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GOVERNMENT NOTICES

DEPARTMENT OF LABOUR

No. R. 832

23 June 1995

LABOUR RELATIONS ACT, 1956

MOTOR INDUSTRY

RENEWAL OF MICWU MEDICAL FUND AGREEMENT

I, Tito Titus Mboweni, Minister of Labour, hereby, in terms of section 48 (4) (a) (ii) of the Labour Relations Act, 1956, declare the provisions of Government Notices R. 1599 of 30 July 1982, R. 2796 of 31 December 1982, R. 1451 of 1 July 1983, R. 1802 of 21 August 1987, R. 750 of 22 April 1988, R. 252 of 17 February 1989, R. 1755 of 27 July 1990 and R. 2567 of 25 October 1991, to be effective from 1 September 1995 and for the period ending 31 July 1997.

T. T. MBOWENI,

Minister of Labour.

GOEWERMENSKENNISGEWINGS

DEPARTEMENT VAN ARBEID

No. R. 832

23 Junie 1995

WET OP ARBEIDSVERHOUDINGE, 1956

MOTORNYWERHEID

HERNUWING VAN MICWU-MEDIESEFONDS- OOREENKOMS

Ek, Tito Titus Mboweni, Minister van Arbeid, verklaar hierby, kragtens artikel 48 (4) (a) (ii) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalings van Goewermenskennisgewings R. 1599 van 30 Julie 1982, R. 2796 van 31 Desember 1982, R. 1451 van 1 Julie 1983, R. 1802 van 21 Augustus 1987, R. 750 van 22 April 1988, R. 252 van 17 Februarie 1989, R. 1755 van 27 Julie 1990 en R. 2567 van 25 Oktober 1991, van krag is vanaf 1 September 1995 en vir die tydperk wat op 31 Julie 1997 eindig.

T. T. MBOWENI,

Minister van Arbeid.

No. R. 833

23 June 1995

LABOUR RELATIONS ACT, 1956

MOTOR INDUSTRY

AMENDMENT OF MICWU MEDICAL FUND AGREEMENT

I, Tito Titus Mboweni, Minister of Labour, hereby, in terms of section 48 (1) (a) of the Labour Relations Act, 1956, declare the provisions of the Agreement (hereinafter referred to as the Amending Agreement) which appears in the Schedule hereto and which relates to the Undertaking, Industry, Trade or Occupation

No. R. 833

23 Junie 1995

WET OP ARBEIDSVERHOUDINGE, 1956

MOTORNYWERHEID

WYSIGING VAN MICWU-MEDIESEFONDS- OOREENKOMS

Ek, Tito Titus Mboweni, Minister van Arbeid, verklaar hierby, kragtens artikel 48 (1) (a) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalings van die Ooreenkoms (hierna die Wysigingsooreenkoms genoem) wat in die Bylae hiervan verskyn en betrekking het op die Onderneming, Nywerheid, Bedryf of

referred to in the heading to this notice, shall be binding, with effect from 3 July 1995 and for the period ending 31 July 1997, upon the employers' organisations and the trade union which entered into the Amending Agreement upon the employers and employees who are members of the said organisations or union.

T. T. MBOWENI,
Minister of Labour.

SCHEDULE

THE NATIONAL INDUSTRIAL COUNCIL FOR THE MOTOR INDUSTRY

MICWU MEDICAL FUND

AGREEMENT

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

South African Motor Industry Employers' Association

and the

South African Vehicle Builders' and Repairers' Association

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

National Union of Metalworkers of South Africa

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

being the parties to the National Industrial Council for the Motor Industry,

to amend the MICWU Medical Fund Agreement published under Government Notice No. R. 1599 of 30 July 1982, as amended and extended by Government Notices Nos. R. 2796 of 31 December 1982, R. 1451 of 1 July 1983, R. 974 of 30 April 1987, R. 1802 of 21 August 1987, R. 750 of 22 April 1988, R. 252 of 17 February 1989, R. 1755 of 27 July 1990, R. 2567 of 25 October 1991 and R. 1170 of 1 July 1994.

1. SCOPE OF APPLICATION OF AGREEMENT

The terms of this Agreement shall be observed in the regions defined in the Agreement published under Government Notice No. R. 1599 of 30 July 1982, by all employers in the Motor Industry who are members of the employers' organisations, and by all employees in the said Industry who are members of the trade union.

2. CLAUSE 3: DEFINITIONS

- (1) Delete the definition of "Region NC".
- (2) Substitute the following for the definition of "Region NL":

" 'Region NL' means the Province of Natal as it existed prior to the promulgation of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), and the Magisterial District of Mount Currie;".

- (3) Substitute the following for the definition of "Region OVS":

" 'Region OVS & NC' means the Province of the Orange Free State and the Magisterial Districts of Barkly West, Britstown, De Aar, Gordonia, Hartswater, Hay, Herbert, Hopetown, Kenhardt, Kimberley, Kuruman, Mafikeng, Philipstown, Postmasburg, Prieska, Upington, Vryburg and Warrenton;".

Beroep in die opskrif by hierdie kennisgewing vermeld, met ingang van 3 Julie 1995 en vir die tydperk wat op 31 Julie 1997 eindig, bindend is vir die werkgewersorganisasies en die vakvereniging wat die Wysigingsooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasies of vereniging is.

T. T. MBOWENI,
Minister van Arbeid.

BYLAE

DIE NASIONALE NYWERHEIDSRaad VIR DIE MOTORNYWERHEID

MICWU-MEDIESE FONDS

OOREENKOMS

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

South African Motor Industry Employers' Association

en die

South African Vehicle Builders' and Repairers' Association

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

National Union of Metalworkers of South Africa

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

wat die partye is by die Nasionale Nywerheidsraad vir die Motornywerheid,

om die Ooreenkoms vir die MICWU-Mediese Fonds, gepubliseer by Goewermmentskennisgewing No. R. 1599 van 30 Julie 1982, soos gewysig en verleng deur Goewermmentskennisgewings Nos. R. 2796 van 31 Desember 1982, R. 1451 van 1 Julie 1983, R. 974 van 30 April 1987, R. 1802 van 21 Augustus 1987, R. 750 van 22 April 1988 en R. 252 van 17 Februarie 1989, R. 1755 van 27 Julie 1990, R. 2567 van 25 Oktober 1991 en R. 1170 van 1 Julie 1994 te wysig.

