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GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF LABOUR DEPARTEMENT VAN ARBEID

No. R. 1223

30 November 2001

LABOUR RELATIONS ACT, 1995

NATIONAL BARGAINING COUNCIL OF THE LEATHER INDUSTRY OF SOUTH AFRICA: EXTENSION OF COLLECTIVE AMENDING AGREEMENT FOR THE GENERAL GOODS AND HANDBAG SECTION 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 Agreement which appears in the Schedule hereto, which was concluded in the National Bargaining Council of the Leather Industry of South Africa 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 3 December 2001, and for the period ending of 30 June 2002.

M. M. S MDLADLANA

Minister of Labour

No. R. 1223

30 November 2001

WET OP ARBEIDSVERHOUDINGE, 1995

NASIONALE BEDINGINGSRAAD VIR DIE LEERNYWERHEID VAN SUID-AFRIKA: UITBREIDING VAN KOLLEKTIEWE WYSIGINGSOOREENKOMS VIR DIE ALGEMENE GOEDERE- EN HANDSAKSEKSIE 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 Ooreenkoms wat in die Engelse Bylae hiervan verskyn en wat in die Nasionale Bedingingsraad vir die Leernywerheid van Suid-Afrika aangegaan is en kragtens artikel 31 van die Wet op Arbeidsverhoudinge, 1995, bindend is op die partye wat die Ooreenkoms aangegaan het, bindend is vir die ander werkgewers en werknemers in daardie Nywerheid, met ingang van 3 Desember 2001, en vir die tydperk wat op 30 Junie 2002 eindig.

M. M. S. MDLADLANA

Minister van Arbeid

Nota: 'n Afrikaanse vertaling van die Bylae by die Engelse kennisgewing, is beskikbaar by die Raad.

SCHEDULE

NATIONAL BARGAINING COUNCIL OF THE LEATHER INDUSTRY OF SOUTH AFRICA: GENERAL GOODS AND HANDBAG SECTION

COLLECTIVE AGREEMENT

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

Association of South African Manufacturers of Luggage, Handbags and General Goods

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

National Union of Leather and Allied Workers (N.U.L.A.W.)

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 National Bargaining Council of the Leather Industry of South Africa, to amend the Agreement for the General Goods and Handbag Section published under Government Notices No. R. 1316 of 6 November 1998, R. 288 of 12 March 1999, R. 1273 of 29 October 1999, R. 46 of 28 January 2000, R. 647 of 30 June 2000, R. 1173 of 24 November, and R. 388 of 18 May 2001.

H J SMITH

16 October 2001

1. SCOPE OF APPLICATION OF AGREEMENT

- (1) The terms of this Agreement shall be observed in the General Goods and Handbag Section of the Leather Industry—
- (a) by all employers who are members of the employer's organisations and by all employees who are members of the trade unions who are engaged or employed in the above sections of the Leather Industry;
 - (b) in the Republic of South Africa, as it existed prior to the commencement of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), on the operations set forth in paragraphs (1) to (3) of the definition of General Goods Section and on the operations set forth in paragraph (1) (b) and (c) of the definition of Industry or Leather Industry in clause 3 of the Agreement;
 - (c) in the Magisterial Districts of Bellville, including that portion of the Magisterial District of Kuils River which, prior to the publication of Government Notice No. 1683 of 7 August 1987, fell within the Magisterial District of Bellville, Goodwood and Durban, including that portion of the Magisterial District of Chatsworth which, prior to the publication of Government Notice No. 501 of 8 March 1985, fell within the Magisterial District of Durban, but excluding that portion of the Magisterial District of Durban which prior to the publication of Government Notice Nos. 1939 and 2067 of 10 September 1982 and 1 October 1982, respectively, fell within the Magisterial District of Inanda, on the operations set forth in paragraph (4) (a) of the definition of General Goods Section in clause 3 of the said Agreement, and in the Magisterial District of Wynberg, on the operations set forth in paragraph (4) (b) of the said definition;
 - (d) in the Magisterial Districts of Bellville, including that portion of the Magisterial District of Kuils River which, prior to the publication of Government Notice No. 1683 of 7 August 1987, fell within the Magisterial District of Bellville, Germiston, Goodwood, Johannesburg, Middelburg (Mpumalanga), Pretoria, Roodepoort and the Cape, on the operations set forth in paragraph (5) of the definition of General Goods Section in clause 3 of the said Agreement;
 - (e) in the Magisterial Districts of Bellville, Durban, including that portion of the Magisterial District of Chatsworth which, prior to the publication of Government Notice No. 501 of 8 March 1985, fell within the Magisterial District of Durban, Goodwood, Johannesburg and the Cape, on the operations set forth in paragraph (6) of the definition of Industry or Leather Industry in clause 4 of the said Agreement.
- (2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall apply only the employees for whom wages are prescribed in Annexure C to the Agreement, and to the employers of such employees.
- (3) The terms of this Agreement shall not apply to non-parties in respect of clauses 1 (1) (a) and 2.

2. PERIOD OF OPERATION

This Agreement shall come into operation on such date as the Minister of Labour extends the Agreement to non-parties, and shall remain in force for the period ending 30 June 2001.

3. CLAUSE 8. PUBLIC HOLIDAYS, ANNUAL HOLIDAYS, AND MATERNITY LEAVE

- (1) Substitute the following for clause 8. Public Holidays, Annual Holidays and Maternity Leave:

"8. PUBLIC HOLIDAYS, ANNUAL HOLIDAYS, MATERNITY AND SICK LEAVE"

- (2) Substitute the following for subclause (11) Paternity Leave:

"(11) Family responsibility leave"

Employees shall be entitled to one day's paid and one day's unpaid Family Responsibility Leave. Employees may be required to submit proof of the event as specified in the Basic Conditions of Employment Act in respect of payment for such leave."

- (3) Insert the following new subclause (14):

"(14) Paid sick leave"

During every 36 month sick leave cycle, an employee's entitlement to paid sick leave will be limited to ten (10) days in each 12 months. This limitation shall not apply to employees whose incapacitation owing to illness or hospitalisation exceeds a period of ten (10) days. In such event, the provisions of the Basic Conditions of Employment Act shall apply."

4. ANNEXURE C

Substitute the following for Annexure C:

"ANNEXURE C"

Nothing in this Agreement shall operate to reduce any time wage at present being paid which is more favourable to an employee than that laid down in this Agreement for such employee while he remains in the service of the same employer.

