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OF
SOUTH AFRICA



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Regulasiekoerant

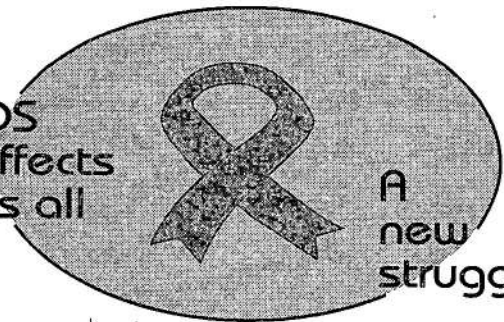
Vol. 412

PRETORIA, 29 OCTOBER
OKTOBER 1999

No. 20562

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

PROCLAMATION*by the****President of the Republic of South Africa*****No. R. 109, 1999****COMMENCEMENT OF THE NATIONAL LIBRARY OF SOUTH AFRICA ACT, 1998****(ACT No. 92 of 1998)**

In terms of section 18 of the National Library of South Africa Act, 1998 (Act No. 92 of 1998), I hereby determine **1 November 1999** as the date on which the said Act shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town on this Fourteenth day of October, One thousand Nine hundred and Ninety-nine.

T. M. MBEKI**President**

By Order of the President-in-Cabinet:

B. S. NGUBANE**Minister of the Cabinet****PROKLAMASIE***van die****President van die Republiek van Suid-Afrika*****No. R. 109, 1999****INWERKINGTREDING VAN DIE WET OP DIE NASIONALE BIBLIOTEEK VAN SUID-AFRIKA, 1998****(WET No. 92 VAN 1998)**

Kragtens artikel 18 van die Wet op die Nasionale Biblioteek van Suid-Afrika, 1998 (Wet No. 92 van 1998), bepaal ek hierby **1 November 1999** as die datum waarop genoemde Wet in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Veertiende dag van Oktober Eenduisend Negehoonderd Nege-en-negentig.

T. M. MBEKI**President**

Op las van die President-in-Kabinet:

B. S. NGUBANE**Minister van die Kabinet****GOVERNMENT NOTICES
GOEWERMENTSKENNISGEWINGS****DEPARTMENT OF AGRICULTURE
DEPARTEMENT VAN LANDBOU****No. R. 1271****29 October 1999****PLANT BREEDERS' RIGHTS ACT, 1976 (ACT No. 15 OF 1976)****REGULATIONS RELATING TO PLANT BREEDERS' RIGHTS: AMENDMENT***

The Minister of Agriculture, acting under section 44 of the Plant Breeders' Rights Act, 1976 (Act No. 15 of 1976), has made the regulations in the Schedule.

* Amendment of tariffs and the addition of *Bracteantha* Anderb. & Haegi and *Aglaonema* Schott to the list of plants declared in terms of the Act.

SCHEDULE**Definition**

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R. 1186 of 12 September 1997, as amended by Government Notices Nos. R. 1582 of 28 November 1997, R. 867 of 3 July 1998, R. 1285 of 16 October 1998, R. 323 of 19 March 1999 and R. 604 of 14 May 1999.

Amendment of Table 1 of the Regulations

2. Table 1 of the Regulations is hereby amended by the insertion of the entries in Annexure A in the alphabetically correct positions.

Substitution of Table 2 of the Regulations

3. The Regulations are hereby amended by the substitution for Table 2 of the table in Annexure B.

No. R. 1271**29 Oktober 1999****WET OP PLANTTELEERSREGTE, 1976 (WET No. 15 VAN 1976)****REGULASIES BETREFFENDE PLANTTELEERSREGTE: WYSIGING***

Die Minister van Landbou, handelende kragtens artikel 44 van die Wet op Planttelersregte, 1976 (Wet No. 15 van 1976), het die regulasies in die Bylae uitgevaardig.

* Wysiging van tariewe en die toevoeging van *Bracteantha* Anderb. & Haegi en *Aglaonema* Schott tot die lys van plante wat ingevolge die Wet verklaar is.

BYLAE**Woordomskrywing**

1. In hierdie Bylae beteken "die Regulasies" die regulasies gepubliseer by Goewermentskennisgewing No. R. 1186 van 12 September 1997, soos gewysig deur Goewermentskennisgewings Nos. R. 1582 van 28 November 1997, R. 867 van 3 Julie 1998, R. 1285 van 16 Oktober 1998, R. 323 van 19 Maart 1999 en R. 604 van 14 Mei 1999.

Wysiging van Tabel 1 van die Regulasies

2. Tabel 1 van die Regulasies word hierby gewysig deur die inskrywings in Aanhangsel A in die alfabeties korrekte posisies in te voeg.

Vervanging van Tabel 2 van die Regulasies

3. Tabel 2 van die Regulasies word hierby deur die tabel in Aanhangsel B vervang.

ANNEXURE A/AANHANGSEL A

TABLE 1/TABEL 1

KINDS OF PLANTS AND PERIODS OF RIGHTS/SOORTE PLANTE EN TERMYNE VAN REGTE

1		2	3	4
Kind of plant/Soort plant		Category/Kategorie	Period of plant breeder's right (years)/Termyn van planttelersreg (jare)	Period of sole right (years)/Termyn van alleenreg (jare)
Botanical name/ Botaniese naam	Common name/ Gewone naam			
" <i>Aglaonema</i> Schott (All/Alle spp.)	<i>Aglaonema</i>	A	20	5
<i>Bracteantha</i> Anderb. & Haegi (All/Alle spp.)	Everlasting, Immortelle, Strawflower/Sewejaartjie, Strooibloom	A	20	5"

ANNEXURE B/AANHANGSEL B**TABLE 2/TABEL 2****FEES PAYABLE/GELDE BETAALBAAR**

No.	Purpose/Doel	Amount/Bedrag
1.	Application for the grant of a plant breeder's right/Aansoek om die toestaan van 'n planttelersreg [Reg. 3(2)(f)]	R570,00 each/elk
2.	Claim to give priority in terms of section 8(2) of the Act to an application for the grant of a plant breeder's right/Aanspraak om ingevolge artikel 8(2) van die Wet voorrang te verleen aan 'n aansoek om die toestaan van 'n planttelersreg [Reg. 4(2)(c)]	R130,00 each/elk
3.	Objection to the grant of a plant breeder's right/Beswaar teen die toestaan van 'n planttelersreg [Reg. 8(1)(e)]	R130,00 each/elk
4.	Examination fee for a plant breeder's right: Category A (agronomic, vegetable, pasture crops and annual ornamentals)/Ondersoekgeld vir 'n planttelersreg: Kategorie A (akkerbou, groente, weidingsgewasse en eenjarige sierplante) [Reg. 3(2)(g) and/en (9)(1)]	R1 050, 00 each/elk
5.	Examination fee for a plant breeder's right: Category B (fruit, vines, citrus and perennial ornamentals)/Ondersoekgeld vir 'n planttelersreg: Kategorie B (vrugte, wingerd, sitrus en meerjarige sierplante) [Reg. 3(2)(g) and/en 9(1)]	R1 500,00 each/elk
6.	Provision of results of tests and trials undertaken by the registrar, to the appropriate authority in a convention country or an agreement country/Voorsiening van resultate van toetse en proewe deur die registrateur onderneem, aan die toepaslike gesag in 'n konvensieland of 'n ooreenkomsland [Reg. 9(3)]	R1 500,00 each/elk
7.	Annual fee for a plant breeder's right/Jaargeld vir 'n planttelersreg [Reg.10(1)]	R130,00 each/elk
8.	Application for the issue of a compulsory licence in respect of a plant breeder's right/Aansoek om die uitreiking van 'n verpligte lisensie ten opsigte van 'n planttelersreg [Reg. 13(1)(d)]	R260,00 each/elk
9.	Notice of the transfer of a plant breeder's right/Kennisgewing van die oordrag van 'n planttelersreg [Reg. 14 (2) (b)]	R360,00 each/elk
10.	Application for the alteration or supplementation of the denomination approved for a variety/Aansoek om die wysiging of aanvulling van die benaming goedgekeur vir 'n variëteit [Reg. 15(1)(b)]	R3 300,00 each/elk
11.	Objection to the intended approval of an alteration or supplementation of the denomination approved for a variety/Beswaar teen die beoogde goedkeuring van 'n wysiging of aanvulling van die benaming goedgekeur vir 'n variëteit [Reg.15(3)(e)]	R130,00 each/elk

No.	Purpose/Doel	Amount/Bedrag
12.	Objection to the intended termination of a plant breeder's right/Beswaar teen die voorgename beëindiging van 'n planttelersreg [Reg.16(1)(f)]	R130,00 each/elk
13.	Notice of the voluntary surrender of a plant breeder's right/Kennisgewing van die vrywillige afstanddoening van 'n planttelersreg [Reg.17(1)(b)(i)]	R130,00 each/elk
14.	Inspection of the register of plant breeders' rights/Insae in die register van planttelersregte [Reg. 20(2)]	Free/Gratis
15.	Inspection of a document submitted to the registrar in connection with an application for the grant of a plant breeder's right/Insae in 'n dokument by die registrateur ingedien in verband met 'n aansoek om die toestaan van 'n planttelersreg [Reg.21(2)]	R70,00 per occasion/geleentheid
16.	Certificate of particulars in the register of plant breeder's rights or any document in connection with an application for the grant of a plant breeder's right/Sertifikaat van besonderhede in die register van planttelersregte of van enige dokument in verband met 'n aansoek om die toestaan van 'n planttelersreg [Reg.21(2)].	R70,00 per certificate/sertifikaat
17.	Copy of any particulars in the register of plant breeder's rights or of a document submitted to the registrar in connection with an application for the grant of a plant breeder's right/Afskrif van enige besonderhede in die register van planttelersregte of van 'n dokument by die registrateur ingedien in verband met 'n aansoek om die toestaan van 'n planttelersreg [Reg. 21(2)]	R5,00 per page/bladsy
18.	Submission of appeal against any decision of or action taken by the registrar in terms of the Act/Voorlegging van appèl teen enige beslissing van of stappe gedoen deur die registrateur ingevolge die Wet [Reg. 22(1)(d)]	R550,00 each/elk

No. R. 1288

29 October 1999

AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT No. 119 OF 1990)

STANDARDS AND REQUIREMENTS REGARDING CONTROL OF THE EXPORT OF PEARS: AMENDMENT

I, Ebenhaezer Rademeyer, appointed as Executive Officer in terms of section 2 (1) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990), hereby give notice under section 4 (3) (c) of the said Act, that—

- (a) the standards and requirements regarding the control of the export of pears as stipulated by Government Notice No. R. 1983 of 23 August 1991 and promulgated in Government Notice No. 2631 of 30 October 1998, are hereby amended; and
- (b) the amendments mentioned in paragraph (a)—
 - (i) shall be available for inspection at the office of the Executive Officer: Agricultural Product Standards, Dirk Uys Building, Hamilton Street, Arcadia, Pretoria;
 - (ii) may be obtained from the Executive Officer: Agricultural Product Standards, Department of Agriculture, Private Bag X258, Pretoria, 0001. Tel. (012) 319-6023 or fax (012) 319-6055, on payment of the prescribed fees; and
 - (iii) shall come into operation seven days after publication of this notice.

