

IN THE EXEMPTION APPLICATION OF:-

DURBAN DELIVERIES CC

Applicant

and

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

Respondent

DECISION

1. The Applicant applied for exemption to work a 40 hour week instead of a 45 hour week, due to financial difficulties.

2. The application appeared on the Agenda of a Special Exemptions Body meeting held on the 7th 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 ~~Mr.~~ Ms. R. Manning - Member of the Exemptions Body
 - 3.4 Mr. T. Short - Member of RFEA
 - 3.5 Ms M. Brown-Engelbrecht - Member of RFEA
 - 3.6 Mr J. Gys - MTWU
 - 3.7 Mr. E. Kock - Senior Agent of NBCRFLI
 - 3.8 Ms T. Stroh - NBCRFLI

- 3.9 Mr P. Mndaweni - Committee Secretary of NBCFRLI
 3.10 Ms F. Rahman - NBCRFLI
 3.11 Mr E. Buthelezi - NBCRFLI

4. APPLICANT'S SUBMISSIONS

The Applicant submits, inter alia, as follows:

“Durban Deliveries has no option but to place our staff on short time, because of the worsening economic situation. This is to try and avoid the retrenchment of at least 2 of our staff members.

Staff will be required to work a 40 hour week instead of the 45 hours.

In the past few months, we have sold 2 trucks, downgraded our telephone system, cut costs wherever possible. Last year we also lost 2 of our biggest customers, which relates to about 40% of our business.”

5. COUNCIL'S SUBMISSIONS

The Council submits, inter alia, as follows:

“The employer is applying for working a 40 hour week normal time instead of 45 hours as prescribed by the agreement.

The Employer has good compliance history with Council and has no outstanding invoices and returns. Employees, shop stewards and Union SATAWU all support this short time exemption. Employer had a similar exemption in 2005 and adhered to all conditions set out. An

inspection was conducted and records show that employer has lost income and major contracts.

Employer has approached this avenue to avoid retrenchment and job losses.”

6. **ANALYSIS**

6.1 The submissions made by the Applicant was carefully considered. The Applicant has lost 2 customers which relates to 40% of its business. The Employees support the application. The Exemptions Body is satisfied that the Applicant has met the requirements for the granting of the application.

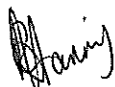
7. **DECISION**

7.1 Having regard to the above, the Applicant is granted an exemption to work short time for a period of 4 months from 20th May 2011 to 20th September 2011.

DATED THE 20TH DAY OF JUNE 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