

How strategic are the pending retrenchments at Inkosi Langalibalele Municipality?

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Inkosi Langalibalele Municipality (ILM) staff were informed in a four-page letter dated November 8, 2018, that the possibility existed for dismissals (retrenchments) based on operational requirements.

The date for the consultative process was set to take place during November last year and that if retrenchments did occur, they would become effective at the end of January 2019.

It was stated in the letter that “ILM currently employs 598 employees and it is anticipated that this number should be reduced to 350”, thus 248 people would sit without a job.

The processes of retrenchment are clearly defined in the Labour Relations Act, Section 213. Dismissal for operational requirements is classed as no-fault dismissals, which means that the dismissal is not due to any fault of the employee.

This leads me to ask: How strategic are these retrenchments and is the municipality jumping the gun?

Has the municipality followed the entire process and is it in compliance with the Labour Relations Act?

The process is basically informing affected employees

of the consultation process and that if it is complete and there is nothing left to place on the table to avoid retrenchment, the hammer falls and retrenchment takes place.

Many court rulings guide and set the standard of requirements to be met prior to dismissal based on operational requirements. The employer must take note that in each and every ruling, the consultation process and reasoning for the retrenchment will be scrutinised by the court.

IMATU and SAMWU, representing the doomed 248 employees' interests, have made strong media statements regarding their opposition to the retrenchments at length. The CCMA has been brought in to facilitate the process.

So, at face value, all seems to be done above board and within the framework of the Labour Relations Act.

I am informed that part of the problem, apart from the normal carefree spending, is the number of Expanded Public Works Programme (EPWP) workers. With them around, we should have the cleanest town in the Midlands, but alas, we have a very dirty town. This has aggravated the issue.

During the writing of this article, I took the time to observe a number of these unsupervised workers.

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