employees are at the workplace and they sign the attendance registers except where the supervisors have not allowed the employees to sign such registers.

In order to allow the Union to facilitate the process of maximum performance of duties, we hereby request that you furnish us with the following by the 23rd November 2018 at 08H00:

1. Health and Safety Legal Compliance Certification, (ISO9000), for all Buildings, Workshops and Plants.
2. The Roadworthy Certificates of all vehicle, earthmoving equipment and Tractors used by employees.
3. Proof that Employees have issued with PPE in the past six (6) months.
4. Proof that Health and Safety Training has been offered in the current year.
5. List of Members of the Workplace Health and Safety Committee.

Hope you find the above in order.

Yours sincerely



Dumisane Magagula

Deputy Provincial Secretary

SAMWU Free State