1. TOEPASSINGSBESTEK VAN OOREENKOMS

Hierdie Ooreenkoms moet in die streke omskryf in die Ooreenkoms gepubliseer by Goewermmentskennisgewing No. R. 1599 van 30 Julie 1982 nagekom word deur alle werkgewers in die Motornywerheid wat lede is van die werkgewersorganisasie, en deur alle werknemers in genoemde Nywerheid wat lede is van die National Union of Metalworkers of South Africa.

2. KLOUSULE 3: WOORDOMSKRYWING

- (1) Skrap die woordoms krywing "Streek NK".
- (2) Vervang die woordoms krywing "Streek NL" deur die volgende:

" 'Streek NL' die provinsie Natal soos dit bestaan het voor die promulgering van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), en die landdrosdistrik Mount Currie;".

- (3) Vervang die woordoms krywing "Streek OVS" deur die volgende:

" 'Streek OVS & NK' die provinsie die Oranje-Vrystaat en die landdrosdistrikte Barkly-Wes, Britstown, De Aar, Gordonia, Hartswater, Hay, Herbert, Hopetown, Kenhardt, Kimberley, Kuruman, Mafikeng, Phillipstown, Postmasburg, Prieska, Upington, Vryburg en Warrenton;".

(4) Substitute the following for the definition of "Region TVL":

" 'Region TVL' means the Province of the Transvaal as it existed prior to the promulgation of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993);".

(5) In the definition of "Region WP", delete the words in brackets between the words "Somerset West" and "Stellenbosch".

(6) Insert the following definition between the definition of "Regional Council" and that of "voluntary member":

" 'standard plan member' means any member who has elected to become a standard plan member of the Fund;".

3. CLAUSE 7: CONTRIBUTIONS

(1) Insert the following new subclause (1) (e):

"(1) (e) Every standard plan member of the Fund who registers dependants in terms of clause 8 shall contribute as follows to the Fund in respect of each week of employment in the Motor Industry for which he is entitled to receive wages for 23 hours or more:

(i) a member who registers one dependant: R61,27 per week;

(ii) a member who registers two dependants: R62,77 per week;

(iii) a member who registers three dependants: R64,27 per week;

(iv) a member who registers four or more dependants: R65,54 per week."

(2) Insert the following new subclause (1) (f):

"(1) (f) Every standard plan member of the Fund not referred to in paragraph (e) shall contribute R52,27 to the Fund in respect of each week of employment in the Motor Industry for which he is entitled to receive wages for 23 hours or more."

(3) In subclause (3), substitute the expression "subclause (1) (a), (b), (c), (d), (e) or (f)" for the expression "subclause (1) (a), (b), (c) or (d)".

(4) In subclause (4), delete the expression "Region NC, P.O. Box 446, Kimberley, 8300" and substitute the expression "Region OFS & NC, P.O. Box 910, Bloemfontein, 9300" for "Region OFS, P.O. Box 910, Bloemfontein, 9300".

Signed at Randburg, on behalf of the parties, this 24th day of April 1995.

T. NIEUWOUDT,

President of the Council.

L. A. COETZER,

Vice-President of the Council.

B. G. DU PREEZ,

General Secretary of the Council.

(4) Vervang die woordskrywing "Streek TVL" deur die volgende:

" 'Streek TVL' die provinsie Transvaal soos dit bestaan het voor die promulgering van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993);".

(5) Skrap in die woordskrywing "Streek WP" die woorde tussen hakies tussen die woorde "Somerset-Wes" en "Stellenbosch".

(6) Voeg die volgende woordskrywing in tussen die woordskrywing "Streeksraad" en dié van "vrywillige lid":

" 'standaardplanlid' beteken enige lid wat verkies om 'n standaardplanlid van die Fonds te word;".

3. KLOUSULE 7: BYDRAES

(1) voeg die volgende nuwe klausule (1) (e) by:

"(1) (e) Elke standaardplanlid van die Fonds wat ooreenkomstig klausule 8 afhanklikes registreer, moet soos volg bydra tot die Fonds ten opsigte van elke week wat hy in die Motornywerheid werksaam is en waarvoor hy geregtig is om lone te ontvang vir 23 uur of langer gewerk:

(i) 'n Lid wat een afhanklike registreer: R61,27 per week;

(ii) 'n Lid wat twee afhanklikes registreer: R62,77 per week;

(iii) 'n Lid wat drie afhanklikes registreer: R64,27 per week;

(iv) 'n Lid wat vier of meer afhanklikes registreer: R65,54 per week."

(2) Voeg die volgende nuwe subklausule (1) (f) by:

"(1) (f) Elke standaardplanlid van die Fonds na wie nie verwys is in paragraaf (e) moet R52,27 bydra tot die Fonds ten opsigte van elke week wat hy in die Motornywerheid werksaam is en waarvoor hy geregtig is om lone te ontvang vir 23 uur of langer gewerk."

(3) In subklausule (3) vir die uitdrukking "subklausule (1) (a), (b), (c), (d), (e) of (f)" vir die uitdrukking "subklausule (1) (a), (b), (c) of (d)".

(4) In subklausule (4) skrap die uitdrukking "Streek NK, Posbus 446, Kimberley, 8300" en vervang die uitdrukking "Streek OVS, Posbus 910, Bloemfontein, 9300" deur "Streek OVS & NK, Posbus 910, Bloemfontein, 9300".

Namens die partye op hede dag van 24 April 1995 te Randburg onderteken.

T. NIEUWOUDT,

President van die Raad.

L. A. COETZER,

Vise-president van die Raad.

B. G. DU PREEZ,

Hoofsekretaris van die Raad.

