

- 11.2.9.2 **Criteria:** The Council and/or the Independent Exemptions Appeal Body shall, without limiting its own considerations, *inter alia* consider the following criteria to wit:
- 11.2.9.2.1 The financial and social implications on the applicants, competitors, employees and the Industry as a whole;
 - 11.2.9.2.2 viability of the continued existence of the establishment;
 - 11.2.9.2.3 the views expressed by the employees and/or the applicants' competitors;
 - 11.2.9.2.4 the views and recommendations submitted by the bargaining council or any other person or body with an interest in the matter;
 - 11.2.9.2.5 the possibility of job losses if the exemption is granted or refused;
 - 11.2.9.2.6 the limitation on any employment opportunities if the exemption is granted or refused;
 - 11.2.9.2.7 any other relevant information that might have an impact on the outcome of either an application or an appeal;
 - 11.2.9.2.8 the applicant's past record (if applicable) of compliance with the provisions of the main agreement and/or exemption certificates;
 - 11.2.9.2.9 any special circumstances that exist or any precedent that might be set;
 - 11.2.9.2.10 the interests of the Industry in relation to unfair competition, centralised collective bargaining as well as the economic stability of the Industry;
 - 11.2.9.2.11 the interests of the employees with regards to exploitation, job preservation, sound conditions of employment, potential financial benefits, health and safety and the possible infringement of basic rights; and
 - 11.2.9.2.12 the interests of the employer with regards to its financial stability, the impact on productivity, its future relationship with employees and recognised trade union operational requirements and the viability of the employers business.