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GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF LABOUR DEPARTEMENT VAN ARBEID

No. R. 1690

24 December 1998

LABOUR RELATIONS ACT, 1995

BARGAINING COUNCIL FOR THE FURNITURE MANUFACTURING INDUSTRY, KWAZULU-NATAL: EXTENSION OF PROVIDENT FUND AND MORTALITY BENEFIT ASSOCIATION COLLECTIVE AMENDING AGREEMENT TO NON-PARTIES

Under section 32 (2) of the Labour Relations Act, 1995 (Act No. 66 of 1995), I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby declare that, from 4 January 1999 to 31 July 2001, the collective amending agreement in the Schedule, which was concluded in the Bargaining Council for the Furniture Manufacturing Industry, KwaZulu-Natal, is binding on other employers and employees in that industry, not parties to that agreement, in the areas known as—

- (a) Area A in the Province of Natal, which consists of the magisterial districts of Camperdown, Chatsworth, Durban, Inanda, Pietermaritzburg, Pinetown in the Province of Natal as it existed on 3 July 1954 and the Magisterial District of Mount Currie as it existed on 3 July 1954;
- (b) Area B, which consists of the magisterial districts of Umvoti (Greytown), Lions River, Port Shepstone, Richmond, Lower Tugela and Umzinto and the municipal areas of Estcourt, Ladysmith and Newcastle as it existed on 3 July 1954;

(c) Area C, which consists of the remainder of the Province of KwaZulu-Natal, excluding any portion of those areas which fell within the self-governing territory of KwaZulu-Natal and the Republic of Transkei immediately prior to the commencement of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993).

M. M. S. MDLADLANA

Minister of Labour

SCHEDULE

BARGAINING COUNCIL FOR THE FURNITURE MANUFACTURING INDUSTRY, KWAZULU-NATAL PROVIDENT FUND AND MORTALITY BENEFIT ASSOCIATION COLLECTIVE AMENDING AGREEMENT

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

KwaZulu-Natal Furniture Manufacturers' Association

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

National Union of Furniture and Allied Workers of South Africa

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

being the parties to the Bargaining Council for the Furniture Manufacturing Industry, KwaZulu-Natal,

to amend the Provident Fund and Mortality Benefit Association Collective Agreement published under Government Notice No. R. 749 of 5 June 1998.

CHAPTER 1

1. SCOPE OF APPLICATION OF AGREEMENT

- (1) The terms of this Agreement shall be observed in the Furniture Manufacturing Industry, KwaZulu-Natal—
 - (a) by all employers who are members of the employers' organisation and by all employees who are members of the trade union and who are engaged or employed in the Furniture Manufacturing Industry;
 - (b) in Area A, which consists of the Magisterial Districts of Camperdown, Chatsworth, Durban, Inanda, Pietermaritzburg, Pinetown and Mount Currie;
 - (c) in Area B, which consists of the Magisterial Districts of Greytown, Lions River, Port Shepstone, Richmond, Lower Tugela and Umzinto and the municipal areas of Estcourt, Ladysmith and Newcastle; and
 - (d) in Area C, which consists of the remainder of the Province of KwaZulu-Natal.
- (2) Notwithstanding the provisions of subclause (1), the provisions of this Agreement shall—
 - (a) only apply in respect of employees for whom minimum wages are prescribed in the Main Agreement and to working employers as defined in the Main Agreement;
 - (b) apply to apprentices in so far as they are not inconsistent with the provisions of the Manpower Training Act, 1981, or any contracts entered into or any conditions fixed thereunder;
 - (c) not apply to any employee or working employer who at the date of the coming into operation of this Agreement is, or thereafter becomes, a participant in and member of any part other fund providing pension and/or provident benefits, which is in existence on the said date and in which the employer of that employee is on the said date a participant, or to the employer of such employee, during such period only as such other fund continues to operate and both employer and employee are participants therein, if in the opinion of the Council the benefits which the other fund provides are on the whole not less favourable than the benefits provided by the Council's fund;
 - (d) not apply to an employer who carries on not more than one business within the scope of applications of this Agreement and who employs less than five employees at all times in or in connection with such business: Provided that working employers shall be regarded as employees for the purposes of establishing the number of employers in such business: Provided further that an employer who excluded by virtue of this paragraph and his employees may elect to participate in the funds provided for on a voluntary basis;
 - (e) the provisions of subclause (2) (d) shall not apply where an employer has more than four employees in his employ at the date of the coming into operation of this Agreement, and subsequently reduces his number of employees to less than five;
 - (f) notwithstanding the provisions contained in subclause (2) (d), an employer who has taken advantage of and enjoyed the exclusion contained therein may continue to do so for a period not exceeding three years and upon expiry of the three years period all the provisions of this Agreement shall apply to such employer and his employees;
 - (g) the terms of this Agreement shall not apply to non-parties in respect of clause 1 (1) (a) and 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 31 July 2001.

