



SAEFA

SA ENGINEERS AND
FOUNDERS ASSOCIATION

14 September 2021

Wage Negotiation Advisory No. 41

Dear Members,

UPDATE ON THIRD MEIBC MANCO-SUBCOMMITTEE MEETING HELD ON 14 SEPTEMBER 2021

The third meeting of the Manco-appointed negotiations subcommittee was held today, facilitated by Commissioner Dadabhai from the CCMA. The purpose of the subcommittee meetings is to try and resolve the dispute declared by NUMSA on the 29th of July, and the meeting.

At the outset of the meeting, SAEFA explained to the Commissioner that it had met twice with SEIFSA since the last Subcommittee meeting (held on 3 September 2021) to consider the proposal made by SEIFSA to settle the dispute. It was further explained that SAEFA and SEIFSA were too far apart in their respective positions to agree on a joint approach to labour.

NUMSA then explained that they are of the view that, since they have declared a dispute against all employer parties, and since 30 days had passed since the declaration of the said dispute, the subcommittee process should come to an end and called for a certificate of non-resolution to the dispute to be issued by the General Secretary. They added that despite this view, they remain open to meeting with the parties to the MEIBC outside the subcommittee process. The purpose of requesting the certificate of non-resolution is to pave the way for industrial action to follow.

Please note that in terms of the Labour Relations Act, a certificate of non-resolution is not actually required, provided that a 30-day period has elapsed since the declaration of the dispute. What is still required, however, is 48-hours' notice needs to be provided by the applicants before any industrial action may begin.

SAEFA placed on record that it would continue to pursue reaching an agreement with all willing parties in the SAEFA-led wage negotiations, being held under the auspices of the MEIBC and which are being facilitated by Commissioner Dadabhai.

The parties then broke into caucus with the Commissioner.

The meeting reconvened, with NUMSA submitting that since the parties remained very far apart, they will still be calling for a certificate of non-resolution and will be seriously



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considering issuing notice of industrial action, ensuring that their internal processes are correctly followed.

The General Secretary acknowledged that he would respond to NUMSA's request by issuing the certificate of non-resolution by midday on 15 September 2021.

The Commissioner then addressed the issue of picketing rules, explaining that picketing in support of a protected strike may not take place until such time as picketing rules have been established. Despite the Commissioner wanting the parties to commit to a date to meet to establish picketing rules, NUMSA submitted that they could not, as they needed to consider the way forward internally.

SAEFA and other employer parties urged NUMSA to seriously consider committing to meeting to establish picketing rules before issuing notice of intended strike action. NUMSA responded by explaining that they will be meeting internally for the remainder of the week to discuss developments and will be in a position to commit to a meeting to discuss picketing rules very early next week.

SAEFA committed to share its mandated proposal with the MEIBC parties by the close of business tomorrow, 15 September 2021, ahead of our next negotiating engagement, which is scheduled for 23 September 2021.

With no further input from the parties, the meeting ended.

It is SAEFA's view that industrial action is not necessarily unprotected simply because picketing rules haven't yet been established. However, *picketing* in support of strike action clearly may not happen legally in the absence of picketing rules. Whilst employees may be able to legally withdraw their labour and not report for duty, it is our view that picketing cannot happen at this stage. We therefore anticipate that NUMSA will consider its options for the remainder of this week and announce its intentions early next week. We hope that that will be that they wish to meet to discuss picketing rules before issuing strike notice.

Please note that all throughout the 9-hour meeting, all of the parties remain committed to continue to meet in order to resolve the impasse.

Yours sincerely,

Gordon Angus
SAEFA Executive Director