E. RADEMEYER

Executive Officer Agricultural Product Standards

No. R. 1288

29 Oktober 1999

WET OP LANDBOUPRODUKSTANDAARDE, 1990 (WET No. 119 VAN 1990)

STANDAARDE EN VEREISTES BETREFFENDE BEHEER OOR DIE UITVOER VAN PERE: WYSIGING

Ek, Ebenhaezer Rademeyer, ingevolge artikel 2 (1) van die Wet op Landbouprodukstandaarde, 1990 (Wet No. 119 van 1990), as Uitvoerende Beampte aangewys, gee hiermee kragtens artikel 4 (3) (c) van die vermelde Wet, kennis dat—

- (a) die standaarde en vereistes betreffende beheer oor die uitvoer van pere, soos vasgestel deur Goewermentskennisgewing No. R. 1983 van 23 Augustus 1991 en afgekondig in Goewermentskennisgewing No. R. 2631 van 30 Oktober 1998, hiermee gewysig word; en
- (b) die wysigings in paragraaf (a) vermeld—
 - (i) ter insae beskikbaar is by die kantoor van die Uitvoerende Beampte: Landbouprodukstandaarde, Dirk Uysgebou, Hamiltonstraat, Arcadia, Pretoria;
 - (ii) teen betaling van die voorgeskrewe bedrag vanaf die Uitvoerende Beampte: Landbouprodukstandaarde, Departement van Landbou, Privaatsak X258, Pretoria, 0001. Tel. (012) 319-6023 of faks (012) 319-6055 verkrygbaar is; en
 - (iii) sewe dae na publikasie van hierdie kennisgewing in werking tree.

E. RADEMEYER

Uitvoerende Beampte: Landbouprodukstandaarde

**DEPARTMENT OF HEALTH
DEPARTEMENT VAN GESONDHEID**

No. R. 1278

29 October 1999

FOODSTUFFS, COSMETICS AND DISINFECTANTS ACT (ACT No. 54 OF 1972)

REGULATIONS RELATING TO MILK AND DIARY PRODUCTS**CORRECTION NOTICE**

The following corrections to Government Notice No. R. 1555 of 21 November 1997 are hereby published for general information:

1. In regulation 1 under **Definitions**, substitute the expressions "paragraph 4,5 or 11 of Annex A" and "gram negative" respectively, for the expressions "paragraph 4 or 5 of Annex A" and "gramnegative" in the definition of "coliform bacteria".
2. In regulation 2 (d) (i) substitute the expression "paragraph 5 or 11 of Annex A", for the expression "paragraph 5 or 11 of Annex A".
3. At the end of regulation 2 (d) (ii), inset the following "when the Eijkman test is used, or any *Escherichia coli* in 1,0 ml of raw milk if the methods described in paragraph 5 or 11 of Annex A are used".
4. In regulation 4 (1) (f) (i), delete the proviso.
5. In regulation 5 © substitute the expressions "VRB MUG agar method" and "bacteria" for the expression "coliform bacteria" and "bacterial".
6. Correct regulation 6 (a) (ii) (aa) to read as follows: "on execution of the VRB MUG agar method or dry rehydrated film is found to contain more than 10 coliform bacteria in 1,0 ml milk or 1,0 semi-solid product or".
7. In regulation 6 (a) (iv) of the Afrikaans text, delete the expression "aan die vloeistof of 1,0 g halfvaste produk oplewer by onderwerping".

CORRECTIONS TO ANNEX A

8. Delete paragraph 1 (2) (h) of Annex A.
9. In paragraph 3 (6) © (ii), substitute the expression "temperature", for the expression "temparature".
10. In paragraph 3 (6) © (ii), substitute the expression "refrigerator", for the expression "refregerator".
11. In paragraph 4 (1), substitute the expression "for" for the expression "form".
12. In paragraph 5 (3), insert the expression "When testing for E.coli" before the expression "add the MUG reagent".
13. In paragraph 6 (7) of the Afrikaans text, substitute the expression "wag".
14. In paragraph 7 (1) (b), substitute the expression "diluent" for the expression "phosphate buffer".
15. In paragraph 7 (6), substitute the expression "colony-forming units (CFU's)" for the expression "colony-forming units CFU".

16. Substitute the expression "one" and "ethanol", for the expressions "oine" and "ethanl".
17. In paragraphs 10 (1) and 11 (1), after the expression "milk".
18. In paragraph 10 (4), substitute the expression "Remote" for the expression "Remote".
19. In paragraph 10 (5), insert the expression "at" before the expression "32 °C".
20. In paragraph 11 (6) (a) of the Afrikaans text, substitute the expression "kolonies" for the expression "kolomies".
21. In paragraph 11 (6) (a), substitute the expression "represent" for the expression "represented".

CORRECTIONS TO ANNEX B

22. In the proviso to paragraph 1, substitute the expression "accuracy thereof equals that of the" for the expression "accuracy thereof equals that of the".

No. R. 1278

29 Oktober 1999

WET OP VOEDINGSMIDDELS, SKOONHEIDSMIDDELS EN ONTSMETTINGSMIDDELS, 1972
(WET No. 54 VAN 1972)

REGULASIES BETREFFENDE MELK EN SUIWEL PRODUKTE

VERBETERINGSKENNISGEWING

Die volgende verbeterings van Goewermentskennisgewing No. R. 1555 van 21 November 1997 word hierby ter algemene inligting gepubliseer:

1. In regulasie 1 onder **Woordomskrywing**, in die omskrywing van "kolivorme bakterieë" vervang die uitdrukking "paragraaf 4 of 5 van Aanhangsel A" en "Gramnegatiewe" onderskeidelik.
2. In regulasie 2 (d) (i) vervang die uitdrukking "paragraaf 11 van Aanhangsel A" deur die uitdrukking "paragraaf 5 or 11 van Aanhangsel A".
3. Aan die einde van regulasie 2 (d) (ii) voeg die volgende uitdrukking in: "wanneer die Eijkantoets gebruik word, of enige Escheria Coli in 1,0 ml rou melk indien die metodes beskryf in paragrawe 5 or 11 van Aanhangsel A gebruik word".
4. In regulasie 4 (1) (f) (i) skrap die voorbehoudsbepaling.
5. In regulasie 5 © vervang die uitdrukking "kolivorme bakterië" en "organismes" deur die uitdrukking "VRB-MUG-agarmetode" en bakterieë onderskeidelik.
6. Verbeter regulasie 6 (a) (iii) (aa) sodat dit soos volg lui: "by die uitvoering van die "VRB-MUG-agarmetode of die droë gerehidreerde film-metode meer as 10 kolivorme bakterieë in 1,0 ml bevat of die mees waarskynlike getal (MWG) van 10,0 kolivorme bakterië per 1,0 g halfvaste produk oorskryf; of".
7. In regulasie 6 (a) (iv) skrap die uitdrukking "aan die vloeistof of 1,0 g halfvaste produk oplewer by onderwerping".

VERBETERINGS VAN AANHANGSEL A

8. Skrap paragraaf 1 (2) (h).
9. In paragraaf 2 (2) van die Engelse teks vervang die uitdrukking "temperature", deur die uitdrukking "temperature".
10. In paragraaf 3 (6) (ii) van die Engelse teks vervang die uitdrukking "frefregerator", deur die uitdrukking "refrigerator".
11. In paragraaf 4 (1) van die Engelse teks vervang die uitdrukking "form" deur die uitdrukking "for".
12. In paragraaf 5 (3), voeg die uitdrukking "Wanneer vir E.coli getoets word" voor die uitdrukking "Voeg die MUG-reagens" in.
13. In paragraaf 6 (7) vervang die uitdrukking "Wat" deur die uitdrukking "Wag".
14. In paragraaf 7 (1) (b), vervang die uitdrukking "fosfaatbuffer" deur die uitdrukking "verdundmiddel".
15. In paragraaf 7 (6) van die Engelse teks vervang die uitdrukking "colony-forming units CFU" deur die uitdrukking "colony-forming units (CFUs)".
16. In paragraaf 9 van die Engelse teks vervang die uitdrukking "oine" en "ethanl", deur die uitdrukking "one" en "ethanol" onderskeidelik.
17. In paragraaf 10 (1) en 11 (1) voeg die uitdrukking "of room" na die uitdrukking "melk" in.
18. In paragraaf 10 (4) van die Engelse teks vervang die uitdrukking "Remote" deur die uitdrukking "Remove".

19. In paragraaf 10 (5) van die Engelse teks voeg die uitdrukking "at" voor die uitdrukking "32 °C" in.
20. In paragraaf 11 (6) vervang die uitdrukking "kolomies" deur die uitdrukking "kolonies".
21. In paragraaf 11 (6) (a) van die Engelse teks vervang die uitdrukking "represented" deur die uitdrukking "represent".
- VERBETERING VAN AANHANGSEL B**
22. In die voorbehoudsbepaling van paragraaf 1 van die Engelse teks vervang die uitdrukking "accuracy thereof equals of the" deur die uitdrukking "accuracy thereof equals that of the".

**DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID**

No. R. 1272

29 October 1999

LABOUR RELATIONS ACT, 1995

**FURNITURE, BEDDING AND UPHOLSTERY INDUSTRY, GREATER NORTHERN REGION:
EXTENSION OF PERIOD OF OPERATION OF MAIN COLLECTIVE AGREEMENT**

I, Dennis van der Walt, Director: Collective Bargaining, duly authorised thereto by the Minister of Labour, hereby, in terms of section 32 (6) (a) (i) of the Labour Relations Act, 1995, extend the period fixed in Government Notices Nos. R. 578 of 7 May 1999 and R. 746 of 11 June 1999, by a further period ending 30 June 2000.

D. VAN DER WALT

Director: Collective Bargaining

No. R. 1272

29 Oktober 1999

WET OP ARBEIDSVERHOUDINGE, 1995

**MEUBEL-, BEDDEGOED- EN STOFFERINGSNYWERHEID, GROTER NOORDELIKE STREEK:
VERLENGING VAN TYDPERK VAN KOLLEKTIEWE HOOFDOOREENKOMS**

Ek, Dennis van der Walt, Direkteur: Kollektiewe Bedinging, behoorlik daartoe gemagtig deur die Minister van Arbeid, verleng hierby, kragtens artikel 32 (6) (a) (i) van die Wet op Arbeidsverhoudinge, 1995, die tydperke vasgestel in Goewermentskennisgewings Nos. R. 578 van 7 Mei 1999 en R. 746 van 11 Junie 1999, met 'n verdere tydperk wat op 30 Junie 2000 eindig.

D. VAN DER WALT

Direkteur: Kollektiewe Bedinging

No. R. 1273

29 October 1999

LABOUR RELATIONS ACT, 1995

**LEATHER INDUSTRY OF SOUTH AFRICA: RENEWAL OF GENERAL GOODS AND
HANDBAG SECTION COLLECTIVE AGREEMENT**

I, Dennis van der Walt, Director: Collective Bargaining, duly authorised thereto by the Minister of Labour, hereby, in terms of section 32 (6) (a) (ii) of the Labour Relations Act, 1995, declare the provisions of Government Notices Nos. R. 1316 dated 6 November 1998 and R. 288 dated 12 March 1999 to be effective from the date of publication of this notice and for the period ending 30 June 2000.

D. VAN DER WALT

Director: Collective Bargaining

No. R. 1273

29 Oktober 1999

WET OP ARBEIDSVERHOUDINGE, 1995

**LEERNYWERHEID VAN SUID-AFRIKA: HERNUWING VAN ALGEMENE GOEDERE EN
HANDSAKSEKSIE KOLLEKTIEWE OOREENKOMS**

Ek, Dennis van der Walt, Direkteur: Kollektiewe Bedinging, behoorlik daartoe gemagtig deur die Minister van Arbeid, verklaar hierby, kragtens artikel 32 (6) (a) (ii) van die Wet op Arbeidsverhoudinge, 1995, dat die bepalings van Goewermentskennisgewings Nos. R. 1316 van 6 November 1998 en R. 288 van 12 Maart 1999 van krag is vanaf die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 30 Junie 2000 eindig.

