

DEPARTMENT OF LABOUR

NO. R. 1470

22 DECEMBER 2017

LABOUR RELATIONS ACT, 1995

APPLICATION FOR REGISTRATION OF A BARGAINING COUNCIL

I, Mongwadi Mary Ngwetjana, Deputy Registrar of Labour Relations, hereby, in terms of section 48 read with section 29 of the Labour Relations Act, 1995, give notice that the **Statutory Council for the Fast Food, Restaurant, Catering and Allied Trades** has resolved to apply to register the **Bargaining Council for the Fast Food, Restaurant, Catering and Allied Trades**.

Particulars of the application are reflected in the subjoined table.

Any person may object to the application on any or all of the following grounds:

- (a) the applicant has not complied with the provisions of section 29 of the Act, read with the changes required by the context;
- (b) the sector and area in respect of which the application is made is not appropriate; and
- (c) the applicant is not sufficiently representative in the sector and area in respect of which the application is made.

Any person who objects must lodge his/her written objection with me, c/o the Department of Labour, Laboria House, 215 Francis Baard Street, Pretoria (postal address: Private Bag X117, Pretoria, 0001), within 30 days of the date of this notice.

A copy of the objection must be served on the applicant within the said period and I must be satisfied that a copy of the objection has been served on the applicant.

The applicant may respond to the objection within 14 days of the expiry of the 30-day period mentioned above and must satisfy me that a copy of the response has been served on the person who objected within the 14-day period.

TABLE

Name of the bargaining council:

Bargaining Council for the Fast Food, Restaurant, Catering and Allied Trades

Address of the bargaining council:

11 Goudvis Avenue

Florida North

1724

Tel: (011) 675 0878

Fax: (011) 675 0870

Date on which the application was lodged:

6 November 2017

Intention of the application

The intention of the application is to change the status of the **Statutory Council for the Fast Food, Restaurant, Catering and Allied Trades** to the **Bargaining Council for the Fast Food, Restaurant, Catering and Allied Trades**.

Interest and area in respect of which the application is made

Fast Food, Restaurant, Catering and Allied Trades as defined hereunder in the following areas:

- (a) The Province of Western Cape

- (b) The Province of Eastern Cape
- (c) The Province of Northern Cape
- (d) The Province of the Free State
- (e) The Province of KwaZulu Natal
- (f) The Province of North West, excluding the Magisterial District of Brits and Rustenburg
- (g) The Province of Mpumalanga, excluding the Magisterial District of Witbank
- (h) The Limpopo Province, excluding the Magisterial District of Warmbaths; and
- (i) The Magisterial Districts of Heidelberg, Nigel, Vereeniging, Vanderbijlpark, Oberholzer, Meyerton and Carltonville.

“Fast Food, Restaurant, Catering and Allied Industries” means the industries concerned with the Tearoom, Restaurant, Catering, Coffee Shop, Pub, Tavern, Roadhouse, Café, Snack Bar, Fast Food Outlet, Convenience Store, Industrial or Commercial Caterer, Function Caterer, Contract Caterer, Catering and associated activities, without in any way limiting the ordinary meaning of the expression and include(s) the sector or sectors and or establishment(s) in which person(s) carry on the business or in which employers and employees are associated, for the purpose(s) of preparing, baking, providing, supplying, serving, selling, processing, producing meals. These shall include the provision of meals in bulk, edibles and beverages on any premises. Included would be all operations incidental to or in support of the employers’ enterprise in relation to any of the above-mentioned activities and would further include:

- (a) all franchisor(s) where such franchisor or their employee(s) are associated for the activities prescribed above; and
- (b) the baking of wheaten products which includes pies, snacks, confectionaries and pizzas for sale directly to customers for consumption whether on or off the premises where such products are baked.

Provided further that, for the purposes of this definition, the following business activities are specifically excluded from the ambit thereof:

- 1) Any casino and hotel industry and all activities that is ancillary and incidental to carrying on the primary activities of such industries. For the purpose of this exclusion, such primary activities are to be carried on, managed and operated solely and exclusively by the hotel or casino, as the case may be, at which these activities are undertaken and such activities must form an integral part of the business and operations of the hotel and casino in question.

- 2) Any catering facility of whatever nature which is owned, managed or operated by sports and recreation clubs on its own premises and which, in turn, provides food and beverages to its members and patrons from the premises from which its sports and recreation facilities are undertaken.
- 3) The business conducted by filling and/or service stations including ancillary activities forming part of a filling station linked to the convenience store environment inclusive of the preparing, serving and selling of food/beverages to customers but excluding activities of separately registered establishments whose sole activities relates to the restaurant, tea room and catering environment.
- 4) Any outlet which prepares and sells food and beverages and is operated as part of a supermarket undertaking and which, in turn, is owned, managed and operated by the supermarket undertaking in question and conducted from the premises of such supermarket undertaking.

Representativeness of the Council

Total number of employees falling within the scope of the Council and who belong to the trade unions which are party to the Council:

27 255

Total number of employers falling within the scope of the Council and who belong to the employers' organisations which are party to the Council:

1 143

Total number of employers within the scope of the Council:

2 120

Total number of employees employed within the scope of the Council by the employers who belong to the employers' organisations which are party to the Council:

26 049

Total number of employees employed within the scope of the Council:

52 000



DEPUTY REGISTRAR OF LABOUR RELATIONS