



SOUTH AFRICAN LOCAL GOVERNMENT BARGAINING COUNCIL

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4 December 2018

To: All Municipal Managers
All Chief Financial Officers
HR Directors
Panel of Conciliators and Arbitrators
All SAMWU Members

Dear Sir/Madam

CIRCULAR 08/2018 **STATUS OF SAMWU or CLARIFICATION OF SAMWU LEADERSHIP**

1. The SALGBC Executive Committee at the Central Council level have been regularly appraised by the SAMWU leadership on the various court cases brought by Timson Tshililo and others (the expelled faction).
2. The Constitutional Court, Case CCT177/18, has ruled that Timson Tshililo and Others have no prospect of appeal and the Order reads as follows: *"The application for leave to appeal is dismissed."* Therefore, the ruling of the Labour Appeal Court stands.
3. IMATU and SALGA have been guided by the principle of non-interference when managing the leadership battle within SAMWU. IMATU and SALGA, at the Central Council level, have interacted with the SAMWU leadership lead by their :
 - a) President - Pule Molalenyane
 - b) Deputy President - Mr. John Dlamini
 - c) General Secretary- Mr. Simon Mathe
 - d) Deputy General Secretary - Mr. Moses Miya
4. The above leadership has advised the Council that some municipalities and senior managers assist or promote the expelled faction. Municipalities and their officials are urged to desist from destabilizing the orderly collective bargaining achieved by parties in the last 7 years.
5. SALGA, IMATU and SAMWU have their own constitution which regulates their governance and operations. Members are required to follow their organisations' constitution when aggrieved or faced with a dispute in their organization.

6. Municipalities, being members of SALGA, should minimize and oppose the proliferation of trade unions which is one of the core objectives of the LRA. The introduction of many trade unions in municipalities or the sector may erode or destabilize centralized collective bargaining arrangements painstakingly achieved in the local government sector since 1994.
7. Collective Agreements, such as the Salary and Wage Collective Agreement and the Disciplinary Procedure Code Collective Agreement, have been concluded with the leadership in (3) above. The Collective Agreements are signed by President Pule Molalenyane.
8. Those municipalities who have taken instructions from the expelled faction or from SAMWU Provinces and Branches not to pay the union's subscriptions into the national nominated account (as stipulated in the Main Collective Agreement) are acting unlawfully. These defaulting municipalities must pay the SAMWU trade union subscriptions into the national nominated account as per the following details:
 - First National Bank Athlone Branch SAMWU Main Account
 - Account Number: 51331201528
9. Subscriptions paid into another account such as SAMWU Provincial and/or Branch Account are unlawful and against the instruction of the SAMWU General Secretary (Mr. Simon Mathe) and/or the provisions of the Constitution of SAMWU and the Main Collective Agreement.
10. Municipalities that withhold the payment of the subscriptions are acting unlawfully.
11. Municipalities as employers and members of SALGA are requested to not interfere in matters, regulated by the union's constitution, in all respects and inclusive of the:
 - a) Election of SAMWU shop stewards and SAMWU Office bearers and when they should be held and not to dictate that elections should occur at a certain time.
 - b) Challenging the status of SAMWU shop stewards at conciliation and arbitration proceedings in the SALGBC as well as LLF structures and the SALGBC structures.
12. The Department of Labour is the responsible institution that registers and regulates / monitors trade unions in terms of the LRA and their respective Constitution.
13. The term of office for SAMWU shop stewards is five (5) years.
14. SALGA has communicated with its members, indicating the list of SAMWU shop stewards per municipality. Municipalities are urged to follow the SALGA directive. Furthermore, SAMWU will issue an updated letter listing its shop stewards, per municipality.
15. Your compliance in adhering to the above would be appreciated.

Yours faithfully



MR. S. S. GOVENDER
GENERAL SECRETARY