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2011-07-14

TO:

**ALL EXECUTIVE COUNCIL MEMBERS AND TRADE UNION
REPRESENTATIVES (TUR'S) TRANSNET FREIGHT RAIL (TFR)**

CONCILIATION: SETTLEMENT AGREEMENT TRAIN MOVEMENT

During a Conciliation hearing held on 13 July 2011 at the Transnet Bargaining Council (TBC) regarding the non-compliance of the above by Management by not having the following in place as agreed.

- 1) Individual Development Plans (IDP) were not made available to the relevant employees as per the agreement (30 November 2010).
- 2) At the single centres that the IDP's were available, explanations of the content could not be given to the relevant employees.
- 3) Relevant employees were not offered the choice of attending class facilitation or self learning.
- 4) Learning material was not available for distribution – arguments among Management took place as to who must carry the costs.
- 5) Depot Training Plans were not compiled and shared with Labour by 15 December 2010.
- 6) Additional modules for mobility to category C4 were not developed and made available on 1 April 2011 as agreed.

The above events have caused that no employee that could have vertical movement in his/her category – resulting in loss of pay progression.

Because of the prejudice suffered by numerous employees Labour demanded that all the applicable employees who had the scope to ascend on his/her pay scale be moved on; pay movement which they are being deprived of by Management's non compliance of the agreement.

Management were very adamant by point blankly refusing our demand and insisted that they still had time in hand to salvage the situation between now and November 2011 – which we know is impossible as they simply do not have the ways and means to comply.

Management admitted to not having the funds to finance our demand.

Management informed that they are going ahead with their belated Depot Training Plan, which kicks in on 1 August 2011.

Furthermore they informed that anyone in the Train Movement environment (TCO's and Train Driver) who are of the opinion that they are prepared and willing to be assessed and are in a category at a depot which allows for vertical movement, such employees must inform their applicable Managers, so that the process can be set in motion.

As the dispute was not settled a certificate of non settlement was issued by Commissioner Bongani Khumalo.

We will be seeking further legal advice on the matter after which members will be informed of the way forward.

UTATU and SARWHU greetings,



pp. Louis Brockett
UTATU DEPUTY GENERAL SECRETARY



Zabenzele Ntuli
SARWHU GENERAL SECRETARY