

21 August 2020

Update: Proposed Truck Drivers Strike

Please note the following update received from the Road Freight Association via SAAFF:

SUBJECT: NBCRFLI & Inter-Ministerial feedback regarding the foreign driver matter

Please take note of the following feedback as received from the NBCRFLI in relation to the above and the intended action by ATDF which is allegedly planned for 23 to 28 August 2020.

The NBCRFLI and the Department of Employment and Labour held an urgent meeting on Wednesday this week, after the NBCRFLI brought to their attention the renewed planned protest action by ATDF which has been circulating on social media. The meeting was attended by various government departments including SAPS and Crime Intelligence.

The following is a summary of the discussions held in this regard:

1. Enforcement and prosecution

SAPS and Intelligence Services confirmed that they have already been alerted about the possible protest scheduled for 23 August to 28 August 2020. In this regard, SAPS planned to deploy their personnel on strategic areas where they suspect possible disturbance or interruption might take place.

In response to a concern raised to previous transgressors only having been charged with public disorder, a decision was taken by the KZN Department of Justice to assign two dedicated prosecutors to specifically deal with crimes related to truck attacks so as to ensure that appropriate charges are formulated, coupled with appropriate convictions and sentences.

2. Feedback from Cabinet

In a recent Cabinet meeting, chaired by President Ramaphosa, a memorandum dealing with the road freight and logistics sector crisis, was considered. Cabinet approved the establishment of an expanded Inter-Ministerial Committee on migration with a view to address matters relating to the migration of foreign nationals for employment and related economic opportunities. This expanded Inter-Ministerial Task Team will now include Ministers of Employment and Labour, Home Affairs, Transport, State Security, Police, Justice and Correctional Services, Trade, Industry and Competition; as well as International Relations and Cooperation.

Cabinet directed the expanded Inter-Ministerial Task Team to urgently meet with the view to fast track the development of a broader discussion document on South Africa's position in relation to the employment and economic opportunities for South African citizens and foreign nationals, taking into consideration amongst others:

- a. The relevant AU and SADC protocols
- b. Border Management Authority Act
- c. The Constitution of the RSA, and
- d. Aspects such as labour and employment, the various sectors in the economy, crime, border security amongst others

3. Way Forward

The Council proposed that the Minister of Employment and Labour or Inter-Ministerial Task Team convene an urgent meeting with ATFD, ANTDF and SANCADTRA to brief them about what the government have done thus far to address the issue of employment of foreign nationals. The NBCRFLI is awaiting feedback in this regard.

In addition to the meeting that was held, it should also be noted that the NBCRFLI has instructed its attorneys to address communication to the leadership of the ATDF, in line with the outcome of the interdict obtained recently regarding disruptive protests led by these associations. The letter required said association to give an undertaking by close of business today, that they would not proceed with the intended action, failing which a contempt of court application will be brought accordingly.

The NBCRFLI has further confirmed that joint compliance inspections will continue. Such inspections are jointly conducted by the Department of Employment and Labour, SAPS, SARS and the Department of Home Affairs.

Members are invited to report any knowledge of non-compliance in this regard to the RFA so that we may escalate such reports to the NBCRFLI for inspection purposes.

As things stand, we have no choice but to take the threat of protest action at face value and advise members to plan their operations accordingly.

We will keep Members informed in this regard.

We will continue to monitor the situation and update our clients accordingly.

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