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GOVERNMENT NOTICE

DEPARTMENT OF LABOUR

No. R. 2352 22 December 1972

INDUSTRIAL CONCILIATION ACT, 1956.—TRAINING SCHEME FOR THE CIVIL ENGINEERING INDUSTRY

I, Marais Viljoen, Minister of Labour, hereby—

(a) in terms of section 48A (2) of the Industrial Conciliation Act, 1956, declare that the provisions of the Scheme which appears in the Schedule hereto, excluding those contained in clauses 1, 2 and 11, shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending one year from the said Monday, upon all employers and employees who are engaged or employed in the Civil Engineering Industry in the Republic of South Africa; and

(b) in terms of section 48 (3) (a), as applied by section 48A (3) of the said Act, declare that in the Republic of South Africa and with effect from the second Monday after the date of publication of this notice and for the period ending one year from the said Monday, the provisions of the said Scheme, excluding those contained in clauses 1, 2 and 11, shall *mutatis mutandis* be binding upon all Bantu employed in the said Industry by the employers upon whom any of the said provisions are binding in respect of employees and upon those employers in respect of Bantu in their employ.

M. VILJOEN, Minister of Labour.

SCHEDULE

SOUTH AFRICAN FEDERATION OF CIVIL ENGINEERING CONTRACTORS (SAFCEC)

SCHEME

in accordance with the provisions of the Industrial Conciliation Act, 1956, as amended, arrived at by the South African Federation of Civil Engineering Contractors for the establishment by the South African Federation of Civil Engineering Contractors of a fund for the training of employees in the Civil Engineering Industry.

1. SCOPE OF APPLICATION OF THE SCHEME

The terms of the Scheme shall be observed throughout the Republic of South Africa by all employers in the Industry who are members of SAFCEC.

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GOEWERMENTSKENNISGEWING

DEPARTEMENT VAN ARBEID

No. R. 2352 22 Desember 1972

WET OP NYWERHEIDSVERSOENING, 1956.—OPLEIDINGSKEMA VIR DIE SIVIELE INGENIEURSBEDRYF

Ek, Marais Viljoen, Minister van Arbeid, verklaar hierby—

(a) kragtens artikel 48A (2) van die Wet op Nywerheidsversoening, 1956, dat die bepalings van die Skema wat in die Bylae hiervan verskyn, uitgesonderd dié vervat in klousules 1, 2 en 11, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat een jaar vanaf genoemde Maandag eindig, bindend is vir alle werkgewers en werknemers wat betrokke is by of in diens is in die Siviele Ingenieursbedryf in die Republiek van Suid-Afrika; en

(b) kragtens artikel 48 (3) (a), soos toegepas by artikel 48A (3) van genoemde Wet, dat die bepalings van genoemde Skema, uitgesonderd dié vervat in klousules 1, 2 en 11, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat een jaar vanaf genoemde Maandag eindig, in die Republiek van Suid-Afrika *mutatis mutandis* bindend is vir alle Bantoes in diens in genoemde Bedryf by dié werkgewers vir wie enigeen van genoemde bepalings ten opsigte van werknemers bindend is en vir daardie werkgewers ten opsigte van Bantoes in hul diens.

M. VILJOEN, Minister van Arbeid.

BYLAE

SOUTH AFRICAN FEDERATION OF CIVIL ENGINEERING CONTRACTORS (SAFCEC)

SKEMA

ingevolge die Wet op Nywerheidsversoening, 1956, soos gewysig, ingestel deur die South African Federation of Civil Engineering Contractors vir die stigting deur die South African Federation of Civil Engineering Contractors van 'n fonds vir die opleiding van werknemers in die Siviele Ingenieursnywerheid.

1. TOEPASSINGSBESTEK VAN DIE SKEMA

Die bepalings van die Skema moet oor die hele Republiek van Suid-Afrika nagekom word deur alle werkgewers in die Nywerheid wat lede van SAFCEC is.

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2. PERIOD OF OPERATION OF THE SCHEME

This Scheme shall come into operation on such date as may be specified by the Minister in terms of section 48A (2) of the Act, and shall remain in force until 31 December 1975 or for such period as may be determined by him.

