



REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE
STAATSKOERANT
VAN DIE REPUBLIEK VAN SUID-AFRIKA

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GOVERNMENT NOTICES

DEPARTMENT OF MANPOWER

No. R. 577

22 March 1985

LABOUR RELATIONS ACT, 1956

**DIAMOND CUTTING INDUSTRY OF SOUTH AFRICA,
SICK BENEFIT FUND AGREEMENT.—CANCELLA-
TION OF GOVERNMENT NOTICES**

I, Pieter Theunis Christiaan du Plessis, Minister of Manpower, hereby, in terms of section 48 (5) of the Labour Relations Act, 1956, cancel Government Notices R. 1516 of 5 August 1977, R. 1658 of 18 August 1978, R. 1721 of 10 August 1979, R. 433 of 15 March 1982 and R. 122 of 21 January 1983, with effect from the second Monday after the date of publication of this notice.

P. T. C. DU PLESSIS, Minister of Manpower.

No. R. 578

22 March 1985

LABOUR RELATIONS ACT, 1956

**DIAMOND CUTTING INDUSTRY OF SOUTH
AFRICA.—SICK BENEFIT FUND AGREEMENT**

I, Pieter Theunis Christiaan du Plessis, Minister of Manpower, hereby, in terms of section 48 (1) (a) of the Labour Relations Act, 1956, declare that the provisions of the Agreement which appears in the Schedule hereto and which relates to the Undertaking, Industry, Trade or Occupation referred to in the heading to this notice, shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 9 May 1987, upon the employers' organisation and the trade union which entered into the said Agreement and upon the employers and employees who are members of the said organisation or union.

P. T. C. DU PLESSIS, Minister of Manpower.

GOEWERMENTSKENNISGEWINGS

DEPARTEMENT VAN MANNEKRAG

No. R. 577

22 Maart 1985

WET OP ARBEIDSVERHOUDINGE, 1956

**DIAMANTSLYPNYWERHEID VAN SUID-AFRIKA,
SIEKTEBYSTANDSFONDSOOREENKOMS. — IN-
TREKKING VAN GOEWERMENTSKENNISGEWINGS**

Ek, Pieter Theunis Christiaan du Plessis, Minister van Mannekrag, trek hierby, kragtens artikel 48 (5) van die Wet op Arbeidsverhoudinge, 1956, Goewermentskennisgewings R. 1516 van 5 Augustus 1977, R. 1658 van 18 Augustus 1978, R. 1721 van 10 Augustus 1979, R. 433 van 15 Maart 1982 en R. 122 van 21 Januarie 1983, in met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing.

P. T. C. DU PLESSIS, Minister van Mannekrag.

No. R. 578

22 Maart 1985

WET OP ARBEIDSVERHOUDINGE, 1956

**DIAMANTSLYPNYWERHEID VAN SUID-AFRIKA.—
SIEKTEBYSTANDSFONDSOOREENKOMS**

Ek, Pieter Theunis Christiaan du Plessis, Minister van Mannekrag, verklaar hierby, kragtens artikel 48 (1) (a) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalings van die Ooreenkoms wat in die Bylae hiervan verskyn en betrekking het op die Onderneming, Nywerheid, Bedryf of Beroep in die opskrif by hierdie kennisgewing vermeld, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 9 Mei 1987 eindig, bindend is vir die werkgewersorganisasie en die vakvereniging wat genoemde Ooreenkoms aangaan het en vir die werkgewers en werknemers wat lede van genoemde organisasie of vereniging is.

P. T. C. DU PLESSIS, Minister van Mannekrag.

SCHEDULE**INDUSTRIAL COUNCIL FOR THE DIAMOND CUTTING
INDUSTRY OF SOUTH AFRICA****AGREEMENT**

in accordance with the provisions of the Labour Relations Act, 1956, made and entered into by and between the

Master Diamond Cutters' Association of South Africa

(hereinafter referred to as the "employers" or the "employers' organisation"), of the one part, and the

S.A. Diamond Workers' Union

(hereinafter referred to as the "employees" or the "trade union"), of the other part,

being the parties to the Industrial Council for the Diamond Cutting Industry of South Africa,

to prescribe the contributions to be paid to the Masdicut Sick Benefit Society, a medical benefit society registered in terms of the Medical Schemes Act, Act 72 of 1967 (hereinafter referred to as "the Society").

