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No. 16582

GOVERNMENT NOTICE

DEPARTMENT OF LABOUR

No. R. 1127

28 July 1995

LABOUR RELATIONS ACT, 1956

MOTOR INDUSTRY: AMENDMENT OF MOTOR INDUSTRY MEDICAL AID FUND AGREEMENT

I, Tito Titus Mboweni, Minister of Labour, hereby, 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 31 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.

T. T. MBOWENI,
Minister of Labour.

SCHEDULE

THE NATIONAL INDUSTRIAL COUNCIL FOR THE MOTOR INDUSTRY

MOTOR INDUSTRY MEDICAL AID 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' organisation"), of the one part, and the

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GOEWERMENTSKENNISGEWING

DEPARTEMENT VAN ARBEID

No. R. 1127

28 Julie 1995

WET OP ARBEIDSVERHOUDINGE, 1956

MOTORNWYWERHEID: WYSIGING VAN MEDIESE HULPFONDSOOREENKOMS VIR DIE MOTOR- NYWERHEID

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 Beroep in die opskrif by hierdie kennisgewing vermeld, met ingang van 31 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 vereniging is.

T. T. MBOWENI,
Minister van Arbeid.

BYLAE

DIE NASIONALE NYWERHEIDSRaad VIR DIE MOTORNWYWERHEID

MEDIESE HULPFONDS VIR DIE MOTORNWYWERHEID

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

Motor Industry Employees' Union of South Africa

the

Motor Industry Staff Association

and the

National Union of Metalworkers of South Africa

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

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

to amend the Motor Industry Medical Aid Fund Agreement published under government Notice No. R. 1598 of 30 July 1982, as amended and extended by Government Notices Nos. R. 2300 of 21 October 1983, R. 772 of 19 April 1984, R. 1319 of 21 June 1985, R. 2843 of 27 December 1985, R. 1330 of 27 June 1986, R. 362 of 20 February 1987, R. 972 of 30 April 1987, R. 1108 of 22 May 1987, R. 1804 of 21 August 1987, R. 747 of 22 April 1988, R. 1490 of 29 June 1990, R. 3137 of 20 December 1991, R. 1667 of 19 June 1992, R. 3219 of 27 November 1992, R. 464 of 26 March 1993, R. 884 of 21 May 1993, R. 930 of 28 May 1993, R. 2249 of 19 November 1993, R. 1171 of 1 July 1994 and R. 100 of 27 January 1995 and R. 875 of 15 June 1995.

1. Scope of application of agreement

(1) The terms of this Agreement shall be observed in the Regions defined in the Agreement published under Government Notice No. R. 1598 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 Motor Industry Employees' Union of South Africa and the Motor Industry Staff Association and apprentice members of the National Union of Metalworkers of South Africa.

(2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall apply in respect of apprentices and their employers but only in so far as such application is not inconsistent with the provisions of the Manpower Training Act, 1981, or any regulation made thereunder or any contract entered into in terms thereof.

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. 22 of 1993), and the Magisterial District of Mount Currie;"

(3) 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;"

(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 expression in brackets between the expressions "Somerset West" and "Stellenbosch".

Motor Industry Employees' Union of South Africa

die

Motor Industry Staff Association

en die

National Union of Metalworkers of South Africa

(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 Ooreenkoms vir die Mediese Hulpfonds vir die Motornywerheid gepubliseer by Goewermentskennisgewing No. R. 1598 van 30 Julie 1982, soos gewysig en verleng by Goewermentskennisgewings Nos. R. 2300 van 21 Oktober 1983, R. 772 van 19 April 1984, R. 1319 van 21 Junie 1985, R. 2843 van 27 Desember 1985, R. 1330 van 27 Junie 1986, R. 362 van 20 Februarie 1987, R. 972 van 30 April 1987, R. 1108 van 22 Mei 1987, R. 1804 van 21 Augustus 1987, R. 747 van 22 April 1988, R. 1490 van 29 Junie 1990, R. 3137 van 20 Desember 1991, R. 1667 van 19 Junie 1992, R. 3219 van 27 November 1992, R. 464 van 26 Maart 1993, R. 884 van 21 Mei 1993, R. 930 van 28 Mei 1993, R. 2249 van 19 November 1993, R. 1171 van 1 Julie 1994 en R. 100 van 27 Januarie 1995 en R. 875 van 15 Junie 1995.

