

CWAO condemns Simba for cruelly firing 52 workers.

By: Casual Workers Advice Office

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The Casual Workers' Advice Office (CWAO) condemns Simba for its ruthless dismissal of 52 workers, with just nine days' notice. The workers were informed last week that their last day at Simba will be this Sunday, 10 September. They have informed CWAO that Simba intends to lay off a total of 150 workers.

Most of these workers have been employed at Simba's Isando plant for up to three years each. They were originally placed there through a labour broker, but after three months they became deemed employees of Simba.

Simba is well aware that under the Labour Relations Act amendments of 2015, labour broker workers automatically become permanent employees of the client company (Simba) after 3 months of employment.

Deemed workers cannot be summarily dismissed for no reason. Simba must a fair reason for dismissal related to their conduct or capacity (in which case it must charge them and hold a fair hearing), or Simba's genuine operational requirements (in which case it must consult with the workers in terms of s189 of the LRA).

Simba has deliberately broken the law by continuing to treat its deemed employees as though they belong to the labour broker, Workforce Staffing Pty Ltd, even though these workers are not temporary replacements for permanent workers who are on leave, or performing a temporary service (that is, placed at Simba for less than 3 months).

Last week, 150 workers were told by Workforce to come in and sign a 'Separation Agreement' or not bother to come back to work at all. Only 52 went and signed the agreement on the spot because they were threatened with never getting work from the labour broker again. The rest of the workers were told verbally that there was a new labour broker at Simba and there was no more work for them.

The workers were also intimidated and threatened not to tell anyone that they had been fired, or else the labour broker would never find them work again at any other employer. In other words, in addition to the flagrant disregard for their LRA right to fair dismissal, their Constitutional right to freedom of expression was removed by Workforce Staffing Pty Ltd.

The CWAO has written letters to both Simba and Workforce Staffing Pty Ltd and they have not replied. The workers will lodge a case of unfair dismissal at the CCMA.

For comment: CWAO Organiser Jacob Potlaki on 082 810 6134

*This press statement was released by the Casual Workers Advice Office (CWAO) on 8 September 2023.*