CHAPTER II**3. CLAUSE 14: BENEFITS**

Substitute the expression "6 consecutive months" in subclause 1 (a), for the expression "12 consecutive months".

Signed at Durban on this 21st day of July 1998.

J. S. OLIVIER

Chairman

E. M. MOOSA

Vice-Chairman

G. MOONSAMY

Vice-Chairman

G. J. P. BLIGNAUT

Secretary

No. R. 1690

24 Desember 1998

WET OP ARBEIDSVERHOUDINGE, 1995

BEDINGINGSRAAD VIR DIE MEUBELNYWERHEID, KWAZULU-NATAL: UITBREIDING VAN VOORSORGFONDS EN STERFTEBYSTANDSVERENIGING KOLLEKTIEWE WYSIGINGSOOREENKOMS NA NIE-PARTYE

Ingevolge artikel 32 (2) van die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995), verklaar ek, Membathisi Mphumzi Shepherd Mdladlana, Minister van Arbeid, hierby, dat, vanaf 4 Januarie 1999 tot 31 Julie 2001, die kollektiewe wysigingsooreenkoms in die Bylae, wat in die Meubelnywerheidsbedingingsraad, KwaZulu-Natal aangegaan is, bindend op die ander werkgewers en werknemers in daardie nywerheid, wat nie partye tot die ooreenkoms is nie, in die gebiede bekend as—

- (a) Gebied A in die Provinsie van Natal, wat bestaan uit die landdrosdistrikte Camperdown, Chatsworth, Durban, Inanda, Pietermaritzburg, Pinetown in die provinsie Natal soos dit bestaan het op 3 Julie 1954 en die landdrosdistrik Mount Currie soos dit bestaan het op 3 Julie 1954;
- (b) Gebied B, wat bestaan uit die landdrosdistrikte Umvoti (Greytown), Lions River, Port Shepstone, Richmond, Lower Tugela en Umzinto en die munisipale gebiede van Estcourt, Ladysmith en Newcastle soos dit bestaan het op 3 Julie 1954;
- (c) Gebied C, wat bestaan uit die restant van die provinsie KwaZulu-Natal,

uitgesluit enige gedeelte wat in die selfregerende gebied van KwaZulu en die Republiek van die Transkei geval het direk voor die inwerkingtreding van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993).

M. M. S. MDLADLANA

Minister van Arbeid

BYLAE

**BEDINGINGSRAAD VIR DIE MEUBELNYWERHEID, KWAZULU-NATAL:
VOORSORGFONDS EN BYSTANDSVERENIGING KOLLEKTIEWE WYSIGINGSOOREENKOMS**

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

KwaZulu-Natal Furniture Manufacturers' Association

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

National Union of Furniture and Allied Workers of South Africa

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

wat die partye is by die Bedingingsraad vir die Meubelnywerheid, KwaZulu-Natal,

tot wysiging van die Voorsorgfonds en Bystandsvereniging Kollektiewe Ooreenkoms gepubliseer by Goewermments-kennisgewing No. R. 749 van 5 Junie 1998.

