

# IT'S BUSINESS AS USUAL FOR TEMPORARY EMPLOYMENT SERVICES

On 10 July 2017, the Labour Appeal Court handed down its Judgment in the Assign Services matter. This relates to the latest stage of legal action taken to gain certainty about the interpretation of the LRA amendments, particularly clause s198A commonly known as the "deeming provision."

Essentially, the interpretation of what happens to a flexible worker, earning less than the BCEA threshold (R205 433 per annum), who is employed by a Temporary Employment Services (TES) and placed on site at a client organisation, once the three-month period expires.

To assist in clarifying the status quo, please find below some of the most Frequently Asked Questions and the answers.

**Q: If the LAC Judgment overturns the previous dual employment interpretation, does this mean that any TES employees employed longer than 3 months now transfer as permanent employees of the client?**

**No. It is business as usual.**

It is now a matter of public knowledge that the legal team has been instructed to file an application for leave to appeal to the Constitutional Court. This will be done within the three-week period contemplated in the rules.

In terms of s18(1) of the Superior Courts Act, the noting of an application for leave to appeal has the effect of suspending the decision which forms the subject matter of that application. **Accordingly, the noting of the appeal will have the effect of the status quo remaining until the Constitutional Court finally determines the matter.**



**Q: How long will this Constitutional Court challenge process take?**

Whilst it is impossible to say exactly how long this process will take, it is the opinion of our legal team that it could take up to twelve (12) months. We will continue to keep the industry informed of progress. Please follow the blog on the **CAPES website [www.capes.org.za](http://www.capes.org.za)**

**Q: Which TES employees could be affected by this after the Constitutional case has been heard?**

Only employees **earning below the BCEA threshold**, currently R205 433 per annum, and who are placed on an assignment for more than 3 months could be affected.

**Q: Is there any difference if we are within a Bargaining Council?**

In accordance with LRAs198A(1)(c) the **Bargaining Council** (or sectoral determination) **agreement would take precedent**. We recommend that you review the existing agreement in relation to the management of TES workers placed within the sector.

**Q: How can we find out more detailed information?**

The Confederation of Associations in the Private Employment Sector (CAPES) represents the private employment services sector, including temporary employment services, and is actively involved in the process of achieving legal clarity on the LRA amendments. Regular updates are published on the **CAPES website [www.capes.org.za](http://www.capes.org.za)**



## Help Us in the fight Against Hunger

Brand It Blue Day is Express Employment Professionals national day of volunteering. In cities and towns across South Africa, local Express offices join together with their associates, clients, friends and family to help fight hunger – a growing epidemic that affects millions every day. 2017 marks the 5th year for our annual Brand It Blue day.

### EXPRESS HEADQUARTERS

On 9 June 2017, Express Employment Professionals Headquarters went to visit Yenzani Children's Home in Midrand for Brand It Blue Day. Yenzani focuses on the safe housing of children by targeting all its resources to the welfare and education of children in its care and protects them from secondary abuse. One of their most urgent needs was



new school tracksuits for the children to wear during the cold winter months. Express HQ was able to purchase new school tracksuits for all the children at the home and we were pleased that we were able to keep 16 children warm during winter. We provided lunch for them on the day and gave each child a goodie bag filled with items that they can use at school. We played netball and games with them and they - and our staff - thoroughly enjoyed it. Thank you Yenzani for the opportunity to visit and spend time with the children. It was a lovely day!



### EXPRESS RICHARDS BAY

This year, the Richards Bay office nominated to help our local SPCA in assisting this non-profitable organization by participating in our annual Brand-it-Blue Campaign. With the willingness of our clients, we were able to raise donations of money, food and blankets. The generous contributions, which aided these lost and abandoned animals, has made a small difference, by feeding them and helping them feel a little warmer this winter.

### EXPRESS MIDRAND

Express Midrand had the opportunity to spend the day with the children at the Thembelisha Youth and Childcare Centre on the 24th of June 2017. This children's home in Mamelodi was established in 2008 and has been providing a safe haven for children who have been abandoned at birth, orphaned or suffered neglect.



With the help and support of our valued clients and the AFM Waterkloof Gemeente, this is what we accomplished:

- Built a study/ homework/ arts and crafts table with pallet



- Painted the garage and outer wall of the garage
- Put up shelves for some extra storage
- Put up a curtain rail in shower
- Assisted with general maintenance and repairs
- Divided the garage into 3 functional sections;

homework/study area, section for storage and a parking space

We would like to express our sincerest gratitude to our clients for their donations and assistance, the AFM Waterkloof Gemeente for all their hard work and donations and to the Thembelisha Child and Youth Care Centre for allowing us this opportunity.

