

# Workers take newly merged Heineken-Distell to the CCMA

By [Liez Human](#)

19 Jan 2024

Unions say merger conditions set by Competition Tribunal have not been met.



About 50 workers, mostly forklift drivers, are taking Heineken Beverages to the Commission for Conciliation, Mediation and Arbitration. Photo: Ashraf Hendricks / GroundUp

- About 50 workers at Heineken Beverages, which recently merged with Distell, have taken the company to the Commission for Conciliation, Mediation and Arbitration.
- The workers are on flexible contracts with Vericon Outsourcing and want to be employed permanently.
- Heineken has said it will try to find an amicable resolution.

About 50 workers at Heineken Beverages, which recently merged with one of South Africa's largest alcohol producers, Distell, have lodged a dispute with the Commission for Conciliation, Mediation and Arbitration (CCMA) to get the company to employ them on a permanent basis.

The workers, mostly forklift operators, are employed by labour broker Vericon Outsourcing. They say they are effectively permanent workers and should be recognised as such in terms of the [Labour Relations Act](#).

The workers are represented by the Simunye Workers' Forum (SWF) and supported by the Casual Workers Advice Office (CWAO). The matter is now going to arbitration at the CCMA. A date is yet to be set.

The CCMA case follows the Competition Tribunal's decision to approve the merger of Heineken with Distell in March 2023. Popular brands merged with Heineken include JC Le Roux, Klipdrift, Savannah, Hunters and Nederburg wines. The merger also included the acquisition of Namibia Breweries.



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One of the workers said that when they had previously asked to be made permanent staff, in September 2022, Vericon had threatened them with losing their jobs. As a result, he said, they had again signed short term contracts “under duress”.

But, he said, the nature of their work is not casual or temporary and they should be permanent workers and have access to benefits such as a provident fund. The worker, who did not want to be identified for fear of victimisation, has worked at Distell, now Heineken, since 2020 as a forklift operator.

In approving the merger, the Competition Tribunal set several [conditions](#), including a limit on retrenchments, fair wages for all employees including temporary and outsourced workers. The Tribunal also said the new company must investigate complaints raised by outsourced workers during the Tribunal hearing, and must make an assessment of recruitment, management and termination practices applied to all permanent and sourced workers.

Jacob Potlaki, organiser at the CWAO and the SWF, is concerned that the merger conditions have not been met. He said in the merger the company “agreed the labour broker workers will be taken care of ... but that has never happened since the merger happened”.

Heineken spokesperson Dennis Matsane said that the primary respondent in the CCMA matter is Vericon. “While Heineken Beverages has been cited as a respondent, the company has not yet received a notice of arbitration and should this be issued to the company, Heineken Beverages will assist the process so that there can be an amicable resolution to the matter,” said Matsane.

Vericon Outsourcing did not respond to *GroundUp*'s queries despite committing to do so and despite various follow-ups.

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