
GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF LABOUR**NOTICE 506 OF 2016****NOTICE IN TERMS OF S62(7) OF THE LABOUR RELATIONS ACT,****NO 66 OF 1995**

PLEASE TAKE NOTICE THAT SACSA obo Auto Industrial Group (Pty) Ltd & 14 Others have applied to the CCMA for a determination in terms of section 62(1) of the Labour Relations Act, 1995 ("the LRA") that:

- (a) Auto Industrial Group (Pty) Ltd & 14 Others and its employees are/were engaged or employed in the Metal and Engineering Industries Sector in South African as a whole; and
- (b) The main collective agreement and other collective agreements of the Metal and Engineering Industries Bargaining Council ("the Council") are/were not binding on its employees.

The specific parties to the dispute as cited are as follows:

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|--|------------|
| 1. Auto Industrial Group (Pty) Ltd | Applicants |
| 2. Auto Industrial Machining Division | |
| 3. Isando Foundry Division | |
| 4. Hubco Forgings Division | |
| 5. Auto Industrial Foundry Division | |
| 6. Autocast South Africa (Pty) Ltd Foundry | |
| 7. Autocast South Africa (Pty) Ltd Aluminium | |
| 8. Borbet SA (Pty) Ltd | |
| 9. Dana Spicer Axle South Africa (Pty) Ltd | |
| 10. MW Wheels SA (Pty) Ltd | |
| 11. SP Metal Forgings Boksburg (Pty) Ltd | |
| 12. SP Metal Forgings Uitenhage (Pty) Ltd | |
| 13. Torre Automotive (Pty) Ltd | |
| 14. Widney Transport Components (Pty) Ltd | |

and:

Metal and Engineering Industries Bargaining Council

Respondents

1. Motor Industry Bargaining Council
2. NUMSA
3. UASA

The underlying issues that the parties require the arbitration to decide are the following:

1. Do employers who manufacture motor vehicle components from metal fall within the ambit of the “General Engineering and Manufacturing Engineering and Metallurgical Industries” (for purposes of the definition of “Iron, Steel, Engineering and Metallurgical Industries” in the MEIBC’s registered scope), or do they fall within the ambit of the “Motor Industry” (for purposes of MIBCO’s registered scope)?
2. Are employers who manufacture motor vehicle components from plastic within the ambit of the “Plastics Industry” (for purposes of the definition of “Iron, Steel, Engineering and Metallurgical Industries” in the MEIBC’s registered scope), or do they fall within the ambit of the “Motor Industry” (for purposes of MIBCO’s registered scope)?
3. Are employers who manufacture motor vehicle components from metal that is obtained/sourced by processing dross or scrap or residues within the ambit of the “Iron, Steel, Engineering and Metallurgical Industries” (in the MEIBC’s registered scope), or do they fall within the ambit of the “Motor Industry” (for purposes of MIBCO’s registered scope)?
4. Is the legal effect of the Determination introduced by the MEIBC (Exhibit K) such as to exclude from the scope of MIBCO the operations mentioned as exclusions in that Exhibit?
5. Is the legal effect of the legal instruments that are relevant to the demarcation (e.g. the various certificates of registration and annexures, collective agreements, constitutions, determinations and any other source of law) such that employers who manufacture motor vehicle components from metal fall within the registered scope of MIBCO?

TAKE NOTICE FURTHER THAT the issues are to be determined under **Case No. ECPE25470-15** at the offices of the **CCMA, 107 Govan Mbeki Avenue, Port Elizabeth, 6001** on the **10th - 14th October 2016** at **09h00**.

TAKE NOTICE FURTHER 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 are to be clearly marked with reference number **ECPE2470-15** and directed to:

Contact: **Ms. M Dirksen**

Email: MayroonishaD@ccma.org.za

Fax: **086 569 1710**

Hand delivery: **28 Harrison Street, 10th Floor, Johannesburg**