D. VAN DER WALT

Direkteur: Kollektiewe Bedinging

No. R. 1274**29 October 1999****LABOUR RELATIONS ACT, 1995****SOUTH AFRICAN COTTON TEXTILE PROCESSING AND MANUFACTURING BARGAINING COUNCIL:
RENEWAL OF MAIN COLLECTIVE AGREEMENT**

I, Dennis van der Walt, Director: Collective Bargaining, duly authorised thereto by the Minister of Labour, hereby, in terms of section 32 (6) (a) (ii) of the Labour Relations Act, 1995, declare the provisions of Government Notices Nos. R. 647 of 8 May 1998, R. 1283 of 16 October 1998 and R. 1480 of 20 November 1998 to be effective from the date of publication of this notice and for the period ending 30 June 2000.

D. VAN DER WALT**Director: Collective Bargaining****No. R. 1274****29 Oktober 1999****WET OP ARBEIDSVERHOUDINGE, 1995****BEDINGINGSRAAD VIR DIE SUID-AFRIKAANSE KATOENTEKSTIEL VERWERKINGS- EN
VERVAARDIGINGSNYWERHEID: HERNUWING VAN HOOF KOLLEKTIEWE OOREENKOMS**

Ek, Dennis van der Walt, Direkteur: Kollektiewe Bedinging, behoorlik daartoe gemagtig deur die Minister van Arbeid, verklaar hierby, kragtens artikel 32 (6) (a) (ii) van die Wet op Arbeidsverhoudinge, 1995, dat die bepalings van Goewermmentskennisgewings Nos. R. 647 van 8 Mei 1998, R. 1283 van 16 Oktober 1998 en R. 1480 van 20 November 1998 van krag is met ingang vanaf die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 30 Junie 2000 eindig.

D. VAN DER WALT**Direkteur: Kollektiewe Bedinging****No. R. 1279****29 October 1999****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 Notarial Bargaining Council for the Road Freight Industry and is binding in terms of section 31 of the Labour Relations Act, 1995, on the parties which concluded the Amending Agreement, shall be binding on the other employers and employees in that industry, with effect from 8 November 1999 and for the period ending 29 February 2000.

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 Miner's and Allied Workers' Union****and****Transport and Allied Workers' Union of South Africa**

(hereinafter referred to as the "employees" or the "trade unions"), or 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, as amended and extended by Government Notices No. R. 1688 of 24 December 1998, R. 212 of 19 February 1999, R. 286 of 12 March 1999 and R. 318 of 19 March 1999.

1. SCOPE OF APPLICATION

- (1) 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 operated 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 29 February 2000.

3. CLAUSE 5: RESOLUTION OF DISPUTES

- (1) Substitute the following for subclause (2):
- "(2) Other disputes referred to Council in terms of the Act:

Conciliation:

- (a) A party who intends referring a dispute to Council on the grounds that his/her dismissal was unfair shall—
 - (i) in the event of internal remedies being available, immediately after dismissal have initiated the process to exhaust all internal remedies; or
 - (ii) if there is a Recognition Agreement in force which provides a dispute resolution process, have followed it;
 before any dispute can be referred to Council.
- (b) Failing the exhaustion of internal remedies, or other processes within 30 days of dismissal, the employee shall refer the alleged dispute to Council in order to comply with the provisions of section 191 of the Act.
- (c) The party who referred the dispute to Council shall furnish proof that a copy of the referral has been served on all parties to the dispute.
- (d) The referral shall be in the form of Annexure RD and be completed in full detail.
- (e) Time limits for referral to Council of particular categories of dispute specified in the Act shall be adhered to, but the referral to Council of other categories of disputes shall be received within 60 calendar days of the date the dispute arose.
- (f) The Secretary, or a designated official, may require a designated agent to obtain and verify whatever facts and data are available from the parties.
- (g) Council shall not accept referral of a dispute until it is satisfied that the provisions of subclause (a) above have been complied with and that it has the necessary jurisdiction. Council shall enquire into the matter in whatever manner and by whatever means it considers appropriate to determine whether or not Council has jurisdiction to conciliate the dispute. Without limiting the generality of its legal duty in this regard, Council shall not be bound by the description and date of the dispute provided by the applicant in form RD1 and will be entitled to examine all the facts to ascertain whether there is really a dispute between the parties, and having done so, to determine the actual dispute and the date on which it arose.
- (h) Pending completion of the enquiry referred to in subclause (g) above, the 30 day period within which Council must endeavour to settle the dispute shall be suspended.
- (i) Council shall convene a dispute hearing at its office nearest to the establishment where the dispute arose and appoint a conciliator or conciliators to attempt to resolve the dispute through conciliation.
- (j) The conciliator(s) shall determine a process to attempt to resolve the dispute and if the circumstances warrant and it is practical to do so, may arrange for a conciliation hearing to be held telephonically.
- (k) The appointed conciliator(s) shall attempt to resolve the dispute within 30 days of the date Council received the referral, but the parties may agree to extend the 30-day period.

- (l) In any conciliation proceedings that may be held, a party to the dispute shall appear in person and may be represented by an industrial relations practitioner, legal practitioner, a co-employee or by a member, an office bearer or official of that party's trade union or employers' organisation and, if the party is a juristic person, by a director or an employee.
- (m) Council may require the applicant to pay a deposit of R100,00 as a nominal contribution to the Council's wasted costs in convening the meeting, if the applicant fails to comply with the provisions of subparagraph (i).
- (n) At the end of the 30-day period, or any further period agreed between the parties—
 - (i) the conciliator shall issue a certificate stating whether or not the dispute has been resolved: provided that no certificate shall be issued to any applicant who fails to attend the conciliation proceedings without prior notification and good cause;
 - (ii) the conciliator shall serve a copy of that certificate on each party to the dispute or the person who represented a party in the conciliation proceedings; and
 - (iii) the conciliator shall file the original of that certificate with the Council."

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

"(2A) Applications for condonation:

- (a) If a dispute is referred to Council for conciliation outside the time limited prescribed by the Labour Relations Act, 1995, the referring party shall make an application for condonation.
- (b) That application shall be attached to the referral and served together with it on the other parties to the dispute.
- (c) The application for condonation shall be on affidavit. The affidavit shall explain the reason for the failure to refer the dispute on time. That explanation shall be sufficiently full to enable Council to understand how the failure to refer the application in time came about and to assess the applicant's conduct and motives. The affidavit shall deal with each of the considerations set out in paragraph (g) below.
- (d) If the application for condonation arises from the dismissal of a referral on grounds of the referring party having failed or refused to attend a scheduled conciliation meeting or failed or refused to place Council in a position to convene the hearing of the dispute within 60 days of the date of referral, the reasons for the failure or refusal shall be given.
- (e) Upon receipt of an application for condonation, the other party to the dispute may, within 14 calendar days of service of the application, answer the application, on affidavit. The answer shall be served on Council and the applicant.
- (f) The applicant may, within seven calendar days of service of the answering affidavit, reply to the answer. The reply shall be served on Council and the other parties to the dispute.
- (g) Council shall consider the application for condonation and may call for oral representations made by the other parties to the dispute. Condonation shall be granted if there are good grounds for the late referral. The considerations that Council should take into account in determining whether or not to grant condonation are the following:
 - (i) The degree of lateness.
 - (ii) The reasons for lateness.
 - (iii) The degree of negligence and/or fault.
 - (iv) The reasonableness of the explanation.
 - (v) The prejudice to the other parties to the dispute.
 - (vi) The applicant(s) prospects of success."

(3) Insert the following new subclause (2B):

"(2B) Applications for postponement:

- (a) Postponement of a conciliation meeting is an indulgence that Council may grant. The policy of Council is based on the fact that the Act emphasises the expeditious resolution of disputes and postponements inevitably delay the resolution of disputes.
- (b) The policy of Council is not to grant postponements unless—
 - (i) good cause is shown;
 - (ii) the application is not motivated by delaying tactics;
 - (iii) the application is made timeously; and
 - (iv) there is no prejudice to any of the parties to the dispute.

- (c) If the application to postpone the conciliation meeting will result in the expiry of the 30-day period referred to in section 135, the party seeking the postponement shall obtain the written consent of the other party to—

- (i) the request to the postponement; and
- (ii) the extension of the 30-day period.”

- (4) Insert the following new subclause (2C):

“(2C) Failure to attend conciliation proceedings:

- (a) If a referring party attends a scheduled conciliation meeting and the other party does not attend, Council may—
 - (i) postpone the proceedings; or
 - (ii) issue a certificate that the dispute has not been resolved.
- (b) If the referring party does not attend a scheduled conciliation meeting and the other party does attend, Council may—
 - (i) postpone the proceedings; or
 - (ii) dismiss the referral.
- (c) Before deciding to dismiss the referral, Council shall be satisfied that the parties have been properly notified of the venue, date and time of the conciliation proceedings.
- (d) If a referral has been dismissed, Council shall notify the parties that the referral has been dismissed.
- (e) If a referral has been dismissed on grounds of not attending a scheduled conciliation meeting, the referring party may refer the dispute to Council again and the provisions of paragraph (f) shall apply.
- (f) The applicable prescribed time periods and requirement of the Labour Relations Act and this Council's Dispute Resolution Agreement shall apply to disputes that are referred to Council pursuant to (2C) (e) above.”

- (5) After subclause (3) (g) insert the following new subclause (3) (h) and renumber the existing subclauses (h) to (r) to read (i), (j), (k), (l), (m), (n), (o), (p), (q), (r) and (s), respectively:

- “(h) (a) If the arbitrator finds that any party has failed to comply with a provision of any of Council's Collective Agreements which are binding on that party, then the arbitrator may, in addition to any other appropriate order, impose a penalty.
- (b) The maximum penalty that an arbitrator may impose for a failure to comply with a provision of a Collective Agreement—
- (i) not involving a failure to pay an amount due to an employee/party in terms of any provision, is the penalty determined in terms of Table One or Table Two;
 - (ii) involving a failure to pay an amount due to an employee/party, is the greater of the amount determined in terms of Table One or Table Two:

TABLE ONE
MAXIMUM PERMISSIBLE PENALTY NOT INVOLVING AN
UNDERPAYMENT

No previous failure to comply.....	R100 per employee in respect of whom the failure to comply occurs.
A previous failure to comply in respect of the same provision	R200 per employee in respect of whom the failure to comply occurs.
A previous failure to comply within the previous 12 months or two previous failures to comply in respect of the same provision within three years	R300 per employee in respect of whom the failure to comply occurs.
Three previous failures to comply in respect of the same provision within three years	R400 per employee in respect of whom the failure to comply occurs.
Four previous failures to comply in respect of the same provision within three years.	R500 per employee in respect of whom the failure to comply occurs.

TABLE TWO
MAXIMUM PERMISSIBLE PENALTY NOT INVOLVING AN
UNDERPAYMENT

No previous failure to comply.....	25% of the amount due, including any interest owing on the amount at the date of the order.
A previous failure to comply in respect of the same provision within three years	50% of the amount due, including any interest owing on the amount at the date of the order.
A previous failure to comply in respect of the same provision within a year, or two previous failures to comply in respect of the same provision within three years	75% of the amount due, including any interest owing on the amount at the date of the order.
A previous failure to comply in respect of the same provision within a year, or two previous failures to comply in respect of the same provision within three years	75% of the amount due, including any interest owing on the amount at the date of the order.
Three previous failures to comply in respect of the same provision within three years	100% of the amount due, including any interest owing on the amount at the date of the order.
Four or more previous failures to comply in respect of the same provision within three years	200% of the amount due, including any interest owing on the amount at the date of the order."

Signed at Johannesburg, for and on behalf of the parties to the Council this 2nd day of July 1999.