1. Toepassingsbestek van ooreenkoms

(1) Hierdie Ooreenkoms moet in die Streke omskryf in die Ooreenkoms gepubliseer by Goewermentskennisgewing No. R. 1598 van 30 Julie 1982, nagekom word deur alle werkgevers in die Motornywerheid wat lede is van die werkgewersorganisasies en deur alle werknemers in genoemde Nywerheid wat lede is van die Motor Industry Employees' Union of South Africa en die Motor Industry Staff Association en vakleerlinge van die National Union of Metalworkers of South Africa.

(2) Ondanks subklousule (1) is hierdie Ooreenkoms op vakleerlinge en op hul werkgewers van toepassing maar slegs vir sover dit nie onbestaanbaar is nie met die Wet op Mannekragopleiding, 1981, of 'n regulasie wat daarkragtens uitgevaardig is of 'n kontrak wat daarkragtens aangegaan is.

2. Klousule 3: Woordomskeywing

(1) Skrap die woordomskeywing van "Streek NK".

(2) Vervang die woordomskeywing van "Streek NL" deur die volgende:

"**Streek NL**" die provinsie Natal soos dit bestaan het voor die afkondiging van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 22 van 1993), en die landdrostdistrik Mount Currie;"

(3) Vervang die woordomskeywing van "Streek OVS" deur die volgende:

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

(4) Vervang die woordomskeywing van "Streek TVL" deur die volgende:

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

(5) In die woordomskeywing van "Streek WP" skrap die uitdrukking tussen hakies tussen die uitdrukking "Somerset-Wes" en "Stellenbosch".

3. Clause 7: Dependants

(1) Substitute the following for subclause 7 (1):

"(1) In order to be eligible for benefits in respect of their dependants, members who contribute to the Fund in terms of clause 8 (1), 8 (2) and 8 (3) of this Agreement, shall make application for the registration of their dependants on the prescribed form and shall furnish such information and documentary evidence as the Regional Council concerned may require."

4. Clause 8: Contributions

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

"(1) (a) Every member admitted to the optimum plan in terms of the Rules of the Fund who registers dependants in terms of clause 7 shall contribute as follows to the Fund in respect of each week of employment in the Motor Industry:

(i) A Member who registers one dependant: R99,42 per week;

(ii) a member who registers two dependants: R102,18 per week;

(iii) a member who registers three dependants: R116,30 per week;

(iv) a member who registers four or more dependants: R124,90 per week.

(b) Every member admitted to the optimum plan in terms of the Rules of the Fund, not referred to in subclause (1) (a) shall, contribute R66,14 per week."

(2) Substitute the following for subclause (2):

"(2) (a) Every member admitted to the standard plan in terms of the Rules of the Fund who registers dependants in terms of clause 7 shall contribute as follows to the Fund in respect of each week of employment in the Motor Industry:

(i) a Member who registers one dependant: R73,52 per week;

(ii) a member who registers two dependants: R75,32 per week;

(iii) a member who registers three dependants: R77,12 per week;

(iv) a member who registers four or more dependants: R78,66 per week.

(b) Every member admitted to the standard plan in terms of the Rules of the Fund not referred to in subclause (2) (a) shall contribute R57,50 per week."

(3) Substitute the following for subclause (3):

"(3) (a) Every member admitted to the basic plan in terms of the Rules of the Fund who registers a dependant in terms of clause 7 shall contribute R24,24 per week in respect of each week of employment in the Motor Industry.

(b) Every member admitted to the basic plan in terms of the Rules of the Fund not referred to in subclause (3) (a) shall contribute R22,22 per week to the Fund in respect of each week of employment in the Motor Industry."

(4) Substitute the following for subclause (4):

"(4) (a) The contributions specified in subclauses (1), (2) and (3) shall be deducted by the employer from the employee's wages on the first pay-day after this Agreement comes into operation, and on each pay-day thereafter: Provided that where the employee receives or is entitled to receive wages for less than 23 hours in any week, no contributions shall be deductible from his wages in respect of such week.

3. Klousule 7: Afhanklikes

(1) Vervang subklousule 7 (1) deur die volgende:

"(1) Ten einde vir bystand vir hul afhanklikes in aanmerking te kom, moet lede wat ooreenkomstig klousule 8 (1), 8 (2) en 8 (3) van hierdie Ooreenkoms tot die Fonds bydra, op die voorgeskrewe vorm aansoek doen om die registrasie van hul afhanklikes en moet hulle die inligting en dokumentêre bewyse verstrek wat die betrokke Streekraad vereis."

