

STAKEHOLDER CONFERENCE 2024

REGIONAL ENFORCEMENT



THE ROLE OF AGENTS

- ❑ The Council aims to ensure that the provisions of the Council's Agreements are complied with by all stakeholders in the road freight and logistics industry. The designated agents play a vital role in the achievement of this goal.
- ❑ Designated agents are appointed by the Minister of Labour at the request of a bargaining council, in terms of section 33 of the Act, to promote, monitor and enforce compliance with any Collective Agreement concluded in that bargaining council.

THE ROLE OF AGENTS

On a more detailed level, the role of the agent includes:

- Promoting, monitoring and enforcing compliance with Collective Agreements.
- Conducting educational inspections for employers in the industry, with the objective of assisting stakeholders to move towards voluntary compliance.
- The interpretation and explanation of the provisions of Collective Agreements.
- The registration of unregistered employers.
- The investigation of complaints and enquiries.
- Effectively and successfully conclude enforcement, conciliation, and arbitration matters.
- The general administration of Council matters.

ANNUAL INSPECTION PROCESS

One inspection to be conducted annually.

➤ Notification of inspection:

- Date and time of the inspection
- Documents required of the inspection,
- Party trade unions to be notified.
- Employer Organisation to be notified.

Findings report

- 30 days to comply,
- Re-inspection within seven days.

Letter of good standing

CASE INVESTIGATION PROCESS

Client Service Department

- Screening and registration of cases lodged by the industry stakeholders.
- Allocation of cases.
- Employer's right of response.
- Case investigation time frame.

UNREGISTERED EMPLOYERS

- ❑ Outsourcing of human resources to companies not registered with Council.
- ❑ Clause 66 (4) (a)

66 (4) No employer may use the services of a temporary employment service unless the temporary employment services :

(a) Is registered with the Council.

- *TES*
- *Owner Driver*

ENFORCEMENT PROCESS

Compliance Order

- 14 days to respond or comply.
- Certificate of Outcome
- Notice of Arbitration
- Arbitrations award / ruling
- Section 143 application
- Writ of execution



CLAUSE 35

- An employer may introduce an incentive scheme in terms of which an employee's remuneration is based on the quantity of work done or the employee's output, if :
- a) the scheme complies with this clause and has the approval of the Council;
- (b) clauses 50 and 51
- (c) an employee who is part of the scheme, is not paid less than the amount that employee would otherwise be entitled to in terms of clauses 11, 14, 15, 16, 36 and Schedule 5.
- Set up a committee consisting of an equal number of representatives of management and elected representatives of employees
- The terms of an incentive scheme – (a) must be reduced to writing and be signed by all the members of the joint representative committee; and
- (b) may not be varied or terminated by any party to the scheme unless that party – (i) has given all other parties notice in writing as may have been agreed upon by the parties who entered into the scheme; (ii) has complied with any other obligations set out in the scheme for varying or terminating the scheme.

JOINT OPERATIONS & RECRUITMENT DRIVE

Inter-departmental operation

- Clause 58
- Compliance with MCA

Recruitment Drive



THE END