1. WAGE RATES

	Column A Per week	Column B Per week
(A) The following wage rates shall be paid to employees engaged in the General Goods and Handbag Section of the Industry:		
(i) Foreman (Grade C1).....	599,19	659,11
(ii) Chargehand (Grade B2).....	455,26	500,79
(iii) Despatch clerk (Grade A3).....	383,37	421,71
(iv) Driver of a motor vehicle authorised to carry or haul a payload of—		
(a) under 2722 kg (Grade B1).....	397,34	437,07
(b) over 2722 kg (Grade B2).....	455,26	500,79
(v) General worker (Grade A1).....	296,53	326,18
(vi) Night watchman (Grade A2).....	322,57	354,83
(vii) Packer (Grade A1).....	296,53	326,18
(viii) Storeman (Grade A3).....	383,37	421,71
(B) The following wage rates shall be paid to qualified employees engaged in the manufacture of Travelling requisites, saddlery, harnesses, braces, personal goods and handbags:		
(i) Grade A1.....	296,53	326,18
(ii) Grade A2.....	322,57	354,83
(iii) Grade A3.....	383,37	421,71
(iv) Grade B1.....	397,34	437,07
(v) Grade B2.....	455,26	500,79
(vi) Grade B3.....	498,50	548,35
(C) The following wage rates shall be paid to qualified employees engaged in the manufacture of balls in the Magisterial Districts of Bellville, Goodwood and Durban and cricket and hocke balls in the Magisterial District of Wynberg:		
(i) Grade A1.....	296,53	326,18
(ii) Grade A2.....	322,57	354,83
(iii) Grade A3.....	383,37	421,71
(iv) Grade B1.....	397,34	437,07
(v) Grade B2.....	455,26	500,79
(vi) Grade B3.....	498,50	548,35
(D) The following wage rates shall be paid to learners, other than those referred to in subclause (A):		
During the first six months of experience.....	209,40	230,34
During the second six months of experience.....	240,38	264,42
During the third six months of experience.....	286,95	315,65:
Provided that an adult employee who has had less than 12 months' experience shall nevertheless be deemed to have had 12 months' experience."		

2. PROPORTION AND RATIO OF EMPLOYEES**(1) Travelling requisites:**

- (a) Not less than one foreman shall be employed in every establishment.
- (b) In each of the wage categories listed in paragraphs (1), (ii) (iii), (iv), (v) and (vi) of subclause (c) not more than one learner may be employed for every qualified employee employed in that category.

(2) Saddlery:

- (a) Not less than one foreman shall be employed in every establishment.
- (b) In each of the wage categories listed in paragraphs (i) (ii) (iii), (iv), (v) and (vi) of subclause (c) not more than one learner may be employed for every qualified employee employed in that category.

(3) Harness:

- (a) Not less than one foreman shall be employed in each establishment.
- (b) For each employee receiving a wage of not less than R326,18 per week during the period ending 30 June 2002, not more than one employee may be employed at a wage less than R326,18 per week during the period ending 30 June 2002: Provided that general workers shall not be taken into consideration when determining the number of such employees that may be employed.

(4) Braces:

For each employee receiving a wage of not less than R326,18 per week during the period ending 30 June 2002, not more than one employee may be employed at a wage of less than R326,18 per week during the period ending 30 June 2002: Provided that general workers shall not be taken into consideration when determining the number of such employees that may be employed.

(5) Personal goods:

For each employee receiving a wage of not less than R326,18 per week during the period ending 30 June 2002: not more than one employee may be employed at a wage of less than R326,18 per week during the period ending 30 June 2002: Provided that general workers shall not be taken into consideration when determining the number of such employees that may be seemed be employed.

(6) Handbags:

- (a) Not less than one foreman shall be employed in each establishment.
- (b) The number of learners employed in each establishment shall not exceed three such employees to every qualified employee employed in such establishment.
- (c) Notwithstanding the provisions of subclause (a), the following departmental ratios shall be observed:
 - (i) Cutting Department: Not more than three learner cutters shall be employed to every two qualified cutters employed in each establishment.
 - (ii) Machining Department: Not more than three learner machinists shall be employed to every two qualified machinists employed in each establishment.
 - (iii) Handbag framing department: Not more than three learner handbag framers shall be employed to every two qualified handbag framers employed in each establishment."

5. Substitute the following for Clause 23:**"23. EXEMPTIONS**

1. Any party falling with the Council's registered scope may apply to the Bargaining Council for exemption from any or all the provisions of this Agreement.
2. All applications for exemption from any of the provisions of this Agreement must be in writing on an application form as provided by the Council, and lodged with the Local Office of the Council for consideration by the District Committee of the area concerned.
3. The District Committee shall hear and decide applications for exemption in a manner it considers appropriate to determine the application fairly and quickly, which may be limited to a consideration of written motivation, or may include the hearing of evidence and arguments.
4. **Exemption Criteria:** The District Committee, when considering an application, must take into account the following criteria (the order not indicating any form of priority):
 - (a) any written and/or verbal substantiation provided by the applicant;
 - (b) fairness to the employer, its employees and other employers and the employees in the industry;
 - (c) whether an exemption, if granted, would undermine this Agreement or the collective bargaining process;
 - (d) whether it will make a material difference to the viability of a new business, or a business previously outside the jurisdiction of the Council;
 - (e) unexpected economic hardship occurring during the currency of the Agreement and job creation and/or loss thereof;
 - (f) the infringement of basic conditions of employment rights;
 - (g) the fact that a competitive advantage might be created by the exemption;
 - (h) comparable benefits or provisions where applicable;
 - (i) the applicant's compliance with other statutory requirements such as the Occupational Injuries and Diseases Act or Unemployment Insurance; or
 - (j) any other factor which is considered appropriate.
5. The District Committee, on approving an application, must within 14 days advise the applicant of such decision, and issue a Licence of Exemption setting out the following:
 - (i) The full name of the person or enterprise concerned;
 - (ii) the provisions of this Agreement from which the exemption has been granted;
 - (iii) the conditions subject to which exemption is granted;
 - (iv) the period of the exemption;
 - (v) the date from which the exemption shall operate

6. The District Committee may, on good cause shown, give the holder of a licence of exemption one week's notice of withdrawal of the exemption granted.
7. The District Committee, on not approving an exemption or part of an exemption, must advise the applicant(s) within fourteen (14) days of the date of such decision, providing the reason or reasons for not granting an exemption.
8. **Appeals:**

An independent body entitled the "Independent Appeal Body", will be appointed in accordance with the provisions of section 32 (3) (e) and (f) of the Act to hear and decide any appeal brought by a non-party against—

 - (a) the District Committee's refusal of an application for exemption from the provisions contained in this agreement; or
 - (b) the withdrawal of an exemption by the District Committee.
9. The Council or District Secretary shall, on receipt of a written application for an appeal, forward the application for exemption and all supporting documents, to the independent Appeal Body for a decision.
10. The Independent Appeal Body shall hear and decide appeals in a manner it considers appropriate to determine the application fairly and quickly, which may be limited to a consideration of written motivation, or may include the hearing of evidence and arguments.
11. The Independent Appeal Body must consider all applications with reference to the criteria in subclause (4).
12. The Independent Appeal Body shall advise the Council and the applicant(s) of their decision within fourteen (14) days, providing full reasons for the decision. Should the Independent Appeal Body reverse the decision of the District Committee, the Council must issue the applicant with a licence of exemption in accordance with subclause (5).

Signed by the parties at Durban on this 7th day of June 2001.

F. G. DAVIDSON

(Member of the Council)

M. PAULSEN

(Member of the Council)

W. VAN DER RHEEDE

(Member of the Council)

L. M. VAN LOGGERENBERG

(General Secretary of the Council)

No. R. 1224

30 November 2001

LABOUR RELATIONS ACT, 1995

**NATIONAL BARGAINING COUNCIL OF THE LEATHER INDUSTRY OF SOUTH AFRICA: EXTENSION OF FOOTWEAR
SECTION 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 Agreement which appears in the Schedule hereto, which was concluded in the National Bargaining Council of the Leather Industry of South Africa 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 3 December 2001, and for the period ending 30 June 2002.

