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**BCFMI-KZN**

**Bargaining Council for the Furniture Manufacturing Industry - KwaZulu Natal**

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**GJPB/DK**

**CIRCULAR : 07 / 2008**

**26 MAY 2008**

**TO ALL FURNITURE MANUFACTURERS  
WHO FALL WITHIN THE SCOPE OF THE  
METRO CHAMBER OF THE COUNCIL**

**SUBJECT : TEMPORARY EMPLOYMENT SERVICES / CONTRACTS OF  
EMPLOYMENT :**

Please be advised that the intention of this circular is to advise Furniture Manufacturers of their obligations in terms of Law, with particular reference to matters pertaining to the Council, notwithstanding the utilization of the services of a Temporary Employment Service (TES), also known as a Labour Broker.

Chapter IX Section 198 (4) of the Labour Relations Act 1995, as amended, (the Act), is unambiguous insofar that the TES and the client of such TES, be held jointly and severally liable in the event that the TES contravenes a collective agreement concluded in a bargaining council, in respect of any of its employees.

The Act goes further under Section 199, by prohibiting the conclusion of a contract of employment that by design, intends to have disregard or waivers the provisions of a collective agreement.

The intention of the legislator, under the circumstances is clear, that such contract of employment will be null and void.

We trust that this brief explanation will be helpful. If you have any queries in this regard, please do not hesitate to contact the writer or our inspectorate.

Yours faithfully

**BARGAINING COUNCIL FOR THE FURNITURE  
MANUFACTURING INDUSTRY, KWAZULU-NATAL**

  
**G.J.P. BLIGNAUT  
SECRETARY OF THE COUNCIL**

**ALL CORRESPONDENCE MUST BE ADDRESSED TO THE SECRETARY OF THE COUNCIL**  
THE BCFMI-KZN HAS IN TERMS OF SECTION 29(15) (a) OF THE LRA 1995 BEEN REGISTERED AS A BARGAINING COUNCIL  
REFERENCE LR 2/6/6/33