



Labour Recruitment and Contact Chamber Newsletter

Issue 2 – 2010

Welcome to the 2nd edition of the Labour Recruitment Chamber Newsletter

This exciting and informative publication will offer you highlights and news on the issues and events taking place within the Recruitment industry. Not only will you have insight into the activities that are being implemented on a local and national scale, but you will also be given information on the goings-on internationally.

The 2nd bumper edition provides you with an

update on the issues that have been plaguing the Recruitment industry in recent times. You will be made aware of the research that is being conducted by industry stalwarts on the benefits of Recognition of Prior learning. You will also find updates on the projects that are being implemented via the Labour Recruitment chamber as well as an article on the Employment Services Certification Institute, which is the Professional body for the Labour Recruitment Industry.

New Recruits



The Services Seta has now made it possible for the East London region to have separate governance structures for each of the industries that fall within our scope. This step has now increased the participation of Business and Labour on the Labour Recruitment National board. Our new business rep in the East London region is, Alta Gues. She was nominated via APSO to represent the business component and holds the position of vice chair for the Labour Recruitment SIC code in that region. We currently do not have a Labour rep in the region, however UASA will soon be making a nomination to close that gap. The Chamber welcomes Alta to the board.

The future of the industry?

2009 has thrown the Labour Recruitment industry in the proverbial spotlight. Labour unions and the Government which was in place prior to the National elections, called for the outright banning of the industry, in similar fashion to what had taken place in Namibia. Newspapers and other media gave the issue extensive coverage and angry ill-informed comments seemed to fuel the controversy. The Industry was hungry for information

and guidance on the way forward. CAPES then collaborated with the Labour Recruitment Chamber and embarked on a national INDABA. The events in Cape Town, Kwazulu-Natal and Gauteng, brought both Labour and Business together to address and engage with the industry and interested parties. This collaborated effort from both sections of the economy presented on the current situation in the industry both locally and internationally

and labour was able to present its position on the situation at that stage. These engagements revealed that both Business and Labour are working towards the same goal for the industry – Professionalisation and Decent Work, two key words that will also present itself later in this publication.

State of the Temporary Employment Service Industry

A Capes Perspective on Latest Developments & The Future

By John Botha, COO, CAPES

The Business Day, 13 May 2009, accurately summed up much of the hype in respect of 'labour brokers' when Gwede Mantashe was quoted as saying the following of Minister Mdladlana: "When you are an official, it will be very reckless of any leader of the ANC to go on an election campaign and say that we will ban labour brokers". Further to this, Jesse Duarte stated on 28 May 2009 that the ANC has noted the divergent views that have been expressed within the alliance on the future of labour brokers and that legislation to address labour brokers, contract work, sub-contracting and outsourcing was on the cards. It was later established that the Department of Labour are drafting a "position paper" for tabling at NEDLAC in July 2009. This will therefore be a focus area along with business' submissions, inter alia, calling for enforcement of existing law via a co-regulatory model.

It is clear that factual evidence is often not taken into account when calls for changes to the Temporary Employment Service (TES) industry

are made. It can only be labelled as reckless when, despite predictions by some economists that around 280 000 additional jobs could be lost in the 6 months ending December 2009, calls for TES to be banned continue to ring from COSATU and certain Ministers. President Zuma recently called for the creation of an additional 500 000 jobs over the same period and the TES sector will support him and other stakeholders in this regard.

The facts are that the TES sector places upwards of 500 000 assignees (approximately 50% of whom are youth and first-time work seekers) with clients across all industries and sectors on any one day. These assignees provide a range of skills, from Top Management through unskilled. This means that around 150 000 of the assignees will secure permanent positions having used TES as a channel to enter the formal labour market and that 1 in 10 will be placed on a formal learnership by the TES. All these assignees have the protection of detailed labour laws and around 40% have minimum wage

protection under the jurisdiction of Bargaining Councils and Sectoral Determinations.

