

DEPARTMENT OF LABOUR

NO. 55

31 JANUARY 2020

NOTICE 206 OF 2018

NOTICE IN TERMS OF SECTION 62 (7) OF THE LABOUR RELATIONS ACT 66 OF 1995 (AS AMENDED)

PLEASE TAKE NOTICE THAT:-

1. RCS Forklift Services CC (the applicant) has applied to the CCMA in terms of section 62(1) of the Labour Relations Act 66 of 1995 as amended (the LRA) for a demarcation order to the effect that the applicant's activities do not fall within the registered scope of the Metal and Engineering Industries Bargaining Council (MEIBC).
2. The applicant's business involves hiring out its own forklifts to clients, and to a lesser extent the servicing of its clients' own forklifts. It alleges that the said servicing is ancillary to its main business of hiring out forklifts, and alternatively that the servicing of forklifts does not fall under the industry definition of the MEIBC.
3. The respondent, the Metal and Engineering Industries Bargaining Council (MEIBC), is opposing the demarcation application on the basis that it will argue that the activities of the applicant fall under its scope in terms of its registration certificate, and that the applicant is accordingly obliged to remain registered with it and apply its terms and conditions of employment to its employees.
4. The CCMA believes that the question raised by this demarcation dispute is potentially of wider application in that there are a number of other businesses operating in the same manner as the applicant, and those businesses may well be affected by the outcome of this application. Such entities should have the right to make representations to the CCMA. The CCMA therefore invites written representations in relation to the issue in dispute by any interested party.
5. Written representations may be made within 21 calendar days of the date of publication of this notice, and should be clearly marked with reference number WECT4169-18 and directed to:-

Contact: Ms Shoneez Abrahams

Tel: 021 469 0125/0111

Fax: 021 465 7193/7787 or 021 462 5006

Email: shoneeza@ccma.org.za

Hand delivery: 3rd Floor, CCMA House
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Cape Town 8001