

# IMATU MAIL

General Secretary:  
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National President:  
Danie Carstens

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## A NEW YEAR'S MESSAGE FROM DANIE CARSTENS:

### NATIONAL PRESIDENT: IMATU



It is hard to believe that the year 2008 has passed so quickly, but it is a common statement that the older you get, the faster the time flies!

Let us use this time to sit back and reflect what happened during 2008, so that we can come back in 2009 and start the year with a new spirit for the betterment of **IMATU**. We had many ups and downs the past year, but let's not concentrate on the negative issues. Instead, we should concentrate on all the positives that we have achieved.

I want to thank each NEC member, Regional Committee member, Branch Committee member and the Shop Stewards, as well as the staff, for their commitment and hard work during the past year. I also wish to thank the members for the loyalty and support you gave me this past year. Without you, **IMATU** cannot exist.

I want to wish everyone a happy festive season and a prosperous 2009. Drive safely wherever you go!

**DANIE CARSTENS: PRESIDENT: IMATU**



**IMATU'S LADIES WELCOMING DELEGATES TO THE WESTERN CAPE REGIONAL CONFERENCE**

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- The Cape Town Region's Toy Project
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### GREETINGS FROM JOHAN KOEN: GENERAL SECRETARY: IMATU

On behalf of my Office, all **IMATU** staff countrywide, and the NEC, I should wish to extend our warmest wishes to all our members for the coming festive season. May you truly experience the warmth and joy of the season in your hearts, and for those of you who are lucky enough to be on leave, may you enjoy the well-deserved break, and be able to return to work in the New Year, refreshed and revived. To those of our members who are working over the festive season, we thank you for your dedication to service delivery to the inhabitants of the country. To those who will be on the roads, please travel safely.

We wish to thank all shop stewards who have toiled tirelessly on behalf of our members. We salute you!!

**VIVA IMATU VIVA!!!!**

**JOHAN KOEN  
GENERAL SECRETARY**

# IMATU SUCCESSFULLY RECOVERS R13 MILLION OWED TO MEMBERS

**IMATU applies to the Cape High Court to have the municipality's bank account attached.**

The 7-year battle began in 2001 when the Roads function was transferred from the Bophirima District Council (renamed Dr Ruth Mampathi District Municipality in 2008) to the North West Province. **IMATU** successfully approached the Labour Court on behalf of the members in order to argue that the transfer was in terms of Section 197 of the LRA. Judge Freund ruled in favour of **IMATU** and the members. This was an important victory, as the ruling meant that the members would be transferred with all their rights intact, which included the benefits they enjoyed as members of the Cape Joint Retirement Fund whilst they were employed by Bophirima. The Fund's rules state that its members are entitled to receive an additional retirement benefit if their posts should be declared redundant.

Sadly, the judgement did not result in the members being paid their retrenchment benefits, and it took many more years of negotiation and legal action before **IMATU** obtained justice on behalf of the members. In August 2007, **IMATU** applied to the Cape High Court. We argued that our members had become entitled to the benefits specified in Rule 7.1A (1) of the Cape Joint Retirement Fund from 1 July 2001 onwards, because Bophirima had effectively declared their posts to be redundant and terminated their services. Judge Dennis Davis agreed with **IMATU's** arguments and, on 6 September 2007, ordered the Bophirima Municipality to pay our members the redundancy benefits in terms of the Pension Fund Rules, plus interest at 15,5%,

backdated from 1 July 2001 to the date of payment.

In spite of the fact that Bophirima and the North West Province did not appeal the judgement, the municipality failed to adhere to the Court's ruling to pay the members. **IMATU** finally approached the Cape High Court to obtain an attachment order, but even this did not result in any payment until the Sheriff of the Court attached the Dr Ruth Mampathi District Municipality's property and bank account. Two days after the attachment order was served, a sum of R13 801,966.73 (which includes interest at 15,5% w.e.f 1 July 2001) was paid to **IMATU**. **IMATU's** attorneys immediately transferred this money to the Cape Joint Retirement Fund in favour of the 100 **IMATU** members. It took 2671 days to settle this issue (from 1 July 2001 to 24 October 2008) but **IMATU** did not give up until the members were paid the monies owed to them.

Some of the 100 **IMATU** members who were paid their retrenchment benefits, thanks to **IMATU**.



## DANIE CARSTENS ELECTED PRESIDENT OF FEDUSA

Danie Carstens, **IMATU's** National President, was elected the President of **FEDUSA** at its 2008 Congress. He previously held the office of Vice President (Finance) and

legislation and oversee the interests of workers of South Africa.

**FEDUSA** has a Parliamentary Office, which is based in Cape Town. The Parliamentary Office's main function is to ensure that the interests of workers are defended and promoted in Parliament.

was responsible for managing the Federation's finances.

**FEDUSA** (Federation of Unions of South Africa) is the second largest trade union federation in South Africa. **FEDUSA** represents 22 non-racial trade unions, which are not aligned to any political party. The Federation serves on **NEDLAC** (National Economic Development Labour Council) a body created by an Act of Parliament to develop labour



## IMATU MEMBERS ARE THE BEST!!!



Recently my wife and I went on a train tour to Durban and we stayed in a hotel close to the beach.

One Saturday we were looking for an ATM, but to no avail.

Apparently, all the ATM's were removed because of the high crime in the area. I saw a Municipal vehicle, approached the driver, and introduced

myself. I was proud to say: "I am an **IMATU** member". The driver was an **IMATU** member as well. I discussed our problem with him and without hesitation, he took us to the ATM in town and brought us back.