The TES sector has been self-regulating for decades with one of its member associations, the Construction Engineering Association (CEA), being active since 1935. The CEA, Association of Personnel Service Organisations (APSO), Association of Nursing Agencies of SA (ANASA) and the Information Technology Association (ITA) united under the Confederation of Associations in the Private Employment Sector in 2003. CAPES is a member of Business Unity South Africa and through this association also has representatives at NEDLAC level.

In order to address a number of stakeholder concerns in areas of freedom of association, professional conduct and assignee benefits, CAPES has been in discussions with FEDUSA in respect of a MOA, is registering a pension fund for assignees and has established a Certification Institute to ensure minimum levels of competence amongst its practitioners.

BREAKING NEWS

The above mentioned MOA(memorandum of agreement) was signed recently between FEDUSA and CAPES. Below is the statement that was released by the two organisations.

The Federation of Unions of South Africa (FEDUSA) and the Confederation of Associations in the Private Employment Sector (CAPES) have signed a Memorandum of Understanding (MOU), to create a strategic partnership and a national social dialogue platform to ensure fair conditions for the South African temporary employment industry and temporary employment service (TES) workers. As social partners, both parties support the establishment of a revised regulatory framework for the temporary employment industry, to establish the nature, extent and applicability of decent work for the TES workers as defined by the International Labour Organisation (ILO), to ensure that the constitutional rights of workers employed in the temporary industry are respected, promoted and protected. Both parties commit themselves to use the principles contained in the ILO Convention 181 and Recommendation 188 on private employment agencies as a framework to the improved functioning of our labour market, by inter alia, ensuring that the role of TES is secured.

The social partners therefore call for the effective registration

and monitoring of temporary employment agencies as well as proper enforcement of existing law in respect of TES; to build on existing quality standards in the temporary employment industry; for the prevention of unfair competition by the fraudulent "bakkie brigades" and/or user companies and also to fight human trafficking.

The social partners firmly believe that collective agreements entered into between employer and trade union parties in our bargaining councils should not be undermined and eroded. They also encourage engagement by other social partners who wish to participate in engagements on TES. In addition, the social partners view sectoral determinations that are promulgated by the Minister of Labour on recommendation of the Employment Conditions Commission in respect of wages and employment conditions as fundamental legal instruments to protect vulnerable workers in precarious employment relationships. According to FEDUSA General Secretary Dennis George, the signing of the MOU with CAPES is the beginning of a new era for the temporary employment industry in South Africa as it provides a platform for social dialogue to take place. It is therefore clear that this industry must be effectively regulated.

The CAPES Chief Operating Officer

John Botha strongly supported a case for co-regulation of the TES industry by social partners in order to eliminate illegal and unethical practices by operators of poor repute without undermining the significant socio-economic contribution by TES. This in light of the poor enforcement of many aspects of existing legislation to date. He further indicated that in South Africa today, other industries are already regulated such as the Banking Sector which is regulated by the South African Reserve Bank, and the Aviation Industry that is regulated by the Department of Transport. He failed to understand why it took the Department of Labour such a long time to table revised proposals with NEDLAC in order to appropriately address the matter of TES regulation.

The FEDUSA Labour Market Chamber representative Leon Grobler indicated that social partners globally have learnt a great deal from a similar agreement that had been entered into between UNI Global Union and CIETT, as well as from other practices. Grobler further indicated that the parties have now concluded the first phase of their research into best practices internationally with regard to the temporary employment sector and strongly endorses the fact that a revised regulatory framework would be an appropriate response.

What code do you abide by?

Prior to the INDABAs, the Labour Recruitment industry through CAPES and in conjunction with the Services Seta, unveiled the industry's Code of Conduct at a function in Sandton, Gauteng. Below is a copy of the Code of Conduct.