1. SCOPE OF APPLICATION OF AGREEMENT

(1) The terms of this Agreement shall be observed in the Republic of South Africa, excluding the port and settlement of Walvis Bay, by all employers who are members of the employers' organisation and who are engaged in the Diamond Cutting Industry and by all journeymen in the said Industry who are members of the trade union whilst employed by a member of the employers' organisation.

(2) Notwithstanding the provisions of subclause (1), whenever a journeyman ceases to perform Grade 1 work, this Agreement shall continue to be observed by the said employee and his employer whilst the employee remains a member of the trade union and his employer remains a member of the employers' organisation.

2. PERIOD OF OPERATION OF AGREEMENT

This Agreement shall come into operation on such date as may be determined by the Minister of Manpower in terms of section 48 of the Act, and shall remain in operation for the period ending 9 May 1987.

3. DEFINITIONS

Any terms used in this Agreement, which are defined in the Act, shall have the same meaning as in the Act, any reference to any Act shall include any amendments thereto and, unless the contrary intention appears, words importing the masculine gender shall include females; further, unless inconsistent with the context—

"Act" means the Labour Relations Act, 1956;

"average daily rate" means the total of wages, fixed weekly or monthly bonus and incentive pay due to a journeyman for actual days worked during the calendar year or part thereof of employment with the employer, divided by the total of such actual number of days worked by an employee;

"benefits" means the payment by the Society of such claims and/or part thereof that conform to the rules as prescribed in the Society's constitution and all such payments, facilities and privileges afforded a member as a result of his membership of the Society, whether these be direct or indirect;

"child" means a member's child, step-child or legally adopted child who is under the age of 21 years, who is unmarried and who is not in receipt of a regular remuneration of more than R100 per month and who is not entitled to benefits from any other medical scheme;

"Committee" means the Committee of Management appointed in terms of the constitution of the Society;

"contributions" means, in relation to a member, the amounts paid or payable by him or on behalf of him to the Society, exclusive of interest;

"Council" means the Industrial Council for the Diamond Cutting Industry of South Africa, registered in terms of section 19 of the Act;

"dependant" means—

- (1) the wife of a member;
- (2) the child of a member;

(3) a member's child who is over the age of 21 years but not over the age of 25 years, who is unmarried and not in receipt of regular remuneration of more than R100 per month and who, on application and subject to such conditions as the Committee may prescribe, is recognised as a dependant by the Committee for a period of not more than 12 months at a time;

(4) subject to the approval of the Committee and such conditions as it may prescribe, a member's child over the age of 21 years who is unmarried and owing to a mental or physical defect or any similar cause, is not in receipt of regular remuneration of more than R100 per month;

BYLAE**NYWERHEIDSRAAD VIR DIE DIAMANTSLYPNYWERHEID
VAN SUID-AFRIKA****OOREENKOMS**

ooreenkomstig die Wet op Arbeidsverhoudinge, 1956, gesluit deur en aangegaan tussen die

Master Diamond Cutters' Association of South Africa

(hierna die "werkgewers" of die "werkgewersorganisasie" genoem), aan die een kant, en die

S.A. Diamond Workers' Union

(hierna die "werknemers" of die "vakvereniging" genoem), aan die ander kant,

wat die partye is by die Nywerheidsraad vir die Diamantslypnywerheid van Suid-Afrika,

om die bedraes voor te skryf wat aan die Masdicutsiektebystandsvereniging, 'n mediese bystandsvereniging geregistreer ooreenkomstig die Wet op Mediese Skemas, Wet 72 van 1967 (hierna die Vereniging genoem) betaal moet word.

1. TOEPASSINGSBESTEK VAN OOREENKOMS

(1) Hierdie Ooreenkoms moet nagekom word in die Republiek van Suid-Afrika, uitgesonderd die hawe en nedersetting van Walvisbaai, deur alle werkgewers wat lede is van die werkgewersorganisasie en wat betrokke is by die Diamantslypnywerheid en deur alle vakmanne in genoemde Nywerheid wat lede is van die vakvereniging terwyl hulle by lede van die werkgewersorganisasie in diens is.