I am not mentioning the name of the person. We just want to say: "Thank you very much, we sincerely appreciate it!"

**VIVA IMATU!** Nick Strydom SASOLBURG

## PRIVATISATION RESULTS IN A SERIOUS LOSS OF REVENUE FOR THE CITY OF CAPE TOWN

The City of Cape Town took a decision 2 years ago not to fill vacancies in the meter reading section, but to outsource the work to private contractors. However, the City does not have enough supervisors to check that the private contractors are reading the meters.

Only 77% of the City's meters were read in August

2008. This has had a serious effect on the City's debt collection abilities.

The City of Cape Town has more than 700 critical staff shortages in the Electricity Department. Staff shortages have also affected service delivery in the City's Finance Department.

## SOUTH AFRICANS OF CHINESE ORIGIN TO QUALIFY AS 'DESIGNATED EMPLOYEES' IN TERMS OF EMPLOYMENT EQUITY.

In late 2007, the Chinese Association of South Africa (CASA) applied to the High Court to have South African Chinese people defined as 'black people' in order to be considered 'designated employees in terms of the Employment Equity Act.

The Minister of Labour did not oppose the application, therefore the High Court ruled in favour of CASA. The Dept of Labour has announced that there is no need to change the existing legislation because

Chinese people were considered 'coloureds' under apartheid and will therefore be considered 'designated employees' in terms of the Employment Equity Act.

'Designated employees' include Blacks (Africans, Coloureds and Indians), women and people with disabilities. Employees from these groups (who are suitably qualified) must be given first preference for appointments and promotions.

## PLEASE SUPPORT THE CAPE TOWN METRO REGION'S TOY COLLECTION PROJECT



There are many children out there who have never experienced the joy of playing with toys, because of poverty. Please donate toys to the needy by delivering new or good second hand toys to the Goodwood Office or by giving these to your Shop Steward to deliver on your behalf.

Please phone the office at 021 597 1300 if you need more information.

## 🚩 🚩 🚩 WORLD AIDS DAY 🚩 🚩 🚩

1 December 2009 was the 20<sup>th</sup> commemoration of World's **AIDS** Day. However, we need to remind ourselves that **HIV** and **AIDS** is with us every day. We want to urge our members to support those who

are **HIV** positive and to encourage colleagues and friends to be tested. Above all, we must spread the message that with the right treatment those who are infected can look forward to long productive lives.

# YOU CAN GET OUT OF THE DEBT TRAP!

Millions of South Africans are in debt and cannot afford the re-payments for the cars, houses, furniture, clothing, jewellery, etc. that they bought during the times when companies and banks practically begged us to borrow money or buy goods on the never – never system. What are the options?

1. It will not help to ignore the problem – you will simply give your creditors more time to add on more interest and take legal action against you.
2. Examine your monthly expenses in order to choose between the necessities and the luxuries.
3. Draw up a list of your necessary expenses, such as accommodation, food, electricity, train fares, etc. and calculate how much is left to pay your debts.
4. Discuss the situation with your family and remind them that it will be far more embarrassing to be declared bankrupt than to do without designer clothing, the latest cell phones and the state of the art television set.
5. Most creditors are reasonable, because they would rather wait a bit longer for their money than take legal action.
6. Arrange to meet with your various creditors and work out a payment plan - make sure you stick to it.
7. Keep copies of all receipts, letters, emails, etc. that relate to your debt repayments.
8. If you cannot make a payment because of some unexpected expenses, (this does not include holidays or expensive gifts), please advise your creditors immediately.



## DEBT COUNSELLORS

If you feel that you lack the discipline to persevere with a payment plan, you have the option of making use of a debt counsellor, but those who earn more than R2500 a month will have to pay for this service. If you wish to approach a debt counsellor, you can contact the National Credit Regulator (NCR) at 0860 627 627, who will give you the names of the registered debt counsellors in your area. You can also log on to [www.ncr.org.za](http://www.ncr.org.za)

- The debt counsellor must disclose the fees payable before you put your affairs in his or her hands. Make sure you understand exactly how much you have to pay and do not be afraid of asking questions.
- Debt counsellors may not charge more than the fees stipulated in the National Credit Act – please ensure that the counsellor gives you a copy of the sections of the Act that deal with the fees they may charge.
- If you are earning below R2500, please note that the NCR has set up a fund to pay for your debt counselling fees. Enquire about this from your debt counsellor.
- You have the right to negotiate the debt-counselling fee. In most instances, there is more than one debt counsellor in your area and you have a choice. Use this as a negotiating tool.
- If a Debt Counsellor insists on charging you exorbitant fees, you have the right to approach another debt counsellor.
- Make sure that you get a copy of the agreement setting out fees and keep this for future reference.

## TIPS AND ADVICE FROM THE NATIONAL CREDIT REGULATOR

The National Credit Regulator would like to advise consumers to take control of their finances. “Know exactly where you spend your money; know how much comes in and what goes out”. Consumers need to start making smart and conscious choices about finances, such as only buying necessities and comparing prices at different stores.

Consumers are further advised to be aware of their financial status. Avoid acquiring more debts, and rather

downgrade and change your lifestyle. For instance, if you drive an expensive car you might consider downsizing to a less expensive model, as this will reduce your monthly instalment and enable you to pay other debts. Public transport is another option.

You could also consult your insurance broker to ensure that you are not over-insured. However, please consult your financial advisor before making crucial decisions such as cancelling insurance policies