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. 1279

29 Oktober 1999

WET OP ARBEIDSVERHOUDINGE, 1995

PADVRAGNYWERHEID: UITBREIDING VAN KOLLEKTIEWE VRYSTELLINGS- EN GESKILBESLEGTINGS
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 Padvragnywerheid 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 8 November 1999, en vir die tydperk wat op 29 Februarie 2000 eindig.

M. M. S. MDLADLANA
Minister van Arbeid

BYLAE

NASIONALE BEDINGINGSRAAD VIR DIE PADVRAGNYWERHEID: KOLLEKTIEWE VRYSTELLINGS EN
GESKILBESLEGTINGSOOREENKOMS

KOLLEKTIEWE OOREENKOMS

ooreenkomstig die Wet op Arbeidsverhoudinge, 1995, gesluit 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 Miner's and Allied 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 Bedingsraad vir die Padvragnerwerheid, tot wysiging van die Ooreenkoms gepubliseer by Goewermentskennisgewing No. R. 919 van 24 Julie 1998, soos gewysig en verleng by Goewermentskennisgewing No. R. 1688 van 24 Desember 1998, R. 212 van 19 Februarie 1999, R. 286 van 12 Maart 1999 en R. 318 van 19 Maart 1999.

1. TOEPASSINGSBESTEK

(1) 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 Ooreenkomste 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.

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

- (a) 'n werkgewer solank as wat hy 'n nuwe werkgewer is soos in klousule 2 van die B-Ooreenkoms gepubliseer by Goewermentskennisgewing No. R. 920 van 24 Julie 1998 omskryf;
- (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 in klousule 2.

2. GELDIGHEIDSDUUR VAN OOREENOMS

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 29 Februarie 2000.

3. KLOUSULE 5: GESKILBESLEGTING

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

"(2) Ander geskille na die Raad verwys ingevolge die Wet:

Versoening:

- (a) 'n Party wat van voorneme is om 'n geskil na die Raad te verwys op grond van die feit dat die ontslag onbillik was—
 - (i) moes, in die geval waar regstellingsmiddele beskikbaar is, onmiddellik na ontslag, die proses geïnisieer het om alle regstellingsmiddele uit te put; of
 - (ii) moes, as daar 'n Erkenningsooreenkoms in werking is wat voorsiening maak vir 'n geskilbeslegtingsproses, dit gevolg het;
 voordat enige geskil na die Raad verwys kan word.
- (b) Indien nagelaat word om die interne regstellingsmiddele uit te put of om enige ander proses te volg binne 30 dae na ontslag moet die werknemer die beweerde geskil na die Raad verwys ten einde aan die bepalings van artikel 191 van die Wet te voldoen.
- (c) Die party wat die geskil na die Raad verwys het, moet bewys lewer dat 'n afskrif van die verwysing aan alle Partye by die geskil beteken is.
- (d) Die verwysing moet volledig ingevul en in die formaat van Aanhangsel RD wees.
- (e) Tydsbeperkings vir die verwysing van bepaalde kategorieë geskille na die Raad, soos gespesifiseer in die Wet, moet nagekom word, maar die verwysing van alle kategorieë geskille na die Raad moet ontvang word binne 60 kalenderdae na die datum waarop die geskil ontstaan het.
- (f) Die Sekretaris of 'n aangewese amptenaar kan van 'n aangewese agent verlang om watter feite en inligting ookal beskikbaar mag wees, van die Partye te bekom of te bevestig.
- (g) Die Raad mag nie die verwysing van 'n geskil aanvaar nie totdat van die Raad daarvan oortuig is dat aan die bepalings van klousule (a) hierbo vermeld, voldoen is en ook dat die Raad oor die nodige jurisdiksie beskik. Die Raad moet die aangeleentheid ondersoek op watter wyse en deur watter middele ookal die Raad as paslik beskou ten einde te bepaal of die Raad oor die jurisdiksie beskik al dan nie om in die geskil as versoener op te tree. Die Raad, sonder om die algemeenheid van sy regsplig te beperk, is nie deur die beskrywing en datum van die geskil, verskaf deur die applikant op vorm RD1 nie, en is daarop geregtig om alle feite te ondersoek ten einde vas te stel of 'n geskil werklike bestaan tussen die partye en sodoende dan die werklike geskil te bepaal asook die datum waarop dit ontstaan het.

- (h) Hangende die afhandeling van die proses bedoel in subklousule (g) hierbo, moet die 30 dae-tydperk waarbinne die Raad moet probeer om die geskil op te los, opgeskort word.
- (i) Die Raad moet 'n verhoor van die geskil by sy kantoor naaste aan die onderneming waar die geskil ontstaan het, reël en 'n versoener of versoeners aanwys wat moet poog om die geskil deur middel van versoening by te lê.
- (j) Die versoener(s) moet 'n proses bepaal ten einde te probeer om die geskil op te los en indien die omstandighede dit toelaat en dit is prakties moontlik, kan gereël word dat die versoeningsverhoor telefonies geskied.
- (k) Die aangewese versoener(s) moet probeer om die geskil binne 30 dae na die datum waarop die Raad die verwysing ontvang het, op te los. Die partye kan egter ooreenkom om die 30-dae tydperk te verleng.
- (l) Gedurende enige versoeningsverrigtinge wat gehou kan word, moet 'n party by die geskil die verrigtinge persoonlik bywoon en kan die party verteenwoordig word deur 'n arbeidsverhoudingepraktisyn, regspraktisyn, 'n medewerknemer of deur 'n lid, 'n ampsdraer of beampte van daardie party se vakbond of werkgewersorganisasie en, indien die party 'n regspersoon is, deur 'n direkteur of 'n werknemer.
- (m) Die Raad kan van die aansoeker verwag om 'n deposito van R100,00 betaal as 'n nominale bydrae ter bestryding van die verspilte vergaderingskoste, indien die applikant in gebreke bly om aan die bepalings van subparagraaf (i) te voldoen.
- (n) By die verstryking van die 30 dae-tydperk, of enige verdere tydperk waaroor die Partye ooreengekom het, moet die versoener—
 - (i) 'n sertifikaat uitreik wat aandui of die geskil besleg is al dan nie: Met dien verstande dat geen sertifikaat uitgereik word aan 'n aansoeker wat nie die versoeningsverrigtinge bywoon sonder vooraf kennisgewing en die verskaffing van goeie redes daarvoor nie.
 - (ii) die versoener 'n afskrif van die sertifikaat moet beteken aan elke party by die geskil of aan die persoon wat 'n party in die versoeningsverrigtinge verteenwoordig het; en
 - (iii) die versoener moet die oorspronklike van daardie sertifikaat op lêer plaas by die Raad.”

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

“(2A) Aansoeke om kondonاسie:

- (a) Indien 'n geskil buite die tydsbeperking voorgeskryf deur die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995), na die Raad verwys word vir versoening, moet die verwysende party om kondonاسie aansoek doen.
- (b) Daardie aansoek moet by die verwysing aangeheg word en daarmee saam aan die ander partye by die geskil beteken word.
- (c) Die aansoek om kondonاسie moet deur middel van 'n beëdigde verklaring wees. Die beëdigde verklaring moet die rede verstrek vir die versuim om die geskil betyds te verwys. Daardie verduideliking moet toereikend volledig wees om die Raad in staat te stel om te begryp hoe dit gekom het daar waar versuim is om die aansoek betyds te verwys, en om die aansoeker se gedrag en motiewe te beoordeel. Die beëdigde verklaring moet oor elk van die oorwegings hieronder in paragraaf (g) bedoel, handel.
- (d) Indien die aansoek om kondonاسie voortspruit uit die afwysing van 'n verwysing op grond daarvan dat die verwysende party versuim of geweier het om 'n geskeduleerde versoeningsvergadering by te woon of versuim of geweier het om die Raad in staat te stel om 'n geskilbeslegtingsverhoor binne 60 dae na die datum van die verwysing te bepaal, moet die redes vir die versuim of weiering verstrek word.
- (e) By ontvangs van 'n aansoek om kondonاسie kan die ander party by die geskil, binne 14 kalenderdae na betekening van die aansoek, by beëdigde verklaring op die aansoek antwoord. Die antwoord moet aan die Raad en die aansoeker beteken word.
- (f) Die aansoeker kan, binne sewe kalenderdae na betekening van die antwoordende verklaring, op die antwoord repliek lewer. Die repliek moet aan die Raad en die ander partye by die beskil beteken word.
- (g) Die Raad moet die aansoek om kondonاسie van die geskil oorweeg, en kan mondelinge verhoë eis van die ander partye by die geskil. Kondonاسie moet verleen word indien daar goeie gronde vir die laat verwysing is. Die oorwegings wat die Raad in aanmerking moet neem om te bepaal of kondonاسie verleen moet word al dan nie, is die volgende:

- (i) Die graad van laatheid.
- (ii) Die redes vir laatheid.
- (iii) Die graad van versuim of foutering.
- (iv) Die redelikheid van die verduideliking.
- (v) Die vooroordeel teenoor die ander partye by die geskil.
- (vi) Die aansoeker/s vooruitsigte op sukses."

(3) Voeg die volgende nuwe subklousule (2B) in:

"(2B) Aansoek om uitstel:

- (a) Uitstel van 'n versoeningsvergadering is 'n vergunning wat die Raad kan toestaan. Die beleid van die Raad is gegrond op die feit dat die Wet die snelle beslegting van geskille beklemtoon en dat uitstel onvermydelik die beslegting van geskille vertraag.
- (b) Die beleid van die Raad is om nie uitstel te verleen nie, tensy—
 - (i) daar goeie redes aangevoer word;
 - (ii) die toepassing nie deur verdragende taktiek gemotiveer word nie;
 - (iii) die aansoek betyds gedoen word; en
 - (iv) daar geen voordeel vir enige van die partye by die geskil is nie.
- (c) Indien die aansoek om uitstel van die versoeningsvergadering sal lei tot die verstryking van die 30 dae-tydperk in artikel 135 bedoel, moet die party wat die uitstel verlang, die skriftelike toestemming van die ander party verkry vir—
 - (i) die aansoek om uitstel; en
 - (ii) die verlening van die 30 dae-tydperk."

(4) Voeg die volgende nuwe subklousule (2C) in:

"(2C) Versuim om versoeningsverrigtinge by te woon:

- (a) Indien 'n verwysende party 'n geskeduleerde versoeningsvergadering bywoon en die ander party dit nie bywoon nie, kan die Raad—
 - (i) die verrigtinge uitstel, of
 - (ii) 'n sertifikaat uitreik dat die geskil nie besleg is nie.
- (b) Indien die verwysende party nie 'n geskeduleerde versoeningsvergadering bywoon nie en die ander party dit wel bywoon, kan die Raad—
 - (i) die verrigtinge uitstel; of
 - (ii) die verwysing van die hand wys.
- (c) Voordat die Raad besluit om die verwysing van die hand te wys, moet die Raad daarvan oortuig wees dat die partye behoorlik van die plek, datum en tyd van die versoeningsverrigtinge in kennis gestel is.
- (d) Indien 'n verwysing van die hand gewys is, moet die Raad die partye daarvan in kennis stel dat die verwysing van die hand gewys is.
- (e) Indien 'n verwysing van die hand gewys is op grond van die nie-bywoning van 'n geskeduleerde versoeningsvergadering, kan die verwysende party die geskil na die Raad herverwys, en is die bepaling van paragraaf (f) van toepassing.
- (f) Die toepaslike voorgeskrewe tydbestek en bepalinge van die Wet op Arbeidsverhoudinge en die Raad se Geskilbeslegtingsooreenkoms is van toepassing op geskille wat na die Raad verwys word ooreenkomstig (2C) (e) hierbo.