No. R. 834

23 June 1995

LABOUR RELATIONS ACT, 1956

MOTOR INDUSTRY

AMENDMENT OF ADMINISTRATIVE
AGREEMENT

I, Tito Titus Mboweni, Minister of Labour, hereby—

(a) in terms of section 48 (1) (a) of the Labour Relations Act, 1956, declare that the provisions of the Agreement (hereinafter referred to as the

No. R. 834

23 Junie 1995

WET OP ARBEIDSVERHOUDINGE, 1956

MOTORNYWERHEID

WYSIGING VAN ADMINISTRATIEWE
OOREENKOMS

Ek, Tito Titus Mboweni, Minister van Arbeid, verklaar hierby,—

(a) kragtens artikel 48 (1) (a) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalings van die Ooreenkoms (hierna die Wysigingsooreen-

Amending 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 3 July 1995 and for the period ending 31 July 1997, upon the employers' organisations and the trade unions which entered into the Amending Agreement and upon the employers and employees who are members of the said organisations or unions; and

(b) in terms of section 48 (1) (b) of the said Act, declare that the provisions of the Amending Agreement, excluding those contained in clause 1 (1) (b), shall be binding, with effect from 3 July 1995 and for the period ending 31 July 1997, upon all employers and employees, other than those referred to paragraph (a) of this notice, who are engaged or employed in the said Undertaking, Industry, Trade or Occupation in the areas specified in clause 1 of the Amending Agreement.

T. T. MBOWENI,
Minister of Labour.

SCHEDULE

THE NATIONAL INDUSTRIAL COUNCIL FOR THE MOTOR INDUSTRY

ADMINISTRATIVE AGREEMENT

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

South African Motor Industry Employers' Association

and the

South African Vehicle Builders' and Repairers' Association

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

National Union of Metalworkers of South Africa

Motor Industry Employees' Union of South Africa

and the

Motor Industry Staff Association

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

being the parties to the National Industries Council for the Motor Industry,

to amend the Administrative Agreement published under Government Notice No. R. 1599 of 16 September 1994 and amended by Government Notice No. R. 99 of 27 January 1995.

1. SCOPE OF APPLICATION

(1) The terms of this Agreement shall be observed in the Motor Industry—

(a) throughout the Republic of South Africa as it existed prior to the Proclamation of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993);

(b) by the employers and the employees in the Motor Industry who are members of the employers' organisations and the trade unions, respectively.

(2) Notwithstanding the provisions of subclause (1), the provisions of this Agreement shall apply to—

(a) apprentices only in so far as they are not inconsistent with the provisions of or any conditions fixed under the Manpower Training Act, 1981; and

(b) trainees undergoing training under the Manpower Training Act, 1981, only in so far as they are not inconsistent with the provisions of or any conditions fixed under that Act.

koms genoem) 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 3 Julie 1995 en vir die tydperk wat op 31 Julie 1997, eindig, bindend is vir die werkgewersorganisasies en die vakverenigings wat die Wysigingsooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasies of verenigings is; en

(b) kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms, uitgesonderd dié vervat in klousule 1 (1) (b), met ingang van 3 Julie 1995 en vir die tydperk wat op 31 Julie 1997 eindig, bindend is vir alle ander werkgewers en werknemers as dié genoem in paragraaf (a) van hierdie kennisgewing wat betrokke is by of in diens is in genoemde Onderneming, Nywerheid, Bedryf of Beroep in die gebiede in klousule 1 van die Wysigingsooreenkoms gespesifiseer.

T. T. MBOWENI,
Minister van Arbeid.

BYLAE

DIE NASIONALE NYWERHEIDSRaad VIR DIE MOTORNYWERHEID

ADMINISTRATIEWE OOREENKOMS

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

South African Motor Industry Employers' Association

en die

South African Vehicle Builders' and Repairers' Association

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

National Union of Metalworkers of South Africa

Motor Industry Employees' Union of South Africa

en die

Motor Industry Staff Association

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

wat die partye is by die Nasionale Nywerheidsraad vir die Motornywerheid;

tot wysiging van die Administratiewe Ooreenkoms gepubliseer by Goewermentskennisgewing No. R. 1599 van 16 September 1994, soos gewysig by Goewermentskennisgewing No. R. 99 van 27 Januarie 1995.

1. TOEPASSINGSBESTEK

(1) Hierdie Ooreenkoms moet in die Motornywerheid nagekom word—

(a) oral in die Republiek van Suid-Afrika soos dit bestaan het onmiddellik voor die datum van inwerking-treding van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993);

(b) deur die werkgewers en die werknemers in die Motornywerheid wat lede is van onderskeidelik die werkgewersorganisasie en die vakverenigings.

(2) Ondanks subklousule (1) is hierdie Ooreenkoms van toepassing op—

(a) vakleerlinge slegs vir sover dit nie onbestaanbaar is met die Wet op Mannekragopleiding, 1981, of voorwaardes wat daarkragtens gestel is nie; en

(b) kwekelinge wat opleiding ingevolge die Wet op Mannekragopleiding, 1981, ondergaan, slegs vir sover dit nie onbestaanbaar is met daardie Wet of voorwaardes wat daarkragtens gestel is nie.

2. CLAUSE 5: PAYMENT OF EARNINGS

(a) Substitute the following for subclause (1) (i):

"(i) where an employee consents, payment may be made by cheque or by means of electronic transfer; and".

3. CLAUSE 11: RETURNS TO THE COUNCIL

(a) Substitute the following for subclause (6):

"(6) The contributions in terms of subclause (1) shall be at the rate of 50c per week per employee (irrespective of weekly wage) in all Regions:

Provided that—

(i) where an employee receives wages for less than 23 hours, or has worked for less than 23 hours in a particular week, no contributions shall be payable by or in respect of him for that week;

(ii) before an employee proceeds on annual leave, contributions due in respect of the period during which he is to be on leave shall be deducted."

4. CLAUSE 22: CASUAL LABOURERS

Delete this clause in its entirety.

5. CLAUSE 30: MATERNITY LEAVE

(a) Substitute the following for the first paragraph of subclause (1):

"(1) An employee who has completed two years' continuous service in the aggregate with one or more employers in the Motor Industry, of which the last 12 completed months were with the same employer, shall, on termination of her services, be entitled to a guarantee of re-employment, subject to the following conditions, namely that."

Signed at Randburg, on behalf of the parties, this 24th day of April 1995.

T. NIEUWOUDT,

President of the Council.

L. A. COETZER,

Vice-President of the Council.

B. G. DU PREEZ,

General Secretary of the Council.

2. KLOUSULE 5: BETALING VAN VERDIENSTE

(a) Vervang subklousule (1) (i) deur die volgende:

"(i) waar 'n werknemer daartoe instem, betaling per tjek of elektroniese oorplasing kan geskied; en".

