

Our Ref : DM/cr/00131357/2260502_1.docx/
Your Ref :
Date : 28 July 2016

Writer's Direct Line: 011 328 1713
Email: dmer@fluxmans.com
Fax: 011 880 2261

BY TELEFAX & BY EMAIL

(011) 669 9001
j.kaapu@bowman.co.za

BOWMAN GILFILLAN

Dear Sir

**RE: UNTU/PRASA/NTM/SATAWU/ ORGANISATIONAL RIGHTS
CASE: NO: J1605/16**

1. We confirm having removed the application from the urgent roll.
2. We await urgent responses to the questions contained in our correspondence dated 27 July 2016 which will give guidance to the way in which the matter will proceed in due course.
3. There is no obligation on our client to withdraw the application given that the matters that arise from the CCMA settlement agreement are still alive and certainly it makes little sense for your client at this juncture to insist that the matter be withdrawn or indeed for the parties hereto to incur costs in arguing whether the application should be removed or withdrawn.
4. We await to hear from you urgently.
5. In the interim all of our client's rights remain reserved.

Yours Faithfully

**D. MER
FLUXMANS INC**

TRANSMITTED ELECTRONICALLY, THEREFORE SENT UNSIGNED.

Directors: P Vallet (Chief Executive Officer and Senior Partner), CP Ancer, JK Antunes, MS Bloom, GB Brett, T Brett, C Carides, L dos Passos, BE Duma, IS Epstein, S Fisher, J Fung, D Furman, PL Kemp, LA King, A Kruger, J Levitz, RP Lisinski, BF Marques, D Mer, J Michel, EG Migdal, AM Nikani, AH Peral, JH Phalane, DO Pretorius, F Rodrigues, J Shafir, CB Shapiro, IG Shapiro, AK Shardlow, SA Shoot, TA Simon, S Slom, AC Soldatos, CJ Strime, EB Tonini, KJ Van Huyssteen

Chief Financial Officer: VD Rubin C.A. (S.A.), M.B.A.

Senior Associates: L Donaldson, S Perlman

Associates: M Anthony, G Bloch, C Blumenthal, S Christelis, C Dimitri, K Fuchs, R Hackner, S Kavanagh, L Kyriacou, T Mokhele, N Potgieter, B Seleke, M Selhaba, P Steele

Consultant: M Kropman

Office Manager: H Smit

Our Ref : DM/cr/00131357/587872_1.docx/

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Dear Sir

**RE: UNTU/PRASA/NTM/SATAWU/ ORGANISATIONAL RIGHTS
CASE: NO: J1605/16**

1. We record your confirmation in your letter of 27 July 2016 that the settlement agreement entered into between your client and the National Transport Movement Union ("NTM") on 21 July 2016 ("the Settlement Agreement") does not grant NTM organizational rights as at 21 July 2016 in terms of Sections 12, 13 and 15 of the Labour Relations Act, Act 66 of 1995, as amended ("the Act") and that NTM will not be granted such rights by your client until such time that they have proved that they are sufficiently representative in the workplace.
2. Consequently, we have been instructed to remove our client's application from the urgent motion roll on Friday 29 July 2016 at 10h00.
3. Our client requests that your client immediately dispatches a circular to all employees and NTM containing the contents of paragraphs 4 to 6 of your correspondence to clarify any uncertainty surrounding the Settlement Agreement.
4. Further, will you client please clarify the following. What is the number that it considers constitutes sufficient representation? In the event that it is determined by your client that NTM is sufficiently representative, does it intend granting organizational rights to NTM without verification before and determination by an arbitrator? Or will our client be afforded the opportunity of addressing the arbitrator about NTM's representivity before determining whether it is representative on any basis under the LRA?

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Office Manager: H Smit

5. Subject to the above, our client's rights are strictly reserved and we look forward to your response.

Yours Faithfully

D. MER
FLUXMANS INC

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