

IN THE EXEMPTION APPLICATION OF:-

CONCENTRATE CARRIERS (PTY) LTD

Applicant

and

**NATIONAL BARGAINING COUNCIL FOR THE
ROAD FREIGHT AND LOGISTICS INDUSTRY (Council)**

Respondent

DECISION

1. The Applicant applied for exemption not to grant the full 9% across the board increase.

2. The matter appeared on the Agenda of the Exemptions Body meeting held on the 20th June 2011.

3. The following were present:-
 - 3.1 Mr Y. Nagdee - Chairperson of the Exemptions Body
 - 3.2 Mr G. Wessels - Member of the Exemptions Body
 - 3.3 Ms R. Manning - Member of the Exemptions Body
 - 3.4 Mr T. Short - Member of RFEA
 - 3.5 Mr N. Badenhorst - RFEA
 - 3.6 Mr J. Gys - MTWU
 - 3.7 Mr S. Mothibe - MTWU
 - 3.8 Mr E. Kock - Senior Agent of NBCRFLI

- 3.9 Ms T. Stroh - NBCRFLI
- 3.10 Mr P. Mndaweni - Committee Secretary of NBCFRLI
- 3.11 Ms F. Rahman - NBCRFLI
- 3.12 Mr D. Sharp - Director
- 3.13 Ms C. Booysen - HR Official

4. Apologies were received from:

- 4.1 Ms M. Brown–Engelbrecht - Member of RFEA

5. **APPLICANT'S SUBMISSIONS**

The Applicant submits, inter alia, as follows:

“Applying for exemption from increasing wages in Grades 4 & 5 by a further 7% on 20 May 2011, due to the fact that we mistakenly increased wages in the above grades by 3% in December 2010 and 3% in March 2011 even though we were already paying substantially more than the required minimum wage.”

6. **COUNCIL'S SUBMISSIONS**

The Council submitted, inter alia, as follows:

“The Applicant is registered Council since the 15 September 2008 and has a good compliance record with Council's Collective Agreements.

We can confirm that the Applicant implemented a 3% increase from the 01 December 2010 and another 3% from the 01 March 2011.

According to Council's records as at the 30 April the Applicant is paying its employees +30% above the minimum rate."

7. ANALYSIS

7.1 The Applicant was requested to address the aspect of consultation. After the Exemptions Body meeting the Applicant provided proof of consultation

7.2 The Exemptions Body is satisfied that the Applicant has met the criteria for granting of an application and it has the support of its employees.

8. DECISION

Having regard to the above, the Applicant is granted on the exemption not to grant the full 9% increase but instead to implement a 3% increase from the 20th May 2011 to 28th February 2012.

DATED THE 5 DAY OF July 2011 AT BRAAMFONTEIN,
JOHANNESBURG.



MR. Y. NAGDEE

Chairperson of the
Exemption Body

MRS R. MANNING

Member of the
Exemption Body

I agree

MR G. WESSELS

Member of the
Exemption Body

I agree