M. M. S. MDLADLANA

Minister of Labour

No. R. 1224**30 November 2001****UMTHETHO WEZEMISEBENZI, KA 1995**

UMKHANDLU WOKUXOXISANA KUZWELONKE ZWIMBONI ENINGIZIMU AFRIKA: UKWELULWA KWESIVUMELWANO SIKAWONKEWONKE NESICHIBIYELAYO KWINGXENYE YOKUGQOKWA EZINYAWENI SELULELWA KUBALO ABANGESIWONA AMALUNGA

Mina, Membathisi Mphumzi Shepherd Mdladlana, uNgqongqoshe wezemisebenzi, ngokwesigaba 32 (2) soMthetho wobu-Dlelwano kwezemisebenzi, ka 1995 (Labour Relations Act, 1995), ngiyamemezela ukuthi iSivumelwano sika Wonkewonke esinezelelwa kwiSheduli yeSingisi exhunyiwe lapha, esahlangiswa emkhandlwini kaZwelonke wokuXoxisana kaZwelonke wokuXoxisana ngamaHolo eziMbonini zesiKhumba eNingizimu Afrika (National Bargaining Council of the Leather Industry of South Africa) futhi esiyisibhobo ngokwesigaba 31 soMthetho wobu-Dlelwano kwezemisebenzi, ka 1995, (Labour Relations Act, 1995) kulawo maqembu ahlanganisa isinezelelo sesivumelwano leso, siyababopha nabanye abaqashi nabaqashwa kulowo mkhakha wezibomi, kusekela ngomhlaka 3 Disemba 2001 nangesikhathi sonke esiyophela mhla ziwu 30 Juni 2002.

M. M. S. MDLADLANA**Ungqongqoshe Wezemisebenzi**

Qaphela: Amakhophi alesi sivumelwano esiZulu ayatholakala eMkhandlwini kaZwelonke wokuXoxisana ngamaHoic weziMboni zesiKhumba eNingizimu Afrika uma usicela.

SCHEDULE**NATIONAL BARGAINING COUNCIL OF THE LEATHER INDUSTRY OF SOUTH AFRICA****FOOTWEAR SECTION COLLECTIVE AGREEMENT**

in accordance with the provisions of the Labour Relations Act, No. 66 of 1995, made and entered into by and between the

Southern African Footwear & Leather Industries Association (SAFLIA)

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

National Union of Leather & Allied Workers (N.U.L.A.W.)

and the

Southern African Clothing and Textile Workers' Union

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

being the parties to the National Bargaining Council of the Leather Industry of South Africa, amend the Agreement published under Government Notice No. R. 1261 of 5 November 1999, as amended and renewed by Government Notice Nos R. 821 of 25 August 2000, R. 1339 of 8 December 2000, and R. 573 of 29 June 2001.

1. CLAUSE 1: SCOPE OF APPLICATION

- (1) The terms of this Agreement shall be observed in the Footwear Section of the Leather Industry—
 - (a) by all employers who are members of the employers' organisation, and by all employees who are members of the trade unions, and who are engaged or employed in the said section of the Industry;
 - (b) in the Republic of South Africa, as it existed prior to the promulgation of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993).
- (2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall apply only to all employees for whom wages are prescribed in the Annexures to this Agreement.
- (3) The terms of this Agreement shall not apply to non-parties in respect of clause 1 (1) (a) and 2.

2. CLAUSE 2: DATE AND PERIOD OF OPERATION

This Agreement shall come into operation on such date as the Minister of Labour extends the Agreement to non-parties, and shall remain in force for the period ending 30 June 2002.

3. CLAUSE 8: REMUNERATION

Substitute the figure "R431,47" for the figure "R410,92" in clause 8.4 (1) (a) and (2).

4. CLAUSE 17: ENABLING CLAUSE

Insert the following new clause 17:

"CLAUSE 17: ENABLING CLAUSE

1. Employers and employees and/or the union/s may enter into collective agreements at plant level which may vary or amend the terms and conditions of this Agreement.
2. Any such amendments and variations may not—
 - ▶ reduce an employee's annual leave entitlement;

- ▶ reduce an employee's entitlement to maternity leave;
 - ▶ reduce an employee's entitlement to sick leave;
 - ▶ increase normal working time beyond 45 hours per week;
 - ▶ reduce any other entitlement which is not permissible under the Basic Conditions of Employment Act;
 - ▶ vary or amend an employee's entitlement to his/her Provident and Sick Fund benefits;
 - ▶ change the wage rates as currently prescribed.
3. Any agreement reached shall be reduced to writing, and shall be signed by the employer and his employees and/or the union/s. Such agreement shall be lodged with the Council within seven days of the signing thereof. Such agreement shall be deemed to be a collective agreement concluded in the National Bargaining Council, and shall be enforceable by Agents of the council. Such agreement shall specify the commencement, duration and termination of the agreement, which shall in any event not be longer than twelve (12) month's duration."

5. ANNEXURE D: WAGE RATES

Substitute the following for Annexure D:

"ANNEXURE D WAGES: GENERAL

	Column A Per week	Column B Per week
A. Watchman	431,47	474,62
B. Storeman and/or warehouseman, despatch clerk	443,73	488,10
C. Boiler attendant	431,47	474,62
D. Motor vehicle driver driving a vehicle authorised to carry or haul a payload of—		
(i) under 2 722 kg	437,62	481,38
(ii) 2 722 kg	443,73	488,10
(iii) over 2 722 but not exceeding 4 546 kg	472,30	519,53
(iv) over 4 546 kg but not exceeding 6 350 kg	560,85	616,94
E. Minors employed in occupations for which rates have not been prescribed in this Agreement:		
First six months	268,92	295,81
Second six months	302,99	333,29
Third six months	338,61	372,47
Thereafter	431,47	474,62
Provided that an adult employee who has had less than 12 months' experience shall nevertheless be deemed to have had 12 months' experience		
F. Cardboard box-making operations:		
(i) Guillotine and/or rotary cutting machine and/or scoring machine operated by—		
(a) power	640,85	704,94
(b) hand	516,62	568,28
(ii) Cardboard box-makers	431,47	474,62
(iii) Making cardboard boxes, according to experience:		
First six months	300,39	330,43
Second six months	302,99	333,29
Thereafter	431,47	474,62
Provided that an adult employee who has had less than 12 months' experience shall nevertheless be deemed to have had 12 months' experience.		
G. Employees employed on hand typesetting and printing labels on a printing machine	580,03	638,03
H. Employees employed on welt-making:		
(i) Splitting, skiving, cutting, grooving and bevelling	431,47	474,62
(ii) All other operations	431,47	474,62
I. Packers	431,47	474,62
J. Employees employed on currying	499,93	549,92
K. Employees employed on spraying of leather	578,89	636,78

	Column A Per week	Column B Per week
L. Employees employed on knife-making:		
(i) Welding and/or brazing and/or silver soldering.....	697,26	766,99
(ii) Finishing of joints after welding.....	453,43	498,77
(iii) Tack and/or spot welding	431,47	474,62
(iv) Bending to templet and/or patterns, hand punching of size onto knife, marking and cutting of bracing steel, oxidising of finished articles and grinding.....	431,47	474,62
(Note: For the purposes of par: L, welding means continuous drawing of weld on seams or joints, but excludes track and/or spot welding).		