(2) Ondanks subklousule (1), moet hierdie Ooreenkoms, wanneer 'n vakman ophou om graad 1-werk te verrig, steeds nagekom word deur genoemde werknemer en sy werkgewer solank as die werknemer lid bly van die vakvereniging en sy werkgewer lid bly van die werkgewersorganisasie.

2. GELDIGHEIDSDUUR VAN OOREENKOMS

Hierdie Ooreenkoms tree in werking op die datum wat die Minister van Mannekrag ingevolge artikel 48 van die Wet vasstel, en bly van krag vir die tydperk wat op 9 Mei 1987 eindig.

3. WOORDOMSKRYWING

Alle uitdrukkings wat in hierdie Ooreenkoms gebesig en in die Wet omskryf word, het dieselfde betekenis as in die Wet, waar daar van 'n wet melding gemaak word, omvat dit alle wysigings daarvan en, tensy die teenoorgestelde bedoeling blyk, omvat woorde wat die manlike geslag aandui, ook vroue; voorts, tensy onbestaanbaar met die sinsverband, beteken—

"Wet" die Wet op Arbeidsverhoudinge, 1956;

"gemiddelde dagloon" die totaal aan loon, vaste weeklikse of maandelikse bonus en aansporingsbesoldiging wat aan 'n vakman verskuldig is vir die werklike getal dae gewerk gedurende die kalenderjaar of gedeelte daarvan wat hy by die werkgewer in diens was, gedeel deur die totaal van dié werklike getal dae wat die werknemer gewerk het;

"bystand" die betaling deur die Vereniging van sodanige eise en/of gedeelte daarvan wat strook met die reëls soos voorgeskryf in die Vereniging se konstitusie en al sodanige betalings, fasiliteite en voorregte, hetsy regstreeks of onregstreeks, wat as gevolg van sy lidmaatskap van die Vereniging aan 'n lid verskaf word;

"kind" 'n lidmaat se kind, stiefkind of wettig aangenome kind wat onder die ouderdom van 21 jaar is, ongetroud is en wat nie gereelde besoldiging van meer as R100 per maand ontvang nie en wat nie op bystand uit 'n ander mediese skema geregtig is nie;

"Komitee" die Bestuurskomitee wat aangestel word ooreenkomstig die reëls van die konstitusie van die vereniging;

"bydraes", met betrekking tot 'n lid, die bedrae, uitgesonderd rente, wat deur hom of namens hom aan die Vereniging betaal word of betaalbaar is;

"Raad" die Nywerheidsraad vir die Diamantslypnywerheid van Suid-Afrika, geregistreer ingevolge artikel 19 van die Wet;

"afhanklike"—

- (1) 'n lid se vrou;
- (2) 'n lid se kind;

(3) 'n lid se kind wat oor die ouderdom van 21 jaar maar onder die ouderdom van 25 jaar is, wat ongetroud is en nie gereelde besoldiging van meer as R100 per maand ontvang nie en wat op aansoek en behoudens sodanige voorwaardes as wat die Komitee voorskryf, deur die Komitee vir hoogstens 12 maande op 'n slag as 'n afhanklike erken word;

(4) behoudens die goedkeuring van die Komitee en sodanige voorwaardes as wat hy voorskryf, 'n lid se kind oor die ouderdom van 21 jaar wat ongetroud is en vanweë 'n geestes- of liggaamlike gebrek of 'n soortgelyke oorsaak nie gereelde besoldiging van meer as R100 per maand ontvang nie;

(5) Subject to the approval of the Committee and such conditions as it may prescribe, the parent, brother or sister of a member or of his spouse, including an adoptive parent, adopted brother or sister: Provided that such person is not in receipt of a regular income of more than R100 per month and lives with the member;

"Diamond Cutting Industry" or "Industry" means, without in any way limiting the ordinary meaning of the expression, the Industry in which employers and employees are associated for the purpose of converting uncut gem diamonds into cut, polished gem diamonds and further includes the recutting and/or repolishing of gem diamonds and all operations incidental to or consequent upon the process of sawing, cutting and polishing gem diamonds;

