



To:- All Members of the RMI



## NEWSFLASH



### IMPACT OF ESKOM LOAD-SHEDDING ON RMI MEMBERS



Pursuant to a request for clarification from a number of members in the aforementioned subject regard, it is worth taking note of the provisions of Clause 4.6 of Division A of the Consolidated Main Collective Agreement (published in Government Gazette No. 40771 of 07 April 2017), which provides that :



“(1) Subject to the provisions of sub-clause (3) of this clause and notwithstanding anything to the contrary in this Agreement, an employer may employ his employees on short-time:



Provided that -



(a) where such short-time is owing to **slackness of trade and/or shortage of materials**, if an employee is required not to attend the establishment on a particular day, the employer shall notify him of the fact not later than the day immediately preceding the day on which he is not required to work, and where the employee is expressly required by the employer to report at the establishment on any particular day for the purpose of ascertaining whether work will be available, he shall, if no work or if work of less than four hours' duration is available, be paid not less than four hours' in respect of such day;



(b) ...



(2) In the event of short-time being worked an employer shall not be required to pay wages to his employees except for the period actually worked or as otherwise expressly provided for in sub-clause (1) of this clause.



(3) ...”



The first point of clarity pertains to what is intended by the phrase “**slackness of trade and/or shortage of materials**” in sub-clause 4.6. Electricity is, similar to other materials of production, a means to an end within the production / business process and can therefore be considered as “*material*” similar to petroleum product, fast moving consumer goods and stationary. Load shedding, resulting in a disruption



of electricity supply, would therefore result in a shortage of material within the production / business process which implies that a fuel retailer would be able to invoke to the provisions of clause 4.6 cited above.

The practical implication of this advent predicated the implementation of a "procedure" in terms of which short-time is implemented, which relates to the second point of clarity.

Members are required, in terms of sub-clause 4.6(1)(a), to "notify him [The employee(s)] of the fact not later than the day immediately preceding the day on which he is not required to work". This provision enunciates the requirement for a "short-time notice", which should ideally be in written form by way of a staff notice, memorandum or circular served on each of the affected employees. Short-time, however is not restricted in application to one-day-at-a-time only and may extend over a protracted period, necessitating the need for a short-time notice indicating this fact. An example of such a short-time notice is attached hereto for ease of reference.

Upon service of said short-time notice on the affected employees, normal business operations may continue until such time as an electricity supply disruption occurs in which case short-time is immediately invoked until such time as supply is normalised. Needless to say, the affected employees will not be paid for this period of short-time, resulting in part in a saving of operational costs to the member.

Whilst it is appreciated that short-time will have a negative impact on staff morale, it remains but an option, and not compulsion, open to members during periods of protracted power supply interruptions.

Kind regards,

**For and on behalf of the RETAIL MOTOR INDUSTRY ORGANISATION**



**JAN G SCHOEMAN  
CHIEF OPERATIONS OFFICER  
RETAIL MOTOR INDUSTRY ORGANISATION**

[LETTERHEAD]

DATE

To: [Name of affected employee]

### **NOTICE OF IMPLEMENTATION OF SHORT-TIME**

You are hereby notified in terms of clause 22 of Division A of the Consolidated Main Agreement for the Motor Industry, that partial / staggered short-time will be implemented with effect from tomorrow.

The reason for the implementation of short-time relates to the fact that Eskom has implemented electricity load shedding that may result in power supply interruptions to the workplace, *albeit* there will be a shortage of material.

In the event that a power interruption occurs, you will be required to remain on the premises for the duration of your shift or until power supply has been restored, whichever comes first. Regrettably, you will not be paid for the duration of the power interruption due to a slackness of trade during this period. It is understood that this may have a serious and adverse impact on your livelihood, as it will have on the owners and shareholders in the business, however we rely on your understanding in this regard and hope that you will provide your unfettered co-operation during these very troubling times.

You will be notified by way of a further notice when short-time is terminated or suspended.

Yours truly,

### **MANAGEMENT**

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