

intelligentPLACEMENT NEWSLETTER

Vol. 35 - September 2018



“Anniversaries are curiously awaited, the opportunities to recollect our year gone memories and to cherish them again.”



HAPPY 5TH BIRTHDAY to us!

2013 was a notable year for me for many reasons. I initiated this company with the blessings of my husband, parents and our Heavenly Father. It's due to their blessings that we have expanded this company to this extent that we are celebrating 5 years.

I'm ashamed to admit that my initial vision, was pale in comparison with the one of my business partners, Jonathan Pepler, who was an answer to a prayer

on the day that I was ready to give up. It's a matter of great pride to see our company growing, embracing good value systems and achieving more than what we have ever thought of. In these 5 years which have passed, we have seen it all – success and failures, highs and lows, celebrations and crisis, everything. But one thing which we never did was to 'give up'. This go getter attitude, our faith and our commitment towards the company are the factors which have brought us where we are. I would never have been able to picture this successful journey without, Jonathan and his beautiful wife, Michelle.

Since the inception we have been adding on to everything we have, the manpower, list of achievements, areas we deal in and even to the enthusiasm and dedication we have for our work and responsibilities. This is obviously an amazing sign for any organization. This positivity has been reflecting clearly in our growth rates ever since the beginning. As they say, “slow and steady wins the race”, we might not have been on the list of the most rapidly growing company, but it has undoubtedly been one of the most steadily growing companies.

These 5 years can be defined as a kaleidoscope of happy and best memories of my life, new friendships and relationships. I have found my new friends in terms of my employees who have worked day and night to make this day possible. Over the last five years, this business has undergone massive changes, but our organization has become stronger and efficient than ever before. By celebrating this 5th year of Intelligent Placement, we are celebrating the success of our employees, their significant others, and children who have sacrificed significantly. Many more anniversaries, many more success stories and many more achievements are yet to come our way.

Till then, let's remember, what we build today, will either empower or restrict our tomorrow.

Last but not the least, I have to thank my husband, parents and kids for the immense pillar of support, they have been. Thank you for standing behind me and help me in fighting against all the odds, thick and thin. I have no words to express my gratitude for your relentless support.

Faith Solomon—Managing Director (Matthew 17:20)



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THE DEEMING PROVISION RULING: WHAT BUSINESSES NEED TO KNOW

On 26 July 2018, after three years of debate, the Constitutional Court made a judgement regarding the roles and responsibilities of temporary employment service (TES) providers and their clients with regards to employees. This pertains to the deeming provision referred to in section 198A of the Labour Relations Act (LRA). The ruling states that the client of a TES provider is deemed to be the sole employer of assigned temporary employees earning R17,119 or less per month, following three months of employment. Until the ruling was made, following the insertion of the clause in 2015, interpretation was up in the air, and it was deemed that employees remained under the employment of both the TES provider and their client for the duration of the employment contract. This meant that both the TES and their client were dually responsible for an employee under contract for the purposes of the LRA, which deals primarily with unfair labour practices and dismissals.

What this means

It all sounds very complex, however it's relatively simple. The new ruling does not mean that an employee automatically transfers from the TES provider's contractual responsibility to the client's, following three months of employment, but rather that – unless outlined in the TES/client contract – the client becomes responsible for any liability defined by the LRA in the event of a dispute, however, awards may still be executed against either the TES or the client.

In order for clients of TES providers to mitigate risk, it becomes important to, firstly, select a trusted TES provider who has a well-structured and solid in-house legal counsel and, secondly, to ensure that they are indemnified against risk in their commercial contract with their TES provider.

What has changed?

The triangular relationship between TES provider, client and employee still remains in place for every other labour act, regulation and council, apart from those set out in the LRA, which covers unfair labour practices. For the purposes of the LRA, the triangular relationship still remains in place for the duration of the commercial contract between the TES provider and client.

The TES provider is still responsible for remuneration of the employee, as well as for overseeing employee wellbeing, benefits and fair practice. After three months, for employees earning below the stated income bracket, the client assumes legal responsibility for maintaining remunerations and fair work practices.

However, a reputable TES provider will absolve the client of that responsibility through commercial contractual commitment, providing both legal assistance and recompense to their client for any claims of unfair practices, dismissals or other LRA-related matters. The TES provider still assumes full responsibility, handling such matters themselves and covering any claims made to the client by contracted employees.

What to do

As the judgement only dealt with a single question on the interpretation of the 2014 amendments to the LRA, further litigation and case law will determine how the CCMA and courts shall deal with the “deemed employee” relationship within the context of the various provisions of the LRA and other applicable legislation. It has therefore become more important than ever before to engage with skilled, reputable TES providers for temporary contract employee needs.

Businesses should be aware of the impact of the new ruling and avoid rash temporary employment decisions without consulting with an experienced and knowledgeable TES provider. Projects that are cut short, temporary workers suddenly no longer required, and dissatisfied temporary employees are but a few of the risky situations that businesses can find themselves in, coming under fire from LRA regulations unless they engage with a TES provider who can shoulder this for them.

