

IV. COLLECTIVE AGREEMENT NUMBER 4 (dated 27 October 2005)

“That this Council appoints 3 (three) independent persons as the sole members of its National Exemption Appeals Committee and undertakes to pay their fees as agreed with the Executive and their travel costs (if applicable), as well as to provide all the administrative support necessary to enable the Committee to undertake its work as specified below.

Conditions of Appointment

- that the Committee is empowered to elect its own Chairperson and Deputy Chairperson
- that the Committee is appointed for a two-year period from 1st November, 2005, such appointment may be renewable at the end of the two-year period.

Procedures for Operation

- that all applications for exemption must be made to the Council for consideration first by the Council’s Internal Exemptions Committee and, failing a satisfactory outcome being reached at that level, by the National Exemption Appeals Committee by submitting an application in writing setting out all relevant information including:
 - (a) the provisions of the agreement in respect of which exemption is sought;
 - (b) The persons in respect of whom the exemption is sought; and
 - (c) The reasons why the exemption is sought
- That the National Exemption Appeals Committee must determine its own procedures for considering applications for exemption and conducting business except that its functions may not be delegated
- That the procedures must include a procedure for:
 - (a) ensuring that all applications for exemption are preceded by consultations between an equal number of employers and employees within the relevant council chamber at which
 - (i) the merits and terms of the exemption s have been considered; and
 - (ii) there has been full disclosure to each other on all information relevant to the consideration of the exemption; and

- (b) informing the parties to the application and the Council of its decisions and the reasons therefor.

Criteria for Operation

- That when considering an application for exemption, the National Exemption Appeals Committee must have regard to the following:
 - (a) whether a refusal to grant an exemption will result in undue financial hardship to the company making the applications;
 - (b) the nature and size of the business in respect of which the application is made;
 - (c) any representations prevailing in the sector as a whole or the industries likely to be affected by the application; and
 - (d) the circumstances prevailing in the sector as a whole or the industries likely to be affected by the applications; and
 - (e) whether the granting of the exemption will prejudice the objectives of the Council.

Final and Binding

- That the decision of the National Exemptions Appeals Committee will be final and binding. (This decision is nonetheless still subject to review by the Labour Court.)”

COLLECTIVE AGREEMENT NUMBER 7 (dated 17 March 2006)

That this Council appoints the following independent persons as the sole members of the Council’s National Exemption Appeals Committee to act in that capacity for a two year in terms of the procedures and criteria for operation laid out in the Council Collective Agreement number 4 dated 27 October 2005:

Casper Lotter

Karen Theunissen

Nkosinathi Maseko