Code of Professional Conduct for Labour Recruitment

Professionals practising in the Labour Recruitment industry are required to be members of and are required to subscribe to the Code of Ethics for one or more of the following associations:

- The Association of Personnel Services Organisations (APSO)(est. 1977);
- The Constructional Engineering Association, Labour Broking Division (CEA-LBD)(est. 1936);
- Association of Nursing Agencies of South Africa (ANASA)(est. 1994);
- The Information Technology Association (ITA) (est. 1934); and
- Confederation of Associations in the Private Employment Sector (CAPES) (est. 2004).

This document does not override the requirements of the codes of the above-mentioned associations. Rather, it aims to enhance the holistic behavioural requirements of professionals who have met the national professional recognition requirement.

Background

Practitioners within Labour Recruitment are expected to align all recruitment, selection, employment activities and marketing practices to the legislation applicable to and regulating the industry.

This code of conduct is aimed at setting the principles underpinning their professional conduct whilst practising in a professional and skilled manner, using the knowledge and skills gained through their education, training and workplace experience.

Objectives of the Industry

The industry aims to set a minimum standard for practice, for individuals wanting to enter the Labour Recruitment sector.

Qualified practitioners and professionals must be trained to always act with the clients' as well as the candidates' and assignees' best interest at heart in compliance with all statutory requirements.

The industry ensures ongoing education of practitioners and professionals through a structured and self-regulated continuing professional development programme.

The industry ensures regular revision of this code of conduct in alignment with national and international good practice and standards.

Organisations representing the industry will strive to create an enabling environment for the professional conduct of practitioners, to ensure promotion of fair practice and protection of workers

Defining Professional Conduct

The industry aims to set a minimum standard for practice, for individuals wanting to enter the Labour Recruitment sector.

Professional conduct is defined as:

- A practitioner's obligation to protect and enhance their profession;
- Keeping informed and educated about best practice within the profession;
- Active pursuit of personal and professional development; and
- Commitment to professional and ethical practices

Principles Underpinning the Code

The principles underpinning this code are:

- **Integrity** – practitioners must be ethical, honest and true to their word. They must ensure that their behaviour is consistent with this code of professional conduct.
- **Confidentiality or privacy** – privileged information must be treated appropriately so as not to infringe on any parties' constitutional rights.
- **Collegiality** – this includes co-operation with colleagues, integrity within working relationships and the protection of one another's reputations in the working environment and sector.
- **Engagement and Collaboration** – ensuring consultation and co-operation with stakeholders to improve labour market functioning.
- **Trustworthiness** – this includes honesty and transparency in relationships with all stakeholders and reliability in the business environment.
- **Competency** – ensuring lifelong learning in order to maintain currency of knowledge and skill.

Conduct Towards Clients

Practitioners will:

- Be polite, honest and objective when interacting with clients;
- Act with integrity at all times;
- Behave in a trustworthy and reliable manner when dealing with each client in order to meet their needs;
- Protect the confidentiality of client information at all times;
- Provide statutory compliant services; and
- Strive to meet contractual obligations.

Conduct Towards Candidates and Assignees

Practitioners will:

- Act in a manner that upholds the professional reputation and best practice of the industry;
- Co-operate with colleagues to ensure that the principles of this code are upheld;
- Act with respect for colleagues, employers, employees and the industry; and
- Report unethical behaviour through the appropriate mechanisms.

Conduct Towards Colleagues, Employers and Employees

Practitioners will:

- Act in a manner that upholds the professional reputation and best practice of the industry;
- Co-operate with colleagues to ensure that the principles of this code are upheld;
- Act with respect for colleagues, employers, employees and the industry; and
- Report unethical behaviour through the appropriate mechanisms.

Conduct Towards Professional Bodies

Practitioners will:

- Aim to support activities and initiatives introduced by industry associations; and
- Respect the authority of associations recognised by the industry.

Monitoring of Professional Conduct

The primary responsibility for the monitoring of the subscription of practitioners and professionals to this code of conduct rests with the individual.