WAGES: FOOTWEAR NOT ELSEWHERE SPECIFIED

	Column A Per week	Column B Per week
(A) PATTERN DEPARTMENT		
(i) Qualified employees employed as pattern cutters producing original standards and hand grading to restrictions, and/or shoe draughtsman	725,83	798,31
(ii) Qualified employees—		
(a) employed on hand grading, but not restrictions and not producing original standards..	613,42	674,76
(b) employed on grading machines.....	613,42	674,76
(c) employed on making original lining patterns from upper patterns, where no last copies or original standards are produced	613,42	674,76
(iii) Qualified employees employed on any operation not specified in (i) and (ii) hereof.....	485,49	534,04
(B) CLICKING DEPARTMENT		
Qualified employees employed on:		
(i) Clicking and cutting uppers by hand or machine:		
(a) Vegetable or chrome split, vegetable or semi-chrome kip, suede chrome kip and vegetable tanned sheepskins and goatskins	719,24	791,16
White full chrome kip for the production of whole-cuts blunchers and veldskoens only, but excluding miners' and miners' type footwear (all in South African tannage)	719,24	791,16
Children's work, any material, all sizes up to and including size 1 1/2, and all leather slippers (men's, women's and children's)	719,24	791,16
(b) Any other materials—		
<i>[Ratio: For every four or part of four qualified clickers not more than one learner may be employed. Part of four means a remainder of not less than one after the total number of qualified clickers has been divided by four.]</i>		
(c) Upper leather sorter grading and/or sorting for quality for issue to clickers.....	725,83	798,41
(d) Examining of cut leather components for quality	725,83	798,41
(ii) Lining, sock and fitting cutting and/or small trimmings and/or cut-outs died out by clicking press, revolution press, eccentric press or mallet	499,93	549,92
<i>Note: A trimming is a decoration which is not an essential part of the shoe upper. In the event of any disputes as to what comprises a "small trimming", the Council's decision shall, after investigation, be final.</i>		
Cutting from offal of inside tongues and narrow backstraps from children's, youth's and maids' stitchdowns or Oxford and Derby patterns	499,93	549,92
All other tongue and backstrap cutting shall be paid for at the rate applicable to clicking of the materials in terms of paragraph (i) hereof.		
Strap cutting to length from continuous rolls or hanks of pre-prepared material.....	499,93	549,92
<i>[Ratio: For every qualified employee in this section not more than two learners may be employed at wages in accordance with the scale laid down for learners in subclause (N) (i) of this Annexure]</i>		

	Column A Per week	Column B Per week
(iii) Cut-outs died out by a Western type cut-out machine and automatic multipunch/slashing machine/gang strap punching.....	443,73	488,10
(iv) Giving out patterns.....	485,49	534,04
Operating splitting machine.....	485,49	534,04
(v) Size stamping and/or painting.....	431,47	474,62
Applying acme backing.....	431,47	474,62
(C) CLOSING DEPARTMENT		
Qualified employees employed on:		
(i) Puritan machining.....	532,01	585,21
(ii) Stitching aprons on uppers on out-sole stitching machines.....	532,01	585,21
(iii) Pilot machining.....	503,18	553,50
(iv) Other machining:		
(a) All closing operations on vegetable and chrome split, vegetable and semi-chrome kip, suede and chrome kip lining machining.....	434,26	477,69
White full chrome kip for the production only of the whole-cuts, bluchers and veldschoens, but excluding miners' and miners' type footwear (all in South African tannage)	434,26	477,69
(b) Operations on leathers other than those specified in (a):		
Vamping.....	456,37	502,01
Flat binding by machine.....	456,37	502,01
Machining additional rows of stitching on the vamp, parallel to the vamp stitching.....	456,37	502,01
Golosh machining (whole goloshes).....	456,37	502,01
Fancy shoes on the held-together system, machined through (all classes).....	456,37	502,01
Fancy machining on the held-together system, including collars, cut-outs, overlays and fancy pattern stitching without markers	456,37	502,01
Running round on any operation on post-trimming machine, excluding Oxford and Derby pattern Derby-sides	456,37	502,01
Vamping shoes with quarters over vamps.....	456,37	502,01
Conveyor belt console operator feeding individual operators.....	456,37	502,01
(c) Operations other than those specified in (a) and (b) above, including attaching binding for French binding on flat or post machine and including handlacing of two upper components to form a seam, and including examining for quality.....	456,37	502,01
(d) All operations on children's work up to size 1½.....	434,26	477,69
All leather slippers (men's, women's and children's).....	434,26	477,69
All operations on box hide and willow hide (excluding goloshing, fancy work and miners' and/or miners' type)	434,26	477,69
(v) Eyeletting, riveting, perforating, skiving, folding and burnishing by machine or hand and pleating by machine.....	456,37	502,01
(vi) Bagging.....	431,47	474,62
Turning of binding.....	431,47	474,62
Button fastening.....	431,47	474,62
Buttonholding.....	431,47	474,62
Lacing.....	431,47	474,62
Handpunching.....	431,47	474,62
Portuguese seaming.....	431,47	474,62
Staying and taping.....	431,47	474,62
Seam rubbing.....	431,47	474,62
Seam hammering.....	431,47	474,62
Sewing on bows and buckles by hand or machine.....	431,47	474,62

	Column A Per week	Column B Per week
Silk screen printing.....	431,47	474,62
Table-hands.....	431,47	474,62
Loading other closing conveyors, but excluding a conveyor belt console operator (feeding individual operators).....	—	—
(D) ROUGH STUFF DEPARTMENT		
Class I Operations		
Qualified employees employed on:		
(i) Cutting sole from leather.....	690,87	759,96
Sorting, examining and fitting up ungraded and unstamped stock.....	690,87	759,96
Sorting and examining graded and stamped stock	690,87	759,96
(ii) Cutting insoles, stiffeners, throughs, runners and puffs from leather other than splits and cutting sole from material other than leather	607,81	668,59
Reducing shaped rubber roles on the press.....	607,81	668,59
<i>[Ratio: See subclause (P)]</i>		
Class II Operations		
Qualified employees employed on:		
(i) Channelling:		
Wetted insoles.....	499,93	549,92
Other work	499,93	549,92
(ii) Press cutting operations, other than those in Class I.....	514,04	565,44
(iii) Assembling from stock, whether or not sorted or graded.....	485,49	534,04
Attaching ribs to wetted insoles	485,49	534,04
Flap splitting.....	485,49	534,04
Gemming and taping.....	485,49	534,04
Heel breasting	485,49	534,04
Heel building	485,49	534,04
Heel compressing	485,49	534,04
Slugging	485,49	534,04
Sole and insole rounding	485,49	534,04
Sole grooving, sole roughening and reducing an automatic machine.....	485,49	534,04
Tip filling	485,49	534,04
<i>[Ratio: See subclause (P)]</i>		
Class III Operations		
Qualified employees employed on:		
Channel opening.....	431,47	474,62
Edge covering	431,47	474,62
Edge reducing.....	431,47	474,62
Automatic edge preparation machine operating for soles prior to attachment.....	431,47	474,62
Flexing	431,47	474,62
Insole feathering	431,47	474,62
Insole grooving.....	431,47	474,62
Insole slotting.....	431,47	474,62
Insole marking.....	431,47	474,62
Lift and/or rand tacking	431,47	474,62
Lip turning	431,47	474,62
Press room scouring operations	431,47	474,62
Shank assembling.....	431,47	474,62


