



ENFORCEMENT: ROLE OF THE DESIGNATED AGENT

The Council aims to ensure that the provisions of the Council's Agreements is complied with by all stakeholders in the Road Passenger Industry. The designated agents play a vital role in the achievement of this goal.

Designated agents are appointed by the Minister of Labour at the request of a bargaining council to promote, monitor and enforce compliance with any Collective Agreement concluded in that bargaining council. On a more detailed level, the role of the agent includes:

- Promoting, monitoring and enforcing compliance with Collective Agreements.
- Educational inspections of employers in the industry with the objective of assisting stakeholders to move towards voluntary compliance.
- Interpretation and explanation of the provisions of Collective Agreements.
- Registration of unregistered employers.
- Investigation of complaints and enquiries.
- Effectively and successfully conclude enforcement, conciliation and arbitration matters.
- General administration of Council matters.

Due to the role that designated agents play, they are granted certain powers, namely:

- The designated agent may at any time, without warrant or notice, enter any workplace or any other place where an employer carries on business or keeps employment records, that is not a home. This enables agents to monitor or enforce compliance with the Collective Agreements concluded in the Bargaining Council.
- In order to monitor or enforce compliance with a Collective Agreement, a designated agent may;
 - Require a person to disclose information, either orally or in writing, and either alone or in the presence of witnesses, on a matter to which a Collective Agreement relates, and require that disclosure be under oath or affirmation.
 - Inspect and question a person about any record or document to which a Collective Agreement relates.
 - Copy any record or document or remove these to make copies or extracts, to which a Collective Agreement relates.
 - Require a person to produce or deliver to a place specified by the designated agent any record or document to which a Collective Agreement relates, for inspection.
 - Inspect, question a person about, and if necessary, remove an article, substance or machinery present at a workplace or home (if given permission by the owner/occupier or Labour Court).
 - Question a person about any work performed; and perform any other prescribed functions necessary for monitoring or enforcing compliance with a Collective Agreement.
 - Be accompanied by an interpreter and other person reasonably required to assist in conducting an inspection.

One of the main challenges faced by designated agents is to educate stakeholders on the correct interpretation and application of the provisions of the Council's Agreements. The Council therefore urges members to become familiar with the Collective Agreements, to abide by them and to work together with the agents to ensure the implementation thereof.