3. KLOUSULE 11: OPGAWES AAN DIE RAAD

(a) Vervang subklousule (6) deur die volgende:

"(6) die bydraes ingevolge subklousule (1) moet teen 'n skaal van 50c per week per werknemer wees (ongeachul weekloon) in alle Streke ingevorder word:

Met dien verstande dat—

(i) waar 'n werknemer vir minder as 23 uur 'n loon ontvang of minder as 23 uur in 'n bepaalde week gewerk het, geen bydraes deur of ten opsigte van hom vir daardie week betaalbaar is nie;

(ii) voordat 'n werknemer met sy jaarlikse verlof gaan, die bydraes wat verskuldig is vir die tydperk wat hy met verlof sal wees, afgetrek moet word."

4. KLOUSULE 22: LOS ARBEIDERS

Skrap hierdie hele klousule.

5. KLOUSULE 30: KRAAMVERLOF

(a) Vervang die eerste paragraaf van subklousule (1) deur die volgende:

"(1) 'n werknemer wat altesaam twee jaar ononderbroke diens by een of meer werkgegewer in die Motornywerheid voltooi het, of waarvan die laaste 12 voltooiende maande by dieselfde werkgegewer was, is, by die beëindiging van diens geregtig op 'n waarborg van herindiensneming, onderworpe aan die volgende voorwaardes, naamlik dat."

Namens die partye op hede die 24ste dag van April 1995 te Randburg onderteken.

T. NIEUWOUDT,

President van die Raad.

L. A. COETZER,

Vise-president van die Raad.

B. G. DU PREEZ,

Hoofsekretaris van die Raad.

No. R. 835

23 June 1995

LABOUR RELATIONS ACT, 1956

MOTOR INDUSTRY

EXTENSION OF AUTO WORKERS'
PENSION FUND AGREEMENT

I, Tito Titus Mboweni, Minister of Labour, hereby, in terms of section 48 (4) (a) (i) of the Labour Relations Act, 1956, extend the periods fixed in Government Notices Nos. R. 1510 of 25 July 1980, R. 2022 of 3 October 1980, R. 2635 of 24 December 1980, R. 1017 of 15 May 1981, R. 1280 of 26 June 1981, R. 2318 of 26 October 1984, R. 1203 of 30 May 1985, R. 1725 of 15 August 1986, R. 1803 of 21 August 1987, R. 1689 of 9 August 1988, R. 1487 and R. 1488 of 29 June 1990 and R. 2553 of 31 December 1993, by a further period ending 31 July 1997.

T. T. MBOWENI,

Minister of Labour.

No. R. 835

23 Junie 1995

WET OP ARBEIDSVERHOUDINGE, 1956

MOTORNYWERHEID

VERLENGING VAN PENSIOENFONDS-
OOREENKOMS VIR MOTORWERKERS

Ek, Tito Titus Mboweni, Minister van Arbeid, verleng hierby, kragtens artikel 48 (4) (a) (i) van die Wet op Arbeidsverhoudinge, 1956, die tydperke vasgestel in Goewermmentskennisgewings Nos. R. 1510 van 25 Julie 1980, R. 2022 van 3 Oktober 1980, R. 2635 van 24 Desember 1980, R. 1017 van 15 Mei 1981, R. 1280 van 26 Junie 1981, R. 2318 van 26 Oktober 1984, R. 1203 van 30 Mei 1985, R. 1725 van 15 Augustus 1986, R. 1803 van 21 Augustus 1987, R. 1689 van 9 Augustus 1988, R. 1487 en R. 1488 van 29 Junie 1990 en R. 2553 van 31 Desember 1993, met 'n verdere tydperk wat op 31 Julie 1997 eindig.

T. T. MBOWENI,

Minister van Arbeid.

No. R. 836**23 June 1995****LABOUR RELATIONS ACT, 1956****MOTOR INDUSTRY****AMENDMENT OF AUTO WORKERS' PENSION FUND AGREEMENT**

I, Tito Titus Mboweni, Minister of Labour, hereby—

(a) in terms of section 48 (1) (a) of the Labour Relations Act, 1956, declare that the provisions of the Agreement (hereinafter referred to as the Amending 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 3 July 1995 and for the period ending 31 July 1997, upon the employers' organisations and the trade unions which entered into the Amending Agreement and upon the employers and employees who are members of the said organisations or unions; and

(b) in terms of section 48 (1) (b) of the said Act, declare that the provisions of the Amending Agreement, excluding those contained in clauses 1 and 2 (1) (b), shall be binding, with effect from 3 July 1995 and for the period ending 31 July 1997, upon all employers and employees, other than those referred to paragraph (a) of this notice, who are engaged or employed in the said Undertaking, Industry, Trade or Occupation in the areas specified in clause 2 of the Amending Agreement.

T. T. MBOWENI,
Minister of Labour.

SCHEDULE**THE NATIONAL INDUSTRIAL COUNCIL FOR THE MOTOR INDUSTRY****AUTO WORKERS' PENSION FUND AGREEMENT**

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

South African Motor Industry Employers' Association
and the

South African Vehicle Builders' and Repairers' Association

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

National Union of Metalworkers of South Africa
Motor Industry Employees' Union of South Africa
and the

Motor Industry Staff Association

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

being the parties to the National Industries Council for the Motor Industry,

to amend Auto Workers' Pension Fund Agreement published under Government Notice No. R. 1510 of 25 July 1980, as amended and extended by Government Notices Nos. R. 2022 of 30 October 1980, R. 2635 of 24 December 1980, R. 1017 of 15 May 1981, R. 1280 of 26 June 1981, R. 2318 of 26 October 1984, R. 1203 of 30 May 1985, R. 1725 of 15 August 1986, R. 1803 of 21 August 1987, R. 1689 of 19 August 1988, R. 1488 of 29 June 1990 and R. 2553 of 31 December 1993.

