



VERIFICATION REPORT

Case Number : **HO3179-17**
Commissioner : **Shamain Dadabhai**
Date of Report : **27 October 2017**

In the matter between

FAWU OBO MEMBERS

And

IMPERIAL COLD LOGISTICS (PTY) LTD

1. DETAILS OF VERIFICATION PROCESS AND REPRESENTATION

The matter was scheduled for a verification process at Imperial Cold Logistics (Pty) Ltd national offices, Pellmeadow Office Park, Linbro Park, on 05 & 06 October 2017. All the parties were present and represented as follows: FAWU was represented by Mhleli Mbana – FAWU Legal Department, Thabo Kota – FAWU National Organiser and two interim FAWU shop stewards from ICL in Linbro Park (Johannesburg), Tumelo Seopa and Chris Moropana. The employer was represented by Justin Kerslake - HR Executive ICL.

2. BACKGROUND

A verification exercise was conducted from 05 & 06 October 2017 in terms of Clause 1 of the Settlement Agreement that was concluded between the parties at the CCMA National Office on 26 July 2017.

The purpose of the exercise was to establish the proportional representation of FAWU at Imperial Cold Logistics (Pty) Ltd.

The verification exercise was conducted on the basis of information received from parties. CCMA Commissioner Shamain Dadabhai visited the offices of the employer where verification was conducted on the specified dates to verify the data presented.

All information received was checked for accuracy and subject to further random cross checking and testing.

Where information could not be verified, the figure presented was discounted.

3. METHODOLOGY OF VERIFICATION

The following information was considered for the purpose of the exercise:

As per the terms of reference agreement, areas that needed to be verified were Cape Town, Bloemfontein, Polokwane, Durban, Johannesburg and Port Elizabeth. A copy of the agreement is attached to this report.

The total number of Permanent Head count at ICL is as follows:

FAWU subscription remittances as far back as February 2017 were used in order to ascertain the membership of FAWU in the company.

FAWU post the verification exercise together with management provided an Excel spread sheet of names the employer had to account for which involved February 2017 remittance up to July 2017 remittance. The spread sheet is attached to this report.

An explanatory note to the spread sheet is as follows:

RU means Resign from Union, JU - Join the Union and No Union (employees who were FAWU members who had resigned but did not join any other Union).

Total number of employees to look at is 431 and the breakdown is as follows:

1 employee untraceable and unaccounted for.

29 employees - employment was terminated.

8 employees who don't belong to any union, after resigning from FAWU.

After deducting 38 of the discounted employees from 431 employees, one is left with 393 employees captured as FAWU.

4. VERIFICATION OUTCOME

The employer numbers are confirmed as 709 total staff compliment with 503 employees in the bargaining unit. The total number of employees to look at is 431. FAWU at the commencement of the process submitted that it has a majority membership at Imperial Cold Logistics (Pty) Ltd.

5. RESULTS

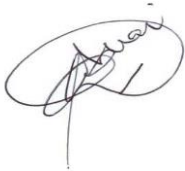
The results of the verification exercise were as follows:

FAWU has a membership of 393 members of the 503 employees in the bargaining unit, i.e. FAWU enjoys a 78.13% membership at Imperial Cold Logistics (Pty) Ltd.

Proof of membership for verification:

| AREA | MEMBERSHIP NUMBER |
|-----------------------------------|--------------------------------------|
| BLOEMFONTEIN | 42 |
| CAPE TOWN | 18 |
| DURBAN | 78 |
| HEAD OFFICE (Gauteng) | 6 |
| LINBRO PARK (Gauteng) | 116 |
| PORT ELIZABETH | 38 |
| POLOKWANE | 35 |
| TOTAL | 333+60=393 (Excel Sheet data) |
| FAWU MEMBERSHIP PERCENTAGE | 78.13% |

Thus done and signed at **JOHANNESBURG** on this the **27TH** day of **OCTOBER 2017**.



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Commissioner Shamain Dadabhai