	Column A Per week	Column B Per week
Shank moulding	431,47	474,62
Skiving	431,47	474,62
Size stamping	431,47	474,62
Sole, insole and stiffener moulding	431,47	474,62
Sole and insole splitting	431,47	474,62
Sole grading machine operating	431,47	474,62
Sole roughening for stuck-on work	431,47	474,62
Solutioning	431,47	474,62
Staining and/or inking of insoles	431,47	474,62
Stiffener waxing and crimping	431,47	474,62
Welt preparation	431,47	474,62
[Ratio: See subclause (P)]		

(E) MAKING DEPARTMENT
Class I Operations

Qualified employees employed on:

(i) Pulling over, Consol lasting and/or Littleway lasting:		
(a) Welted work, other than staple welted work	690,87	759,96
(b) Riveted and/or riveted and stitched work, excluding miners and miners' type and army boots	607,81	668,59
(c) Combined pulling over and forepart lasting	690,87	759,96
(d) All other grades	690,87	759,96
(ii) Bed lasting (toes only):		
(a) Welted work, other than staple welted work	690,87	759,96
(b) Other work	690,87	759,96
(iii) Lasting of seats and sides by machine:		
(a) Welted work, other than staple welted work	551,06	606,17
(b) Other work	551,06	606,17
<i>Note: If a lasting machine operator is required to last boots or toes through (i.e. seats and/or sides and toes), he shall be paid at the higher rate and no differential rates may be applied. If a pullover and/or Consol lasting machine operator is required on any one day to work on pulling over and lasting toes, seats and/or sides, he shall be paid at the highest rate and no differential rate shall be applied</i>		
(iv) Complete sole attaching by staple machine	495,36	544,90
Staple welt attaching	495,36	544,90
(v) Welt sewing	690,87	759,96
(vi) Rough rounding:		
(a) Welted work, other than staple welted work	690,87	759,96
(b) Stitchdowns	690,87	759,96
(c) Other work	690,87	759,96
(vii) Sole sewing by any machine	690,87	759,96
(viii) Sole stitching:		
(a) Welted work, other than staple welted work	690,87	759,96
(b) Stitching outer soles to runners on Indian sandals on a No. 6 harness stitching machine and stitching runners or throughs to uppers of the moccasin type of footwear	607,81	668,59
(c) Other work	690,87	759,96
(ix) (a) Stitchdown staple lasting	495,36	544,90
(b) Stitchdown thread lasting	495,36	544,90
(c) Stitchdown toe forming	495,36	544,90

	Column A Per week	Column B Per week
(d) Wiping platform covers by machine	495,36	544,90
(e) Lasting operations on a Kamborlan machine	495,36	544,90
(f) String-lasting by hand	495,36	544,90
(x) Pounding:		
(a) Welted work, other than stapel welted work	579,43	637,37
(b) Miners' and miners' type and army type boots (army type boots means the heavy type of boot involving the same strenuous pounding as contract as contract army boots)	635,03	698,53
(c) Other work	579,43	637,37
<i>Note No employee under the age of 18 may be employed on pounding</i>		
(xi) Examining	690,87	759,96
<i>Ratios—Class/Operations: Marketing Department</i>		
(a) For every three or part of three qualified employees employed in pulling over, machine and/or bed lasting (excluding seat and side lasting), welt and/or sole sewing stitching and rough rounding not more than one learner may be employed		
(b) For every three or part of three qualified employees employed on operations, other than those referred to in (a), one learner may be employed.		
(c) "Part of three" referred to in (a) and (b) means a remainder of not less than two after the total number of qualified employees has been divided by three.		
Class II Operations		
Qualified employees employed on:		
(i) Sole positioning on upper with pre-finished extended welt edge	528,61	581,47
(ii) Positioning of pre-trimmed soles prior to and/or with stuck-on press	514,04	565,44
(iii) Stuck-on process work:		
Sole positioning on upper and press, operating in one operation	485,49	534,04
Sole positioning on upper at forepart and seat before pressing	485,49	534,04
Press operating with the sole previously positioned (see Class III for tracking at seat only)	485,49	534,04
Stitching soles together by machine, other than the rapid stitcher, prior to being attached to footwear, but excluding miners' and miners' type footwear	485,46	534,04
Stitchdown assembling and pulling over stitchdown work	485,49	534,04
Cutting off excess upper, insole and through material on stitchdown footwear prior to sole attaching and/or rough rounding	485,49	534,04
Hobnailing by hand or machine	485,49	534,04
Putting on toe plates and heel tips by hand or machine	485,49	534,04
Heel attaching	485,49	534,04
Football boot studding and barring	485,49	534,04
Handlevelling, other than stitchdown	485,49	534,04
Inseam trimming	485,49	534,04
Jointing (clearing linings and tacking uppers down over joints)	485,49	534,04
Loose nailing or pegging foreparts and waists	485,49	534,04
Louis flap trimming by hand	485,49	534,04
Machine levelling	485,49	534,04
Screwing	485,49	534,04
Sole attaching machine-sewn, riveted and/or riveted and stitched work	485,49	534,04
Sole adhesive heat activating by machine	485,49	534,04
Stiffener cornering and tacking	485,49	534,04
Stitch separating	485,49	534,04
String nailing	485,49	534,04
Tacking forward of heel seats	485,49	534,04
Upper roughening	485,49	534,04
Waist reducing after being sewn	485,49	534,04
Wooden heel fitting	485,49	534,04
Welt butting and skiving	485,49	534,04

	Column A Per week	Column B Per week
Welt wheeling	485,49	534,04
Rand welting by machine	485,49	534,04
Slugging and gang slugging	485,49	534,04
Attaching rand welting or foxing, whether vertical or horizontal or a combination thereof, by hand or machine	485,49	534,04
Back part and waist pre-moulding	485,49	534,04
Back part moulding	485,49	534,04
(iv) Vulcanising process	485,49	534,04
Vulcanising soles to lasted uppers	485,49	534,04
Rand welting by machine	485,49	534,04
Moulding of sole units	485,49	534,04
Class III Operations		
Qualified employees employed on:		
Beating	431,47	474,62
Application by machine of hardening resins to puffs	431,47	474,62
Bottom filling	431,47	474,62
Channel closing and edge raising	431,47	474,62
Feeding nails to heeling machines	431,47	474,62
Hand levelling of stitchdowns	431,47	474,62
Heel covering	431,47	474,62
Inserting stiffeners and puffs	431,47	474,62
Louis heel flap clamping, Louis heel slicking	431,47	474,62
Louis heel flap trimming by machine	431,47	474,62
Reverse seat moulding for stitchdowns	431,47	474,62
Seat nailing and/or pegging	431,47	474,62
Seat rounding	431,47	474,62
Shank attaching	431,47	474,62
Sole tacking at seat for stuck-on process	431,47	474,62
Solution, damping and pasting	431,47	474,62
Sorting hobs	431,47	474,62
Sole laying welted work ad/or rubber soles	431,47	474,62
Sole tacking or sole fitting throughs and runners	431,47	474,62
Tack pulling	431,47	474,62
Tacking bottom stock to last	431,47	474,62
Tacking over backs before pulling over on closed back shoes, task being placed not further than 25 mm from middle of back of heel seat	431,47	474,62
		