Professional bodies are tasked with the enforcement of the subscription of practitioners to the principles and objectives presented in the code of conduct however the industry relies on the integrity of practitioners when engaging with stakeholders.

Where practitioners are considered to be acting in a manner that breaches these principles, appropriate action will be taken.

Professionalising the Industry

By Henriette van Twisk, GM, ESCI

The Labour Recruitment industry has operationalised self regulation by developing and launching a unified Code of Conduct for the industry, establishing a lobbying body to engage in a spirit of co-operation to regulate the industry and setting up a certification institute to promote professionalism.

The newly established Employment Services Certification Institute (ESCI) will play a key role in professionalizing the Labour Recruitment industry, ensuring that self-regulation is effective and ensuring ethical, professional and compliant services to assignees, candidates and clients. The institute's goals are to:

- Promote professionalism and high standards of competence and integrity
- Provide relevant qualifications at all levels in a structured learning pathway along with professional designations on a career pathway
- Provide meaningful continuous professional development activities for its members to enhance their knowledge and maintain professional designations
- Avoid errors that could result in costly legal proceedings
- Add value to business relationships by demonstrating commitment to clients
- Expand knowledge of the industry and elevate professionalism

Staffing professionals make decisions every day that could affect individual and organisational credibility. Learning towards professional qualifications will:

- Protect the rights of candidates, assignees and clients

Once individuals have achieved a professional designation it will be maintained through continued professional development. It is anticipated that the ESCI will be fully operational by the end of 2009 with its first intake of individual members by January 2010. In the meantime should you have any further queries please do not hesitate to contact Henriette van Twisk on 011 615 0718 or 083 230 1553 or mail Henriette@esci.co.za

Knowledge is Power...

The Services Seta is also funding numerous research projects linked to the Labour Recruitment industry. One such project is a study into the benefits of the Recognition of Prior Learning process. Below is the article by Leo Tome – GM Learnerships of the Project Management Institute



The Services Seta has partnered the Production Management Institute of Southern Africa (PMI) to conduct research on the *Impact of Recognition of Prior Learning (RPL) – driven Learnerships, in the blue collar Temporary Employment Services (TES) environment.*

The TES industry is seen as playing a key role in the economy, including increasing productivity and international competitiveness, developing skills, and as an important entry into the job market for first time work seekers. The research will be aimed at evaluating how the TES industry equips new entrants into the labour market through skills development as well as assisting in ensuring a more successful implementation of qualifications through RPL in the very challenging blue collar TES environment.

The Production Management Institute of Southern Africa (PMI) is a member of the ADCORP HOLDINGS GROUP of companies. As a result of its ownership by Adcorp, PMI is in a partnership relationship with a number of the major TES companies in South Africa. These include Capacity Outsourcing, Capital Outsourcing Group, Employrite, and Staff U Need (SUN). The PMI has piloted an RPL model in the blue collar environment, and more specifically in the flexible staffing solution or labour broking arenas using Judy Harris' "RPL: Power Pedagogy and Possibility" as a point of departure.

The pilot was run during the course of 2008/09 with 1000 learners that participated in an NQF level 1 or 2 qualification, in the manufacturing and distribution sectors respectively, across South Africa (*Eastern Cape – 37 Learners, KZN – 220 Learners, Gauteng – 450 Learners, Western Cape – 320 Learners*). The project will critically evaluate the execution of the process and share the lessons learnt and successes achieved, through formal research.

The outcome of the research will be published in three papers, namely:

1. The challenges of implementing Recognition of Prior Learning in a blue collar flexible staffing environment;
2. The throughput and competency on a Recognition of Prior Learning qualification in a blue collar flexible staffing environment versus a more conventional learnership, and;
3. The current perceptions from both academia and industry on Recognition of Prior Learning Qualification in a blue collar flexible staffing environment.