(5) Na subklousule (3) (g), voeg die volgende nuwe subklousule (3) (h) in en hernommer die bestaande subklousules (h) tot (r) om onderskeidelik te lui (i), (j), (k), (l), (m), (n), (o), (p), (q), (r) en (s).

- "(h) (a) Indien die arbiter bevind dat enige party nagelaat het om te voldoen aan die voorwaardes van enige van die Raad se Kollektiewe Ooreenkomste wat bindend is vir daardie party kan die arbiter, benewens enige ander toepaslike bevel, 'n boete opleë.
- (b) Die maksimum boete wat 'n arbiter kan opleë, indien 'n voorwaarde van 'n Kollektiewe Ooreenkoms nie nagekom is nie—
 - (i) uitgesonderd gevalle waar 'n bedrag verskuldig aan 'n werknemer/party ingevolge enige bepaling nie betaal is nie, is die boete betaalbaar ingevolge Tabel Een of Tabel Twee;
 - (ii) in gevalle waar 'n bedrag nie aan 'n werknemer/party betaal is nie, is die groter bedrag betaalbaar soos bepaal ingevolge Tabel Een of Tabel Twee."

TABEL EEN**MAKSIMUM TOELAATBARE BOETE WAT NIE ENIGE ONDERBETALINGS INSLUIT NIE**

Geen vorige oortreding nie.....	R100 per werknemer ten opsigte van wie nagelaat is om aan 'n bepaling te voldoen.
'n Vorige geval waar nagelaat is om te voldoen aan dieselfde bepaling	R200 per werknemer ten opsigte van wie nagelaat is om aan 'n bepaling te voldoen.
'n Vorige geval waar nagelaat was om te voldoen aan dieselfde bepaling binne die voorafgaande 12 maande of twee vorige veroordelings ten opsigte van dieselfde bepaling binne drie jaar	R300 per werknemer ten opsigte van wie nagelaat is om aan 'n bepaling te voldoen.
Drie vorige gevalle waar nagelaat was om te voldoen aan dieselfde bepaling binne drie jaar	R400 per werknemer ten opsigte van wie nagelaat is om aan 'n bepaling te voldoen.
Vier vorige gevalle waar nagelaat was om te voldoen aan dieselfde bepaling binne drie jaar	R500 per werknemer ten opsigte van wie nagelaat is om aan 'n bepaling te voldoen.

TABEL TWEE**MAKSIMUM TOELAATBARE BOETE WAT 'N ONDERBETALING BEHEL**

Geen vorige oortreding nie.....	25% van die bedrag verskuldig, insluitende enige rente verskuldig op die bedrag soos op datum van die bevel.
'n Vorige geval waar nagelaat is om te voldoen aan dieselfde bepaling	50% van die bedrag verskuldig, insluitende enige rente verskuldig op die bedrag soos op datum van die bevel.
'n Vorige geval waar nagelaat was om te voldoen aan dieselfde bepaling binne 'n jaar of twee vorige veroordelings ten opsigte van dieselfde bepaling binne drie jaar	75% van die bedrag verskuldig, insluitende enige rente verskuldig op die bedrag soos op datum van die bevel.
Drie vorige gevalle waar nagelaat was om te voldoen aan dieselfde bepaling binne drie jaar	100% van die bedrag verskuldig insluitende enige rente verskuldig op die bedrag soos op datum van die bevel.
Vier of meer vorige gevalle waar nagelaat is om te voldoen aan dieselfde bepaling binne drie jaar	200% van die bedrag verskuldig, insluitende enige rente verskuldig op die bedrag soos op datum van die bevel."

Vir en namens die partye by die Raad, op hede die 2de dag van Julie 1999 te Johannesburg onderteken.

G. F. VAN NIEKERK

Voorsitter van die Raad

J. J. DUBE

Ondervoorsitter van die Raad

B. S. E. GRATZ

Sekretaris van die Raad

No. R. 1280

29 October 1999

LABOUR RELATIONS ACT, 1995

BARGAINING COUNCIL FOR THE BUILDING INDUSTRY (CAPE OF GOOD HOPE): EXTENSION OF AMENDMENT OF THE COLLECTIVE AGREEMENT FOR THE BOLAND TO NON-PARTIES

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby in terms of section 32 (3) of the Labour Relations Act, 1995, declare that the Collective Agreement which appears in the Schedule hereto, which was concluded in the Bargaining Council for the Building Industry and is binding in terms of section 31 of the Labour Relations Act, 1995, on the parties which concluded the Agreement, shall be binding on the other employers and employees in that Industry, with effect from 8 November 1999 and for the period ending 10 May 2000.

M. M. S. MDLADLANA

Minister of Labour

SCHEDULE**BARGAINING COUNCIL FOR THE BUILDING INDUSTRY (CAPE OF GOOD HOPE)****BOLAND COLLECTIVE AGREEMENT**

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

Boland Meesterbouers en Verwante Bedrywe Vereniging**Master Masons' and Quarry Owners' Association (South Africa)**

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

Building Construction and Allied Workers' Union**Building Workers' Union****Construction and Allied Workers' Union****South African Operative Masons' Society****South African Woodworkers' Union**

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

being parties to the Bargaining Council for the Building Industry (Cape of Good Hope),

to amend the Agreement published under Government Notice No. R. 661 of 8 May 1998 and No. R. 1588 of 4 December 1998.

1. SCOPE APPLICATION

(1) The terms of this Agreement shall be observed in the Building and the Monumental Masonry Industries—

- (a) by all employers who are members of the employers' organisations and by all employees who are not members of the trade unions;
- (b) by all employers who are not members of the employers' organisations and by all employees who are not members of the trade unions;
- (c) in the Magisterial Districts of Paarl, Wellington, Stellenbosch, Kuils River (excluding any portions of the last-mentioned two districts which, prior to the publication of Government Notice No. 283 of 2 March 1962, fell within the Magisterial District of Bellville), Somerset West [excluding that portion which, prior to 9 March 1973 (Government Notice No. 173 of 9 February 1973), fell within the Magisterial District of Wynberg], Strand and Malmesbury (excluding that portion which, prior to the publication of Government Notice No. 171 of 8 February 1957, fell within the Magisterial District of Bellville).

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

- (a) apprentices only in so far as they are not inconsistent with the provisions of the Manpower Training Act, 1981, or any contract entered into or any conditions fixed thereunder;
- (b) trainees under the Manpower Training Act, 1981, only in so far as they are not inconsistent with the provisions of that Act or any conditions fixed thereunder.

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

- (a) clerical employees and administrative staff;
- (b) university students and graduates and Building Science and to construction supervisors, construction surveyors and other persons doing practical work in the completion of their academic training;
- (c) non-parties in respect of clauses 1 (1) (a) and 2 of this Agreement.

2. PERIOD OF OPERATION OF AGREEMENT

This Agreement shall come into operation on the date fixed by the Minister of Labour to be the effective date from which the Agreement shall be extended to become binding on non-parties, or the date on which the Minister of Labour declines to extend the Agreement to non-parties, and the Agreement shall remain in force until 10 May 2000.

3. CLAUSE 4: DEFINITIONS

Substitute the following for the definition "watchman":

"**security guard**" means an employee who is engaged in patrolling premises and guarding property".

4. CLAUSE 6: REGISTRATION OF EMPLOYERS

Substitute the following for subclause (6):

"(6) An employer shall keep employee records as prescribed by chapter 4 of the Basic Conditions of Employment Act, 1997, and clauses 10 and 12 of this Agreement."

5. CLAUSE 8: TERMS OF EMPLOYMENT

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

"(1) **Ordinary hours of work:** (a) No employee shall ordinarily be required to work more than the following hours:

Category	Daily hours	Weekly hours
Security guard	10 hours	50 hours
Driver	9 hours	45 hours
General worker and cleaner	9 hours	44 hours
All other employees	9 hours	44 hours".

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

"(b) An employer may request, which request shall not be unreasonably, rejected, an employee to work overtime not exceeding 3 hours per day, Monday to Friday, and not exceeding eight hours on Saturdays or Sundays: Provided that the maximum number of hours, overtime worked in any week shall not exceed the maximum hours overtime prescribed in the Basic Conditions of Employment Act: Provided further that an employer and any employee who is required to drive motor vehicles may agree and contract that a maximum of one hours overtime prior to the commencement of ordinary hours of work and a maximum of one hour overtime at the conclusion or ordinary hours of work each day be compulsory overtime for the purpose of transporting employees to and from their place of work."

(3) Substitute the following for subclause (5):

"(5) **Public holidays:** The public holidays proclaimed in terms of the Public Holidays Act, 1994, shall be recognised as paid public holidays if they fall on a normal working day, Monday to Friday: Provided that the annual holiday payment made by the Council shall be inclusive of payment for all the public holidays that may fall on a normal working day during the three week annual shutdown."

(4) Substitute the following for subclause (8) (e):

"(e) A contract of employment shall be automatically terminated if an employee is absent from work without the employer's consent for a continuous period of five working days, unless such absence is due to circumstances beyond his control."

6. CLAUSE 9: REMUNERATION

Substitute the following for the table in subclause (1) (a):

"Category of employee	Minimum wage Cents per hour	
	Area A	Area B
(i) General worker	721	625
(ii) Cleaner	505	437
(iii) Trainee tradesman, Class 4, and tradesman, Class 4	861	746
(iv) Trainee tradesman, Class 3, and tradesman, Class 3	1 001	868
(v) Trainee tradesman, Class 2, tradesman, Class 2, artisan's assistant and block-layer	1 282	1 111

"Category of employee"	Minimum wage Cents per hour	
	Area A	Area B
	<i>Per week</i>	<i>Per week</i>
(vi) Driver, Code 10/plant operator A	R413,12	R357,31
(vii) Driver, Code 9/plant operator B	R351,52	R304,02
(viii) Driver, Code 8/plant operator C/hoist/dumper	R305,45	R264,19
	<i>Cents per hour</i>	<i>Cents per hour</i>
(ix) Artisan	1 657	1 433
(x) Previously designated craftsman	1 865	1 612
	<i>Per week</i>	<i>Per week</i>
(xi) Security guard	R298,09	R257,81
		<i>Cents per hour</i>
(x) Painter	N/a	1 289."

7. CLAUSE 13: HOLIDAY FUND

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

"Category of employee"	Amount per week Rand	
	Area A	Area B
(i) General worker	19,42	16,84
(ii) Cleaner	13,60	11,77
(iii) Trainee tradesman, Class 4	23,19	20,10
(iv) Tradesman, Class 4	23,19	20,10
(v) Trainee tradesman, Class 3	26,97	23,38
(vi) Tradesman, Class 3	26,97	23,38
(vii) Trainee tradesman, Class 2	34,54	29,93
(viii) Tradesman, Class 2, artisan's assistant and blocklayer	34,54	29,93
(ix) Driver, Code 10/plant operator A	25,29	21,88
(x) Driver, Code 9/plant operator B	21,52	18,61
(xi) Driver, Code 8/plant operator C	18,70	16,18
(xii) Artisan	44,64	38,60
(xiii) Previously designated craftsman	50,24	43,43
(xiv) Security guard	18,25	15,78
(xv) Painter	N/A	34,72."

8. CLAUSE 14: PENSION/PROVIDENT FUND

(1) Substitute the following for the table in subclause (2):

"Category of employee"	Amount per week Rand	
	Area A	Area B
(i) General worker	32,20	27,91
(ii) Cleaner	—	—
(iii) Trainee tradesman, Class 4	38,45	33,32
(iv) Tradesman, Class 4	38,45	33,32
(v) Trainee tradesman, Class 3	44,71	38,77
(vi) Tradesman, Class 3	44,71	38,77

"Category of employee"	Amount per week	
	Rand	
	Area A	Area B
(vii) Trainee tradesman, Class 2.....	57,25	49,62
(viii) Tradesman, Class 2, artisan's assistant and blocklayer.....	57,25	49,62
(ix) Driver, Code 10/plant operator A.....	41,93	36,27
(x) Driver, Code 9/plant operator B.....	35,68	30,86
(xi) Driver, Code 8/plant operator C.....	31,00	26,82
(xii) Artisan.....	74,00	64,00
(xiii) Previously designated craftsman.....	83,29	71,99
(xiv) Security guard.....	30,26	26,17
(xv) Painter.....	N/A	57,57."