HOOFSTUK 1**1. TOEPASSINGSBESTEK VAN OOREENKOMS**

- (1) Hierdie Ooreenkoms moet in die Meubelnywerheid, KwaZulu-Natal, nagekom word—
- (a) deur alle werkgewers wat lede van die werkgewersorganisasie is en deur alle werknemers wat lede van die vakbond is en wat onderskeidelik by die Nywerheid betrokke is of daarin werksaam is;
 - (b) in Gebied A, wat bestaan uit die landdrostdistrikte Camperdown, Chatsworth, Durban, Inanda, Pietermaritzburg, Pinetown en Mount Currie;
 - (c) in Gebied B, wat bestaan uit die landdrostdistrikte Greytown, Lionsrivier, Port Shepstone, Richmond, Lower Tugela en Umzinto en die munisipale gebiede van Estcourt, Ladysmith en Newcastle; en
 - (d) in Gebied C, wat bestaan uit die oorblywende gedeelte van die provinsie KwaZulu-Natal.
- (2) Ondanks subklousule (1) is hierdie Ooreenkoms—
- (a) slegs van toepassing op werknemers vir wie minimum lône in die Hofooreenkoms voorgeskryf word en op werkende werkgewers soos omskryf in hierdie Hofooreenkoms;
 - (b) van toepassing op vakleerlinge vir sover dit nie onbestaanbaar is met die Wet op Mannekragopleiding, 1981, of kontrakte aangegaan of voorwaardes vasgestel ingevolge genoemde Wet nie;
 - (c) nie van toepassing is nie op 'n werknemer of werkende werkgewer wat op die datum van inwerkingtreding van hierdie Ooreenkoms 'n deelnemer is of lid is of daarna word van 'n ander fonds wat pensioen- en/of bystandsvoordele verskaf en wat op genoemde datum bestaan en waarin die werkgewer van daardie werknemer op genoemde datum 'n deelnemer is, of op die werkgewer en werknemer deelnemer daarin is, indien die voordele wat sodanige ander fonds verskaf na die mening van die Raad oor die algemeen nie minder gunstig is as die voordele wat deur die Raad se fonds verskaf word nie;
 - (d) nie van toepassing nie op 'n werkgewer wat hoogstens een besigheid binne die toepassingsbestek van hierdie Ooreenkoms bedryf en wat te alle tye minder as vyf werknemers in of in verband met sodanige besigheid in diens het: Met dien verstande dat werkende werkgewers as werknemers beskou moet word vir die doel om die getal werknemers in sodanige besigheid vas te stel: Met dien verstande dat 'n werkgewer wat ingevolge hierdie paragraaf uitgesluit is en sy werkgewers kan verkies om op 'n vrywillige grondslag deelname te hê in die fondse waarvoor daar voorsiening gemaak word;
 - (e) die bepalings van subklousule 2 (d) is nie van toepassing nie waar 'n werkgewer meer as vier werknemers in sy diens het op die datum van inwerkingtreding van hierdie Ooreenkoms en daarna sy werknemers na minder as vyf verminder;
 - (f) ondanks die bepalings vervat in subklousule (2) (d), mag geen werkgewer wat die voordeel gebruik en geniet het wat in die uitsluiting daarvan vervat is, voortgaan om sodanige voordeel te geniet vir 'n tydperk wat drie jaar oorskry nie en by die verstryking van die drie jaar tydperk is al die bepalings van die Ooreenkoms van toepassing op sodanige werkgewer en sy werknemers.
 - (g) Hierdie ooreenkoms is ten opsigte van klousule 1 (1) (a) en 2, nie van toepassing op nie-partye nie.

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 31 Julie 2001.

HOOFSTUK II**3. KLOUSULE 14: BYSTAND**

Vervang die uitdrukking "12 agtereenvolgende maande" in subklousule 1 (a), met die uitdrukking "6 agtereenvolgende maande".

Gedateer te Durban die 21ste dag van Julie 1998.