Tucking over sandal backs where no stiffener is inserted	431,47	474,62
Tacking top pieces on stitchdowns and sandals	431,47	474,62
All other wire grip tacking	431,47	474,62

	Column A Per week	Column B Per week
Upper stapling after lasting sides	431,47	474,62
Upper trimming	431,47	474,62
Plastic pelletising and granulating		
<i>[Ratio: See subclause (p)]</i>		
HAND-LASTING OPERATIONS		
Qualified employees employed on:		
(i) Pulling over by hand and/or hand-lasting miners' or miners' type footwear	613,42	674,76
<i>Note: No quantum or supplementary wage shall be allowed for the hand-lasting of miners' and miners' type footwear</i>		
(ii) Other pulling over by hand and/or hand-lasting, including forced lasting and moccasins:		
Hand-lasting seats of stitchdowns	485,49	534,04
Hand-lasting in the manufacture of clogs	485,49	534,04
Bench work such as riveting, putting on soles and/or heels by hand, including rubber quartertip	485,49	534,04
Tacking leather straps to wooden soles	485,49	534,04
<i>[Ratio: For each qualified employer employed on operations specified in (i) and (ii), not more than one learner may be employed.]</i>		
(F) FINISHING DEPARTMENT		
Class I Operations		
Qualified employees employed on:		
(i) Edge trimming:		
(a) Riveted and/or riveted and stitched work, but excluding miners' and miners' type and army boots	607,81	668,59
Rubber and rubber composition soles	607,81	668,59
Children's footwear, all sizes up to and including size 1 1/2	607,81	668,59
All slippers (men's, women's and children's)	607,81	668,59
Stitchdown footwear produced from box hide and willow hide	607,81	668,59
(b) All other work	690,87	759,96
(ii) Edge setting:		
(a) Riveted and/or riveted and stitched work, but excluding miners' and miners' type army boots	495,36	544,90
Through runners	495,36	544,90
Waist and/or top pieces	495,36	544,90
Children's footwear, all sizes up to and including size 1 1/2	495,36	544,90
All slippers (men's, women's and children's)	495,36	544,90
Stitchdown footwear produced from box hide and willow hide	495,36	544,90
(b) Automatic edge-setting machine, all grades	495,36	544,90
(c) All other work	607,81	668,59
(iii) Heel trimming	495,36	544,90
(iv) Examining	690,87	759,86
<i>[Ratio: See subclause (P)]</i>		
Class II Operations		
Qualified employees employed on:		
Bitting by hand or machine	485,49	534,04
Bottom scouring	485,49	534,04
Heel scouring	485,49	534,04
Heel spraying	485,49	534,04

	Column A Per week	Column B Per week
Ploughing out.....	485,49	534,04
Complete finishing by hand.....	485,49	534,04
Top piece trimming.....	485,49	534,04
Bunk wheeling.....	485,49	534,04
Louis flap ironing.....	485,49	534,04
Rubbing down of edges and bottoms and repairing of defects in edges, heels, waists, corners of bottoms and feather of edge.....	485,49	534,04
Seat wheeling.....	485,49	534,04
Top ironing, i.e. marking edge of forepart or waist of sole by machine or by hand tool, whether before of after bottoms are faked and polished.....	485,49	534,04
Welt wheeling.....	485,49	534,04
Decorative feather stitching by hand after the sole is permanently attached to the upper.....	485,49	534,04
[Ration: See subclause (P)]		
Class III Operations		
Qualified employees employed on:		
Brushing, padding and/or burnishing.....	431,47	474,62
Crow wheeling.....	431,47	474,62
Finger scouring.....	431,47	474,62
Heel breast cornering.....	431,47	474,62
Inking, staining, waxing and damping.....	431,47	474,62
Inserting, slipping and putting away lasts.....	431,47	474,62
Ploughing (removing the scarf round under edge of sole).....	431,47	474,62
Rubbing of edges and bottoms.....	431,47	474,62
Spew and/or flash trimming.....	431,47	474,62
Conveyor belt loading.....	431,47	474,62
[Ration: See subclause (P)]		
(G) SHOE ROOM		
Qualified employees employed on:		
Faking.....	584,85	643,34
Examining.....	584,85	643,34
Patent repairing.....	431,47	474,62
Embossing and/or stamping.....	431,47	474,62
Boxing.....	431,47	474,62
Dressing and/or sizing.....	431,47	474,62
Dressing by spray-gun.....	431,47	474,62
Hand polishing and cleaning.....	431,47	474,62
Ironing.....	431,47	474,62
Labelling.....	431,47	474,62
Lining trimming.....	431,47	474,62
Size stamping on footwear.....	431,47	474,62
Socking.....	431,47	474,62
Stamping descriptions and sizes on labels.....	431,47	474,62
Quarter forming by machine.....	431,47	474,62
Smoothing insole before socking or boxing.....	431,47	474,62
(H) MILL-ROOM OPERATIONS		
Qualified employees employed on:		
(i) Group 2:		
Calendar operating.....	441,75	485,93
Batch mass-measuring and assembling of chemicals.....	441,75	485,93
Operating extruding machine.....	441,75	485,93
Operating and opening mixing mill with a width of not less than 1,52 m.....	441,75	485,93
Operating internal mixer.....	441,75	485,93
Slabbing sheet rubber to gauge (stretching compound).....	441,75	485,93

	Column A Per week	Column B Per week
Operating an open mixing mill with a width of less than 1,52 m but not less than 1,01 m	441,75	485,93
Warming compound on open mill	441,75	485,93
Hydraulic press operating	441,75	485,93
Operating splitting machine	441,75	485,93
(ii) Group 1:		
Issuing soles and heels	431,47	474,62
Press cutting blanks (clicking)	431,47	474,62
Attending autoclave	431,47	474,62
Assisting mass-measurer	431,47	474,62
Mould checking	431,47	474,62
Operating an open mixing mill with a width of less than 1,01 m	431,47	474,62
Masticating, sheeting out, cracking or breaking compound	431,47	474,62
Buffing or scouring machine operations	431,47	474,62
Feeding rubber into calendar (feeding stretchers)	431,47	474,62
Grinding scrap by machine	431,47	474,62
Mould cleaning	431,47	474,62
Trimming	431,47	474,62
Blank cutting and mass-measuring to fixed standards	431,47	474,62
Excluding into trays	431,47	474,62
Bale cutting	431,47	474,62
Sieving chemicals, buffings and grindings	431,47	474,62
Stencilling or making bales	431,47	474,62
Applying powder	431,47	474,62
Packing soles and heels	431,47	474,62
Granulating	431,47	474,62
Assisting calendar operator	431,47	474,62
Dipping machine operator	431,47	474,62

[Ratio: For every three qualified employees employed in this section, not more than one learner may be employed]

(I) HIGH FREQUENCY WELDING

Qualified employees employed on:

(i) High-frequency welding, embossing pre-cut uppers	453,43	498,77
(ii) High-frequency welding, embossing combined with cutting of uppers (cut welding)	719,24	791,16
(iii) High-frequency welding, embossing of socks and other components	431,47	474,62
(iv) High-frequency welding, combined with cutting of socks and other components	499,93	549,92