(2) Substitute the following for the table in subclause (4):

"Category of employee"	Amount per week	
	Rand	
	Area A	Area B
(i) General worker.....	13,80	11,96
(ii) Cleaner.....	—	—
(iii) Trainee tradesman, Class 4.....	16,48	14,28
(iv) Tradesman, Class 4.....	16,48	14,28
(v) Trainee tradesman, Class 3.....	19,16	16,61
(vi) Tradesman, Class 3.....	19,16	16,61
(vii) Trainee tradesman, Class 2.....	24,54	21,27
(viii) Tradesman, Class 2, artisan's assistant and blocklayer.....	24,54	21,27
(ix) Driver, Code 10/plant operator A.....	17,97	15,54
(x) Driver, Code 9/plant operator B.....	15,29	13,23
(xi) Driver, Code 8/plant operator C.....	13,29	11,49
(xii) Artisan.....	31,72	27,43
(xiii) Previously designated craftsman.....	35,70	30,85
(xiv) Security guard.....	12,97	11,22
(xv) Painter.....	N/A	24,67."

9. CLAUSE 15: SICK PAY FUND

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

"Category of employee"	Amount per week	
	Rand	
	Area A	Area B
(i) General worker.....	3,97	3,44
(ii) Cleaner.....	2,78	2,40
(iii) Trainee tradesman, Class 4.....	4,74	4,10
(iv) Tradesman, Class 4.....	4,74	4,10
(v) Trainee tradesman, Class 3.....	5,51	4,77
(vi) Tradesman, Class 3.....	5,51	4,77
(vii) Trainee tradesman, Class 2.....	7,05	6,11
(viii) Tradesman, Class 2, artisan's assistant and blocklayer.....	7,05	6,11
(ix) Driver, Code 10/plant operator A.....	5,16	4,47

"Category of employee"	Amount per week Rand	
	Area A	Area B
(x) Driver, Code 9/plant operator B	4,39	3,80
(xi) Driver, Code 8/plant operator C	3,82	3,80
(xii) Artisan	12,76	11,03
(xiii) Previously designated craftsman	14,36	12,41
(xiv) Security guard	3,73	3,22
(xv) Painter	N/A	9,93."

10. CLAUSE 22: GENERAL

Add the following subclause (5):

"(5) **Protective clothing:** An employer shall supply to employees protective clothing in accordance with the requirements of the Occupational Health and Safety Act, as and when conditions demand it."

11. CLAUSE 23: EXEMPTIONS

(1) All applications for exemption shall be in writing (on an application form as provided by the Council) and shall be addressed to the Secretary of the Council.

(2) All applications for exemption shall be substantiated, and such substantiation shall include the following details:

- The period for which the exemption is required;
- the Agreement and clauses or subclauses of the Agreement from which exemption is required;
- proof that the exemption applied for has been discussed by the employer, his employees and their respective representatives. The responses resulting from such consultation, either in support of or against the application, are to be included with the application.

(3) The Secretary of the Council shall in the first instance place the applications for exemption on the agenda of the next Council meeting, for decision.

(4) Applications for exemption referred to the Council shall be considered by the Council in accordance with the exemption criteria set out in subclause 23 (1) hereof, and the applicant/s shall be advised, in writing, of the Council's decision within 14 normal working days following the meeting at which the applications were considered.

(5) Any non-party to which this Agreement has been extended to in terms of section 32 of the Act, may apply to the Council for exemption from any of the terms of this Agreement.

(6) In terms of section 32 of the Labour Relations Act, No. 66 of 1995, as amended, the Council hereby establishes an independent body called an "Exemptions Board" to hear and decide and appeal brought against—

- the Council's refusal of a non-party's application for exemption from the provisions of this Agreement;
- the withdrawal of such an exemption by the Council

(7) Within 14 consecutive days after having been advised of the Council's decision regarding an application for exemption, the non-party who feels aggrieved by the Council's decision, may submit a written appeal against the Council's decision to the Secretary of the Council. Such an appeal must be fully reasoned.

(8) The Secretary of the Council shall submit the appeal, together with the Council's decision regarding the application for exemption, to the Exemptions Board who shall as soon as possible, hear and decide the matter with reference to the exemption criteria set out in subclause 2.3 (1) hereof and when requested by the applicants or objectors to do so, may interview applicants or any objectors at its following meeting: Provided that the Exemptions Board may defer a decision to a following meeting if additional motivation, information or verbal representations are considered necessary to decide on the application for exemption.

(9) Once the Exemptions Board has decided to uphold the appeal and grant an exemption it shall issue a certificate and advise the applicant/s within ten (10) normal working days of the date of the decision, clearly specifying—

- the terms of the exemption; and
- the reporting requirements by the applicant and monitoring re-evaluation processes.

(10) When the Exemption Boards decides against granting an exemption or part of an exemption requested it shall advise the applicant/s within ten (10) normal working days of the date of such decision and shall provide the reason or reasons for the decision not to grant an exemption.

(11) **Exemption criteria:** The Exemption Board shall consider all applications for exemption with reference to the following criteria:

- The written and verbal substantiation provided by the applicant;
- the extent of consultation with and the petition for or against granting the exemption as provided by employers or employees who are to be affected by the exemption if granted;

- (c) the terms of the exemption;
- (d) the infringement of basic conditions of employment rights;
- (e) the fact that a competitive advantage is not created by the exemption;
- (f) the viewing of the exemption from any employee benefit fund or training provision in relation to the alternative comparable bona fide benefit or provision, including the cost to the employee, transferability, administration management and cost, growth and stability;
- (g) the extent to which the proposed exemption undermines collective bargaining and labour peace in the building industry;
- (h) any existing special economic or other circumstances which warrant the granting of the exemption;
- (i) reporting requirements by the applicant and monitoring and re-evaluation processes; and
- (j) cognisance of the recommendations contained in the Report of the Presidential Commission to Investigate Labour Market Policy.

12. CLAUSE 25: RESOLUTION OF DISPUTES

Substitute the word "arbitrator" in subclause (1) (f) with the word "Secretary".

Signed at Paarl this 31st day of August 1999.

P. LE ROUX

for the Boland Meesterbouers en Verwante Bedrywe Vereniging

W. C. CLIFT

for the Master Masons' and Quarry Owners' Association (South Africa)

P. HLENGISA

for the Construction and Allied Workers' Union

R. C. DAMON

for the Building Workers' Union

N. MAART

for the South African Woodworker's Union

G. KRIEL

for the South African Operative Masons' Society

E. TYEMBILE

for the Building Construction and Allied Workers' Union

No. R. 1280

29 Oktober 1999

WET OP ARBEIDSVERHOUDINGE, 1995

BEDINGINGSRAAD VIR DIE BOUNYWERHEID (KAAP DIE GOEIE HOOP): UITBREIDING VAN WYSIGING VAN KOLLEKTIEWE OOREENKOMS VIR DIE BOLAND NA NIE-PARTYE

Ek, Membathisi Mphumzi Shepherd Mdladlana, Minister van Arbeid, verklaar hierby kragtens artikel 32 (2) van die Wet op Arbeidsverhoudinge, 1995, die Kollektiewe Ooreenkoms wat in die Bylae hiervan verskyn, en wat in die Bedingingsraad vir die Bounywerheid aangegaan is en kragtens artikel 31 van die Wet op Arbeidsverhoudinge, 1995, bindend is op die partye wat die Ooreenkoms aangegaan het, bindend vir die ander werkgewers en werknemers in daardie Nywerheid, met ingang van 8 November 1999 en vir die tydperk wat op 10 Mei 2000 eindig.

M. M. S. MDLADLANA

Minister van Arbeid

BYLAE

BEDINGINGSRAAD VIR DIE BOUNYWERHEID (KAAP DIE GOEIE HOOP)

KOLLEKTIEWE OOREENKOMS VIR DIE BOLAND

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

Boland Meesterbouers en Verwante Bedrywe Vereniging

Master Masons' and Quarry Owners' Association (South Africa)

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

Building Construction and Allied Workers' Union

Building Workers' Union

Construction and Allied Workers' Union

South African Operative Masons' Society

South African Woodworkers' Union

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

wat die partye is by die Bedingsraad vir die Bounywerheid (Kaap die Goeie Hoop),

tot wysiging van die Ooreenkoms gepubliseer in Goewermentskennisgewing No. R. 661 van 8 Mei 1998 en No. R. 1588 van 4 Desember 1998.

1. TOEPASSINGSBESTEK

- (1) Hierdie Ooreenkoms met in die Bou- en die Monumentklipmesselnywerhede nagekom word—
 - (a) deur alle werkgewers wat lede van die werkgewersorganisasies is en deur alle werknemers wat lede van die vakbonde is;
 - (b) deur alle werkgewers wat nie lede van die werkgewersorganisasies is nie en deur alle werknemers wat nie lede van die vakbonde is in;
 - (c) in die landdrosdistrikte Paarl, Wellington, Stellenbosch, Kullsvier (uitgesonderd enige gedeeltes van laasgenoemde twee distrikte wat, voor die publikasie van Goewermentskennisgewing No. 283 van 2 Maart 1962, binne die landdrosdistrik Bellville geval het), Somerset-Wes [uitgesonderd die gedeelte wat, voor 9 Maart 1973 (Goewermentskennisgewing No. 173 van 9 Februarie 1973), binne die landdrosdistrik Wynberg geval het] Strand en Malmesbury (uitgesonderd die gedeelte wat, voor die publikasie van Goewermentskennisgewing No. 171 van 8 Februarie 1957 binne die landdrosdistrik Bellville geval het).
- (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 met 'n kontrak wat daarkragtens aangegaan of met voorwaardes wat daarkragtens gestel is nie;
 - (b) kwekelinge wat opgelei word ooreenkomstig die Wet op Mannekragopleiding, 1981, slegs vir sover dit nie onbestaanbaar is met daardie Wet of met voorwaardes wat daarkragtens gestel is nie.
- (3) Ondanks subklousule (1) is die bepalings van hierdie Ooreenkoms nie van toepassing nie op—
 - (a) klerke en administratiewe personeel;
 - (b) universiteitstudente en gegradueerdes in die Bouwetenskap, en op konstruksietoesighouers, konstruksie-opmeters en ander persone wat besig is met praktiese werk ter voltooiing van hulle akademiese opleiding.
 - (c) nie-partye ten opsigte van klousule 1 (1) (a) en 2 van hierdie Ooreenkoms.

2. GELDIGHEIDSDUUR VAN OOREENKOMS

Hierdie Ooreenkoms tree in werking op die datum wat die Minister van Arbeid vasstel as die effektiewe datum waarop die Ooreenkoms vir nie-partye bindend word, of die datum waarop die Minister van Arbeid weier om die Ooreenkoms tot nie-partye uit te brei en die Ooreenkoms moet na sodanige datum bindend bly tot 10 Mei 2000.

3. KLOUSULE 4: WOORDOMSKRYWING

Vervang die woordskrywing "wag" deur die volgende:

"veiligheidswag"—'n werknemer wat persele patroleer en eiendom bewaak.

4. KLOUSULE 6: REGISTRASIE VAN WERKGEWERS

Vervang subklousule (6) deur die volgende:

- "(6) Elke werkgewer moet werknemer rekords hou soos voorgeskryf in hoofstuk 4 in die Wet op Basiese Diensvoorwaardes, 1997 en klousules 10 en 12 van die Ooreenkoms."

