

REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA

Government Gazette Staatskoerant

Regulation Gazette

No. 6393

Regulasiekoerant

Vol. 402

PRETORIA, 24 DECEMBER
DESEMBER 1998

No. 19633

GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF LABOUR DEPARTEMENT VAN ARBEID

No. R. 1688

24 December 1998

LABOUR RELATIONS ACT, 1995

ROAD FREIGHT INDUSTRY: EXTENSION OF EXEMPTIONS AND DISPUTE RESOLUTION COLLECTIVE AMENDING AGREEMENT TO NON-PARTIES

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby in terms of section 32 (2) of the Labour Relations Act, 1995, declare that the collective amending agreement which appears in the Schedule hereto, which was concluded in the National Bargaining Council for the Road Freight Industry and is binding in terms of section 31 of the Labour Relations Act, 1995, on the parties 3 which concluded the amending agreement, shall be binding on the other employers and employees in that Industry, with effect from 4 January 1999, and for the period ending 28 February 1999.

M. M. S. MDLADLANA

Minister of Labour

SCHEDULE**NATIONAL BARGAINING COUNCIL FOR THE ROAD FREIGHT INDUSTRY EXEMPTIONS AND DISPUTE RESOLUTION
COLLECTIVE AGREEMENT**

in accordance with the provisions of the Labour Relations Act, 1995, made and entered into by and between the

Road Freight Employers' Association

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

Motor Transport Workers' Union (South Africa)**South African Transport Workers' Union****Professional Transport Workers' Union of South Africa****Transport and General Workers' Union****African Miners' and Allied Workers' Union****Turning Wheel Workers' Union**

and

Transport and Allied Workers' Union of South Africa

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

being the parties to the National Bargaining Council for the Road Freight Industry, to amend the Agreement published under Government Notice No. R. 919 of 24 July 1998.

1. SCOPE OF APPLICATION

(1) The terms of this Agreement shall be observed in the Road Freight Industry in the whole of the Republic of South Africa.

(2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall apply only to employees for whom minimum wages are prescribed in the Agreements published under Government Notices Nos. R. 920 of 24 July 1998 and R. 922 of 24 July 1998, as renewed and amended from time to time, and to the employers of such employees.

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

- (a) an employer while he is a new employer as defined in clause 2 of the B-Agreement published under Government Notice No. R. 920 of 24 July 1998;
- (b) an owner who drives his own vehicle and the employees employed in connection with such a vehicle;
- (c) an employer who operates one truck with one driver, and the employees employed by such employer; and
- (d) to non-parties in respect of clause 2.

2. PERIOD OF OPERATION OF AGREEMENT

This Agreement shall come into operation on such date as may be fixed by the Minister of Labour in terms of section 32 of the Labour Relations Act, 1995, and shall remain in force until 28 February 1999.

3. CLAUSE : RESOLUTION OF DISPUTES

Delete subclause (3) (g) and renumber the subsequent clauses.

Signed at Johannesburg, for and on behalf of the parties to the Council, this 27th day of October 1998.

G. F. VAN NIEKERK

Chairman of the Council

J. J. DUBE

Vice-Chairman of the Council

B. S. E. GRATZ

Secretary of the Council

No. R. 1688

24 Desember 1998

WET OP ARBEIDSVARHOUDINGE, 1995

**PADVAGNYWERHEID: UITBREIDING VAN VRYSTELLINGS- EN GESKILBESLEGTINGS KOLLEKTIEWE
WYSIGINGSOOREENKOMS NA NIE-PARTYE**

Ek, Membathisi Mphumzi Shepherd Mdladlana, Minister van Arbeid, verklaar hierby, kragtens artikel 32 (2) van die Wet op Arbeidsverhoudinge, 1995, dat die kollektiewe wysigingsooreenkoms wat in die Bylae hiervan verskyn en wat in die Nasionale Bedingingsraad vir die Padvagnywerheid aangegaan is en kragtens artikel 31 van die Wet op Arbeidsverhoudinge, 1995, bindend is op die partye wat die wysigingsooreenkoms aangegaan het, bindend is vir die ander werkgewers en werknemers in daardie Nywerheid, met ingang van 4 Januarie 1999, en vir die tydperk wat op 28 Februarie 1999 eindig.