No. R. 836**23 Junie 1995****WET OP ARBEIDSVERHOUDINGE, 1956****MOTORNYYWERHEID****WYSIGING VAN PENSIOENFONDS-OOREENKOMS VIR MOTORWERKERS**

Ek, Tito Titus Mboweni, Minister van Arbeid, verklaar hierby—

(a) kragtens artikel 48 (1) (a) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalings van die Ooreenkoms (hierna die Wysigingsooreenkoms genoem) 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 3 Julie 1995 en vir die tydperk wat op 31 Julie 1997 eindig, bindend is vir die werkgewersorganisasies en die vakverenigings wat die Wysigingsooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasies of verenigings is; en

(b) kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms, uitgesonderd dié vervat in klousules 1 en 2 (1) (b), met ingang van 3 Julie 1995 en vir die tydperk wat op 31 Julie 1997 eindig, bindend is vir alle ander werkgewers en werknemers as dié genoem in paragraaf (a) van hierdie kennisgewing wat betrokke is by of in diens is in genoemde Onderneming, Nywerheid, Bedryf of Beroep in die gebiede in klousule 2 van die Wysigingsooreenkoms gespesifiseer.

T. T. MBOWENI,
Minister van Arbeid.

BYLAE**DIE NASIONALE NYWERHEIDSRaad VIR DIE MOTORNYYWERHEID****MOTORWERKERSPENSIOENFONDS-OOREENKOMS**

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

South African Motor Industry Employers' Association
en die

South African Vehicle Builders' and Repairers' Association

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

National Union of Metalworkers of South Africa
Motor Industry Employees' Union of South Africa
en die

Motor Industry Staff Association

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

wat die partye is by die Nasionale Nywerheidsraad vir die Motornyywerheid,

tot wysiging van die Motorwerkerspensioenfondsooreenkoms gepubliseer by Goewermentskennisgewing No. R. 1510 van 25 Julie 1980, soos gewysig en verleng by Goewermentskennisgewings Nos. R. 2022 van 3 Oktober 1980, R. 2635 van 24 Desember 1980, R. 1017 van 15 Mei 1981, R. 1280 van 26 Junie 1981, R. 2318 van 26 Oktober 1984, R. 1203 van 30 Mei 1985, R. 1725 van 15 Augustus 1986, R. 1803 van 21 Augustus 1987, R. 1689 van 19 Augustus 1988, R. 1488 van 29 Junie 1990 en R. 2553 van 31 Desember 1993.

1. CLAUSE 1: PERIOD OF OPERATION

(a) Substitute the following for this clause:

"This Agreement shall come into operation on such date as may be fixed by the Minister of Labour in terms of section 48 (1) of the Act and shall remain in force for the period ending 31 July 1997 or for such period as may be determined by the Minister."

2. CLAUSE 2: SCOPE OF APPLICATION

Substitute the following for this clause:

"(1) Subject to the provisions of subclause (2) of this clause, the terms of this Agreement shall be observed—

(a) in the Motor Industry in the Republic of South Africa;

(b) by all employers who are members of the employers' organisations and by all employees who are members of the trade unions.

(2) Notwithstanding the provisions of subclause (1) of this clause, the provisions of this Agreement shall not apply to—

(a) employees who prior to 24 August 1994 and 2 March 1994 would have been eligible for membership of the Motor Industry Employees' Union of South Africa and the Motor Industry Staff Association, respectively;

(b) members of the National Union of Metalworkers of South Africa who are members of the Motor Industry Pension Fund;

(c) journeymen who are not members of the National Union of Metalworkers of South Africa or apprentices who are not members of the National Union of Metalworkers of South Africa, other than those referred to in the definition of 'journeyman' and 'apprentices', respectively;

(d) any employee who has been granted a retirement benefit by any fund which provides for such benefits;

(e) employees in respect of whom their employer contributes, and for as long as their employer so contributes, to a pension fund/provident fund which was in operation on the date of coming into operation of this Agreement and which in the opinion of the Council provides benefits not less favourable than those provided by the Fund;

(f) any employee for six months from the date on which he begins employment in the Motor Industry: Provided that any employer may in his discretion waive this exclusion."

3. CLAUSE 3: DEFINITIONS

(a) In the pre-amble to this clause, substitute the expression "Labour Relations Act" for the expression "Industrial Conciliation Act".

(b) In the definition "Act", substitute the expression "Labour Relations Act" for the expression "Industrial Conciliation Act, 1956".

(c) Delete the definitions of "Group A employee", "Group B employee" and "Group C employee".

(d) Insert the following new definition after the definition "Pensionable remuneration":

"Provident Fund" means the Auto Workers' Provident Fund published in terms of section 48 of the Act under Government Notice No. R. 837 of 23 June 1995 and as amended from time to time;"

(e) Delete the definition of "Region NC".

(f) Substitute the following for the definition of "Region NL":

"Region NL" means the Province of Natal as it existed prior to the promulgation of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), and the Magisterial District of Mount Currie;"

1. KLOUSULE 1: GELDIGHEIDSDUUR

(a) Vervang hierdie klausule deur die volgende:

"Hierdie Ooreenkoms tree in werking op sodanige datum deur die Minister van Arbeid ingevolge artikel 48 (1) van die Wet bepaal en bly van krag vir die tydperk eindigende 31 Julie 1997 of vir sodanige tydperk deur die Minister bepaal."

2. KLOUSULE 2: TOEPASSINGSBESTEK VAN OOREENKOMS

Vervang hierdie klausule deur die volgende:

"(1) Behoudens subklausule (2) van hierdie klausule moet hierdie Ooreenkoms nagekom word—

(a) in die Motornywerheid in die Republiek van Suid-Afrika;

(b) deur alle werkgewers wat lede is van die werkgeversorganisasies en deur alle werknemers in die Nywerheid wat lede is van die vakverenigings.

(2) Ondanks subklausule (1) van hierdie klausule is hierdie Ooreenkoms nie van toepassing nie op—

(a) werknemers wat voor 24 Augustus 1994 en 2 Maart 1994 in aanmerking sou kom vir lidmaatskap van onderskeidelik die Motor Industry Employees' Union of South Africa en die Motor Industry Staff Association.

(b) lede van die National Union of Metalworkers of South Africa wat lede is van die Pensioenfonds vir die Motornywerheid;

(c) vakmanne wat nie lede van die National Union of Metalworkers of South Africa is nie of vakleerlinge wat nie lede van die National Union of Metalworkers of South Africa is nie, uitgesonderd dié van wie daar in omskrywing van onderskeidelik 'vakman' en 'vakleerling' melding gemaak word;

(d) 'n werknemer aan wie aftreebystand toegestaan is deur 'n fonds wat vir sodanige bystand voorsiening maak;

(e) werknemers ten opsigte van wie hul werkgever bydra, en solank as wat hul werkgever aldus bydra, tot 'n pensioenfonds/voorsorgfonds wat in werking was op die datum waarop hierdie Ooreenkoms in werking getree het en wat na die mening van die Raad bystand verskaf wat nie minder gunstig is nie as dié wat deur die Motorwerkerspensioenfonds verskaf word;

(f) 'n werknemer vir ses maande vanaf die datum waarop hy by die Motornywerheid in diens tree: Met dien verstande dat 'n werkgever na goedgekeurde van hierdie uitsluiting kan afsien."

