

23 February 2022

CIRCULAR TO THE INDUSTRY

CLARITY ON THE CURRENT STATUS OF INNOVATIVE STAFFING SOLUTIONS

1. Following the Circulars that were issued on 26 November 2021 and 20 January 2022, Council would like to inform the industry members on the current status of the dispute between Council and Innovative Staffing Solutions (ISS).
2. The net result of all of ISS's recent litigation against the Council is that the finding of Commissioner Dickens' demarcation award dated 2 March 2021, that ISS is a temporary employment service, remains of full force and effect.
3. Clause 66(4)(a) of the Main Collective Agreement provides that *"no employer may use the services of a temporary employment service unless the temporary employment service is registered with Council"*.

Clause 66(5) "When a temporary employment service supplies one or more workers to an employer, the employer must notify the Council in writing on the prescribed forms. The notification must be submitted to the Council in the month following the date of utilising the employees."

4. ISS refuses to comply with a Labour Court order to register with Council pending the finalisation of its review application. Accordingly, all road transport companies which fall within Council's jurisdiction are prohibited from using the services of ISS.

5. ISS continues to defy the court interdict restraining it from holding out to industry members that it is not obliged to comply with the provisions of the Main Collective Agreement.
6. To conclude, companies who are clients of ISS are solely liable to ensure compliance with the Main Collective Agreement. Therefore, the Council reserves the right to enforce the provisions of the agreement in line with Clause 66(4)(a) of the Main Collective Agreement against those companies who are clients of ISS because ISS is not registered with Council.
7. Industry members are invited to take up any queries in this regard with the Council.

Yours Faithfully

Musa Ndlovu

National Secretary

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