

CIRCULAR

Date issued: 11/10/2016

KINDLY PLACE THIS CIRCULAR ON YOUR STAFF NOTICE BOARD FOR THE ATTENTION OF YOUR EMPLOYEES.

Attention: All Employers.
All Trade Unions.
All Party Principals.
All Regional Mangers.

SUBJECT: CLARITY ON WHETHER SCAFFOLDING ACTIVITIES FALL WITHIN THE JURISDICTION OF THE COUNCIL.

1. This communication is in response to the dispute currently pending before the CCMA regarding scaffolding. It should be noted that on or about May 2016 Tedoc SGB Cape Joint Venture (Waco Africa) referred a demarcation dispute in terms of section 62 of the LRA. The MEIBC is a party to the demarcation dispute hence the decision to clarify its legal position in this regard.
2. The issue to be decided is whether scaffolding activities fall within the jurisdiction of the Council. I am advised that the scaffolding industry is subdivided in the following activities:-
 - 2.1. Scaffolding companies that hires out the scaffolding material;
 - 2.2. The manufacturing of scaffolding;
 - 2.3. Technical schedule [G (d)] companies who do their scaffolding in-house;
 - 2.4. Independent scaffolding companies who erect and dismantle it on site.

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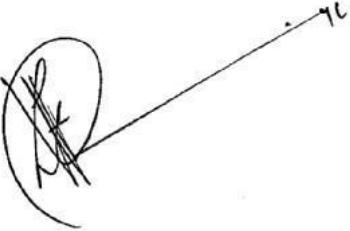
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3. It should be noted that it is common cause between the parties to the Council that activities on paragraph 2.1 above fall outside the scope of the Council while the activities in paragraph 2.2. and 2.3 fall within the jurisdiction of the Council.
4. I am further advised that the Council has previously through the office of the General Manager: Operations declared that activities mentioned on paragraph 2.4 do not fall within its scope of operation.
5. After careful deliberation with a number of people in the Council as well as representatives of employers involved in scaffolding and the Civil Engineering Bargaining Council I would like to advise as follows:
 - 5.1. According to the Registration Certificate of the MEIBC, under the definition of **“General Engineering and Manufacturing Engineering”** the erecting and/or assembling of metal structure falls within the scope of the Council;
 - 5.2. Scaffolding and its activities mentioned in paragraph 2.4 above constitutes **a steel structure and therefore should be located within the meaning of General Engineering as defined in the Council certificate of registration.**
6. Having considered the seriousness and the impact the outcome of the pending CCMA demarcation disputes might have in this sub-sector of the industry and the fact that this matter is of national interest, I am advised that the Council has jurisdiction to scaffolding companies performing activities mentioned in paragraph 2.4 above.
7. I wish to inform the Industry that, all previous communications regarding the issue whether the Council has jurisdiction over companies performing activities mentioned in paragraph 2.4 above are officially withdrawn and substituted with this circular.

Issued by

A handwritten signature in black ink, consisting of a large, stylized initial 'T' followed by several vertical strokes, all enclosed within a circular scribble. A long, thin line extends from the right side of the signature towards the top right corner of the page.

Thulani Mthiyane
General Secretary
MEIBC