3. KLOUSULE 3: WOORDOMSKRYWING

(a) Vervang die woorde "Nywerheidsversoeningswet, 1956" deur die woorde "Wet op Arbeidsverhoudinge, 1956" in die aanhef tot hierdie klausule.

(b) Vervang die woorde "Nywerheidsversoeningswet, 1956" deur die woorde "Wet op Arbeidsverhoudinge, 1956" in die woordomskeuring "Wet".

(c) Skrap die woordomskeuring "werknemer groep A", "werknemer groep B" en "werknemer groep C".

(d) Voeg die volgende nuwe woordomskeuring na die woordomskeuring "pensioengewende besoldiging" in:

"Voorsorgfonds" die Motorwerkersvoorsorgfonds kragtens artikel 48 van die Wet by Goewermentskennisgewing No. R. 837 van 23 Junie 1995 gepubliseer, soos van tyd tot tyd gewysig;"

(e) Skrap die woordomskeuring "Streek NK".

(f) Vervang die woordomskeuring "Streek NL" deur die volgende:

"Streek NL" die provinsie Natal soos dit bestaan het voor die promulgering van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), en die landdrostdistrik Mount Currie;"

(h) Substitute the following for the definition of "Region OFS":

"'Region OFS & NC' means the Province of the Orange Free State and the Magisterial Districts of Barkly West, Britstown, De Aar, Gordonia, Hartswater, Hay, Herbert, Hopetown, Kenhardt, Kimberley, Kuruman, Mafikeng, Philipstown, Postmasburg, Prieska, Upington, Vryburg and Warrenton;"

(i) Substitute the following for the definition of "Region TVL":

"'Region TVL' means the Province of the Transvaal as it existed prior to the promulgation of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993):"

(j) In the definition of "Region WP", delete the words in brackets between the words "Somerset West" and "Stellenbosch".

(k) Insert the following definition between the definitions "retirement age" and "week":

"'voluntary member' means a person admitted to membership by a Regional Council in terms of clause 4 of this Agreement;"

4. CLAUSE 4: MEMBERSHIP

(a) Substitute the following for subclause (1) (a) and (b):

"(1) Subject to the provisions of clause 2 of this Agreement and of subclause (2) of this clause, membership of the Fund shall be compulsory for—

(a) every apprentice who applies for membership of the fund and every journeyman and every male employee employed in the Motor Industry who has not reached retirement age or who has not been granted pension fund benefits of the Fund and who does not elect to become a member of the Provident Fund;

(b) every female employee employed in the Motor Industry who has not reached retirement age or has not been granted a pension benefit by the Fund and who does not elect to become a member of the Provident Fund, and on whose behalf and with whose concurrence her employer has applied for membership of the Fund."

(b) Insert the following new subclause (2):

"(2) Employees who are not compulsory members in terms of subclause (1) and employers, may be admitted to voluntary membership of the Fund at the discretion of the Regional Council concerned, and the provisions of the Agreement shall *mutatis mutandis* apply to any person so admitted and to their employers."

(c) Renumber subclause (2) to read subclause (3).

(d) Insert the following new subclause (4):

"Every person who is admitted to voluntary membership in terms of subclause (2) of this clause shall complete the form prescribed in Annexure B to this Agreement and lodge such completed form with the Secretary of the Regional Council for the region concerned."

5. CLAUSE 5: CONTRIBUTIONS

(a) Substitute the following for subclause (1) (a), (b), (c), (d) and (e):

"(1) (a) Every employee for whom membership of the Fund is compulsory in terms of clause 4 (1) or every voluntary member in terms of clause 4 (2) of this Agreement, shall—

(i) if he is a journeyman or voluntary member, contribute 6% of his pensionable remuneration to the Fund in respect of each week of his employment in the Motor Industry;

(h) Vervang die woordskrywing "Streek OVS" deur die volgende:

"'Streek OVS & NK' die provinsie die Oranje-Vrystaat en die landdrosdistrikte Barkly-Wes, Britstown, De Aar, Gordonia, Hartswater, Hay, Herbert, Hopetown, Kenhardt, Kimberley, Kuruman, Mafikeng, Philipstown, Postmasburg, Prieska, Vryburg en Warrenton;"

(i) Vervang die woordskrywing "Streek TVL" deur die volgende:

"'Streek TVL' die provinsie Transvaal soos dit bestaan het voor die promulgering van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993):"

(j) Skrap in die woordskrywing "Streek WP", die woorde tussen hakies tussen die woorde "Somerset-Wes" en "Stellenbosch".

(k) Voeg die volgende woordskrywing in tussen die woordskrywings "aftreeouderdom" en "week":

"'vrywillige lid' 'n persoon wat lidmaatskap toegeestaan is deur 'n Streekraad ingevolge Klousule 4 van hierdie Ooreenkoms;"

4. KLOUSULE 4: LIDMAATSKAP

(a) Vervang subklousule (1) (a) en (b) deur die volgende:

"(1) Behoudens klousule 2 van hierdie Ooreenkoms en subklousule (2) van hierdie klousule is lidmaatskap van die Fonds verpligtend vir—

(a) elke vakleerling wat aansoek doen om lidmaatskap van die Fonds en elke vakman en elke manlike werknemer wat in die Motornywerheid werksaam is en wat nog nie die aftreeouderdom bereik het of aan wie nog nie pensioenbystand deur die Fonds toegestaan is nie en wat nie verkies om as lid van die Pensioenfonds aan te bly of om lid van die Pensioenfonds te word nie;

(b) elke vroulike werknemer wat in die Motornywerheid werksaam is en wat nog nie die aftree-ouderdom bereik het of aan wie nog nie pensioenbystand deur die Fonds toegestaan is nie en wat verkies om nie as lid van die Pensioenfonds aan te bly of lid van die Pensioenfonds te word nie en namens wie en met wie se instemming haar werkgever om lidmaatskap van die Fonds aansoek gedoen het."