"earnings" or "salary" means an employee's regular monthly taxable income, i.e., the total of his wages, incentive bonus, fixed bonus and including holiday pay but shall exclude holiday bonus and all other payments, whether taxable or not;

"employee" means a person who is a journeyman or apprentice and who is a member of the trade union;

"employer" means any or all employers in the Industry who are members of the employers' organisation;

"journeyman" means an employee who saws and/or cuts and/or polishes diamonds and—

(a) who has served an apprenticeship in the Diamond Cutting Industry of South Africa in accordance with the relevant provisions contained in the Manpower Training Act, 1981, or in respect of whom an exemption has been granted in accordance with paragraph (c) of the definition of 'apprentice' in the Council's Main Agreement published in terms of section 48 of the Act;

(b) who, being an employee not falling within the terms of paragraph (a) hereof, has, prior to 27 April 1970 been employed in the Industry as a journeyman and been specifically accepted by the Council as a journeyman;

(c) who, being an employee not falling within the terms of paragraphs (a) and (b) hereof, has satisfied the Council that he has had sufficient previous experience or training in a trade as designated in the Diamond Cutting Industry, to undergo a trade test as prescribed by the Council and passed such trade test;

(d) who is in possession of a certificate of proficiency issued in terms of section 27 or a trade certificate issued in terms of section 28 of the Manpower Training Act, 1981;

(e) who, being a journeyman, is employed in connection with the training and supervision of the work of other employees employed in connection with the sawing and/or cutting and/or polishing of diamonds to the extent that they may be permitted to perform such work in terms of any agreement or award in terms of the Act in this respect;

"member" means any person who contributes to the Society in order to obtain benefits in terms of the Society's rules, either for himself or for his dependents;

"registered office" means the head office of the Society;

"rules" means the constitution and rules of the Society and shall include the by-laws, annexures and other provisions relating to the benefits which may become payable in terms of a resolution adopted by the Committee;

"Society" means the Masdicut Sick Benefit Society;

"wage" means the payment which a member shall be paid by his employer from time to time.

4. CONTRIBUTIONS TO THE FUND

(1) Subject to subclauses (3) and (4) hereof, a member's contribution to the Society shall be the amount set forth in the tables in subclause (5) hereof according to the scale of his monthly earnings.

(2) A member shall contribute on his earnings in respect of annual leave.

(3) The contributions in terms of subclauses (1) and (2) hereof shall be deducted monthly by the employer from a member's earnings to which the employer shall add a like amount, the total of which shall be forwarded by the employer to the registered office of the Society not later than the 10th day of the month to which the contributions relate, together with a statement in the form prescribed by the Council from time to time.

(4) If the liability of the employer in terms of subclause (3) hereof should cease, the member shall pay the employer's contribution prescribed in subclause (3) hereof and his contribution in terms of subclause (5) hereof.

(5) behoudens die goedkeuring van die Komitee en sodanige voorwaardes as wat hy voorskryf, 'n ouer, broer of suster van 'n lid of van sy gade, insluitende 'n pleegouer, aangenome broer of suster: Met dien verstande dat so 'n persoon nie 'n gereelde inkomste van meer as R100 per maand ontvang nie en by die lid inwoon;

"Diamantslypnywerheid" of "Nywerheid", sonder om die gewone betekenis van die uitdrukking enigins te beperk, die Nywerheid waarin werkgewers en werknemers met mekaar geassosieer is met die doel om ongeslypte sierdiamante in geslypte, gepoleerde sierdiamante te omskep en omvat dit ook die herslyp en/of herpoleer van sierdiamante en alle werksaamhede wat gepaard gaan met of voortspruit uit die saag, slyp en poleer van sierdiamante;

"Verdienste" of "salaris" 'n werknemer se gereelde maandelikse belasbare inkomste, d.w.s. die totaal van sy loon, aansporingsbonus, vaste bonus en met inbegrip van vakansiebesoldiging, maar uitgesonderd vakansiebonus en alle ander betalings, hetsy belasbaar of nie;

"werknemer" iemand wat 'n vakman of vakleerling en 'n lid van die vakvereniging is;

"werkgewer" enigeen van of al die werkgewers in die Nywerheid wat lede van die werkgewersorganisasie is;