3. DEFINITIONS

Any expressions used in this Scheme which are defined in the Industrial Conciliation Act, 1956, shall have the same meaning as in that Act, any reference to the Act shall include any amendments to the Act, words importing the masculine gender, unless the contrary intention appears, shall include females, and unless inconsistent with the context—

"Act" shall mean the Industrial Conciliation Act, 1956;

"Civil Engineering Industry" shall mean the Industry in which employers (other than local authorities) and employees are associated for the construction of docks, harbours, bridges, roads, viaducts, aqueducts, canals, pipe-lines, cableducts, aerodromes, bunkers, bins, railways, sea defences, river works, piers, quays, wharves, reservoirs, filter-beds, sewerage works, sewers, tunnels, excavations, gasholders, and includes any work of a similar nature involving problems of a civil engineering character;

"SAFCEC" shall mean the South African Federation of Civil Engineering Contractors;

"SAFCEC Executive" shall mean the Executive Committee elected and delegated with power in terms of SAFCEC's Constitution;

"Fund" shall mean the Civil Engineering Industry Training Fund;

"Industry" shall mean the Civil Engineering Industry;

"salaries and wages" shall mean the gross payments for work done in the Civil Engineering Industry, which shall include normal pay, payment for overtime, bonus and holiday payments as well as cash allowances, but shall not include payments in kind such as provisions of houses or motor vehicles;

"Training Board" shall mean the Civil Engineering Industry Training Board appointed in terms of clause 6 of the Scheme to administer the Fund.

4. TRAINING FUND

(1) There is hereby established a fund to be known as the "Civil Engineering Industry Training Fund".

(2) The Fund shall consist of—

- (a) contributions paid into the Fund in accordance with the provisions of clause 7 of the Scheme;
- (b) interest derived from the investment of any moneys of the Fund;
- (c) any other sums to which the Fund may become entitled.

5. OBJECTS OF THE FUND

The objects of the Fund are—

- (1) to encourage practical interest in the education, training and employment of all persons employed in the Industry;
- (2) to publicise vocational opportunities offered by the Industry;
- (3) to provide incentives to employers in the Industry by way of grants, subsidies, bounties or other financial measures to educate and train employees;
- (4) to receive levies for the purpose of furthering the objects detailed herein and to spend such funds in accordance with these objects and subsequent provisions of the Scheme;
- (5) to borrow, invest, lend, subscribe or donate money for the furtherance of these objects;
- (6) to do all such things as may be necessary to achieve the aims set out above.

6. ESTABLISHMENT AND FUNCTION OF THE CIVIL ENGINEERING INDUSTRY TRAINING BOARD

(1) The Fund shall be administered by a Civil Engineering Industry training board consisting of seven members appointed by the SAFCEC Executive of whom at least one shall be a member of the Executive. Employers in the Industry who are not members of SAFCEC but upon whom the Scheme is made binding by the Minister of Labour shall be entitled to appoint a member on the Training Board to represent their interests. One member of the Training Board, who shall be a member of the SAFCEC Executive, shall be appointed Chairman by the SAFCEC Executive.

(2) The Training Board shall have the right to co-opt, in an advisory capacity, such other persons as it may deem necessary.

2. GELDIGHEIDSDUUR VAN DIE SKEMA

Hierdie Skema tree in werking op dié datum wat die Minister kragtens artikel 48A (2) van die Wet vasstel en bly van krag tot 31 Desember 1975 of vir dié tydperk wat hy bepaal.

3. WOORDOMSKRYWINGS

Alle uitdrukkings wat in hierdie Skema gebesig en in die Wet op Nywerheidsversoening, 1956, omskryf word, het dieselfde betekenis as in daardie Wet, alle vermeldings van die Wet omvat alle wysigings van dié Wet, tensy die teenoorgestelde bedoeling blyk, omvat woorde wat die manlike geslag aandui ook vroue en tensy onbestaanbaar met die sinsverband beteken—

"Wet" die Wet op Nywerheidsversoening, 1956;

"Siviele Ingenieursnywerheid" die nywerheid waarin werkgewers (uitgesonderd plaaslike owerhede) en werknemers met mekaar geassosieer is vir die bou van dokke, hawens, brêe, paaie, viadukte, akwadukte, kanale, pypleidings, kabelgange, vliegvelde, bunkers, opgaarbakke, spoorweë, seewerings, rivierwerke, piere, kaaie, skeepswerwe, opgaardamme, filterbedde, rioolwerke, riole, tonnels, uitgrawings en gashouers, met inbegrip van alle werk van soortgelyke aard wat vraagstukke van die aard van siviele-ingenieurswerk meebring;

