



ALLIANCE
Of
Communication Workers Union
&
South African Communication Union

Dear Colleagues

We met the company at the CCMA today, 18th September 2018, to Conciliate the matter brought before the Commission in relation to the impasse created by the grievances lodged by the employees that were transferred from Telkom.SA to BCX.

The reason for the dispute to the Council for Mediation, Conciliation and Arbitration was that those affected Telkom.SA employees that were transferred to BCX were and is treated unfairly in respect of overall benefits and salaries due to them in the terms and conditions of their employment as result of the LRA Section 197 transfer

Before the referral to the CCMA, many grievances were lodged by these employees with BCX in relation to concerns brought to top management's attention.

The nature of the grievances that were consolidated constituted the unfair conduct on the part of the employer in respect of:

- 1. Short term incentive Bonus (STI) payable to all qualifying employees in the business. Telkom Group targets, being met or exceeded, would activate an incentive bonus, inter alia, as per the applicable policies and collective agreements to all employees in the Telkom Group that actively contributed toward the performance of the group.*
- 2. Long Term Incentives (LTI) would kick in and those affected employees would receive Conditional Shares as result of their individual performance as well as company performance as stated above.*
- 3. The 50th Percentile adjustments on individual remuneration would be affected to employees that were remunerated below the applicable percentile, and aligned to the market value of the specific job grade and functional values.*
- 4. The unfair exclusion of salary increments to those affected employees where their colleagues in the group (Telkom.SA) were given an increase. Some employees in BCX were even given increase whereas their close colleagues were not afforded this right.*

These affected employees, in different circumstances and transfer agreements, include the Telkom.SA employees employed in CYBERNEST, ENTERPRISE, and the Telkom Group IT that were transferred to BCX under the auspice of section 197.

At the CCMA Conciliation meeting we argued that the benefits that were part of the terms and conditions of these aggrieved employees before the transfer were directly affected by the section 197 transfer to BCX due to BCX incorrect

interpretation and application of the Status of these affected employees, which becomes an unfair conduct that is arbitrable as a 'rights' dispute.

We concluded the CCMA conciliation and received a certificate that empowered the aggrieved parties to apply for Arbitration.

In the coming CCMA Arbitration process, we would enter into evidence the Facts and Agreements that we would rely on, as well as argue rights as per the Labour Relations Act and furthermore, the Code of Good conduct on Transfer of a Contract of Employment, that should be followed to avert just such a situation as what we find ourselves in at present.

Upcomming CCMA Dates:

21 September 2018:- Managers Unfair Labour Dispute, CCMA Cape Town. Lionel Samuels will be representing the Alliance.

17 October 2018:- Bargaining Unit PDMS dispute (Arbitration) Cape Town.

We have attached application forms for easy reference in Joining the Alliance (CWU or SACU).

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YOUR DESTINY...**

END

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