

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. 1149

30 OCTOBER 2020

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

PLEASE TAKE NOTICE THAT:-

1. Epworth Children's Home (the applicant) has applied to the Commission for Conciliation, Mediation and Arbitration (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 National Minimum Wage applicable to their employees be that of domestic workers, in an amount of R 15.57 per hour and not that of commercial operations of R 20.76 per hour.
2. It is their case that the Children's Home is an institution which provides accommodation and supervision for children who are orphaned, abandoned or removed from the care of their parents by welfare organisations. They describe their operations as a home for these children which is comparable to a domestic home where children are cared for by parents in a private household. The duties performed by the staff members of the home compare favourably with that of a private household.
3. The Department of Employment and Labour is opposing the demarcation application and will argue that the nature of the business of Epworth Children's Home is commercial in nature and not a private household in nature. They will argue that since the nature of the applicant's business is commercial in nature this renders the employees to be commercial employees and not domestic workers working in a private household.
4. The CCMA believes that the question raised by this demarcation dispute is potentially of wider application in that there may be a number of other businesses operating in a similar manner to the interested parties, 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. Take notice that any interested party may, within 21 days of date of publication of this notice, make written representations envisaged by section 62(7) and (9) in relation to the issues to be determined and that such written representations should be clearly marked with reference number GAEK 2457-20 and directed to:-

Contact: **Jimmy Loots**

Tel: **011 – 377 6991**

Email: **JimmyL@CCMA.org.za**

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