



# SOUTH AFRICAN LOCAL GOVERNMENT BARGAINING COUNCIL

## HEAD OFFICE

Private Bag X16  
MUSGRAVE  
4062

Tel: (031) 201-8210/6219/6255  
Fax: (031) 201-9788

461 King Dinuzulu Road  
BEREA  
4062

E-mail: [info@salgbc.org.za](mailto:info@salgbc.org.za)  
Web-site: [www.salgbc.org.za](http://www.salgbc.org.za)

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18 March 2020

**TO: ALL MUNICIPAL MANAGERS  
HUMAN RESOURCES DIRECTORS  
ALL EMPLOYEES**

**AND TO: THE PARTIES:**

SALGA  
SAMWU  
IMATU

Mr. X George (012) 369 8001  
Mr. K Ramotlou Per Email  
Mr. J Koen (012) 460 8444

**REGIONAL SECRETARIES:**

Gauteng/Johannesburg/Tshwane Division	Ms. N Hlangwani	(012) 665 1014
Eastern Cape Division	Mr. C. Gqeke	(041) 581 3648
Western Cape/Cape Metro Division	Ms. W Brink	(021) 917 1145
Northern Cape/Free State Division	Mr. T Mqobongo	(053) 831 3608
North West/Mpumalanga/Limpopo Division	Ms N Hlangwani	(012) 342 7015
KwaZulu-Natal/eThekweni Division	Mr. V Nzuzza	(031) 201 9752

## CIRCULAR NO.: 4/2020

### DE-REGISTRATION OF DEMAWUSA

1. SALGBC Circular No. 01/2020 refers
2. The SALGBC hereby withdraws the circular due to the Labour Court Order: Case No. J119/2020, Democratic Municipal and Allied Workers Union of South Africa (DEMAWUSA) vs Registrar of Labour Relations (Department of Employment and Labour).

3. The Labour Court Order reads as follows:

[1] *The application is dealt with as one of urgency and non-compliance with the Rules of the Labour Court dealing with time periods and service is condoned.*

[2] *The decision of the Respondent, the Registrar of Labour Relations, to cancel the registration of the Applicant, the Democratic Municipal and Allied Workers Union, with effect from 30 January 2020 in terms of s 109(2) read with s 106 (2A) of the Labour Relations Act, 66 of 1995, is suspended pending the outcome of the applicant's leave to appeal against the decision.*

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*Address correspondence to the General Secretary*

4. In the case of municipalities where DEMAWUSA was granted statutory organizational rights (Section 12, 13 and 15 of the LRA) as a result of CCMA awards or court judgements, such rights must be reinstated immediately to avoid any unnecessary complications.
5. Please note however that **SALGBC Circular No. 9/2018** which provided that municipalities should not enter into recognition agreements with unrecognized minority trade unions, is not affected by the Labour Court order and remains in place.
6. Please note further that the Labour Court order has no effect on the recognition status of DEMAWUSA. The national threshold for recognition is a membership of **15%** of the total number of employees falling under the scope of the SALGBC, as per clause 4.2.2 of the SALGBC Constitution. DEMAWUSA remains unrecognized at national level in terms of this threshold.
7. In light of the Labour Court order, the SALGBC shall await the leave to appeal or final outcome in the Labour Court and be guided by such subsequent decision of the courts. The Executive Committee will re-consider the matter at the appropriate time.
8. Kindly place this circular on all employee notice boards.

Yours faithfully

  
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**Mr S. S. Govender**  
**GENERAL SECRETARY**