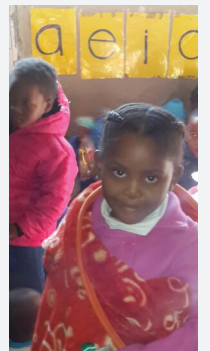
# EXPRESS PIETERMARITZBURG

On the 30th June Express Pietermaritzburg visited Three Bears Care Centre and Rainbow Kids Crèche. These crèche's are for under privileged children. We spent the morning playing games and signing songs with the children and then had lunch with them. We gave each child a packet of goodies to take home with them. We had great fun playing with the children and having lunch with them. We would also like to thank our sponsors Top Rotis and Makro and our volunteers for the day.



# EXPRESS BEDFORDVIEW

Express Bedfordview visited IntsikaYomphakathi – The Pillar of Hope and donated blankets and sweet packets to 51 children between the ages of 3 months and 5 years, and their teachers. IntsikaYomphakathi is a Non Profit Organisation that has a day care situated at No. 22 9th Avenue in Alexandra Township. The organisation relies on the generosity of individuals and businesses for support to take care of the day to day needs of the children who are brought to them by needy parents.



# EXPRESS PORT ELIZABETH

Express Port Elizabeth visited In Safe Hands which is a safe haven for abandoned babies & children. They have 15 children currently aging from 3 to 18 years – all the children were abandoned and In Safe Hands took them in and will continue to look after them until they finish school. They also assist them by trying to get them into college. The house mother, Karen, informed us that the children are in need of warm jackets and seeing that we are in the rainy season Express PE bought them all rain jackets and we supplied them with hotdogs, cooldrink and some goodies after they ate. It was a lovely day spent with amazing children.



# EXPRESS CAPE TOWN

In 2009 Lettie started a crèche with 9 small children in a small room - taking unsupervised children under the age of 5 years wondering around the community off the streets. In 2015 they were blessed by a second site in Grabouw currently serving 150 children and providing employment for 9 staff at this ECD Centre. The Lettie's and Lighthouses of Grabouw are providing a safe place for their little ones while their parents are working long hours to put food in their hungry mouths. Lighthouse has partnered with Express and provided a weekly venue for the Grabouw Recruitment Campaign to continue with our mission to put a million people to work, we're looking forward to continuing to volunteer and serve people in need.

# SIMPLE AND YET EFFECTIVE BUSINESS IDEAS

In 1996 Charl du Toit founded The Success Academy which is a property development and management company. The property portfolio currently consists of approximately 110,000m<sup>2</sup> prime office space (units ranging from 20m<sup>2</sup> up to 1500m<sup>2</sup>) with over 300 successful companies benefiting from his unique features in his office parks. Charl has extensive experience in the Service Industry, Franchising, Property Development and Property Management. His passion is to create a successful environment in his office parks for his tenants and to help people reach their full potential. He shared with Express Employment Professionals his simple and yet effective Business Ideas.

## Are you starting in tough market?

- Charl started a pest control company when 1500 other companies existed already and his advice is find a winning recipe and duplicate it. Don't duplicate disaster
- The challenge lies in the doing and NOT in the knowing

## Mental Health Matters

- Look after your mental health. Your life is a sum result of ideas in your mind. Do you have enough ideas in your mind to design something better?
- Are you feeding your body with the right nutrients? You can't trade your body for a spare one. You must be ready for the day every day. Your mind cannot write a cheque that your body can't perform
- Study the lives of successful people. Every single millionaire has a library. Start one if you haven't got one. Set a goal of one book every month and that's 12 books in a year. Turn your car into a university by listening to audio books on the go.



Charl du Toit (The Success Academy)

## Discipline

- "I am hard on myself as an individual. I expect a lot from myself. I work harder on myself than I do on my job. We get paid for the value we bring so work harder on yourself" he said.
- Always lead from the front - You can't get to work at 09:00 and wonder if your staff was on time. Get there before them and leave after them

## Consistency

- You have to do a little bit a lot, not a lot a little bit. An apple a day keeps the doctor away. It doesn't say wait a month and have 30 apples at one go. Do a little marketing daily.
- Overnight success takes 15-20 years

## Simplicity

- The more complicated you make your business the less chances you have of succeeding. Do not over complicate your processes
- Identify your high pay off activities and focus on those
- Continuously determine how you can make your business simpler

## Action

- Whatever we do in life we are always getting results. Put more action into your business to get the results you are looking for
- Be a student of your own results. Identify the cause of your results.
- You cannot solve your problems by using the same thinking
- No action. No results

## Success

- Success is about helping the people around you succeed
- Add value to clients and your success is greater
- Creating wealth is about helping other people create wealth and the universe will reward you
- Design a future for yourself. Write your goals every year. Writing down is the birthing process of the idea

[www.TheSuccessAcademy.co.za](http://www.TheSuccessAcademy.co.za)

## Express Franchised Offices in South Africa

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Pretoria 0860 403 500  
Richards Bay 0861 222 264  
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For franchise opportunities contact Carolyn Diaz at (012) 641 0100 or [carolyn.diaz@expresspros.co.za](mailto:carolyn.diaz@expresspros.co.za)

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