M. M. S. MDLADLANA

Minister van Arbeid

BYLAE**NASIONALE BEDINGINGSRAAD VIR DIE PADVRAGNYWERHEID: VRYSTELLING EN GESKILBESLEGTINGS
KOLLEKTIEWE OOREENKOMS**

ooreenkomstig die Wet op Arbeidsverhoudinge, 1995, besluit deur en aangegaan tussen die

Road Freight Employers' Association

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

Motor Transport Workers' Union (South Africa)

South African Transport Workers' Union

Professional Transport Workers' Union of South Africa

Transport and General Workers' Union

African Miners' and Allied Workers' Union

Turning Wheel Workers' Union

en

Transport and Allied Workers' Union of South Africa

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

wat die partye is by die Nasionale Bedingingsraad vir die Padvragnywerheid, tot wysiging van die Ooreenkoms gepubliseer by Goewermentskennisgewing No. R. 919 van 24 Julie 1998.

1. TOEPASSINGSBESTEK

- (1) Hierdie Ooreenkoms moet nagekom word in die hele Republiek van Suid-Afrika.
- (2) Ondanks subklousule (1), is hierdie Ooreenkoms slegs van toepassing op werknemers vir wie minimum lone voorgeskryf word in die Ooreenkoms gepubliseer by Goewermentskennisgewings Nos. R. 920 van 24 Julie 1998 en R. 922 van 24 Julie 1998, soos van tyd tot tyd hernieu en gewysig, en op die werkgewers van sodanige werknemers.
- (3) Ondanks subklousule (1), is hierdie Ooreenkoms nie van toepassing nie op—
 - (a) 'n werkgewer so lank as wat hy 'n nuwe werkgewer is soos in klousule 2 van die B-Ooreenkoms gepubliseer by Goewermentskennisgewing No. 920 van 24 Julie 1998;
 - (b) 'n eienaar wat sy eie voertuig dryf en die werknemers wat in verband met sodanige voertuig in diens is;
 - (c) 'n werkgewer wat een vragmotor met een drywer bedryf, en die werknemers in diens van sodanige werkgewer; en
 - (d) nie-partye met betrekking tot klousule 2.

2. GELDIGHEIDSDUUR VAN OOREENKOMS

Hierdie Ooreenkoms tree in werking op die datum wat die Minister van Arbeid ingevolge artikel 32 van die Wet op Arbeidsverhoudinge, 1995, vasstel en bly van krag tot 28 Februarie 1999.

3. KLOUSULE 5: GESKILBESLEGTING

Skrap subklousules (3) (g) en hernommer die opeenvolgende klousules.

Namens die partye by die Raad, op hede die 27ste dag van Oktober 1998.

G. F. VAN NIEKERK

Voorsitter van die Raad

J. J. DUBE

Ondervoorsitter van die Raad

B. S. E. GRATZ

Sekretaris van die Raad

CONTENTS**INHOUD**

No.		Page No.	Gazette No.	No.		Bladsy No.	Koerant No.
GOVERNMENT NOTICE				GOEWERMENSKENNISGEWING			
Labour, Department of				Arbeid, Departement van			
<i>Government Notice</i>				<i>Goewermenskennisgewing</i>			
R. 1688	Labour Relations Act (66/1995): Road Freight Industry: Extension of Exemptions and Dispute Resolution Collective Amending Agreement to Non-parties	1	19633	R. 1688	Wet op Arbeidsverhoudinge (66/1995): Padvagnywerheid: Uitbreiding van Vrystellings- en Geskilbeslegtings Kollektiewe Wysigingsooreenkoms na Nie-partye	2	19633