

REQUEST FOR SECTION 189A OPERATIONAL REQUIREMENTS FACILITATION



READ THIS FIRST



WHAT IS THE PURPOSE OF THIS FORM?

This form enables a party to initiate a section 189A facilitation process.

WHO FILLS IN THIS FORM?

- An employer who employs more than 50 employees and is contemplating dismissing one or more employees for reasons based on the employer's operational requirements; or
- Consulting parties representing the majority of employees whom the employer contemplates dismissing.

WHERE DOES THIS FORM GO?

The Registrar, Provincial Office of the CCMA in the province where the dismissals for operational requirements is contemplated. See details on this page.

WHAT WILL HAPPEN WHEN THIS FORM IS SUBMITTED?

When you request facilitation the CCMA will appoint a facilitator to assist the parties engaged in consultation process.

PROVINCIAL OFFICES OF THE CCMA

CCMA EASTERN CAPE – East London

6 Oxford Street
EAST LONDON
Private Bag X9068, EAST LONDON, 5200
Tel: (043) 743-0826
Fax: (043) 743-0810
Email: PE@ccma.org.za

CCMA EASTERN CAPE – Port Elizabeth

CCMA House, 107 Govan Mbeki Avenue
PORT ELIZABETH
Private Bag X22500, PORT ELIZABETH, 6000
Tel: (041) 505-4300
Fax: (041) 586-4585
Email: PE@ccma.org.za

CCMA FREE STATE

CCMA House, Cnr Elizabeth & Westburger Streets
BLOEMFONTEIN
Private Bag X20705, BLOEMFONTEIN, 9300
Tel: (051) 505-4400
Fax: (051) 448-4468/9
Email: BLM@ccma.org.za

CCMA GAUTENG – Johannesburg Regional Office

127 Fox Street
JOHANNESBURG
Private Bag X94, MARSHALLTOWN, 2107
Tel: (011) 220 5000
Fax: (011) 220-5101/02/03/04/05/ 0861 392 262
Email: Johannesburg@ccma.org.za

CCMA GAUTENG – Tshwane (Pretoria)

Metro Park Building, 351 Schoeman Street
PRETORIA
Private Bag X176, PRETORIA, 0001
Tel: (012) 392-9700
Fax: (012) 392-9701/2
Email: Pretoria@ccma.org.za

CCMA KWAZULU-NATAL – Durban

Embassy Building, 199 Smith Street
DURBAN
Private Bag X54363, DURBAN, 4000
Tel: (031) 362-2300
Fax: (031) 368-7387 / 7407
Email: KZN@ccma.org.za

CCMA KWAZULU-NATAL – Pietermaritzburg

Gallwey House, Gallwey Lane
PIETERMARITZBURG
PO Box 72, PIETERMARITZBURG, 3200
Tel: (033) 345-9249 / 9271
Fax: (033) 345-9790
Email: KZN@ccma.org.za

CCMA KWAZULU-NATAL – Richards Bay

First Floor, Promenade Building, Cnr Tassel Berry & Lira Link Streets
RICHARDS BAY
Private Bag X1026, RICHARDS BAY, 3900
Tel: (035) 789-0357
Fax: (035) 789-7148
Email: KZN@ccma.org.za

CCMA LIMPOPO

CCMA House, 104 Hans van Rensburg Street
POLOKWANE
Private Bag X9512, POLOKWANE, 0700
Tel: (015) 297-5010
Fax: (015) 297-1649
Email: PTB@ccma.org.za

CCMA MPUMALANGA

CCMA House, Diedericks Street
WITBANK
Private Bag X7290, WITBANK, 1035
Tel: (013) 656-2800
Fax: (013) 656-2885/6
Email: WTB@ccma.org.za

CCMA NORTHERN CAPE

CCMA House, 5-13 Compound Street
KIMBERLEY
Private Bag X6100, KIMBERLEY, 8300
Tel: (053) 831-6780
Fax: (053) 831-5948
Email: KMB@ccma.org.za

CCMA NORTH WEST - Klerksdorp

CCMA House, 47 Siddle Street
KLERKSDORP
Private Bag X5004, KLERKSDORP, 2570
Tel: (018) 464-0700
Fax: (018) 462-4126
Email: KDP@ccma.org.za

CCMA NORTH WEST - Rustenburg

Shop SG7 11B, 43-45 Boom Street
RUSTENBURG
Private Bag X82104, RUSTENBURG, 0300
Tel: To be confirmed
Fax: (014) 538-1267
Email: To be confirmed

CCMA WESTERN CAPE

CCMA House, 78 Darling Street
CAPE TOWN
Private Bag X9167, CAPE TOWN, 8000
Tel: (021) 469-0111
Fax: (021) 465-7193/7
Email: CTN@ccma.org.za

READ THIS FIRST
Tick the ☒ **ARTIES**

If more than one party is referring the dispute or if the dispute is referred against more than one party, write down the additional names and particulars on a separate piece of paper and attach details to this form.

