

IN THE EXEMPTION APPLICATION OF:-

H & M REMOVALS CC

Applicant

and

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

Respondent

DECISION

1. The Applicant applied for exemption not to contribute to the Leave Pay Fund and Holiday Bonus Fund.

2. The application appeared on the Agenda of the Exemptions Body meeting held on the 18th April 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 J. Gys - MTWU
 - 3.6 Mr J. Gamede - SATAWU
 - 3.7 Mr. E. Kock - Senior Agent of NBCRFLI
 - 3.8 Mr P. Mndaweni - Committee Secretary of NBCFRLI

4. Apologies were received from:

- 4.1 Ms T. Stroh - NBCRFLI
- 4.2 Ms M. Brown–Engelbrecht - Member of RFEA
- 4.3 Mr N. Pakkies - SATAWU

5. **APPLICANT'S SUBMISSIONS**

The Applicant submitted, inter alia, as follows:

“Application for exemption from Council’s Leave Pay and Holiday Pay Bonus Funds (Clauses 19 and 21 of the Main Collective Agreement).

We attach the following documents in support of this application:

a) A guarantee from our banking institution that we have the funding available to cover the Holiday Pay Bonus and Leave Pay liabilities failing which the bank will make good the liabilities.

OR

b) A certificate from our auditors that confirms that we made adequate provision in our account to cover the accrued Leave Pay and Holiday Pay Bonus liabilities.

c) We confirm that we have conducted business for at least three years and that our record of compliance with Council is good.

d) We have consulted with our employees in this regard and attached herewith proof of consultation.

e) ***We have listed all the levy numbers for which this exemption is sought.***

f) ***The exemption is sought for the period _____ to _____.***

6.1 a) The Applicant's past record (if applicable) of compliance with the provisions of Council's Collective Agreements and Exemption certificates:

Company has been complying with the collective agreement."

6. **COUNCIL'S SUBMISSIONS**

The Council submitted, inter alia, as follows:

6.1 The application did not contain relevant information.

6.2 Their information was not sufficient.

6.3 The application be dismissed.

7. **ANALYSIS**

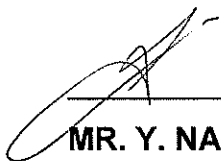
7.1 The Applicant's application does not meet the criteria set out in Clause 21(12) of the Exemptions Agreement.

7.2 The necessary documentation has also not been provided.

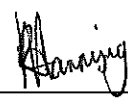
8. **DECISION**

Having regard to the above, the application is dismissed.

DATED THE 30 DAY OF April 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