



MIBCO SHARED SERVICES CENTRE

REGISTERED UNDER THE LABOUR RELATIONS ACT 66 OF 1995
Reg. No. LR2/6/6/1

P O BOX 2578, RANDBURG, 2125
Telephone: 0861 664 226 or (011) 369-7500 Fax (011) 369-7503
VAX 086 674 6833

Circular No: 02/2012

30 January 2012

CIRCULAR TO ALL SECTOR 5 EMPLOYERS

Phasing out of Temporary Employment Services (Labour Brokers)

All Employers who operate within the scope and definition of Sector 5 of the Motor Industry, as defined, are kindly reminded of the provision contained in Clause 3.7(5) of the Motor Industry Bargaining Council Collective Main Agreement ("the Main Agreement"), and published under Government Notice Number R. 686 in the Government Gazette on the 26th of August 2011.

In terms of this provision, and as agreed to by and between the respective and concerned parties to the Council, NO Employer operating within Sector 5 shall have any of their core workforce belonging to a Temporary Employment Service (Labour Broker) by the end of February 2012.

All Sector 5 Employers should also kindly take note that in light of this Provision compliance in this regard must be enforced by the Council with effect from the 1st of March 2012.

Please take note of the following important aspects in this regard:

- Only those Motor Industry Employers who operate within the scope and definition of Sector 5 are bound by this Clause and provision. The definition of Sector 5, as contained in the Main Agreement, include "...**fuel dealers, service stations and related establishments** (Chapter I)"; and
- The Main Agreement, and therefore Clause 3.7(5) and the provision it contains, was extended by the Minister of Labour in terms of Section 32 of the Labour Relations Act to **all party AND non-party employers and employees** in the Motor Industry. As such, this Clause is applicable to and binds all employers who operate within the scope and definition of Sector 5 irrespective of whether they are members of the employers' organisation(s) who are party to this agreement.

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