OTHER INSTRUCTIONS

A copy of this form must be served on the other party.

Proof that a copy of this form has been served on the other party must be supplied by attaching:

- A copy of a registered slip from the Post Office;
- A copy of a signed receipt if hand delivered;
- A signed statement confirming service by the person delivering the form;
- A copy of a fax confirmation slip; or
- Any other satisfactory proof of service.

CHECK!

Have you attached proof that this form has been served on the other party?

Does the employer employ more than 50 employees?

1. DETAILS OF PARTY REQUESTING FACILITATION

Employer Party representing majority of employees Nursetec SA (Pty) Ltd.

Postal Address: P.O. Box 65298

Erasmusrand, Pretoria Postal Code: 0165

Contact Person: Adel Janse van Vuuren

Tel: 012 347 5421 Cell: 078 180 5190

Fax: Email: hr@nursetecsa.co.za

2. DETAILS OF THE OTHER PARTY

Name:

Postal Address:

Postal Code:

Contact Person:

Tel: Cell:

Fax: Email:

3. HOW MANY EMPLOYEES DOES THE EMPLOYER EMPLOY? 9 200

4. HOW MANY EMPLOYEES ARE LIKELY TO BE AFFECTED BY THE PROPOSED RETRENCHMENT? 549

5. HOW MANY EMPLOYEES HAS THE EMPLOYER DISMISSED FOR OPERATIONAL REQUIREMENTS IN THE PAST 12 MONTHS? N/A

6. ATTACH THE SECTION 189(3) NOTICE ISSUED BY THE EMPLOYER TO THIS FORM

Please turn over →

Tick the correct box ☒

Parties may, at their own cost, bring interpreters for languages other than the official South African languages. Please indicate this under 'other'.

7. SUMMARISE THE FACTS RELATING TO THE CONTEMPLATED DISMISSALS FOR OPERATIONAL REQUIREMENTS

Nursetec SA (Pty) Ltd. has taken on Learnerships, for which cost has in part been subsidised through claimable allowances through SARS.

The Employer were recently notified, by SARS, that the Company may no longer claim these allowances, as they do not feel that these Learners meet the definition of an Employee.

With the discontinuation of these claimable allowances, the Employer is no longer able to fund these Learnerships, in full, on our own.

In addition, SARS also raised assessments to allowances already claimed leaving the Company in Financial distress.

The Employer has multiple applications pending for co-funding, though due lack of positive feedback, as of yet, s189a retrenchments are contemplated.

8. SECTOR

Indicate the sector or service in which the dispute arose.

- | | | |
|---|--|--|
| <input type="checkbox"/> Retail sector | <input type="checkbox"/> Private Security | <input type="checkbox"/> Public Service |
| <input type="checkbox"/> Distribution | <input type="checkbox"/> Food & Beverage | <input type="checkbox"/> Agriculture |
| <input type="checkbox"/> Wholesale | <input type="checkbox"/> Building & Construction | <input type="checkbox"/> Contract Cleaning |
| <input type="checkbox"/> Media & Television | <input type="checkbox"/> Mining | <input type="checkbox"/> Metal |
| <input type="checkbox"/> Motor | <input type="checkbox"/> Chemical | <input type="checkbox"/> Health |
| <input type="checkbox"/> Transport | <input checked="" type="checkbox"/> Services | <input type="checkbox"/> Paper & Printing |
| <input type="checkbox"/> Domestic | <input type="checkbox"/> Other (<i>please describe</i>)..... | |

9. INTERPRETATION SERVICES

Do you require an interpreter at the facilitation?

☐ YES

☒ NO

If yes, please indicate for what language:

- | | | | |
|------------------------------------|-------------------------------------|--|-----------------------------------|
| <input type="checkbox"/> Afrikaans | <input type="checkbox"/> isiNdebele | <input type="checkbox"/> isiZulu | <input type="checkbox"/> isiXhosa |
| <input type="checkbox"/> Sepedi | <input type="checkbox"/> Sesotho | <input type="checkbox"/> Setswana | <input type="checkbox"/> siSwati |
| <input type="checkbox"/> Tshivenda | <input type="checkbox"/> Xitsonga | <input type="checkbox"/> Other (<i>please indicate</i>)..... | |

Please turn over →

Special features might be the urgency of the matter, the large number of people involved, important legal or labour issues etc.