From left: Henry van Rooyen, Liz Thring, Shainaaz Rambehary, Leo Tomé, Tim Smeeton, Jason le Grange, John Botha

On 1 June 2009 the research team met with stakeholders to conduct a scoping exercise on the research. The participants were Henry van Rooyen (UASA), Liz Thring (Capacity Outsourcing), Shainaaz Rambehary (Services Seta), Leo Tomé (GM Learnerships - PMI), Tim Smeeton (MD - PMI), Dr. Jason le Grange (Assessment Warehouse), John Botha (CAPES). The outcome of the research will be presented in December 2009.

The other research projects relate to

Atypical forms of Employment, where current research papers were critiqued and analysed as well as research that has been commissioned through CAPES on the TES industry. This quantitative study will provide the industry with much needed statistics on this sector of the industry

Going Global

Decent Work Standard Development – Study Tour

By Bev Jack, Director: Group Skills, Kelly Group

A delegation, constituted of a group of Organized Business and Organised Labour

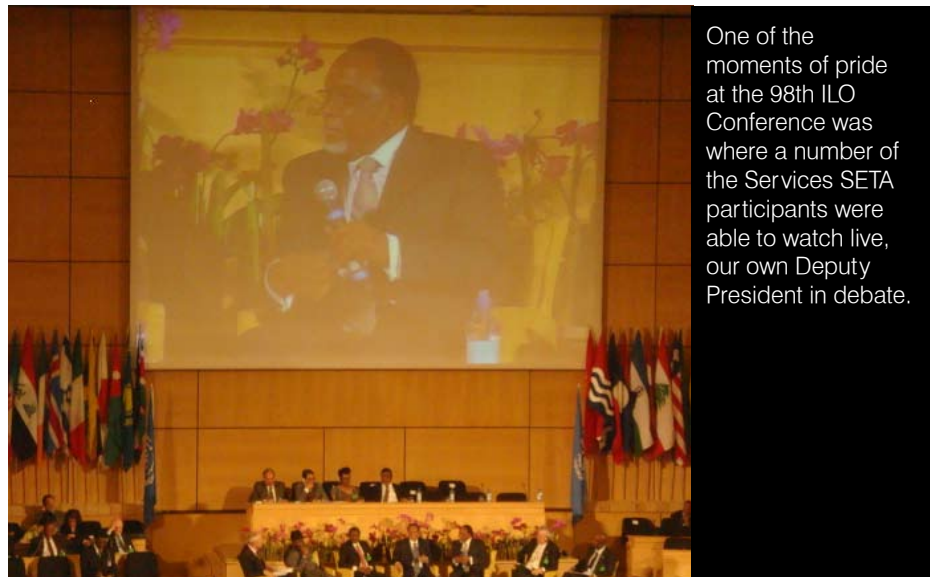
representatives undertook a study tour to the Netherlands, Denmark and the ILO (International Labour Organisation) in June 2009.

The aim was to develop a Decent Work Sector programme to inform and feed into the Decent Work country programme.

There is an urgent need to create an environment at sector, national and international levels that is conducive to the attainment of full and productive employment for all, as a foundation for sustainable development. This environment should support investment, growth and entrepreneurship which are essential to the creation of new job opportunities. It also reaffirms that opportunities to obtain productive work in condition of freedom, equity, security and human dignity are essential to ensuring an improvement in economic and social wellbeing for all, as well as sustainable economic growth and development.

Decent Work has 4 pillars or strategic objectives:

- Fundamental principles and rights at work and compliance to international labour standards
- Employment and income opportunities
- Social protection and social security



One of the moments of pride at the 98th ILO Conference was where a number of the Services SETA participants were able to watch live, our own Deputy President in debate.

- Social dialogue and tripartism

A particular focus was on TES (Temporary Employment Services) which does add value to the world of work, can create access to long term employment and decent work. The Labour Recruitment representatives are united in their fight against unfair and non-compliant labour practices, and used the study tour to seek innovations and global good practice in applying the principle of fair treatment for TES employees.