(b) Voeg die volgende nuwe subklousule (2) in:

"(2) Werknemers wat nie ingevolge subklousule (1) verpligte lede is nie, en werkgevers, kan as vrywillige lede tot die fonds toegelaat word na goeddunke van die betrokke Streekraad, en die bepalinge van die ooreenkoms is *mutatis mutandis* van toepassing wees op enige persoon wat aldus toegelaat is, en op hul werkgevers."

(c) Hernommer subklousule (2) om subklousule (3) te lui.

(d) Voeg die volgende nuwe subklousule (4) in:

"Elke persoon wat ingevolge subklousule (2) van hierdie klousule as vrywillige lid toegelaat word, moet die voorgeskrewe aansoekvorm soos voorgeskryf in Aanhangsel B van hierdie Ooreenkoms invul, en sodanige ingevulde vorm moet aan die Sekretaris van die betrokke Streekraad voorgelê word."

5. KLOUSULE 5: BYDRAES

(a) Vervang subklousule (1) (a), (b), (c), (d) en (e) deur die volgende:

"(1) (a) Elke werknemer vir wie lidmaatskap van die Fonds ingevolge klousule 4 (1) verpligtend is of elke vrywillige lid ingevolge klousule 4 (2) van hierdie Ooreenkoms moet—

(i) indien hy 'n vakman of vrywillige lid is, 6% van sy pensioendraende besoldiging tot die Fonds bydra ten opsigte van elke week wat hy in die Motornywerheid werksaam is;

(ii) if he is an employee other than a journeyman—

(aa) contribute 3% of his pensionable remuneration to the fund in respect of each week of his employment in the Motor Industry up to and including 30 June 1996;

(ab) contribute 4½% of his pensionable remuneration to the Fund in respect of each week of his employment in the Motor Industry for the period 1 July 1996 up to and including 29 June 1997;

(ac) contribute 6% of his pensionable remuneration to the Fund in respect of each week of his employment in the Motor Industry as from 30 June 1997.

(b) Notwithstanding the provisions of subclause (a), an employee may at any time prior to 30 June 1997 agree with his employer to contribute 6% of his pensionable remuneration to the Fund in respect of each week of his employment in the Motor Industry.

(c) The contributions payable in terms hereof shall be calculated and rounded off to the nearest rand value and portions of a rand amounting to 49 cents or less shall be discarded and rounded off to the next higher rand value when these amount to 50 cents or more."

(b) Substitute the following for the Note in subclause (5) (a):

"Note: (a) The present postal addresses of the Secretaries of the various Regional Councils are as follows:

For Region BR: P.O. Box 714, East London, 5200.

For Region EP: P.O. Box 3164, Port Elizabeth, 6000.

For Region NC: P.O. Box 446, Kimberley, 8300.

For Region NL: P.O. Box 2838, Durban, 4000.

For Region OVS/NC: P.O. Box 910, Bloemfontein, 9300.

For Region TVL: P.O. Box 8477, Johannesburg, 2000.

For Region WP: P.O. Box 1946, Cape Town, 8000."

6. Insert the following new Annexure B:

"ANNEXURE B TO THE AUTO WORKERS' PENSION FUND AGREEMENT

APPLICATION FOR ADMISSION AS A VOLUNTARY MEMBER

Surname
 First names
 Date of birth..... (year)(month)(day)
 Union No.
 Identity No.
 Sex (state male or female)
 Employed by (employer's name and address)
 Occupation.....
 Applicant's private address.....
 If an employer, state full name of business.....
 Status of employer (e.g. owner, director, partner, member)

I, the undersigned, a member of the*
 hereby apply to be registered as a member of the Auto Workers' Pension Fund and agree to abide by the provisions of the Fund's Rules in force from time to time.

Were you employed in the Motor Industry previously?

(ii) indien hy 'n ander werknemer is as 'n vakman—

(aa) 3% van sy pensioenbydraende besoldiging tot die Fonds bydra ten opsigte van elke week wat hy in die Motornywerheid werksaam is tot en met 30 Junie 1996;

(ab) 4½% van sy pensioendraende besoldiging tot die Fonds bydra ten opsigte van elke week wat hy in die Motornywerheid werksaam is vir die tydperk 1 Julie 1996 tot en met 29 Junie 1997;

(ac) 6% van sy pensioendraende besoldiging tot die Fonds bydra ten opsigte van elke week wat hy in die Motornywerheid werksaam is bereken vanaf 30 Junie 1997.

(b) Ondanks die bepalings van subklousule (a) mag 'n werknemer te eniger tyd voor 30 Junie 1997 met sy werkgever ooreenkom om 6% van sy pensioendraende besoldiging tot die Fonds by te dra ten opsigte van elke week wat hy in die Motornywerheid werksaam is.

(c) Die bydraes ingevolge hierdie klousule betaalbaar word bereken en tot die naaste randwaarde afgerond, dit wil sê gedeeltes van 'n rand tot en met 49 sent of minder word nie in berekening gebring nie, en gedeeltes van 'n rand van 50 sent of meer word by die volgende hoër randwaarde gevoeg."

(b) Vervang die opmerking in subklousule (5) (a) deur die volgende:

"Opmerking: (a) Die huidige posadres van die Sekretaris van die verskillende Streekrade is soos volg:

Vir Streek BR: Posbus 714, Oos-Londen, 5200.

Vir Streek OP: Posbus 3164, Port Elizabeth, 6000.

Vir Streek NK: Posbus 446, Kimberley, 8300.

Vir Streek NL: Posbus 2838, Durban, 4000.

Vir Streek OVS/NK: Posbus 910, Bloemfontein, 9300.

Vir Streek TVL: Posbus 8477, Johannesburg, 2000.

Vir Streek WP: Posbus 1946, Kaapstad, 8000."