5. KLOUSULE 8: DIENSVORWAARDES

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

- "(1) **Gewone werkure:** (a) Gewoonweg sal daar van geen werknemer verwag word om meer as die volgende ure te werk nie:

Kategorie	Daaglikse ure	Weeklikse ure
Veiligheidswag.....	10 uur.....	50 uur
Drywer.....	9 uur.....	45 uur
Algemene werker en skoonmaker.....	9 uur.....	44 uur
Alle ander werknemers.....	9 uur.....	44 uur".

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

"(b) Enige werkgever kan versoek, welke versoek nie onredelik van die hand gewys mag word nie, dat 'n werknemer oortyd werk vir 'n tydperk van meer as 3 uur daagliks, Maandae tot Vrydae, en hoogstens agt uur op Saterdag of Sondag. Met dien verstande dat die maksimum aantal ure oortyd gewerk in enige week, nie die maksimum ure oortyd soos voorgeskryf in die Wet op Basiese Diensvoorwaardes oorskry nie: Met die voorwaarde voorts dat 'n werkgever en enige werknemer wat motorvoertuie moet dryf kan ooreenkoms en 'n kontrak sluit dat 'n maksimum van een uur oortyd voor die aanvang van gewone werkure en 'n maksimum van een uur oortyd aan die einde van gewone werkure elke dag verpligtende oortyd vir die doel om werknemers na en van hul werkplek te vervoer, sal wees."

(3) Vervang subklousule (5) deur die volgende:

"(5) **Openbare vakansiedae:** Die openbare vakansiedae, soos geproklameer ingevolge die Wet op Openbare Vakansiedae, 1994, word erken as betaalde openbare vakansiedae as dit op 'n gewone werksdag, Maandag tot Vrydag, val: Met dien verstande dat die betaling wat deur die Raad gemaak word as besoldiging vir die jaarlikse vakansie sal betaling insluit vir al die publieke vakansiedae wat op gewone werkdag gedurende die drie weke jaarlikse sluitingstydperk val."

(4) Vervang subklousule (8) (e) deur die volgende:

"(e) 'n Dienskontrak word outomaties beëindig as 'n werknemer sonder die werkgever se toestemming vir meer as vyf aaneenlopende werkdag afwesig is, tensy die werknemer afwesig is as gevolg van omstandighede buite sy beheer."

6. KLOUSULE 9: BESOLDIGING

Vervang die tabel in subklousule (1) (a) deur die volgende:

"Kategorie van werknemer	Minimum loon Sent per uur	
	Area A	Area B
(i) Algemene werker	721	625
(ii) Skoonmaker	505	437
(iii) Kwekelingbouwerker, Klas 4, en bouwerker, Klas 4	861	746
(iv) Kwekelingbouwerker, Klas 3, en bouwerker, Klas 3	1 001	868
(v) Kwekelingbouwerker, Klas 2, bouwerker, Klas 2, ambagsman se assistent en blok-leër	1 282	1 111
	<i>Per week</i>	<i>Per week</i>
(vi) Drywer, Kode 10/kragaangedrewe-masjineriebediener A	R413,12	R357,31
(vii) Drywer, Kode 9/kragaangedrewe-masjineriebediener B	R351,52	R304,02
(viii) Drywer, Kode 8/kragaangedrewe/masjineriebediener C/hyser/stortwa	R305,45	R264,19
	<i>Sent per uur</i>	<i>Sent per uur</i>
(ix) Ambagsman	1 657	1 433
(x) Voorheen aangewese vakman	1 865	1 612
	<i>Per week</i>	<i>Per week</i>
(xi) Veiligheidswag	R298,09	R257,81
		<i>Sent per uur</i>
(x) Verwer	n.v.t.	1 289."

7. KLOUSULE 13: VAKANSIEFONDS

Vervang die tabel in klousule (2) deur die volgende:

"Kategorie van werknemer	Bedrag per week Rand	
	Gebied A	Gebied B
(i) Algemene werker	19,42	16,84
(ii) Skoonmaker	13,60	11,77
(iii) Kwekelingbouwerker, Klas 4	23,19	20,10
(iv) Bouwerker, Klas 4	23,19	20,10

"Kategorie van werknemer	Bedrag per week	
	Rand	
	Gebied A	Gebied B
(v) Kwekelingbouwerker, Klas 3	26,97	23,38
(vi) Bouwerker, Klas 3	26,97	23,38
(vii) Kwekelingbouwerker, Klas 2	34,54	29,93
(viii) Bouwerker, Klas 2, ambagsman se assistent en blokleër	34,54	29,93
(ix) Drywer, Kode 10/kragaangedrewe-masjienbediener A	25,29	21,88
(x) Drywer, Kode 9/kragaangedrewe-masjienbediener B	21,52	18,61
(xi) Drywer, Kode 8/kragaangedrewe-masjienbediener C	18,70	16,18
(xii) Ambagsman	44,64	38,60
(xiii) Voorheen aangewese vakman	50,24	43,43
(xiv) Veiligheidswag	18,25	15,78
(xv) Verwer	N.v.t.	34,72."

8. KLOUSULE 14: PENSIOENFONDS

(1) Vervang die tabel in subklousule (3) deur die volgende:

"Kategorie van werknemer	Bedrag per week	
	Rand	
	Gebied A	Gebied B
(i) Algemene werker	32,20	27,91
(ii) Skoonmaker	—	—
(iii) Kwekelingbouwerker, Klas 4	38,45	33,32
(iv) Bouwerker, Klas 4	38,45	33,32
(v) Kwekelingbouwerker, Klas 3	44,71	38,77
(vi) Bouwerker, Klas 3	44,71	38,77
(vii) Kwekelingbouwerker, Klas 2	57,25	49,62
(viii) Bouwerker, Klas 2, ambagsman se assistent en blokleër	57,25	49,62
(ix) Drywer, Kode 10/kragaangedrewe-masjienbediener A	41,93	36,27
(x) Drywer, Kode 9/kragaangedrewe-masjienbediener B	35,68	30,86
(xi) Drywer, Kode 8/kragaangedrewe-masjienbediener C	31,00	26,82
(xii) Ambagsman	74,00	64,00
(xiii) Voorheen aangewese vakman	83,29	71,99
(xiv) Veiligheidswag	30,26	26,17
(xv) Verwer	N.v.t.	57,57."

(2) Vervang die tabel in klousule (2) deur die volgende:

"Kategorie van werknemer	Bedrag per week	
	Rand	
	Gebied A	Gebied B
(i) Algemene werker	13,80	11,96
(ii) Skoonmaker	—	—
(iii) Kwekelingbouwerker, Klas 4	16,48	14,28
(iv) Bouwerker, Klas 4	16,48	14,28
(v) Kwekelingbouwerker, Klas 3	19,16	16,61
(vi) Bouwerker, Klas 3	19,16	16,61
(vii) Kwekelingbouwerker, Klas 2	24,54	21,27
(viii) Bouwerker, Klas 2, ambagsman se assistent en blokleër	24,54	21,27

"Kategorie van werknemer	Bedrag per week Rand	
	Gebied A	Gebied B
(ix) Drywer, Kode 10/kragaangedrewe-masjienbediener A.....	17,97	15,54
(x) Drywer, Kode 9/kragaangedrewe-masjienbediener B	15,29	13,23
(xi) Drywer, Kode 8/kragaangedrewe-masjienbediener C	13,29	11,49
(xii) Ambagsman	31,72	27,43
(xiii) Voorheen aangewese vakman	35,70	30,85
(xiv) Veiligheidswag	12,97	11,22
(xv) Verwer	N.v.t.	24,67."

9. KLOUSULE 15: SIEKEFONDS

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

"Kategorie van werknemer	Bedrag per week Rand	
	Gebied A	Gebied B
(i) Algemene werker	3,97	3,44
(ii) Skoonmaker	2,78	2,40
(iii) Kwekelingbouwerker, Klas 4	4,74	4,10
(iv) Bouwerker, Klas 4	4,74	4,10
(v) Kwekelingbouwerker, Klas 3	5,51	4,77
(vi) Bouwerker, Klas 3	5,51	4,77
(vii) Kwekelingbouwerker, Klas 2	7,05	6,11
(viii) Bouwerker, Klas 2, ambagsman se assistent en blokleër	7,05	6,11
(ix) Drywer, Kode 10/kragaangedrewe-masjienbediener A.....	5,16	4,47
(x) Drywer, Kode 9/kragaangedrewe-masjienbediener B	4,39	3,80
(xi) Drywer, Kode 8/kragaangedrewe-masjienbediener C	3,82	3,30
(xii) Ambagsman	12,76	11 03
(xiii) Voorheen aangewese vakman	14,36	12,41
(xiv) Veiligheidswag	3,73	3,22
(xv) Verwer	N.v.t.	9,93."

10. KLOUSULE 22: ALGEMEEN

Voeg subklousule (5) as volg by:

"(5) **Beskermende klere:** 'n Werkgewer moet aan werknemers beskermende klere ooreenkomstig die vereistes van die Wet op Beroepsgesondheid en Veiligheid verskaf soos en wanneer omstandighede dit verg."

11. KLOUSULE 23: VRYSTELLINGS

(1) Alle aansoeke om vrystelling moet skriftelik (op die aansoekvorm voorsien deur die Raad) wees en moet gerig word aan die Sekretaris van die Raad.

(2) Alle aansoeke om vrystelling moet behoorlik gemotiveer wees en sodanige motivering moet die volgende besonderhede omvat:

- Die tydperk waarvoor vrystelling benodig word;
- die Ooreenkoms en klousules of subklousules van die Ooreenkoms waarvan vrystelling gevra word;
- bewys dat die vrystelling waarvoor aansoek gedoen word, wel bespreek is tussen die werknemer en hul werkgevers en hul onderskeie verteenwoordigers. Die reaksies voortspruitend uit sodanige oorlegplegings, hetsy ten gunste van of teen die aansoek, moet by die aansoek ingesluit word.

(3) Die Sekretaris van die Raad moet in die eerste instansie die aansoeke om vrystelling op die sakelys van die volgende Raadsvergadering, vir besluit plaas.

(4) Aansoeke om vrystelling na die Raad sal deur die Raad oorweeg word aan die hand van die vrystellingskriteria uiteengesit in subklousule 23 (11) hiervan, en die applikant sal skriftelik verwittig word van die Raad se beslissing binne 14 gewone werksdae na die vergadering waartydens die aansoeke oorweeg was.

(5) Enige nie-party tot wie hierdie Ooreenkoms ingevolge artikel 32 van die Wet uitgebrei is, kan na die Raad aansoek doen om vrystelling van enige van die bepalings van hierdie Ooreenkoms.

(6) 'n Onafhanklike liggaam wat as 'n "Vrystellingsraad" bekend sal staan, word hierby deur die Raad ingestel ingevolge artikel 32 van die Wet op Arbeidsverhoudinge, No. 66 van 1995, wat enige appèl aanhoor en beslis wat aangeteken word teen—

- (a) die Raad se weiering van 'n nie-party se aansoek om vrystelling van die bepalings van hierdie Ooreenkoms;
- (b) die intrekking van so 'n vrystelling deur die Raad.

(7) Binne 14 opeenvolgende dae nadat die nie-party van die Raad se beslissing aangaande sy aansoek om vrystelling verwittig is, kan die nie-party wat ontevrede is met die Raad se beslissing, 'n skriftelike appèl teen die Raad se beslissing by die Sekretaris van die Raad indien. Sodanige appèl moet volledig gemotiveer wees.