J. S. OLIVIER

Voorsitter

E. M. MOOSA

Vise-Voorsitter

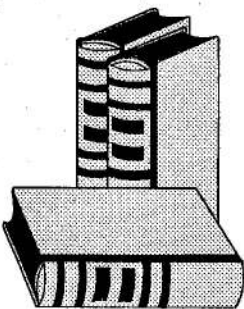
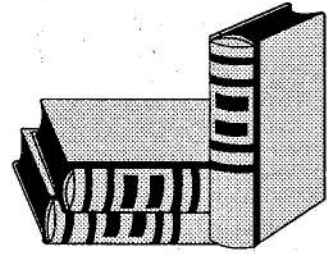
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Sekretaris

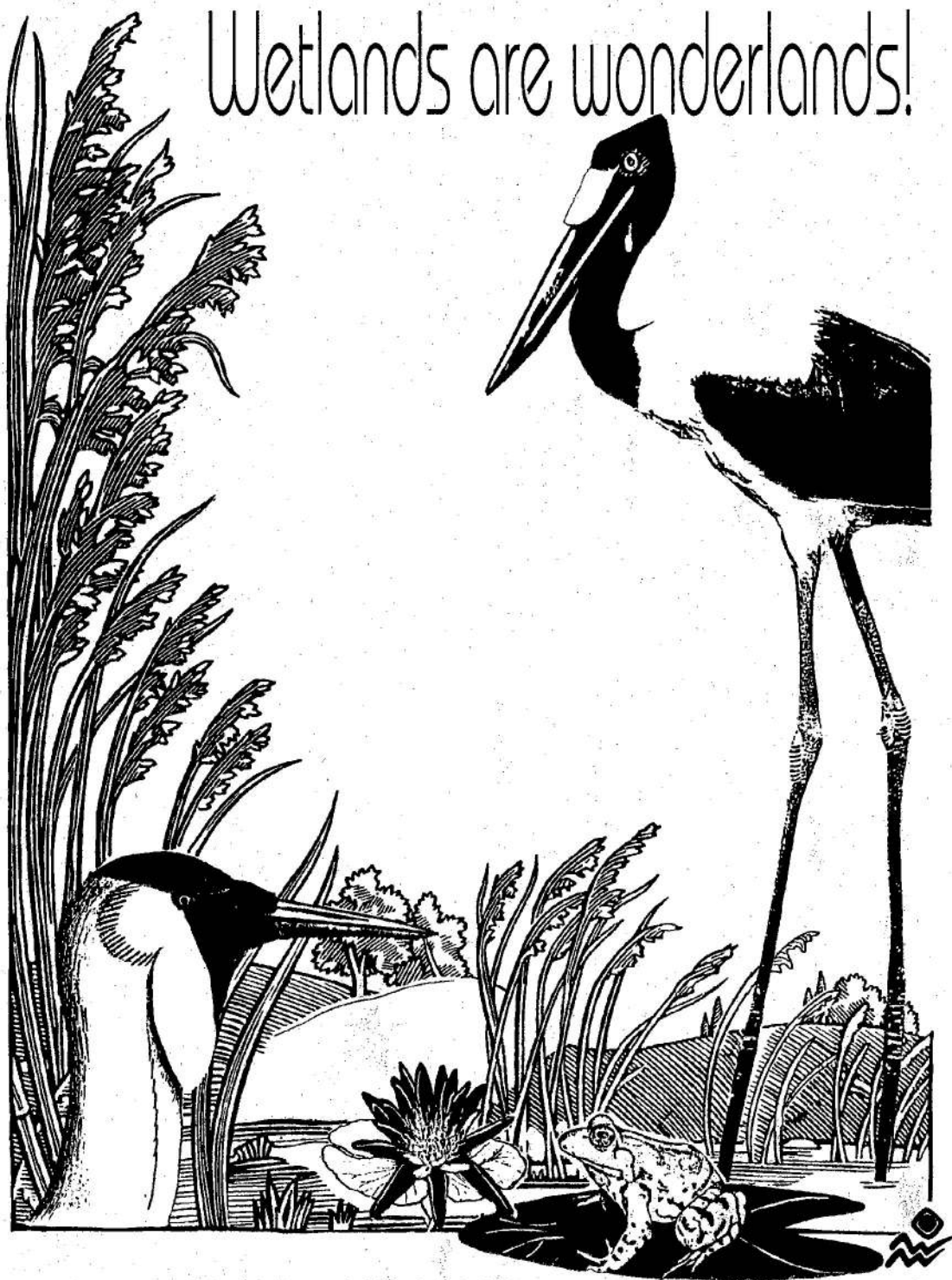
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