

AT NBCRFLI, ENFORCEMENT IS CENTRAL TO OUR EXISTENCE AND SUSTAINABILITY OF THOSE WE SERVE

In the opinion piece titled *“Wide Awake Danger: Why haven’t we passed laws to combat driver fatigue”*, the author Skhumbuzo Masiko raises a crucial issue and is on point with the proposed solutions to address the scourge of driver fatigue in the country except he speaks out of turn and without facts in his claim that the National Bargaining for Road Freight and Logistics Industry (NBCRFLI) has been ineffective in policing the truck drivers’ hours of service.

As an enforcer of the Road Freight and Logistics Industry Main Collective Agreement (MCA) concluded between Parties and in accordance with the provisions of the Labour Relations Act (LRA) to regulate working conditions, including hours of service, the NBCRFLI has zero-tolerance approach to non-compliance.

Enforcing compliance with the Main Collective Agreement is one of the core functions of the Council, without which, the Council’s existence is meaningless. In the 2022/23 financial year, overall compliance with the Main Collective Agreement stood at 87%. While this may be commendable, the Council and its Parties have committed to ensuring the compliance level reaches 100%.

This is by no means an attempt to downplay the issue of driver fatigue, which we acknowledge requires concerted and collective effort from all role players, but it is to highlight that an effective enforcement process is essential for the Council. The above national compliance level picture indicate our successes in enforcing the Industry’s Main Collective Agreement.

All employees in the Industry, especially truck drivers, should familiarize themselves with hours of service and mandatory rest periods contained in the Main Collective Agreement which may help curb fatigue and to report abuse of same.

Ordinary Hours of Work

Clause 3 of the Main Collective Agreement stipulates that ordinary hours of work for an employee may not exceed 45 in any week, nine hours per day for a five-day week employee and eight hours per day for six-day week employee except for Saturday, which must not exceed five hours.

Daily rest period

Clause 6 (1) states that an employer must allow an employee at least nine consecutive hours to rest in any period of 24 hours, calculated from the time the employee commences work on any day.

Logbooks

In terms of clause 51, employers must provide all drivers who are away from their place of residence and their employer's establishment on a journey extending over the compulsory rest interval of nine consecutive hours prescribed in clause 6(1) with a daily manual or electronic logbook. The logbook should meet the specifications mentioned in clause 51 (1) (a-d).

In addition, all employers comply with clause 50 (1) (Registers), which stipulates that Every employer must maintain one or more registers containing the information prescribed in terms of this clause and –

- a) ensure that all entries in the registers are in non-erasable ink;
- b) at all times keep the registers available for inspection at its premises; and
- c) retain the completed registers for three years from the date of the last entry in the register.

Enforcement

Compliance with provisions of hours of service and rest periods, as well as any other provision of the MCA, is monitored by Agents of the Council, who are appointed in

terms of section 33 of the LRA and have all the powers conferred on agents by Schedule 10 of the LRA.

The Agents are required to conduct inspections in all companies registered with the Council to monitor compliance. If there is non-compliance, the Agent will enforce compliance by issuing a compliance order, and the case will follow the enforcement process.

Whilst it is a requirement for logbooks and trip sheets, most of the employers also rely on tracker (C-TRAX) or similar electronic devices to monitor the employees' driving time.

We have received exemption applications from employers to be exempted from utilising logbooks / trip sheets as tracker is easier to administer with reports readily available. This also assist employers and employees to manage fatigue.

Challenges

The challenge encountered at times by Agents during inspection is when a logbook is either not filled out properly or not completed at all, which poses a challenge in tracking the hours of service and rest periods. Therefore, employers need to educate employees on the importance of completing a logbook and doing it properly.

Truck drivers must raise their hand over non-compliance

Truck drivers and employees of all categories within the Industry also need to play their part and speak out against non-compliance. To encourage employees to speak out, the Council introduced platforms which can be used to report non-compliance with the choice to remain anonymous:

Call: 076 901 4010

WhatsApp: 063 033 1313

SMS: 44666

Email: speakout@beheard.co.za

Website: www.beheard.co.za

In conclusion, the Council takes stock of some of the proposals made by Masiko and will in future explore the inclusion of comprehensive fatigue management programs into its existing health and wellness services for Industry employees. The Council will also explore partnerships with Industry stakeholders and experts to drive education and awareness on fatigue management.

Main Collective Agreement can be found on our website www.nbcrfi.co.za

ENDs

Issued by Amos Tshabalala

NBCRFLI Media Relations Officer