Briefly outline any special features / additional information the CCMA needs to note:

Total Learner count are 546, though they are located in two different Provinces, namely, Port-Elizabeth and Mpumalanga, These Learners are hosted on the Training Provider Campuses. Learners are not unionised, and a Employee representative has not been nominated, among them. Consultations will comprise with large groups. Learners have already been served with contemplated retrenchment notice Which is creating uncertainty among numbers

11. PLACE OF FACILITATION

Please select where you would like the facilitation to take place:

- ☐ CCMA Office
☒ Employer Premises

If you select employer premises, please provide address of employer premises

Nu5 Motherwell Shopping Centre

Motherwell

Gqeberha

12. CONFIRMATION OF ABOVE DETAILS:

Form submitted by (name): Adel Janse van Vuuren

Signature: 

Position: HR Manager

Date: 30 January 2023

Place: Pretoria

2015/292045/07

Tel: (012) 347 5421/2
Fax: (012) 347 5425

346 Boeing Street
Erasmuskloof x 4
P. O. Box 65298
Erasmusrand
0165

RE: REQUEST FOR CONSULTATION ON POSSIBLE RETRENCHMENTS

(Notice of intent)

Date: 30 January 2023

Dear Employee,

It is with regret that you are informed of the possibility of Retrenchment, from your Learnership Program. Due to current financial constraints Nursetec is in the position of having to consider possible retrenchments, due to Operational Requirements.

If you receive this notice, you are one of the Employees, who are likely to be affected by the possible retrenchment. You are hereby invited to consult* with the Employer.

*Nursetec will be requesting Facilitation from the CCMA.

All parties will be bound by the date(s) and time(s) at which the Facilitator can accommodate. It is important that you attend Consultation, on the day and time, as notified.

Nursetec will relay venue, date(s) and time(s) of Consultation(s), when received from the CCMA:

**During Consultation, the following will be discussed:

1) Why are retrenchments considered

- The Learnership Program was partially funded by allowances claimable, through the South-African Revenue Service (SARS). These allowances have since been discontinued by SARS, through formal notification to the Employer. Mere so, allowances claimed in prior months, are now also been recouped by SARS.
- Nursetec cannot complete the Learnership Program, without the co-funding, which occurred via allowances claimable through SARS
- Nursetec has a raised debt with SARS, that is repayable
- In the absence of an alternative, to off-set prior co-funding on these Programs, the Employer has no choice but to consider retrenchments

2) Alternatives considered, rather than retrenchment:

Nursetec together with ESM-Training (Host), have been sourcing, for alternative Funding opportunities to successfully complete the twelve (12) month Learnership Program

- These Funding alternatives include; Request for Funding assistance from Local Municipalities, Request on a SETA Level for Funding from three irrespective SETA's (HWSETA, AgriSETA and Services SETA) as well as

Directors: NCD van Huyssteen, HP van Huyssteen, MM William, SV Bezuidenhout

the Training Provider has been attempting to find a replacement Corporate Sponsor. The Employer have been advised by HWSETA that their budget was already allocated, so securing funding through the Employer SETA, at this stage in their financial year, is unlikely.

- The Company also has a pending CCMA TERS Application, in an attempt to secure funding, through this medium.
- In addition, the Employer has applied to the Department of Employment and Labour (DEL), to have the balance of the twelve (12) month Learnership(s) Funded, through the Unemployment Insurance Fund (UIF). Before mentioned request, is however also still pending, in its outcome.

3) The number of Employees likely to be affected by possible retrenchments
Five hundred and Forty Nine (549)

4) Retrenchment selection criteria

- Retrenchment of certain job categories
- Preservation of certain Skillsets

5) Date on/Period between, when the retrenchment is likely to take effect

- Period between the 27th to the 31st of March

6) The structuring of Severance Packages

Upon Termination the following will be paid out:

- Two (2) week contractual, notice period
- Severance Package; Calculated in accordance to Learner length of service, prior to termination = one (1) Week, for every year of continuous employment. In cases where length of service does not amount to a full year, severance package will be pro-rated).
- Any statutory Benefits (like Annual Leave), accumulated upon termination, as well as any monies owed to the Employee, by the Employer

7) Assistance to Employees facing possible retrenchments

- The Employer will complete unemployment documentation upon termination, and guide Learners on the application process, in claiming the Unemployment benefits from their local Labour Department

8) Possibility of future re-employment, for those effected by retrenchment

- Nursetec will be able to offer retrenched Learners another opportunity, if one (1) or more of the co-funding applications, that are still pending, are successful

9) Number of Employees, currently Employed by Nursetec

- Nine Thousand Two Hundred (9200)

10) Number of Employees retrenched in the last twelve (12) months

- Zero (0)

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During consultation you are allowed to be Represented, by Representation, as, and where agreed upon, through Collective Agreement

Should you have any questions, or concerns, please do not hesitate to contact me

hr@nursetecsa.co.za
012-347-5421

Sincere Regards


A Janse van Vuuren - HR

Directors: NCD van Huyssteen, HP van Huyssteen, MM William, SV Bezuidenhout