

24 OCTOBER 2023

INDUSTRY CIRCULAR

THE NBCRFLI, ITS PARTIES AND GOVERNMENT LAW ENFORCEMENT AGENCIES COLLABORATE TO ADDRESS NON-COMPLIANCE AND EMPLOYMENT OF UNDOCUMENTED FOREIGN NATIONALS

Companies operating in the Road Freight and Logistics Industry not complying with the Main Collective Agreement (MCA) by employing undocumented foreign nationals are required to get their houses in order.

This is a plea from the National Bargaining Council for the Road Freight and Logistics Industry (NBCRFLI), its Parties and government law enforcement agencies who have agreed to a joint approach to deal with non-compliance with the employment of undocumented foreign nationals.

The expectation, as per clause 58 of the MCA, is that an employer shall make a good faith effort to ensure that no illegal foreigner is employed by him/her. An employer who employs foreign national must comply with the relevant laws, in particular the Immigration Act and Employment Services Act.

Furthermore, Council is empowered by the same clause to collect data of employers who employ foreign nationals with the Industry and submit the report to the Department of Employment and Labour for inspection and enforcement purposes.

To strengthen compliance and enforcement, the Parties to Council and government law enforcement agencies comprising the Department of Employment and Labour, Department of Home Affairs and South African Police Services (SAPS) have

committed to continue working together through joint inspections to deal with non-complying freight companies and those that employ illegal foreign nationals.

Industry stakeholders have taken issue with companies that opt to employ truck drivers of foreign nationality without valid work permits over South African truck drivers. The Parties are of the firm belief that if responsible companies refrain from this illegal act and prioritize employing South African truck drivers as professional truck driving is unfortunately not a scarce skill, these may help address unemployment within the sector and curb unrest.

Council is therefore calling on workers and stakeholders in the Road Freight and Logistics Industry to report non-compliance and hiring of undocumented foreign nationals to the NBCRFLI and or its Agents, the Department of Employment and Labour, Department of Home Affairs and SAPS.

The Parties to the NBCRFLI are trade unions; South African Transport and Allied Workers' Union (SATAWU), Motor Transport Workers' Union of South Africa (MTWU), TIRISANO Transport and Services Workers Union (TASWU) and employer associations: The Road Freight Association (RFA), National Employers' Association of South Africa (NEASA) and Consolidated Employers Organisation (CEO).

ENDs

Issued by NBCRFLI

PARTIES TO COUNCIL

Employer Associations



**WITHOUT TRUCKS,
SOUTH AFRICA STOPS!**



Trade Unions

