

Thursday, 26 March 2015

MEIBC CIRCULAR

1. NEASA had attempted to interdict the MEIBC from submitting its application for extension of the Main Agreement 2014/17 to the Minister of Labour through a Labour Court application instituted in September 2014.
2. Judge Rabkin Naicker issued an order dated 1 December 2014 in which she found that there was no basis to interdict the MEIBC and further dismissed NEASA's application. The summary of the legal findings of the honourable judge is contained in our circular dated 1 December 2014.
3. NEASA instituted an urgent appeal against the judgement and was granted leave to appeal on 19 December 2014.
4. NEASA elected to pursue the appeal despite being aware that the Minister of Labour extended the Main Agreement 2014/17 on 24 December 2014 and with effect from 5 January 2015.
5. NEASA in addition instituted an application at the Labour Court, seeking to review and set aside the Ministers decision to extend the Main Agreement 2014/17. The MEIBC has indicated its intention to oppose this application.
6. The MEIBC submitted a comprehensive defence to the appeal and in particular raised in issue that the LAC was unable to consider the matter given that the Minister had already extended the Main Agreement 2014/17 and that NEASA were primarily raising the same factual issues in the review.
7. On 26 March 2015, the Labour Appeal Court, constituting a bench made up of the venerable Judges Dennis Davis, Roland Sutherland and Judge President Bashir Wagley, upheld the MEIBC's argument that the matter was not for the LAC to decide and dismissed NEASA's appeal with costs in favour of the MEIBC and NUMSA.
8. The Main Agreement 2014/17 stands as a valid agreement of the council and the Ministers decision to extend the agreement remains valid and applicable, until and unless set aside by a court of law. The MEIBC is confident on the merits that it will succeed.

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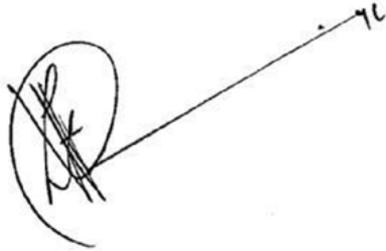
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9. We urge the industry to act in compliance with the Main Agreement 2014/17 to ensure stability in the industry.
10. We also urge NEASA to refrain from pursuing matters at the Labour Courts unnecessarily and as such wasting tremendous amounts of money. The money wasted in legal fees in the appeal matter could be used responsibly to strengthen the Council and in addition by employers to pay employees wages that are fairly due to them.

A handwritten signature in black ink, consisting of a large, stylized 'T' and 'M' intertwined, with a long horizontal line extending to the right and ending in a small flourish.

Thulani Mthiyane

General Secretary