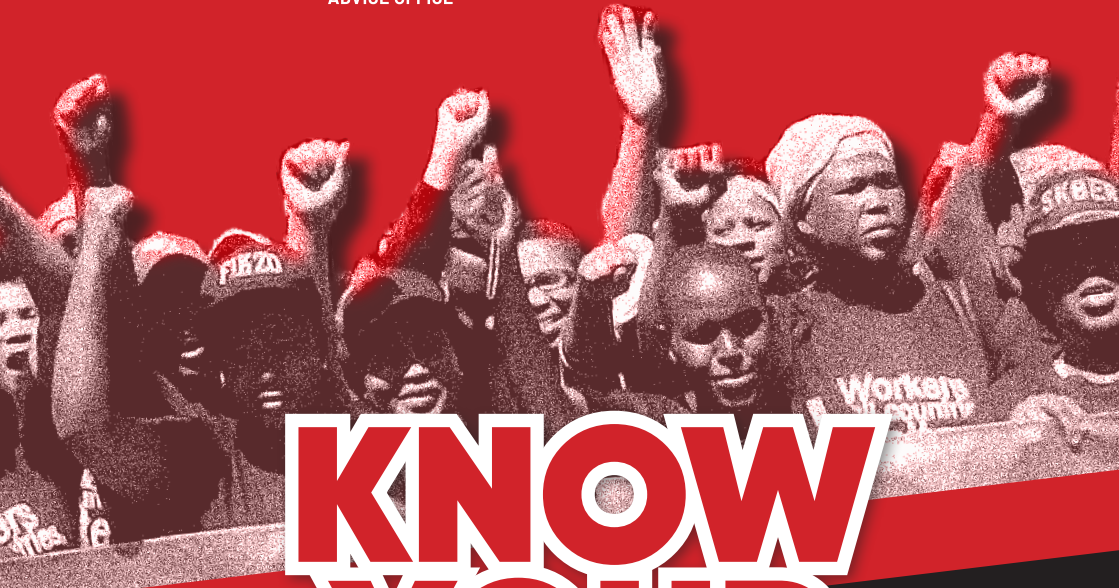




CWAO
CASUAL WORKERS
ADVICE OFFICE



SIMUNYE
WORKERS FORUM



KNOW YOUR RIGHTS!

**LABOUR BROKER WORKERS
MUST BE PERMANENT
AFTER 3 MONTHS**



TOWARDS A NEW WORKERS MOVEMENT

KNOW YOUR RIGHTS!

THE LRA SAYS LABOUR BROKER WORKERS MUST BE PERMANENT AFTER 3 MONTHS

But the bosses, the CCMA and the Labour Court are depriving labour broker workers of their right to be permanent and to get equal wages and benefits.

The Labour Relations Act (LRA) says client companies must make labour broker workers permanent after three months. When they make you permanent, you have the right to wages, conditions and benefits which are more or less the same as what the client company gives its other permanents.

LABOUR BROKER WORKERS HAVE HAD THESE RIGHTS SINCE 2015. WHY ARE THEY NOT GETTING THESE RIGHTS?

1. The bosses ignore or dodge the rights of labour broker workers

- Most bosses are ignoring the rights of labour broker workers.
- Some say their labour broker is a 'service provider' and is not covered by the LRA.
- Others terminate the contracts of employment of the labour broker workers before the three months is finished to avoid making them permanent.
- **Some bosses agree to make labour brokers permanent where workers have confronted them.** But they then 'schedule' workers, so that these supposedly permanent workers are working only a few days a week or a few days a month. These bosses go even further and punish the workers who have organized themselves by giving more scheduled hours to new labour broker workers. Supervisors target the most militant workers by not scheduling them. They regularly sexually harass and exploit women workers by demanding sex in exchange for being scheduled.

2. The problem of 'CONDONATION'

Another problem is that the 2015 rights for labour broker workers were badly written. One part of the LRA seems to say that if labour broker workers do not claim their right to be permanents within six months, they will lose this right.

Bosses have exploited the badly written law to refuse workers their right to permanent employment, with the help of the CCMA and the Labour Court. When workers claim their right to be permanent after six months then the CCMA/ Labour Court says they are late and then does not grant condonation. In this way workers then lose their right to permanent employment. Many workers have lost their to permanent employment because of this poorly written law.

3. Bad rulings on equalization by the CCMA and the Labour Court

When labour broker workers claim their right to permanent employment within the six-month period and do become permanent, they face challenges in securing the same/similar wages and benefits as the other permanents within the client company.

One of the challenges is the bad rulings of the CCMA. The CCMA says it does not have the power (also known as jurisdiction) to give labour broker workers the same wages and benefits as the other permanents. The CCMA says they must go to the Labour Court to claim this right to equalization. But when labour broker workers **do** go to the Labour Court the judges say they must go back to the CCMA and file unfair labour practice disputes to claim equalization. But unfair labour practices disputes do not cover issues of wages.



The legal challenges of condonation and CCMA and Labour Court decisions are preventing labour broker workers from getting the rights of permanent employment and equalization.



TOWARDS A NEW WORKERS MOVEMENT

WHAT IS THE WAY FORWARD FOR LABOUR BROKER WORKERS?

LABOUR BROKER WORKERS MUST ORGANISE!

The Casual Workers Advice Office and the Simunye Workers Forum have been organizing labour broker workers for many years, especially from the time of the new rights.

By organizing labour broker workers can demand from the client bosses that they get decent wages, conditions and benefits. Labour broker workers can demand that the client bosses enter into a process of collective bargaining with them on wages, conditions and benefits. However, to get the bosses to agree to negotiate wages and conditions, labour broker workers must be organized and united. To bargain with the bosses requires workers' power and unity.



LABOUR BROKER WORKERS, ORGANISE!

Contact the CWAO or the Simunye Workers Forum for more information or support with organizing.

Phone 082 812 1934

Or visit us at 2 High Road, Germiston
(opposite Germiston railway station)



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