

IN THE EXEMPTION APPLICATION OF:-

ALGOA LOGISTICS SERVICES CC

Applicant

and

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

Respondent

DECISION

1. The Applicant applied for exemption to lay-off employees for the duration of the strike period (unpaid leave).

2. The matter appeared on the Agenda of the Exemptions Body meeting held on the 23rd August 2013.

3. The following were present:-
 - 3.1 Mr Y. Nagdee - Chairperson of the Exemptions Body
 - 3.2 Ms R. Manning - Member of the Exemptions Body
 - 3.3 Mr P. Mndaweni - Committee Secretary of NBCFRLI
 - 3.4 Ms J. Nel - Exemptions Officer of NBCRFLI
 - 3.5 Mr D. Koen - Head: Exemptions of NBCRFLI
 - 3.6 Mr K. Minnie - Managing Member

4. Apologies were received from the following:

4.1 Mr G. Wessels - Member of the Exemptions Body

5. **APPLICANT'S SUBMISSIONS**

5.1 The Applicant submitted, inter alia, as follows:

"STATEMENT OF MATERIAL FACTS:

Notice received from VWSA of intended strike action by its workforce with effect 19.08.13 with unknown date of resumption.

All business operations are linked / tied in with VWSA production activities, i.e., no production at VWSA = no meaningful work for employees at Algoa Logistics.

Huge financial impact for the Company as there will be no income generated over the strike period.

Expenditures for the company are monthly paid (rent, instalments, etc) irrespective of income tied in with VWSA production.

APPLICANT'S PAST RECORD:

Good – full compliance with all provisions of the Collective

Agreement.

ANY SPECIAL CIRCUMSTANCES:

All business operations tied in with the Motor Vehicle Industry.

ANY PRECEDENT THAT MIGHT BE SET:

None – dependent on other industry.

JOB PRESERVATION:

Nil in short term – depending on the duration period of strike action in the Motor Industry.

SOUND CONDITIONS OF EMPLOYMENT:

Yes – Provisions of the Collective Agreement apply.

POSSIBLE BENEFITS:

No possibility at this stage of possible retrenchments.

FINANCIAL STABILITY:

Yes – no business income from clients for the entire duration of

7.2 The Applicant clarified that it requires an exemption for the duration of the strike period which commenced on the 19th August 2013. The Applicant has the support of its employees.

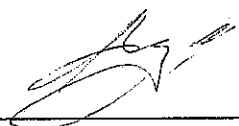
8. **DECISION**

8.1 The Exemptions Body is satisfied that the Applicant has met the criteria for the granting of the application.

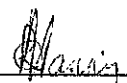
8.2 The application is granted from the 19th August 2013 for a period of 4 weeks.

8.3 The Applicant is required to make the normal contributions to Council as undertaken.

DATED THE 23rd DAY OF August 2013 AT BRAAMFONTEIN,
JOHANNESBURG.



MR. Y. NAGDEE
Chairperson of the
Exemption Body



MS R. MANNING
Member of the
Exemption Body
I agree