

## **IN THE EXEMPTION APPLICATION OF:-**

**NOKHANYA BUSINESS ENTERPRISE**

**Applicant**

**and**

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

**Respondent**

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### **DECISION**

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1. The Applicant applied for exemption to pay returns on the 25<sup>th</sup> of each month. (Decision to be reconsidered due to that Applicant failed to comply with the decision).
  
2. The matter appeared on the Agenda of the Exemptions Body meeting held on the 17<sup>th</sup> February 2014.
  
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 P. Mndaweni - Committee Secretary of NBCFRLI
  - 3.5 Ms J. Nel - Exemptions Officer of NBCRFLI

4. **APPLICANT'S SUBMISSIONS**

The Applicant did not attend and no submissions were received.

5. **COUNCIL'S SUBMISSIONS**

The Council submitted, inter alia, as follows:

- “1. The Applicant is up to date with Council’s Main Collective Agreement except that returns were paid late. Applicant registered with Respondent on 19/10/2010 and first return payment was made for August 2012 and is situated in Johannesburg.*
  
- 2. Applicant is applying for exemption to pay monthly returns on the 25<sup>th</sup> of each month and not on the 20<sup>th</sup> as indicated in the Main Collective Agreement.*
  
- 3. As per designated Agent Andinett Cook, the Applicant has shown great commitment in complying with provision of the Agreement. He recently conducted inspection and found the Employer paid additional benefits to Employees over and above minimum requirements of the Agreement which a fixed monthly bonus this is not based on a scheme. Employer is up to date with monthly levies and Provident Fund contribution.*

4. ***There are currently several awards against the Applicant relating to late payment of returns and Provident. There are currently 14 invoices unpaid.***
  
5. ***The Exemptions Body is guided by the Clause 24 and Clause 25 of the Main Collective Agreement and Clause 4(8) of the Exemptions and Disputes Resolution Agreement. We therefore trust that the panel will make their decision accordingly.”***

## 6. **ANALYSIS**

6.1 The Applicant was previously granted an exemption on the following basis:

***“The Exemption Body agrees to grant the Applicant an exemption for a period of 3 months from 1<sup>st</sup> February 2014 to the 30<sup>th</sup> April 2014 subject to the Applicant making payment of all outstanding awards by the 31<sup>st</sup> January 2014 and subject to the Applicant submitting its bank statements to Council by the 31<sup>st</sup> January 2014.”***

## 7. **DECISION**

7.1 It was brought to the Exemptions Body’s attention that the Applicant has not complied with the conditions of the conditional exemption.

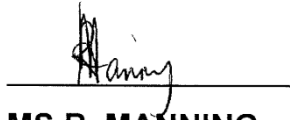
7.2 The Applicant has not complied with the conditions and accordingly the Exemption is withdrawn.

DATED THE 21<sup>ST</sup> DAY OF FEBRUARY 2014 AT BRAAMFONTEIN, JOHANNESBURG.



**MR. Y. NAGDEE**

Chairperson of the  
Exemption Body



**MS R. MANNING**

Member of the  
Exemption Body

**I agree**



**MR G. WESSELS**

Member of the  
Exemption Body

**I agree**