[Ratio: For every two qualified employees employed in this section, not more than one learner may be employed]

(J) FLOW MOULDING

Qualified employees employed on:

(i) Flow moulding pre-cut uppers	453,43	498,77
(ii) Flow moulding pre-cut socks	453,43	498,77
(iii) Flow moulding where eventual upper is presented in liquid form	453,43	498,77
(iv) Colour application to moulds prior to flow moulding	453,43	498,77
(v) Mould making of moulds for flow moulding out of silicone rubber or any other suitable materials	453,43	498,77

[Ratio: For every two qualified employees employed in this section, not more than one learner may be employed]

	Column A Per week	Column B Per week
(K) INJECTION MOULDING OR POURING OF ANY MATERIAL USED FOR SOLING AND UNIT CONVERGING		
Qualified employees employed on:		
Injection moulding units to lasted uppers or string-lasting uppers or sole units:		
(a) Where one employee is employed on an injection moulding machine.....	485,49	534,04
(b) Where two employees are employed on an injection moulding machine.....	485,49	534,04
(c) Every employee in excess of two employed on an injection moulding machine.....	341,47	474,62
<i>[Ratio: For every two qualified employees employed in this section, not more than one learner may be employed]</i>		
(L) STRINGLASTING OF LINED OR UNLINED FOOTWEAR BY HAND PULLING OR WITH THE ASSISTANCE OF ANY OTHER DEVICE		
Qualified employees employed on:		
(i) String-lasting of fabric uppers	485,49	534,04
(ii) String-lasting of synthetic uppers.....	485,49	534,04
<i>[Ratio: For every two qualified employees employed in this section, not more than one learner may be employed]</i>		
(M) WOODEN UNIT MANUFACTURING		
Operations not provided for in any other section in clause 1 of this Annexure:		
(a) Manufacture of covered or uncovered wooden heels (including the processing of laminated layered covers):		
Qualified employees employed on:		
(i) Machine setting to ensure the automatic or semi-automatic operation of any machine contained in this section.....	514,04	565,44
(ii) Cutting of blanks prior to laminating in the preparation of layered heel covers	514,04	565,44
(iii) Scouring, cementing, positioning and pressing of blanks prior to cutting or guillotining of layered heel covers.....	431,47	474,62
(iv) Cutting or guillotining of laminated blanks to produce heel covering material	514,04	565,44
(v) Cutting of heel covers to a pattern from layered heel covering material	514,04	565,44
(vi) (aa) Cross cutting of timber into lengths.....	431,47	474,62
(ab) Shaping of heels and heel-breasts using templates and/or jigs and/or guides	431,47	474,62
(ac) Cutting or scouring for pitching of heels, using templates and/or jigs and/or guides	431,47	474,62
(ad) Cupping of heels to fit heel seats.....	431,47	474,62
(vii) Cementing heels and heel covers	431,47	474,62
(viii) Spotting of heel covers to heels and pressing.....	431,47	474,62
(ix) Trimming of heel covers.....	431,47	474,62
(x) Top piece attaching	485,49	534,04
(b) Manufacture of wooden units inclusive and/or exclusive of heels:		
Qualified employees employed on:		
(i) Selecting and/or planning of raw timber	431,47	474,62
(ii) Measuring, marking and cutting timber into required lengths.....	431,47	474,62
(iii) Marking top and side elevation for profile cutting of unit	431,47	474,62
(iv) Cutting and shaping from wood of a combined unit forming a foot shaped base and cutting of fancy cut-outs on the base	485,49	534,04
(v) Cutting or routing of a margin partly or right round a wooden unit to countersink lasting margin	485,49	534,04
(vi) Cementing or solutioning and laminating of two or more pieces of wood to increase final substance	431,47	474,62
(vii) Positioning and pressing of pre-trimmed or untrimmed soles to wooden units.....	485,49	534,04

	Column A Per week	Column B Per week
(viii) Soling or cementing and attaching heel pieces to soles prior to attaching to wooden units, provided such pieces do not exceed the substance of the soles.....	431,47	474,62
(ix) Attaching top pieces to heels.....	485,49	534,04
(x) (aa) Scouring units by automatic machines prior to sole attaching.....	431,47	474,62
(ab) Scouring units by hand prior to or after sole attaching.....	485,49	534,04
(xi) Polishing of units using sandpaper and/or wax after varnishing, painting or spraying or between applications of these operations.....	431,47	474,62
(xii) Examining for quality.....	584,85	643,34
(xiii) Repairing of units.....	431,47	474,62
(xiv) Size stamping.....	431,47	474,62
(xv) Varnishing, painting, spraying or dipping of units.		
(xvi) Attaching of decorative studs and/or nails and/or rivets and/or tacks to units after lasting.....	431,47	474,62
(N) LEARNERS		
(i) Learners employed on the operations referred to in clause 4, according to experience:		
First six months.....	358,60	394,46
Second six months.....	398,43	438,27
Third six months.....	440,33	484,36
Fourth six months.....	473,53	520,88
Fifth six months.....	531,34	584,47
Thereafter, the prescribed rate.		
(ii) Learners in Class III in the Rough Stuff, Making and Finishing Departments, according to experience:		
First six months.....	269,02	295,92
Second six months.....	303,03	333,33
Third six months.....	338,61	372,47
Thereafter, the prescribed rate.		
(iii) Learners employed on the operations referred to in subclause (H), according to experience:		
First six months.....	269,02	295,92
Second six months.....	303,03	333,33
Thereafter, the prescribed rate.		
(iv) Other learners, according to experience:		
First six months.....	269,02	295,92
Second six months.....	303,03	333,33
Third six months.....	338,61	372,47
Fourth six months.....	378,35	416,19
Thereafter, the prescribed rate.		
Provided that—		
(i) an adult employee who has had less than 12 months' experience shall nevertheless be deemed to have had 12 months experience;		
(ii) a learner who, during the currency of this Agreement, is engaged at a higher rate than that prescribed for one of his experience, shall be paid increments as though he has been, by experience, entitled to be paid at the rate on which he is engaged;		
(iii) learners in the Closing Department or Shoe Room shall—		
(aa) after the third six months of experience become entitled to a wage of R431,47 per week if employed on operations for which this rate is prescribed;		
(ab) after the fourth six months of experience become entitled to a wage of R36,64 or R503,18 or R532,01 per week if employed on operations for which these rates are prescribed;		
(iv) learners in the Clicking Department employed on size stamping and/or planing and/or applying acme backing shall after the third six months experience, become entitled to a wage of R431,47.		

	Column A Per week	Column B Per week
Recruitment of any learner for an operation in Class I or Class II shall be by promotion from the class next below at a wage of not less than that which the employee was receiving on the date of promotion:		
Provident that if no employee is available or if an available employee is unfit for promotion, an employee may be introduced from another class of operations or a new learner may be engaged for the operation concerned.		
(O) GENERAL WORKERS		
General workers.....	431,47	474,52

(P) RATIOS**(i) Class I Operations in the Rough Stuff and Finishing Departments:**

For every three or part of three qualified employees employed on Class I operations collectively in the Rough Stuff and Finishing Departments not more than one learner may be employed "Part of three" means a remainder of not less than two after the number of qualified employees has been divided by three.