"SAFCEC" die South African Federation of Civil Engineering Contractors;

"SAFCEC-bestuur" die Uitvoerende Komitee wat ingevolge SAFCEC se grondwet verkies en met bevoegdheid beklee is;

"Fonds" die Opleidingsfonds van die Siviele-ingenieursnywerheid;

"Nywerheid" die Siviele-ingenieursnywerheid;

"salarisse en lone" die bruto betalings vir werk gedoen in die Siviele-ingenieursnywerheid en sluit in gewone betaling, betaling vir oortyd, bonus en vakansiebetaling asook kontant toelaes, maar sluit nie betalings in natura soos die voorsiening van huise of motorvoertuie in nie;

"Opleidingsraad" die Opleidingsraad vir die Siviele Ingenieursnywerheid aangestel ingevolge klousule 6 van die Skema om die Fonds te administreer.

4. OPLEIDINGSFONDS

(1) Hierby word 'n fonds gestig wat bekendstaan as die "Opleidingsfonds vir die Siviele Ingenieursnywerheid".

(2) Die Fonds bestaan uit—

- (a) bydraes wat ingevolge klousule 7 van die Skema in die Fonds gestort word;
- (b) rente afkomstig uit die belegging van geld van die Fonds;
- (c) ander bedrae waarop die Fonds geregtig mag word.

5. DOELSTELLINGS VAN DIE FONDS

Die doelstellings van die Fonds is—

- (1) om daadwerklike belangstelling in die onderrig, opleiding en indiensneming van alle persone wat in die Nywerheid in diens is, aan te moedig;
- (2) om werkseleenthede wat die Nywerheid bied, bekend te stel;
- (3) om werkgewers in die Nywerheid deur middel van toekennings, subsidies, toelaes of ander geldelike maatreëls aan te spoor om werknemers te onderrig en op te lei;
- (4) om heffings in ontvangs te neem wat bedoel is om die doelstellings wat hierin aangegee word, te bevorder en om sodanige fondse aan te wend ooreenkomstig hierdie doelstellings en die bepalings van die Skema wat daaruit voortvloei;
- (5) om geld vir die bevordering van hierdie doelstellings te leen, te belê, uit te leen, by te dra of te skenk;
- (6) om alles te doen wat nodig is om bogenoemde doelstellings te verwesenlik.

6. DIE STIGTING EN FUNKSIE VAN DIE OPLEIDINGS-RAAD VIR DIE SIVIELE-INGENIEURSNYWERHEID

(1) Die Fonds moet geadministreer word deur 'n opleidingsraad vir die Siviele Ingenieursnywerheid wat bestaan uit sewe lede aangestel deur die SAFCEC-bestuur, van wie minstens een 'n lid van die Bestuur moet wees. Werkgewers in die Nywerheid wat nie lede van SAFCEC is nie maar vir wie die Skema deur die Minister van Arbeid bindend gemaak word, is geregtig om 'n lid op die Opleidingsraad te benoem om hul belange te verteenwoordig. Een lid van die Opleidingsraad wat 'n lid van die SAFCEC-bestuur moet wees, moet deur die SAFCEC-bestuur as voorsitter aangewys word.

(2) Die Opleidingsraad het die reg om dié ander persone wat hy nodig ag in raadgewende hoedanigheid te koöpteer.

(3) The Training Board shall, subject to the approval of the SAFCEC Executive, have power to—

(a) deal with all matters coming within the scope of the objects of the Fund;

(b) invest the moneys of the Fund and control expenditure;

(c) determine the amount of, and conditions pertaining to, the payment of grants or other financial assistance to employers in the Industry for training purposes;

(d) appoint such committees as it may deem necessary for any purpose within the scope of the objects of the Fund;

(e) make such rules and regulations for the conduct of its business as it may consider advisable.

(4) Three members of the Training Board shall constitute a quorum.

