



NATIONAL ECONOMIC DEVELOPMENT AND LABOUR COUNCIL

NEDLAC CERTIFICATE IN RESPECT OF THE CONGRESS OF SOUTH AFRICAN TRADE UNIONS SECTION 77 1(B) NOTICE ON THE STATE OF PUBLIC TRANSPORT IN THE WESTERN CAPE

1. INTRODUCTION

- 1.1. The Congress of South African Trade Unions (Cosatu) lodged a Section 77 1(b) notice on **14 February 2018** on reviving its notice on Public Transport in the Western Cape.
- 1.2. The Standing Committee considered the notice and agreed that the notice was closed, therefore Cosatu needed to amend its notice and send a new notice in this regard. A letter was sent to the Applicant on 21 February 2018 to the Applicant.
- 1.3. The Applicant reverted with a new notice as per the Standing Committee's decision on **14 May 2018**.
- 1.4. The Standing Committee deemed this matter as compliant with the administrative requirements of the LRA.

- 1.5. The Applicant cited the following Respondents:
 - 1.5.1. PRASA
 - 1.5.2. Western Cape Department of Transport
 - 1.5.3. City of Cape Town
 - 1.5.4. Provincial Government
 - 1.5.5. Cape Chamber of Commerce and Industry
 - 1.5.6. Metro Rail

2. PROCESS AT NEDLAC

- 2.1. The meetings were held as follows:

- 2.1.1. 06 July 2018
- 2.1.2. 06 August 2018
- 2.1.3. 05 September 2018
- 2.1.4. 27 September 2018
- 2.1.5. 16 October 2018
- 2.1.6. 01 November 2018
- 2.1.7. 01 March 2019
- 2.1.8. 08 April 2019
- 2.1.9. 13 May 2019

- 2.2. At the meeting held 06 August 2019 the Standing Committee agreed that a task team would be established to engage on the issues raised by Cosatu and determine a way forward.

- 2.3. The purpose of the Task Team was as follows:

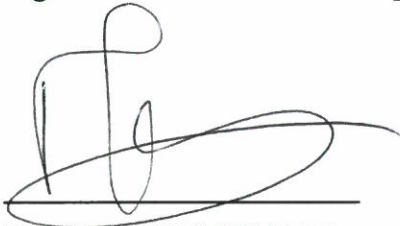
- 2.3.1. To consider and engage on immediate, short term and long term solutions;
- 2.3.2. To consider and engage on recommendations, presentations and additional information relating to public transport; and
- 2.3.3. To develop a report and submit to the Standing Committee to determine a way forward

- 2.4. The task team met on 05, 27 September 2018 and 16 October 2018. It then reported on its work to the Standing Committee on 01 November 2018, and the Standing Committee agreed that there was more room for engagement. Furthermore the Respondents undertook to provide feedback on implementation of the demands.
- 2.5. The Standing agreed at the meeting on 01 November 2019 that the engagements would be suspended and be resumed in February 2019.
- 2.6. At meeting was held on 01 March 2019, the Standing Committee agreed that both the Applicant and the Respondent were not far apart from each other. Therefore, the Committee recommended a continued facilitated session between the Applicant and the Respondent by the Secretariat in which the Respondent would present status updates in relation to each of the listed demands.
- 2.7. A facilitated engagement was convened on 13 May 2019, and it was agreed that the Secretariat would develop a table outlining the demands raised by the Applicant. The table would further include response from the Respondent in each demand.
- 2.8. The Secretariat would then circulate the table and the report on the outcome of engagements to the Applicant and Respondent for consideration, inputs and sign-off. Following that, the Standing Committee meeting would be convened to provide a way forward.
- 2.9. The table was developed and submitted to the Respondents on 09 July 2019 for inputs. The Secretariat followed up with the Respondent regarding updating the table in line with addressing the Applicant's demands.
- 2.10. The Respondents reverted and stated that there was a challenge with some of the Respondents not updating the table. The Secretariat followed up telephonically with the Respondent and it reverted on 31 July 2019 and stated that there was still a challenge regarding the update.
- 2.11. Thereafter the Secretariat followed up with the Respondents on 14 August 2019 and 09 September 2019 with no response.

3. DECLARATION

Given these circumstances, the Standing Committee agreed that some of the Respondents were no longer interested in resolving the issues raised by Cosatu. Therefore on 04 November 2019 the Standing Committee deemed this Section 77 (1) (b) Notice by Cosatu as having been considered. Any protest action arising from this notice would be protected.

Signed at Rosebank on this 04th day of November 2019.

A handwritten signature in black ink, consisting of a large, stylized 'T' followed by a cursive 'M' and 'K', with a horizontal line underneath.

**THEMBINKOSI MKALIPI
ACTING EXECUTIVE DIRECTOR**