

IN THE CCMA (HELD AT BENONI)

Case No. GAEK 3813-17 & 10989-17

In the matters between:

Applicants

OSCAR NGEMA & OTHERS; LOUISA MOFOKENG & OTHERS

And

First Respondent

SIMBA (Pty) Ltd

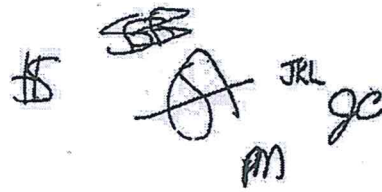
ADCORP BLU, a division of Adcorp Workforce Solutions (Pty) Ltd

Second Respondent



SETTLEMENT AGREEMENT

1. With effect from 1 July 2018 the applicants on grade FRO (general workers and packers) placed at Simba Isando by Adcorp Blu and who have service greater than three months shall receive a temporary hourly rate of R32.00 per hour plus:
  - 1.1. R2.67 in lieu of 13th cheque;
  - 1.2. R3.04 in lieu of provident fund;
  - 1.3. R3.30 in lieu of medical aid;
  - 1.4. R6.26 in respect of transport;

which equals R47.27 per hour up to a maximum of 40 hours per week, provided that overtime over and above 40 hours per week shall be based on a base rate of R32.00 per hour.
2. With effect from 1 July 2018 the applicants placed at Simba Isando by Adcorp Blu who work as technicians, or in jobs in Simba grades FR1, 2, 3 or 4 will earn the minimum rates for that grade or position plus the additional payments as set out in clause 1.1 to 1.4 above, *mutatis mutandis* (with the necessary adjustments to account for the difference in rate).
3. For the purposes of resolving this dispute, the applicants who were moved from the endline machines to the packing function in October 2017 will continue to be paid R37-72 per hour plus the additional payments as set out in clause 1.1 to 1.4 above, *mutatis mutandis* (with the necessary adjustments to account for the difference in rate) until 31 August 2018.
4. Any applicant who works more than one job will be paid the rate for that job for the hours worked in that job.


 Handwritten initials and signatures including 'H', 'JRL', 'gc', and 'AM'.

5. With effect from 1 September 2018 the applicants placed at Simba Isando by Adcorp Blu will become ordinary permanent employees of Simba, without demotion and with no loss of service worked after 1 April 2015. These applicants will be entitled to all standard terms and conditions of employment applicable to their job grades including:
- 5.1. Free transport arranged and paid for by Simba to and from the pick-up points closest to each employee's places of residence, and, between 23h00 and 04h00, free transport arranged and paid for by Simba to and from the employees' homes;
  - 5.2. A basic salary based on a 40 hour week and the contractual obligation to work overtime on weekends and public holidays when required within the limits imposed by the BCEA, and the shift patterns used by Simba;
  - 5.3. An obligation to join the Simba Provident Fund or the Simba Retirement Fund with the employer contribution being 9.5% and the employee's contribution being 7% of the pensionable salary. The 2.52% contribution for a 'risk benefit' forms part of the 9.5 % employer contribution;
  - 5.4. Paid leave as per Simba's leave policy;
  - 5.5. 50% contribution by Simba to the medical aid fund chosen by the worker out of Discovery or Umvuso Medical Aid Funds;
  - 5.6. Guaranteed 13<sup>th</sup> cheque (or pro rata) paid in December of each year;
  - 5.7. The same PPE that is provided to Simba's directly employed employees;
  - 5.8. Inclusion in Simba's family day if held; and
  - 5.9. Use of all Simba facilities including change rooms where they work.
6. First preference for vacancies at Simba in higher graded positions will be given to the employees covered by this agreement.
7. Simba will pay each applicant an amount of R7 500-00 (subject to normal deductions for tax) on or before 15 July 2018 as an agreed amount of backpay in respect of the section 198A(5) claims and the full amount less tax will be paid into the nominated Bank accounts of each of the applicants.
8. This agreement is in full and final settlement of the disputes referred to the CCMA under case numbers GAEK 3813-17 and GAEK 10989-17.

H/S  JRL JC  
  
 PM

Signed at Johannesburg on this 26<sup>th</sup> day of June 2018

[Signature]  
LAWYERS FOR HUMAN RIGHTS  
On behalf of Applicants  
(Duly authorized)

[Signature]  
Witness

Signed at Geneva on this 26<sup>th</sup> day of June 2018

[Signature]  
Simba (Pty) Ltd  
(Duly authorized)

[Signature]  
Witness

Signed at Randburg on this 28<sup>th</sup> day of June 2018

[Signature]  
Adcorp Ltd, a division of Adcorp Workforce Solutions (Pty) Ltd  
(Duly authorized)

[Signature]  
Witness