"vakman" 'n werknemer wat diamante saag en/of slyp en/of poleer en—

(a) wat 'n leerling is in die Diamantslypnywerheid van Suid-Afrika uitgedien het ooreenkomstig die toepaslike bepalings van die Wet op Mannekragopleiding, 1981, of aan wie vrystelling verleen is ooreenkomstig paragraaf (c) van die omskrywing van 'vakleerling' in die Raad se Hoofooreenkoms wat kragtens artikel 48 van die Wet gepubliseer is;

(b) wat 'n werknemer is wat nie binne die bepalings van paragraaf (a) hiervan val nie, maar wat voor 27 April 1970 as vakman in die Nywerheid in diens was en spesifiek deur die Raad as vakman erken is;

(c) wat nie 'n werknemer is wat binne die bepalings van paragrafe (a) en (b) hiervan val nie, maar wat die Raad daarvan oortuig het dat hy voldoende vorige ondervinding of opleiding gehad het in 'n ambag, soos in die Diamantslypnywerheid aangewys, om 'n ambagstoets, soos deur die Raad voorgeskryf, af te lê, en in sodanige ambagstoets geslaag het;

(d) wat beskik oor 'n vaardigheidsertifikaat uitgereik kragtens artikel 27 of 'n ambagsertifikaat uitgereik kragtens artikel 28 van die Wet op Mannekragopleiding, 1981;

(e) wat as vakman in diens is in verband met die opleiding en toesig oor die werk van ander werknemers wat in verband met die saag en/of slyp en/of poleer van diamante werksaam is insoverre dat hulle toegelaat kan word om die werk ingevolge 'n ooreenkoms of toekenning kragtens die Wet in hierdie opsig te verrig;

"lid" iemand wat tot die Vereniging bydra ten einde bystand ooreenkomstig die Vereniging se reëls of vir homself of vir sy afhanklikes te verkry;

"geregistreerde kantoor" die hoofkantoor van die Vereniging,

"reëls" die konstitusie en reëls van die Vereniging, en omvat dit die verordeninge, aanhangsels en ander bepalings met betrekking tot die bystand wat betaalbaar is kragtens 'n besluit wat deur die Komitee aanvaar word;

"Vereniging" die Masdicut-siektebystandsvereniging;

"loon" die besoldiging wat 'n werkgewer van tyd tot tyd aan 'n lid moet betaal.

4. BYDRAES TOT DIE FONDS

(1) Behoudens subklousules (3) en (4) hiervan, is 'n lid se bydrae tot die Vereniging die bedrag wat in die tabelle in subklousule (5) hiervan, volgens die skaal van sy maandelikse verdienste, uiteengesit is.

(2) 'n Lid moet uit sy verdienste ten opsigte van jaarlikse verlof bydra.

(3) Die werkgewer moet die bydraes ingevolge subklousules (1) en (2) hiervan maandeliks van 'n lid se verdienste aftrek, 'n gelyke bedrag daarby voeg en die totale bedrag, voor of op die 10de dag van die maand waarop die bydraes betrekking het, saam met 'n staat in die vorm wat van tyd tot tyd deur die Raad voorgeskryf word, aan die geregistreerde kantoor van die Vereniging stuur.

(4) As die aanspreeklikheid van die werkgewer ingevolge subklousule (3) hiervan eindig, moet die lid die werkgewer se bydrae in subklousule (3) hiervan voorgeskryf en sy eie bydrae in subklousule (5) hiervan voorgeskryf betaal.

(5) Table of contributions according to the scales of monthly earnings:

Tables	Scales per month					
	0-R500	R501-R600	R601-R800	R801-R1 200	R1 201-R1 500	R1 501-plus
Member	R 21,69	R 25,49	R 28,46	R 31,63	R 33,21	R 38,36
M+1	29,85	33,65	41,11	44,90	47,15	54,46
M+2	34,66	38,46	45,85	50,60	55,55	61,24
M+3	36,49	40,35	48,70	53,76	59,01	65,06
M+4	38,46	42,25	50,85	57,55	63,18	69,66

Member = Member who has no dependants.

M+1 = Member with one dependant.

M+2 = Member with two dependants.

M+3 = Member with three dependants.

M+4 = Member with four or more dependants.