Back left – Leon Grobler: COO of UASA and Chairperson of the Labour Recruitment Chamber Board, **Middle** – Dennis George: General Secretary, FEDUSA, **Back Right** – Michelle Billington: vice chairperson of the Labour Recruitment Chamber Board

A response to the call for more qualified Artisans

Services Seta
Artisan Project

By Petro Smith, Artisan Manager

One would think that after 19 months since the inception of the Artisan Project in the Services SETA all relevant stakeholders would have accepted that the SSETA is serious about resolving the skills shortage in the Country.

Although the Services SETA has not had the full support of certain individuals and stakeholders, we are still progressing in this field despite how new we are to the game. We have produced some exceptional results to date. Even though we are rookies in this sector of skills development we have had **596** candidates pass their trade tests successfully.

The Services SETA have had the following Artisan and Apprenticeship roll outs in the past 19 months:

- **The first roll out was for 7000 13 and 28 candidates;**
- **Second Roll out was for 3000 section 13 and 28 candidates;**
- **The NSF allocated funds to the SETA for 3000**

section 13 and 28 candidates.

The Artisan unit is also in the process of signing the Service Level Agreement for the National Skills Fund project.

Challenges

Currently the Artisan Unit is experiencing a problem with the signing off of certificates at the Department of Labour. The Registrar has implemented a new process and now requires additional documentation to be submitted to the Department before any certificates are signed. The Artisan Unit initially struggled to obtain the newly required information but with the assistance of training providers, we are now in a position to submit all outstanding certificates to the Registrar for signature.

Newly qualified Artisans who have not yet received their certificates are requested to be patient and the Artisan Unit would like to thank all stakeholders for their continued support and assistance with the training of Artisans.

Chamber News



SME Training opportunities

The chamber commenced with training for the SME companies within the Labour Recruitment industry in March 2009. The workshops were aimed at educating the delegates on the following topics:

- Compliance and legislation
- Disciplinary and Grievance
- Terminations
- Staff Productivity
- Performance Management
- Recruitment and Interviewing
- Techniques

The training was held in 7 regions over a 6 month period with one module being trained per month.

The training was received favorably by the delegates and the industry and there has been a call for further training of this nature. Even though the training was initially geared towards the SME companies, it was opened up to medium and large companies as well due to a low buy-in from the SME companies.

Recognising your skills

The Chamber has embarked on its Recognition of Prior learning project within the Labour Recruitment industry.

Recruiters with a minimum of 2 years working experience have been selected by their employers to undergo RPL against the

Labour Recruitment Services L4 qualification. Below are the unit standards that make up the 152 credit qualification:

	ID	UNIT STANDARD TITLE	LEVEL	CREDITS
Core	10170	Demonstrate understanding of employment relations in an organisation	Level 3	3
Core	113915	Explain the application of the basic conditions of employment act in an employment contract	Level 3	2
Core	242655	Demonstrate knowledge and application of ethical conduct in a business environment	Level 4	4
Core	10014	Describe features, advantages and benefits of a range of products	Level 4	6
Core	10024	Liaise with a range of customers of a business	Level 4	4
Core	7836	Monitor customer satisfaction	Level 4	3
Core	13948	Negotiate an agreement or deal in an authentic work situation	Level 4	5
Core	10978	Recruit and select candidates to fill defined positions	Level 4	10
Core	242817	Solve problems, make decisions and implement solutions	Level 4	8
Core	10037	Take orders from customers to fulfil a need for goods and/or service	Level 4	10
Core	123372	Use appropriate tools and information systems to manage own information and communication	Level 4	4
Core	10011	Work as a member of a marketing team	Level 4	5
Core	8647	Apply workplace communication skills	Level 5	10
Core	10047	Close a deal with a customer	Level 5	5
Core	15235	Prepare and conduct staff selection interviews	Level 5	3
Fundamental	119472	Accommodate audience and context needs in oral/signed communication	Level 3	5

