

DEPARTMENT OF LABOUR

NOTICE 233 OF 2016

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

PLEASE TAKE NOTICE THAT:-

1. The South African Municipal Workers Union (SAMWU) 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 activities of the respondent (or a portion of its activities), Veolia Water Solutions and Technologies SA (Pty) Ltd, falls within the registered scope of the South African Local Government Bargaining Council (SALGBC) according to its certificate of registration and main collective agreement. The applicant contends that the respondent is required to register with the SALGBC and comply with the provisions of the main collective agreement and any other applicable legislation.
2. The respondent is a private entity that currently resorts under the scope and registration of the Metal and Engineering Industry Bargaining Council (MEIBC). SAMWU is acting on behalf of its members who were transferred from Overstrand Municipality (Overstrand) (known as the second respondent) to Veolia Water Solutions and Technologies SA (Pty) Ltd. SAMWU seeks an order that the whole or part of the business of the respondent (established to fulfil its obligations to Overstrand in terms of the transfer agreement) falls within the registered scope of the SALGBC. The respondent was appointed to provide certain functions such as the management and maintenance of Overstrand's water and waste services. The applicant therefore seeks that the respondent's business be regarded as a local government undertaking.
3. The respondent is opposing the demarcation application. It will argue that the outsourced functions involve the operating and maintaining of the Bulk Works and are inclusive of repairs and maintenance and emergency repairs and maintenance. The respondent will argue that it is primarily involved in designing and building water plants and delivering solutions from water reclamation and recycling to desalination and portable water treatment. In essence the respondent Veolia Water Solutions and Technologies SA (Pty) Ltd claims that the nature of its business falls under the scope of the MEIBC and not the SALGBC.
4. The CCMA believes that the question is of substantial importance, and therefore invites written representation by any interested parties. Of relevance is the possibility of future transfers of water services and other similar (and possibly unidentified) entities that may be affected by the outcome of the dispute.
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 **WECT530-16** and directed to:-

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