

20 January 2022

**CIRCULAR TO THE INDUSTRY**

**CLARITY ON INNOVATIVE STAFFING SOLUTIONS AND INNOVATIVE STAFF HOLDINGS**

1. Following the Circular that was issued on 26<sup>th</sup> of November 2021, Council would like to inform the industry on the latest developments on the matter.
2. On the 26<sup>th</sup> of November 2021 the legal representatives of Innovative Staffing Solutions (ISS) brought an application for Leave to Appeal against the Labour Court Order granted on the 24<sup>th</sup> of November 2021. The Council has opposed ISS Application for Leave to Appeal. This application is pending before the Labour Court.
3. On the 1<sup>st</sup> of December 2021 the legal representatives of ISS brought an urgent application to Stay the Enforcement of Order granted on the 24<sup>th</sup> of November 2021 pending the outcome of the Review Application in the Labour Court against the Council. The Council opposed the Application to Stay the Enforcement and has already opposed the Review Application.
4. On the 7<sup>th</sup> of January 2022, we are pleased to inform the industry that the Labour Court dismissed ISS urgent application to stay the Enforcement of the Order granted on the 24<sup>th</sup> of November 2021.
5. A copy of the Labour Court's judgment of 24<sup>th</sup> of November 2021 is [attached herein](#). The Council is therefore proceeding with enforcement against ISS.
6. As a result of the ISS application having been dismissed, the Order granted on the 24<sup>th</sup> of November 2021 is of full force and effect in that:
  - ISS is interdicted and restrained from holding out to any road freight companies that it is entitled not to comply with the Council's Main Collective Agreement, or that section 198(3) of the LRA is not applicable to its operations.

- ISS is further interdicted and restrained from advising any road freight companies that, if it engage its services in terms of its standard service level agreement that the employees will no longer be subjected to the provisions of the Main Collective Agreement.
  - That ISS is required to comply with the provisions of the Main Collective Agreement.
7. It is therefore important to note that any company wishing to transact with ISS in light of the court order of 24 November 2021 is cautioned that they are jointly and severally liable to comply with Council's Main Collective Agreement.

Yours Faithfully

**Musa Ndlovu**

**National Secretary**

**(This document has been sent electronically and is therefore not signed)**