



# Accommodating different sectors in the bus & coach industry in the Bargaining Council

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**09 MARCH 2016 VENUE: CSIR**





# PRESENTATION OUTLINE

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- **The parties**
- **Stats (audited October 2015)**
- **Definitions, Council Scope and Industry Sectors**
- **Do definitions in the 1977 RTA & the 2009 NLTA assist?**
- **Attempts by Sarpbac to accomodate all**

## **Conclusion**

- **Remain positive**
- **Seek alliances with existing parties**

# PARTIES

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- **Established in 1996**
- **Er parties: Cobeo & Sabea**
- **Ee parties: Satawu, Tawusa & Towu**
- **New entrants in party member companies:**
  - **Taswu (application)**
  - **Numsa (expressed interest)**
- **17 years of selective coverage of Collective agreements to member parties**
- **Sarpbac collective agreements extended to non parties in 2013**
- **Prior to 2013 non-party member conditions of employment were primarily subject to BCEA**
- **Non-party employers and employees now dancing to the tune of party employers and party trade unions (could this be reason for the subject of this presentation?)**

# ARE THE INTERESTS OF THE MAJORITY LOOKED AFTER?

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## LOOK AT THE STATISTICS:

- **Number of employees in the entire industry: 25,547**
- **Employees within the Employer parties: 20,119**
- **Employees within the party trade unions: 12,905**
- **Employees outside of the employer parties: 5,428**
- **Employees outside of the party trade unions: 3,807**
- **These suggest that Sarpbac is more than sufficiently representative of the stakeholders in the Road Passenger Sectors**

# DEFINITIONS, SCOPE AND INDUSTRY SECTORS

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- ✘ **The Road Transport Act of 1977 (“RTA”), defined “Road Passenger Transport Trade” as:  
“the trade in which Employers and their Employees are associated for the purpose of conveying for reward on any public road any persons by means of a power-driven vehicle..., and includes all operations incidental thereto or consequent thereto;”**
- ✘ **The NLTA gives direction as to what public transport service is in the following terms:  
“a scheduled or unscheduled service for the carriage of passengers by road or rail, whether subject to a contract or not, and where the service is provided for a fare or any other consideration or reward, including ...”**
- ✘ **Whereas the RTA focused on the “Road Passenger” Sector, the NLTA has broadened the arena.**
- ✘ **However, in both instances, whoever carries passengers on a public road seems to be covered.**

# DEFINITIONS, SCOPE & SECTORS CONTINUED

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The NLTA recognizes and provides definitions for the different sectors in the road transport trade notable sectors include

- Charter Service
- Commercial service contract
- Interprovincial service
- Intraprovincial service
- Long distance service
- Non-contracted service
- Public transport service
- Scheduled service
- Staff service
- Cross border road transport as defined in the “Cross Border Act” No 4 of 1988
- “the transport of passengers for reward ... to or from the Republic crossing or intending to cross its borders into the territory of another state or...”

# DEFINITIONS, SCOPE & SECTORS (CONTINUED)

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- ✘ The scope of the council is aligned to the provision in the 1977 RT Act,
- ✘ Of the view that the council's scope is also aligned to the provisions in the 2009 NLTA.

Thus, having regard to

- the definition of a public transport service (NLTA)
- the different sectors catered for in the NLTA,
- It seems the 2009 NLTA provides direction for accommodating the needs of all operators in the council



# DO DEFINITIONS, SCOPE AND SECTORS ASSIST?

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**If an operator falls within:**

- **The definition in the 1977 RTA and/or**
- **The scope as appears in the Council's Main Collective Agreement**
- **The definition and sectors outlined in the 2009 NLTA, and**
- **Conducts operations in South Africa or occasionally crosses into the territories of other states,**
- **Such operator is in my view bound by the Main Collective Agreement**

# ATTEMPTS BY SARPBAC TO ACCOMMODATE ALL

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- The employer party representatives sitting on the sub-committee responsible for responding to the question seem to have been guided by the principles of the NLTA
- They identified four areas / sectors which have been handed to labour representatives sitting on the sub-committee
- These are:
  - Government subsidized contract or Bus Rapid Transport contract
  - Organized Parties (Adhoc services)
  - Intercity Transport
  - Commercial Service Contracts
- Labour representatives sitting on the sub-committee have undertaken to seek a mandate from their constituencies and principals

# CONCLUSION

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- **Take the extension as a positive challenge**
- **Assist SARPBAC to remain effective**
- **Seek alliances with existing Employer Organizations (COBEO & SABEA)**
- **Seek alliances with the social partners (Labour Organizations active in the industry)**



**THANK YOU**