5. SPECIAL PROVISIONS

A copy of the constitution and rules of the Society and any amendment thereto shall be lodged with the Director-General of Manpower and the Council.

6. EXEMPTIONS

(1) The Council may grant exemption from any of the provisions of this Agreement to or in respect of any person for any good and sufficient reason.

(2) The Council shall fix, in respect of any person granted exemption under the provisions of subclause (1) of this clause, the conditions subject to which such exemptions shall operate: Provided that the Council may, if it deems fit, after one week's notice in writing has been given to the person concerned, withdraw an exemption, whether or not the period for which the exemption was granted has expired.

7. AGENTS

The Council may appoint one or more specific persons as agents to assist it in giving effect to the provisions of this Agreement. It shall be the duty of every employer and employee to permit such agents to institute or make such enquiries and to examine such books and/or documents and to interrogate such persons as may be necessary for this purpose.

8. EXHIBITION OF AGREEMENT

Every employer shall affix and keep affixed in his establishment in a conspicuous place readily accessible to his employees, a legible copy of this Agreement in the form prescribed by the regulations under the Act.

Signed at Johannesburg for and on behalf of the parties this 26th day of October 1984.

T. G. DAVIDSON, Authorised on behalf of the Master Diamond Cutters' Association of South Africa.

R. RICH, Authorised on behalf of the South African Diamond Workers' Union.

N. A. COSGRAVE, Secretary of the Council.

(5) Tabel van bydraes volgens die skale van maandelikse verdienste:

Tabelle	Skale per maand					
	0-R500	R501-R600	R601-R800	R801-R1 200	R1 201-R1 500	R1 501-plus
Lid	R 21,69	R 25,49	R 28,46	R 31,63	R 33,21	R 38,36
L+1	29,85	33,65	41,11	44,90	47,15	54,46
L+2	34,66	38,46	45,85	50,60	55,55	61,24
L+3	36,49	40,35	48,70	53,76	59,01	65,06
L+4	38,46	42,25	50,85	57,55	63,18	68,66

Lid = Lid met geen afhanklikes.

L+1 = Lid met een afhanklike.

L+2 = Lid met twee afhanklikes.

L+3 = Lid met drie afhanklikes.

L+4 = Lid met vier of meer afhanklikes.

5. SPESIALE BEPALINGS

'n Kopie van die konstitusie en reëls van die Vereniging en wysigings daarvan moet aan die Direkteur-generaal van Mannekrag en aan die Raad gestuur word.

6. VRYSTELLINGS

(1) Die Raad kan om 'n afdoende rede aan of ten opsigte van enigiemand vrystelling verleen van enigeen van die bepalinge van hierdie Ooreenkoms.

(2) Die Raad moet ten opsigte van enigiemand aan wie vrystelling ingevolge subklousule (1) van hierdie klousule verleen word, die voorwaardes vasstel waarop sodanige vrystelling verleen word: Met dien verstande dat die Raad, as hy dit goeddink, die vrystelling na een week skriftelike kennisgewing aan die betrokke persoon kan intrek, ongeag of die tydperk waarvoor die vrystelling verleen is, verstryk het of nie.

7. AGENTE

Die Raad kan een of meer aangewese persone as agente aanstel om te help met die uitvoering van hierdie Ooreenkoms. Dit is die plig van elke werkgewer en werknemer om dié agente toe te laat om dié navrae in te stel en te doen en dié boeke en/of dokumente te ondersoek en dié persone te ondervra wat vir dié doel nodig is.

8. VERTONING VAN OOREENKOMS

Elke werkgewer moet 'n leesbare eksemplaar van hierdie Ooreenkoms in die vorm voorgeskryf in die regulasies ingevolge die Wet, op 'n opvallende plek in sy bedryfsinrigting wat gereedelik vir sy werknemers toeganklik is, opklap en opgeklap hou.

Vir en namens die partye op hede die 26ste dag van Oktober 1984 te Johannesburg onderteken.

T. G. DAVIDSON, Namens die Master Diamond Cutters' Association of South Africa daartoe gemagtig.

R. RICH, Namens die South African Diamond Workers' Union daartoe gemagtig.

N. A. COSGRAVE, Sekretaris van die Raad.

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