7. CONTRIBUTIONS TO THE FUND

(1) Each employer in the Industry shall submit to the Civil Engineering Industry Training Board at the SAFCEC office, Private Bag X1, Halfway House, Transvaal, by the 21st day of the second month following the end of each quarter a return showing the total salaries and wages paid by him to all employees employed by him in the Civil Engineering Industry in the three calendar months preceding 31 March, 30 June, 30 September and 31 December of each year. All employees employed by him shall be deemed to be employed in the Civil Engineering Industry unless he provides contrary proof to the satisfaction of the Training Board. The employer shall have such returns certified annually by a public auditor.

(2) Each employer in the Industry shall pay by cheque to the Civil Engineering Industry Training Board at the SAFCEC offices, Private Bag X1, Halfway House, Transvaal, by the 21st day of the second month following the end of each quarter, a levy of 0,5 per cent of the total salaries and wages paid by him to all employees employed by him in the period covered by the return specified in subclause (1).

8. INFORMATION

The Training Board shall furnish each employer with details concerning the Training Scheme in such form as it may from time to time determine: Provided that such detail shall include at least the Constitution of the Fund, the contributions to be made towards the Fund, the benefits to be provided by the Fund and the procedure to be followed for the lodging of claims against the Fund.

9. FINANCE

(1) All moneys paid into the Fund shall be deposited in a banking account opened in the name of the Fund. An official receipt shall be issued for all moneys received into the Fund, and payments from the Fund shall be made by cheque signed by such persons as may from time to time be authorised by the Training Board.

(2) All moneys not required to meet current payments or as a reasonable operating balance shall be invested as directed by the Training Board in accordance with section 21 (3) of the Act.

(3) The Training Board shall appoint a public accountant who shall be paid out of the Fund. The accounts of the Fund shall be audited annually for the period ended 30 June. Two copies of the audited accounts shall be made available to the SAFCEC Executive, and a copy shall be transmitted to the Secretary for Labour.

10. DISSOLUTION OF THE FUND

(1) In the event of the expiry of this Scheme for any cause, the SAFCEC Executive shall forthwith appoint a trustee or trustees to continue to administer the Fund in accordance with the objects of the Fund until all available moneys have been expended.

(2) All administration charges shall be a charge against the Fund.

11. AGENTS

The Training Board may appoint one or more persons as agents to assist in giving effect to the terms of this Scheme.

12. INDEMNITY

The members of the Training Board shall not be liable for any loss to the Fund arising from any improper investment made in good faith, or by any act in their bona fide administration of the Fund, or by negligence or fraud of any person who may be employed, or by reason of any act or omission by members or by reason of any other matter or thing save

(3) Die Opleidingsraad het, behoudens die goedkeuring van die SAFCEC-bestuur, die bevoegdheid om—

(a) met alle sake wat binne die bestek van die doelstellings van die Fonds val, te handel;

(b) die geld van die Fonds te belê en uitgawes te beheer;

(c) die bedrag wat aan en voorwaardes waarop toekennings of ander geldelike bystand vir opleidingsdoeleindes aan werkgewers in die Nywerheid betaal moet word, vas te stel;

(d) dié komitees te benoem wat hy nodig ag vir watter doel ook al binne die bestek van die doelstellings van die Fonds;

(e) dié reëls en regulasies op te stel wat hy raadsaam ag vir die goeie bestuur van sy sake.

(4) Drie lede van die Opleidingsraad vorm 'n kworum.

7. BYDRAES TOT DIE FONDS

(1) Elke werkgewer in die Nywerheid moet op die 21ste dag van die tweede maand wat volg op die einde van elke kwartaal aan die Opleidingsraad vir die Siviele Ingenieursnywerheid by die SAFCEC-kantoor, Private Bag X1, Halfway House, Transvaal, 'n opgawe voorlê van die totale salarisse en lone wat hy gedurende die drie kalendermaande voor 31 Maart, 30 Junie, 30 September en 31 Desember in elke jaar aan alle werknemers in sy diens in die Siviele Ingenieursnywerheid betaal het. Alle werknemers by hom in diens word geag in die Siviele Ingenieursnywerheid in diens te wees tensy hy tot tevredenheid van die Opleidingsraad die teendeel bewys. Die werkgewer moet sodanige opgawes jaarliks deur 'n openbare outiteur laat sertifiseer.