(8) Die Sekretaris sal die appèl, tesame met die Raad se beslissing rakende die aansoek om vrystelling aan die Vrystellingsraad voorlê en die Vrystellingsraad sal die aangeleentheid so spoedig moontlik aanhoor en daaroor besluit met inagneming van die vrystellingskriteria uiteengesit in subklousule 23 (11) hiervan, en indien daartoe versoek deur die applikante of beswaarmakers, onderhoude voer met die applikante of enige beswaarmakers tydens sy eersvolgende vergadering. Met dien verstande dat die Vrystellingsraad 'n beslissing tot 'n volgende vergadering mag uitstel indien addisionele motivering, inligting of mondelinge getuienis nodig geag word ten einde oor 'n aansoek om vrystelling te besluit.

(9) Nadat die Vrystellingsraad besluit het om die appèl te handhaaf en om 'n vrystelling toe te staan, sal hy 'n vrystellingsertifikaat uitreik en die applikante binne 10 (tien) gewone werksdae na die datum waarop die besluit geneem is, inlig deur duidelik te spesifiseer—

- (a) wat die bepalings van die vrystelling behels; en
- (b) die terugvoerbepalings wat deur die applikant nagekom word asook die monitering en herevaluasiebepalings.

(10) Wanneer die Vrystellingsraad 'n aansoek om vrystelling in sy geheel of gedeeltelik afgekeur het, moet hy die applikant binne tien (10) gewone werksdae na die datum waarop die besluit geneem is, so verwittig en ook die rede of redes vir die weiering van die vrystelling verstrek.

(11) **Vrystellingskriteria:** Die vrystellingsraad moet alle aansoeke om vrystelling oorweeg met verwysing na die volgende kriteria:

- (a) Die skriftelike en mondelinge staving deur die applikant voorsien;
- (b) die mate van raadpleging met en die verhoë vir of teen die verlening van vrystelling soos verskaf deur werkgewers of werknemers wat deur die vrystelling geraak sal word, indien toegestaan;
- (c) die bepalings van die vrystelling;
- (d) die inbreuk maak op basiese voorwaardes van indiensnemingsregte;
- (e) die feit dat 'n mededingende voordeel nie geskep word deur die vrystelling nie;
- (f) dat vrystelling van enige werknemervoordele of opleidingsbepaling gesien moet word in verhouding tot die alternatiewe vergelykbare *bona fide*-voordeel of -bepaling, met inbegrip van die koste vir die werknemer, oordraagbaarheid, administrasiebestuur en -koste, groei en stabiliteit;
- (g) die mate waarin die voorgestelde vrystelling die gesamentlike bedinging en arbeidsvrede in die Bounywerheid ondermyn;
- (h) enige bestaande spesiale ekonomiese of ander omstandighede wat die verlening van die vrystelling regverdig;
- (i) die terugvoerbepalings wat deur die applikant nagekom moet word asook die monitering en her-evaluasiebepalings; en
- (j) die inagneming van die aanbevelings vervat in die Verslag van die Presidensiële Kommissie van Onderzoek na die Arbeidsmarkbeleid.

12. KLOUSULE 25: BESLEGTING VAN GESKILLE

In subklousule (1) (f), vervang die woord "arbiter" deur die woord "Sekretaris".

Geteken te Paarl op hede die 31ste dag van Augustus 1999.

P. LE ROUX

vir die Boland Meestersbouers en Verwante Bedrywe Vereniging

W. C. CLIFT

vir die Master Mason's and Quarry Owners' Association (South Africa)

P. HLENGISA

vir die Construction and Allied Workers' Union

R. C. DAMON

vir die Building Workers' Union

N. MAART

vir die South African Woodworkers' Union

G. KRIEL

vir die South African Operative Masons' Society

E. TYEMBILE

vir die Building Construction and Allied Workers' Union

No. R. 1281

29 October 1999

LABOUR RELATIONS ACT, 1995

CLOTHING INDUSTRY (NATAL): EXTENSION OF PROVIDENT FUND 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 Bargaining Council for the Clothing Industry (Natal) and is binding in terms of section 31 of the Labour Relations Act, 1995, on the parties which concluded the Amending Agreement, shall be binding on the other employers and employees in that Industry, with effect from 8 November 1999 and for the period ending 30 June 2005.

M. M. S. MDLADLANA

Minister of Labour

No. R. 1281

29 Oktober 1999

WET OP ARBEIDSVERHOUDINGE, 1995

KLERASIENYWERHEID (NATAL): UITBREIDING VAN VOORSORGFONDS 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 Bedingingsraad vir die Klerasienywerheid (Natal) 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 8 November 1999 en vir die tydperk wat op 30 Junie 2005 eindig.

M. M. S. MDLADLANA

Minister van Arbeid

Nota: 'n Afrikaanse vertaling van die ooreenkoms by die Engelse kennisgewing is op aanvraag beskikbaar by die Bedingingsraad.

SCHEDULE

BARGAINING COUNCIL FOR THE CLOTHING INDUSTRY (NATAL)

PROVIDENT FUND COLLECTIVE AGREEMENT

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

Natal Clothing Manufacturers' Association

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

Southern African Clothing and Textile Workers' Union

(hereinafter referred to as the "employees" or the "trade union"), of the other part, being the parties to the Bargaining Council for the Clothing Industry (Natal),

to amend the Agreement published under Government Notice No. R. 1516 of 27 November 1998.

1. SCOPE OF APPLICATION

(1) The terms of this Agreement shall be observed in the Clothing Industry (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 and employed in the Industry, respectively; and

(b) in the Magisterial Districts of Chatsworth, Durban, Inanda, Pinetown, Pietermaritzburg and Lower Tugela.

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

(a) apply in respect of employees for whom wages are prescribed in the Main Agreement; and

(b) not apply in respect of employees whose basic wages exceed two and a half times the wage rate for a qualified Grade 1 employee or whose occupation is monthly paid and of a managerial, specialist technical or non-production related nature.

(3) (a) The purpose of this Agreement is to make provision for retirement, disability, death and retrenchment benefits.

(b) Employers employing five employees or fewer shall, upon application to the Council in terms of clause 15 of the Agreement published under Government Notice No. R. 1516 of 27 November 1998 be exempted from this Agreement.

(c) Where an employer or an employee can satisfy the Council that any of the provisions of this Agreement are restricting entrepreneurial initiative and/or employment opportunities such employer or employee may apply to the Council for exemption from those specific provisions in terms of clause 15 of the Agreement, published under Government Notice No. R. 1516 of 27 November 1998.

(d) Clauses 1 (1) (a) and 2 of this Agreement shall not apply to employers and employees who are not members of the employers' organisation and trade union, respectively.

2. PERIOD OF OPERATION OF AGREEMENT

This Agreement shall come into operation on a date to be fixed by the Minister of Labour, in terms of section 32 (2) of the Act, and shall remain in force for the period ending 30 June 2005.

3. CLAUSE 6: CONTRIBUTIONS

3.1 In subclause (1), substitute the expression "5,25% " for the expression "4 1/2% (four and a half per cent)".

3.2 In subclause (2), substitute the expression "6% (six per cent)" for the expression "5% (five per cent)".

Dated at Durban on this 2nd day of July 1999.

R. M. CALDER

For NCMA

J. MBELU

For SACTWU

No. R. 1291

29 October 1999

No. R. 1291

29 Oktober 1999

CORRECTION NOTICE

RECTIFICATION OF GOVERNMENT GAZETTE NO. 20547 (REGULATION GAZETTE NO. 6648) PUBLISHED ON 22 OCTOBER 1999

It is hereby notified for general information as follows:

Government Notice No. 1266 published in Government Gazette No. 20547 (Regulation Gazette No. 6648) is hereby withdrawn and superseded by the following:

REGSTELLINGSKENNISGEWING

REGSTELLING VAN STAATSKOERANT NO. 20547 (REGULASIE KOERANT NO. 6648) GEPUBLISEER OP 22 OKTOBER 1999

Hiermee word vir algemene inligting soos volg bekend-gemaak:

Goewermentskennisgewing No. 1266 gepubliseer in Staatskoerant No. 20547 (Regulasiekoerant No. 6648) word hiermee teruggetrek en deur die volgende vervang:

DETERMINATION IN TERMS OF SECTION 50

I, the Minister of Labour, make the following determination in terms of Section 50(8)(c) of the Act:

1. The following sections of the Act are replaced or excluded:

Sections 12(2)(b), 14, 15(1)(a) and 17

2. Extent of the variation:

- (a) To average hours of work over the agreed period with an average of 10 hours' overtime;
- (b) That employees employed by mines listed in Annexure A that work underground and in processing plants dispense with a meal interval;
- (c) To reduce the daily rest period to not less than 8 hours for the purposes of rapid changeovers; and
- (d) That shifts commencing at or after 04:00 are not regarded as night work.

3. Category 2 to 8 employees on Gold Mines listed in the Annexure A & B who are members of the Chamber of Mines of South Africa.

Category 2 to 8 employees on Gold Mines listed in the Annexure A & B who members of the Chamber of Mines of South Africa.

4. Conditions on which determination is granted:

- (a) Overtime is worked voluntary or as agreed collectively;
- (b) That rapid changeovers do not occur on more than two occasions per month; and
- (c) That informal rest arrangements and opportunities to take sustenance are made.

5. Period for which the determination is granted:

With effect from 1 October 1999 to 30 September 2001.

Signed at Pretoria on this the 18th day of October 1999.

M.M.S. MDLADLANA

MINISTER OF LABOUR

ANNEXURE A

GROUP/MINE		NAME OF MINE
ANGLOGOLD	1	Free State Operations
	1.1	Bambanani Mine
	1.2	Free State Business Services
	1.3	Joel Mine
	1.4	Matjabeng Mine
	1.5	Tshepong Mine
	2	Vaal River Operations
	2.1	Great Noligwa Mine
	2.2	Kopanang Mine
	2.3	Moab Khotsoang Mine
	2.4	Tau Lekoa Mine
	2.5	Vaal River Business Operations
	3	West Wits Operations
	3.1	Anglogold Health Services
	3.2	Deelkraal Mine
	3.3	Elandersand Mine
	3.4	Mponeng Mine (i.e. WDL South)
	3.5	Savuka Mine (i.e. WDL West)
	3.6	Tau Tona (i.e. WDL East)
	3.7	West Wits Business Services
AVGOLD	4	Loraine Division
DRD	5	Blyvooruitzicht Mine
	6	Buffelsfontein Mine
	7	Durban Roodepoort Deep Mine
	8	Hartebeestfontein Mine
HARMONY	9	Harmony Mine (Free State)
	10	Masimong Mine
	11	Evander Gold Mines
	11.1	Kinross Division
	11.2	Leslie Division
	11.3	Winkelhaak Division

ANNEXURE B

GROUP/MINE		NAME OF MINE
GOLD FIELDS	1	Beatrix Mine
	2	East Driefontein Mine
	3	Kloof Mine
	4	Leeudoorn Mine
	5	Libanon Division
	6	Oryx Mine
	7	St Helena Mine
	8	West Driefontein Mine
PLACER DOME/ WESTERN AREAS	9	Placer Dome Western Areas Joint Venture
REL	10	Randfontein Estates Mine

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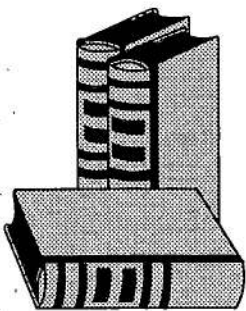
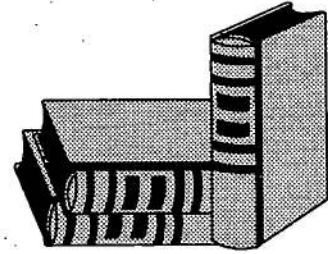
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