



**ALLIANCE
Of
Communication Workers Union
&
South African Communication Union**



Dear Colleagues

BCX and Telkom.SA met on, 22 November 2018, to discuss the notification we received from BCX of their intention to apply restructuring in their business. Also on the notice was the fact that they would possibly be retrenching seven hundred and ninety (790) employees as a result of this intended restructuring exercise.

The Labour Relations Act compelled BCX to invite the representatives of all unions and organisations who have members affected by this proposed retrenchment to the meeting.

BCX and Telkom SA presented their apparent rationale for embarking on the process of restructuring and the possible retrenchment of a little less than eight hundred employees.

There was a robust discussion around the legality of the retrenchment notification to the unions. The clarity required by all the Labour representatives and affected parties was discussed in depth and took up most of the day.

Labour requested a postponement of the process until the CCMA opens in the New Year. The company however viewed this as unfair towards the affected employees and did not want to delay the process unduly. Labour is of the opinion that this is not the real reason the company takes this view. We believe the exit date is part of their strategy and it is also a matter of process.

The meeting concluded and the following actions are to be carried out:

(Please note that what appears below is verbatim and was agreed by all parties)

The employers will provide Organised Labour and affected parties with the financial information requested by Labour by no later than **23 November 2018**.

Organised Labour will, at the same time, furnish the companies with further questions and requests for clarity on the issues that emanated from the company presentations given in the first engagement. This will be done by **27 November 2018**.

The employers committed to respond to the questions posed by the affected employees and their respective representatives and unions by no later than **30 November 2018**.

Once the matters above have been attended to all parties present at the meeting, including the CCMA Commissioner/Facilitator, Comm. Mduduzi Khumalo, will reconvene on **14 December 2018** for further

engagement. This engagement will include projected consultation and discussions on the technicalities and requirements of Section 189 of the LRA.

As a facilitated process, the fundamental that needs to be discussed and agreed upon in the next meeting is the 60 days/4 meetings time period for the CCMA to facilitate the process.

An intention to embark on a Section 189 retrenchment process must never be taken lightly. Many employees have informed us of internal notifications from their employers, Telkom and BCX. These notifications spoke of sudden structural changes where individual employees were notified and required to sign documents in respect of being transferred between service organisations and subsidiaries with immediate effect! This took place without management explaining the rationale behind the requests. These contract changes also included a termination clause stating that 31 October 2019 would be the individual's last day of employment.

We urge all members to notify us immediately of any similar occurrences that take place in the operations and business. There are cases still pending at the CCMA and the Labour Court where the company has previously indulged in such conduct which created job losses. This is in contravention of the employee's rights as stipulated in the Labour Act.

Karriem Abrahams

THE CHOICES YOU MAKE, NOT THE CHANCES YOU TAKE DETERMINE YOUR

DESTINY...END