

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

**JO SOUTHEY TRANSPORT TRUST**

**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 have the 13<sup>th</sup> cheque paid to employees when they go on leave and not in December.
  
2. The matter appeared on the Agenda of the Exemptions Body meeting held on the 15<sup>th</sup> October 2012.
  
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 E. Kock - Senior Agent of NBCRFLI

4. The Applicant did not attend the hearing and requested that the application be dealt with on the papers.

5. **APPLICANT'S SUBMISSIONS**

The Applicant submitted, inter alia, as follows:

**"NATURE OF APPLICATION:**

***We want to apply for exemption of the period of payment of the 13<sup>th</sup> cheque in December.***

***The employees do not normally go on leave during December as it is a busy season for the business.***

***The employees take their leave from June until November month of each year.***

***If the payment of 13<sup>th</sup> cheque is made during December they will not have the benefit of the payment if they go on leave.***

***We hereby attach a written consent of all the workers for this application."***

## 6. COUNCIL'S SUBMISSIONS

The Council submitted, inter alia, as follows:

- “1. These submissions are presented on behalf of the National Bargaining Council for the Road Freight and Logistics Industry (“The Council”).*
  
- 2. The Applicant paid employees their 13<sup>th</sup> cheque when they went on leave between the periods June 2012 to November. And now seeks to be exempted to have the 13<sup>th</sup> cheque paid to the employer as the 13<sup>th</sup> cheque was already paid to the employees of the Applicant.*
  
- 3. The Council can confirm that the 13<sup>th</sup> cheque was paid to all the employees of the Applicant, except for Mr L. Conradie who is due to take leave in November 2012. It can also be confirmed that the Applicant has a good compliance record.*
  
- 4. The Council will support the application in that the 13<sup>th</sup> cheque is paid to the Applicant for the 2012 period.*


## 7. ANALYSIS

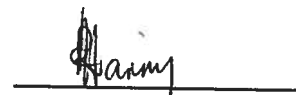
- 7.1 The submissions made were carefully considered. The Applicant has the support of its employees. The Exemptions Body is satisfied that the criteria in the Exemptions agreement have been met.


8. **DECISION**

8.1 Having regard to the above, the Applicant is granted an exemption for the 13<sup>th</sup> cheque to be paid for the 2012 period.

DATED THE 2<sup>nd</sup> DAY OF NOVEMBER 2012 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