4. Klousule 8: Bydraes

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

"(1) (a) Elke lid wat toegelaat is tot die optimumplan kragtens die Reëls van die Fonds en wat kragtens klousule 7 afhanklikes laat registreer, moet soos volg tot die Fonds bydra ten opsigte van elke week wat hy in die Motornywerheid werksaam is:

(i) 'n Lid wat een afhanklike laat registreer: R99,42 per week;

(ii) 'n lid wat twee afhanklikes laat registreer: R102,18 per week;

(iii) 'n lid wat drie afhanklikes laat registreer: R116,30 per week;

(iv) 'n lid wat vier of meer afhanklikes laat registreer: R124,90 per week.

(b) Elke lid wat toegelaat is tot die optimumplan kragtens die Reëls van die Fonds en wat nie in subklousule (1) (a) vermeld word nie, moet R66,14 per week bydra."

(2) Vervang subklousule (2) deur die volgende:

"(2) (a) Elke lid wat toegelaat is tot die standaardplan kragtens die Reëls van die Fonds en wat kragtens klousule 7 afhanklikes laat registreer, moet soos volg tot die Fonds bydra ten opsigte van elke week wat hy in die Motornywerheid werksaam is:

(i) 'n lid wat een afhanklike laat registreer: R73,52 per week;

(ii) 'n lid wat twee afhanklikes laat registreer: R75,32 per week;

(iii) 'n lid wat drie afhanklikes laat registreer: R77,12 per week;

(iv) 'n lid wat vier of meer afhanklikes laat registreer: R78,66 per week.

(b) Elke lid wat toegelaat is tot die standaardplan kragtens die Reëls van die Fonds en wat nie 'n subklousule (2) (a) vermeld word nie, moet R57,50 per week bydra."

(3) Vervang subklousule (3) deur die volgende:

"(3) (a) Elke lid wat toegelaat is tot die basiese plan kragtens die Reëls van die Fonds en wat kragtens klousule 7 afhanklikes laat registreer, moet R24,24 per week bydra ten opsigte van elke week wat hy in die Motornywerheid werksaam is.

(b) Elke lid wat toegelaat is tot die basiese plan kragtens die Reëls van die Fonds en wat nie in subklousule (3) (a) vermeld word nie, moet R22,22 per week bydra tot die Fonds ten opsigte van elke week wat hy in die Motornywerheid werksaam is."

(4) Vervang subklousule (4) deur die volgende:

"(4) (a) Die bydraes in subklousules (1), (2) en (3) bedoel, moet deur die werkgewer van die werknemer se loon afgetrek word op die eerste betaaldag nadat hierdie Ooreenkoms in werking getree het, en op elke betaaldag daarna: Met dien verstande dat waar die werknemer 'n loon vir minder as 23 uur in enige week ontvang of geregtig is om dit te ontvang, geen bydraes ten opsigte van daardie week van sy loon afgetrek mag word nie.

(b) To each weekly contribution deducted in accordance with subclauses (1), (2) and (3) the employer shall add an amount equal to that specified either in subclause (1) (a), (1) (b), (2) (a), (2) (b), (3) (a) or (3) (b), as the case may be."

(5) In subclause (6), 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 the expression "Region OFS, P.O. Box 910, Bloemfontein, 9300".

SIGNED AT RANDBURG, ON BEHALF OF THE PARTIES, THIS 26th DAY OF JUNE 1995.

T. NIEUWOUDT,
PRESIDENT OF THE COUNCIL.

L. A. COETZER,
VICE-PRESIDENT OF THE COUNCIL.

B. G. DU PREEZ,
GENERAL SECRETARY OF THE COUNCIL.

(b) By elke weeklikse bydrae wat ooreenkomstig subklousules (1), (2) en (3) afgetrek word, moet die werk-gewer 'n bedrag voeg wat gelyk is aan dié bepaal by subklousule (1) (a), (1) (b), (2) (a), (2) (b), (3) (a) of (3) (b), na gelang van die geval."

(5) In subklousule (6), skrap die uitdrukking "Streek NK, Posbus 446, Kimberley, 8300" en vervang die uitdrukking "Streek OVS, Posbus 910, Bloemfontein, 9300" deur die uitdrukking "Streek OVS & NK, Posbus 910, Bloemfontein, 9300".

NAMENS DIE PARTYE OP HEDE DIE 26ste DAG VAN JUNIE 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.

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