

Bombela must conduct a forensic audit on UNTU membership

The United National Transport Union (UNTU) demands that Bombela, the operator of the Gautrain, conduct a forensic audit to determine how the Union mysteriously “lost” more than 30 of its members since salary negotiations started in April this year.

This comes after representatives from UNTU and Bombela verified several new applications from UNTU-members to join other unions. “When these application forms were inspected we found some of them to be fraudulent. There was a clear difference between the handwriting on the application forms and the signatures to confirm the content thereof,” says Mr. Steve Harris, General Secretary of UNTU.

According to him the Union contacted some of its members where the signatures differed. The members denied that they left UNTU to join other Unions. “UNTU have statements where members declare that they noticed that Bombela removed them from UNTU to join other Unions, but that they had never resigned from UNTU and never signed any forms to join any other Union. UNTU consider this as fraud and will take further action if Bombela cannot provide the Union with satisfactory answers,” says Mr. Harris.

On 11 July when UNTU and Bombela was supposed to try and reach an agreement on the current dispute in salary negotiations at the Commission for Conciliation, Mediation and Arbitration (CCMA), the company suddenly refused to negotiate or sign agreements with the Union. According to Bompela UNTU’s membership had dropped to 42% and the collective agreement between the parties determine that the Union should have a membership of more than 50%.

UNTU did not agree. Mr. Harris says in terms of the collective agreement the Union has 90 days to audit its membership and to canvass for new members to regain its position. The Union also

disputed Bombela sudden figures as this was not raised as an issue when the parties met at the CCMA on 6 July.

UNTU is now awaiting the CCMA to make a ruling on the dispute about the membership threshold. If the CCMA agree with the Union, UNTU will apply for a certificate to get a mandate from the members if they want to go on a legal strike.

Mr. Harris says the “games” Bombela are playing now is just an attempt to delay the devastating effect a strike at the Gautrain would have a week before the municipal elections.

Bombela is seeking to short-change its hard working and hyper efficient employees when they offered a 3% pay increase during the 2016/2017 salary negotiations. UNTU demanded an 15% pay increase due to amongst other employees struggle to cope with the current financial crisis in the country. The gap has narrowed to a 9% vs 7,6% divide when negotiations deadlocked causing UNTU to declare a dispute. Mr. Harris says UNTU’s members would not settle for less than 9% as they don’t consider their employer to negotiate in good faith.

UNTU are currently also initiating court proceedings against Bombela at the Labour Court in Johannesburg about the working hours of its employees.

Bombela appointed UNTU members in terms of the conditions of service as reflected in the Working Hours Policy. According to the policy a week is a seven-day period starting on the first day of the roster. If an employee’s roster starts on a Tuesday, his week starts on a Tuesday.

The policy determines that the normal hours of work are nine hours per shift including a one-hour meal interval and that the ordinary hours of work may not exceed forty hours for any given work week. In addition, overtime is to be paid at the rate of 1.5 times the basic

salary hourly rate.

UNTU alleges in the Labour Court that Bombela breached the Working Hours Policy by refusing to pay employees overtime for hours worked in excess of their normal weekly hours since May 2013.

Mr. Harris said UNTU is waiting for the Court to determine a date when the application will be heard.