(2) Elke werkgewer in die Nywerheid moet teen die 21ste dag van die tweede maand wat volg op die einde van elke kwartaal aan die Opleidingsraad vir die Siviele Ingenieursnywerheid by die SAFCEC-kantoor, Private Bag X1, Halfway House, Transvaal, per tjek 'n heffing betaal van 0,5 persent van die totale salarisse en lone wat die werkgewer betaal het aan alle werknemers wat by hom in diens was gedurende die tydperk gedek deur die opgawe in subklousule (1) gespesifiseer.

8. INLIGTING

Die Opleidingsraad moet alle werknemers voorsien van besonderhede betreffende die Opleidingskema in die vorm soos van tyd tot tyd deur die Opleidingsraad bepaal mag word: Met dien verstande dat sodanige besonderhede minstens die Konstitusie van die Fonds, die bydraes wat tot die Fonds gemaak moet word, die voordele wat deur die Fonds verskaf moet word en die prosedure wat gevolg moet word wanneer eise teen die Fonds ingestel word, moet insluit.

9. FINANSIES

(1) Alle geld wat in die Fonds inbetaal word, moet gestort word in 'n bankrekening wat op naam van die Fonds geopen is. 'n Amptelike kwitansie moet uitgereik word vir alle geld wat in die Fonds ontvang word en uitbetalings uit die Fonds moet geskied per tjek wat geteken moet word deur dié persone wat van tyd tot tyd deur die Opleidingsraad daartoe gemagtig word.

(2) Alle geld wat nie nodig is vir lopende uitbetalings uit die fonds of as 'n redelike bedryfsaldo nie moet volgens opdrag van die Opleidingsraad ooreenkomstig artikel 21 (3) van die Wet belê word.

(3) Die Opleidingsraad moet 'n openbare rekenmeester aanstel wat uit die Fonds betaal moet word. Die rekeninge van die Fonds moet jaarliks vir die tydperk geëindig 30 Junie geoutiteer word. Twee kopieë van die geoutiteerde rekening moet aan die SAFCEC-bestuur beskikbaar gestel word en 'n kopie moet aan die Sekretaris van Arbeid gestuur word.

10. ONTBINDING VAN DIE FONDS

(1) Ingeval hierdie Skema om enige rede verval, moet die SAFCEC-bestuur onverwyld 'n trustee of trustees aanstel om die Fonds verder te administreer ooreenkomstig die doelstellings van die Fonds totdat alle beskikbare geld opgebruik is.

(2) Alle administrasiekoste moet uit die Fonds gedek word.

11. AGENTE

Die Opleidingsraad kan een of meer persone as agente aanstel om te help om aan die bepalinge van hierdie Skema uitvoering te gee.

12. VRYWARING

Die lede van die Opleidingsraad is nie aanspreeklik nie vir 'n verlies uit die Fonds as gevolg van 'n onbehoorlike belegging wat te goeder trou gedoen is, of as gevolg van 'n daad wat in hul bona fide-administrasie van die Fonds verrig is, of as gevolg van die nalatigheid of bedrog van 'n persoon wat in diens geneem mag wees, of as gevolg van 'n daad of versuim van lede, of as gevolg van 'n ander saak of ding, uitgesonderd individuele opsetlike of bedrieglike optrede van die kant van

individual wilful or fraudulent wrong-doing on the part of such members who are sought to be made liable. Any such member shall be reimbursed by the Fund for any liability incurred by him in defending any proceedings, whether civil or criminal, arising out of an allegation involving bad faith in which judgement is given in his favour or in which he is acquitted.

Signed at Johannesburg on behalf of SAFCEC this 27th day of July 1971.

J. D. G. BLANKENSTEIN, President of SAFCEC.

N. B. CROWNGOLD, Vice-President of SAFCEC.

R. G. SFAKIANOS, Director of Training of SAFCEC.

sodanige lede wat, soos gepoog mag word, aanspreeklik gehou word. Elke sodanige lid moet deur die Fonds vergoed word vir enige aanspreeklikheid wat hy aangegaan het om hom te verweer in enige geding, hetsy siviël of krimineel, wat voortspruit uit 'n bewering dat daar te kwader trou gehandel is en waarin die uitspraak in sy guns is of hy onskuldig bevind word.

Namens SAFCEC op hede die 27ste dag van Julie 1971 in Johannesburg onderteken.

J. D. G. BLANKENSTEIN, President van SAFCEC.

N. B. CROWNGOLD, Onderpresident van SAFCEC.

R. G. SFAKIANOS, Direkteur van Opleiding van SAFCEC.

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