Many organisations have frequent requirements for contracted employees for project-specific work, and often are for “unskilled” or blue-collar positions where the employee's income averages at below the mentioned monthly wage. For these businesses, consulting with a TES provider who can alleviate risk and offer service such as employment requirement analyses becomes critical.

The commercial contract between the TES provider and the client needs to be specific on contract duration and the responsibilities for each party so that, if a dispute pertaining to the LRA arises, the client is protected, both legally and financially. The contract should underpin the entire relationship, and requires a collaborative employment initiative plan, strategic thinking and legal consideration.

We have the right candidate for you!

**For more Top Candidates visit our
Our website @ www.intelligentplacement.co.za**



EASTERN CAPE—PORT ELIZABETH—LOGISTICS MANAGER

Our reputable, African Male Candidate is an Aficionado in the field of logistics and has started his formal career in the supply chain department of the biggest manufacturing companies and has gained invaluable experience along the way.

He has worked himself up to his current profile where he leads the establishment and ensures the execution of the S&OP processes, participate/lead global S&OP in their key products. He also executes all facets of the S&OP process to provide an optimum customer service level and working capital performance as defined by the company and strategic objectives.

He is further responsible for analyzing supply and demand issues and facilitate the resolution throughout the supply chain. He has excellent communication and leadership skills. He is charismatic and very presentable. He is also very educated and holds various Supply Chain accolades and qualifications.

It is our pleasure to represent him for further development and growth opportunities in the Supply Chain/ Manufacturing industry.

Contact Janine Julyan—083 235 0707

GAUTENG—JOHANNESBURG—LABOUR RELATIONS PRACTITIONER

Our Candidate is a well presented and professional Senior Labour Relations Consultant.

He is skilled in the following areas:

Chairing a disciplinary hearing and Representing, Dispute Resolution (Conciliation & Arbitration)

CCMA Rules , GPSSBC Rules and PSCBC Rules

PSCBC Resolutions and agreements.

Resolution of grievances, Discipline management

Labour Legislation, Public finance management Act 1 of 1999

Treasury regulations 2001

Constitution of Republic of South Africa Act 108 of 1996

Computer Literate , Presentation skills

His salary expectations are R15 000 and he is available immediately.

Contact Hayley Kagerer—079 680 1982

More Top Candidates...

GAUTENG—JOHANNESBURG/PRETORIA—ACCOUNTANT

This highly skilled candidate resides in Pretoria and would like to work within the JHB/PTA Metropolitan area.

My candidate has a BCompt Accounting degree and is also registered with the EAAB. His strongest attributes are the following:

Problem-solving

Analytic Thinking

Strategic Planning

Report Writing

Financial Accounting

Leadership skills

Real Estate Sales

Real Estate Marketing

Real Estate Administration and Finance

He has a proven track record of being able to conceive, develop and execute strategies. His strong Management skills in Accounting coupled with his ability to perform in Real Estate marketing, makes him to be an ideal candidate in Wealth Management.

This candidate is available immediately for a salary of R 25 000pm.

Contact Helen du Toit—076 772 9933

GAUTENG—JOHANNESBURG—ADMINISTRATOR/PAYROLL

A highly accomplished and committed professional is offering 20 years extensive experience in the corporate and retail industries with proven results.

Demonstrate expertise in training individuals to achieve organisational objectives coupled with strong strategic sales and marketing proficiencies.

Demonstrate an exceptional analytical ability to evaluate the customer experience across multiple channels while delivering unique business solutions.

Proven ability to prioritise assigned duties as well as work accurately under pressure and to tight deadlines in various challenging environments. She possesses a bias for action with an assertive driver personality.

She has a salary expectation of R17 000 and has a 2 week notice period.

Contact Diane Koert—021 201 5077

IMPORTANT NEWS!

Intelligent Placement are now VAT Registered!

Due to continued growth of our company we became VAT registered from 7 August 2018.

It has been through your continued support as a valued client that has helped the growth as a business, and we look forward to being able to continually provide the excellent level of service to you.

Save the date...

Launching our new Website on 1 September!

www.intelligentplacement.co.za

View our specials!
Visit the Employers page
and contact us
Today!

intelligent PLACEMENT
RECRUITMENT PARTNER WITH THE PERSONAL TOUCH

After a lot of hard work and dedication, we are thrilled to officially announce the launch of our new website on 1 September 2018! We invite you to visit us at www.intelligentplacement.co.za

We have built our new website with you and our candidates in mind. The streamlined user interface provides a more interactive experience, allowing our colleagues, clients and candidates to easily find the information they are looking for. Visitors can browse the website based on their own interests to meet our team, learn more about our services, see our current vacancies available and view our Top Candidates.

We invite you to connect with us on LinkedIn and Facebook to stay engaged in our continued growth and collaboration. Be sure to check the Blogs section of our website for our blog posts and if you've missed our Newsletter you can revisit it on our website. **We hope that you enjoy the fresh look and feel of our updated website!**

Office Funnies...



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