6. Voeg die volgende nuwe Aanhangsel B in:

"AANHANGSEL B VAN DIE MOTORWERKERS PENSIOENFONDS

AANSOEK OM TOELATING AS 'N VRYWILLIGE LID

Van
 Voorname
 Geboortedatum..... (jaar)(maand)(dag)
 Vakverenigingnommer.....
 Identiteitsnommer
 Geslag (man of vrou).....
 Werksaam by (werkgever se naam en adres)
 Beroep
 Aansoeker se huisadres.....
 Indien 'n werkgever, verskaf volle naam van besigheid.....
 Status van werkgever (bv. eienaar, direkteur, vennoot, lid)

Ek, die ondergetekende, lid van die*
 doen hierby aansoek om as lid van die Motorwerkers-pensioenfonds geregistreer te word en ek onderneem om die Reëls van die Fonds na te kom wat van tyd tot tyd van krag is.
 Was u voorheen in die Motornywerheid werksaam?

If answer is "Yes", state name and address of employer and your Fund No.

I nominate as my beneficiary in the event of my death:

First names (Mr/Mrs/Miss)

Surname

Relationship (state: Wife, husband, father, mother, son, daughter, as the case may be)

Address

Identity No. of beneficiary (where applicable)

Date

(Member's signature)

* Please insert name of trade union if applicable.

FOR OFFICE USE ONLY

Date received Date registered

Date of first payment Return No.

When completed, this form must be sent to:

The Regional Secretary

National Industrial Council for the Motor Industry

(..... Region)

P.O. Box

....."

Signed at Randburg this 24th day of April 1995.

T. NIEUWOUDT,
President of the Council.

L. A. COETZER,
Vice-President of the Council.

B. G. DU PREEZ,
General Secretary of the Council.

As die antwoord "Ja" is, meld die werkgever se naam en adres en u Fondsnummer

As my bevoordeelde ingeval ek te sterwe sou kom, benoem ek:

Voorname (mnr./mev./mej.)

Familienaam

Verwantskap (vrou, man, vader, moeder, seun, dogter, na gelang van die geval)

Adres

Bevoordeelde se identiteitsnommer (indien van toepassing)

Datum

(Lid se naamtekening)

* Vul naam van vakvereniging in indien van toepassing.

SLEGS VIR KANTOORGEBRUIK

Datum van ontvangs Datum van registrasie

Datum van eerste betaling Retroernommer

Nadat dit ingevul is, moet hierdie vorm gestuur word aan:

Die Streeksekretaris

Nasionale Nywerheidsraad vir die Motornywerheid

(Streek.....)

Posbus.....

....."

Te Randburg onderteken op hede die 24ste dag van April 1995.

T. NIEUWOUDT,
President van die Raad.

L. A. COETZER,
Vise-president van die Raad.

B. G. DU PREEZ,
Algemene Sekretaris van die Raad.

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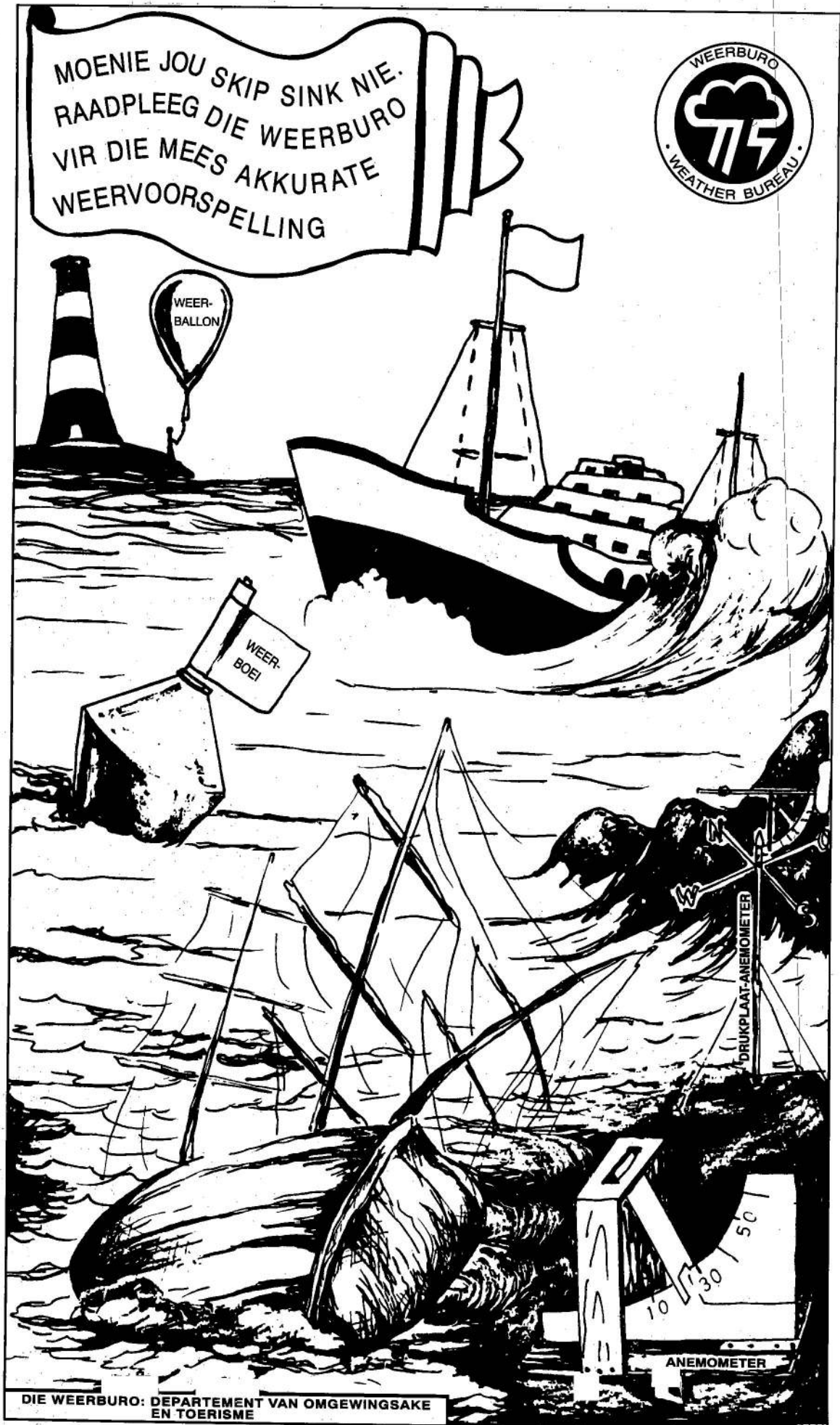
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