	ID	UNIT STANDARD TITLE	LEVEL	CREDITS
Funda- mental	119457	Interpret and use information from texts	Level 3	5
Funda- mental	119467	Use language and communication in occupational learning programmes	Level 3	5
Funda- mental	119465	Write/present/sign texts for a range of communicative contexts	Level 3	5
Funda- mental	9015	Apply knowledge of statistics and probability to critically interrogate and effectively communicate findings on life related problems	Level 4	6
Funda- mental	119462	Engage in sustained oral/signed communication and evaluate spoken/signed texts	Level 4	5
Funda- mental	119469	Read/view, analyse and respond to a variety of texts	Level 4	5
Funda- mental	9016	Represent analyse and calculate shape and motion in 2-and 3-dimensional space in different contexts	Level 4	4
Funda- mental	119471	Use language and communication in occupational learning programmes	Level 4	5
Funda- mental	7468	Use mathematics to investigate and monitor the financial aspects of personal, business, national and international issues	Level 4	6
Funda- mental	119459	Write/present/sign for a wide range of contexts	Level 4	5
Elective	13915	Demonstrate knowledge and understanding of HIV/AIDS in a workplace, and its effects on a business sub-sector, own organisation and a specific workplace	Level 3	4

	ID	UNIT STANDARD TITLE	LEVEL	CREDITS
Elective	114932	Explain how to manage diversity in the workplace	Level 3	2
Elective	116720	Show understanding of diversity in the workplace	Level 3	3
Elective	120385	Apply a range of project management tools and techniques	Level 4	7
Elective	114594	Apply the principles of costing and pricing to a business venture	Level 4	6
Elective	117495	Assess legal contracts for business	Level 4	8
Elective	10038	Conduct follow-up with customers to evaluate satisfaction levels	Level 4	14
Elective	14667	Describe and apply the management functions of an organization	Level 4	10
Elective	242822	Employ a systematic approach to achieving objectives	Level 4	10
Elective	120372	Explain fundamentals of project management	Level 4	5
Elective	242813	Explain the contribution made by own area of responsibility to the overall organisational strategy	Level 4	5
Elective	10015	Identify customers of the business	Level 4	4
Elective	114591	Implement an action plan for business operations	Level 4	4
Elective	10980	Induct a new employee	Level 4	6
Elective	10021	Instil in myself a personal marketing culture	Level 4	4
Elective	10012	Meet marketing performance standards	Level 4	4
Elective	242811	Prioritise time and work for self and team	Level 4	5
Elective	10981	Supervise work unit to achieve work unit objectives (individuals and teams)	Level 4	12

	ID	UNIT STANDARD TITLE	LEVEL	CREDITS
Elective	242869	Apply an understanding of the characteristics of the South African Labour Market	Level 5	8
Elective	113850	Compile tender documents and contracts	Level 5	16
Elective	11286	Institute disciplinary action	Level 5	8

All qualifications and unit standards registered on the National Qualifications Framework are public property. Thus the only payment that can be made for them is for service and reproduction. It is illegal to sell this material for profit. If the material is reproduced or quoted, the South African Qualifications Authority (SAQA) should be acknowledged as the source.

If you are interested in obtaining this qualification, either through a full learnership or through the RPL process, please contact the Chamber on 031 207 1761 for further details on the application process.

Till we meet again...

By Shainaaz Rambehary, Chamber Manager

Thank you for taking the time to read through this edition of the Chamber newsletter. The Chamber endeavors to bring new and exciting news in the next edition which will contain articles from the Chair and Vice Chair of the Labour Recruitment National Board as well updates on the status of the Labour Recruitment industry. We will also provide

you with information on new training opportunities that we will be introducing to the industry via the Chamber.

If you have any queries, concerns, complaints, success stories, etc that you would like the Chamber to be aware of, please do not hesitate to contact the Chamber Team. Please find details below:

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