(ii) Class II Operations in the Rough Stuff and Finishing Departments

On these operations all taken collectively not more than one learner may be employed for three or part of three qualified employees.

"Part of three" means a remainder of not less than two after the number of qualified employees has been divided by three.

(iii) Class III Operations in the Rough Stuff and Finishing Departments:

On these operations all taken collectively not more than two learners may be employed for each qualified employee.

(Q) MILK

All employees in the mill room and on press cutting operations shall be supplied with half a litre of milk per day.

WAGES: FOOTWEAR AS SPECIFIED BELOW

(For applicable definitions, see subclause (5) hereunder)

Group 1: Footwear designed for active participation in sport made with an upper of canvas fabric in conjunction if necessary with edging, moulding, guards or toecaps manufactured only from rubber, all of one colour, the binding of which shall be no greater than the binding depicted in the line drawings in illustration 1 (a) and (b) and substantially similar in colour to the canvas uppers:

Provided that where there is a difference in depth between the shade of the uppers and that of a binding it shall not exceed the difference represented by Grade 3 of the Grey Scale for assessing Change in Colour (Society of Dyers and Colourists Standard methods, Third Edition, page 10, British Standards BS 2662: 1961 International Standards Organisation R105/Part 2):

Provided further that—

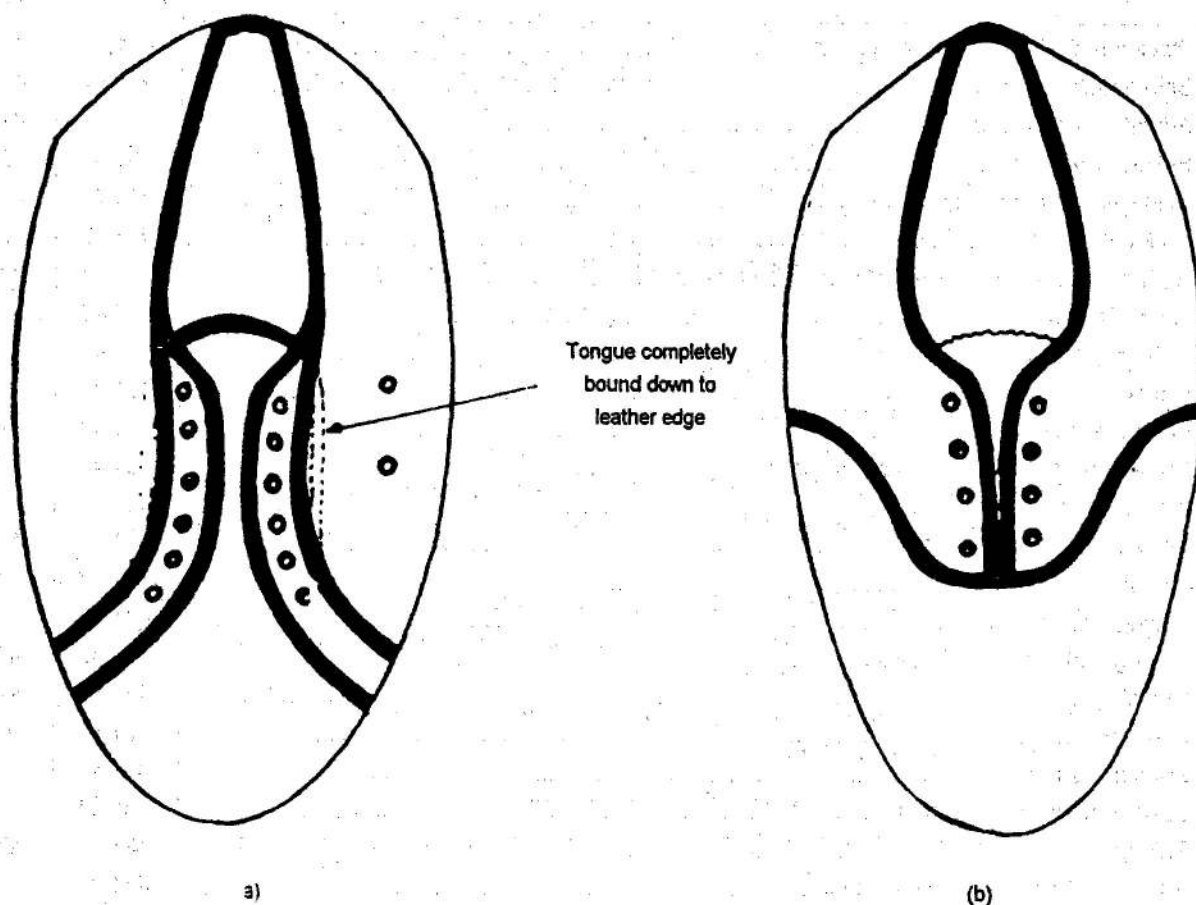
- (i) the sole shall be of rubber which is either vulcanised in an autoclave or is directly moulded;
- (ii) the footwear as defined may be retained on the foot by means of lacing up through metal or non-metal eyelets located on the top of the upper generally as depicted in illustration 1 (a) and (b);
- (iii) where studs and/or bars are provided, these shall not protrude more than six millimetres from the soles;
- (iv) where a heel is provided, it shall not protrude more than six millimetres, measured from the surface of the sole at the waist;
- (v) the said bindings shall be made of canvas fabric but its mass may be less than 400 grammes per square metre.

Group 2: Rubber footwear, either unlined or lined with fabrics.

Group 3: Wholly moulded footwear

Group 4: Canvas fabric sandals

ILLUSTRATION 1



	Column A Per week	Column B Per week
(1) WAGES		
A. LACE-UP RUBBER BOOTS		
Qualified employees employed on:		
(i) Marking and/or cutting of textile fabrics	641,08	705,19
(ii) Cutting of rubber uppers	499,93	549,92
(iii) Cutting of fabric impregnated with rubber	499,93	549,92
(iv) Closing Departments:		
(a) Upper closing	456,37	502,01
(b) Lining closing	456,37	502,01
(c) Eyeletting	456,37	502,01
(d) Buffing tongues	431,47	474,62
(e) Inserting tongues	431,47	474,62
(f) Securing tongues	431,47	474,62
(g) Table-hands	431,47	471,62
(v) All sole cutting operations, whether by hand or press	613,42	674,76
(vi) All other press cutting operations (bottom stock only)	431,47	474,62
(vii) Hand-lasting (means the pulling over of the prepared upper over the last and securing it to the insole)	485,49	534,04
(viii) Insole attaching	431,47	474,62

	Column A Per week	Column B Per week
(ix) Placing material around the last	431,47	474,62
(x) Sole attaching	431,47	474,62
(xi) Attending an autoclave	431,47	474,62
(xii) Solutioning by hand	431,47	474,62
(xiii) Solutioning by machine	431,47	474,62
(xiv) (a) Moulding of soles, heels and/or soles and heel units	431,47	474,62
(b) Moulding of boots other than in an autoclave	431,47	474,62
(xv) Hobnailing	485,49	534,04
(xvi) Sole roughing	431,47	474,62
(xvii) Upper roughing	431,47	474,62
(xviii) Edge trimming	431,47	474,62
(xix) Spew and/or flash trimming on moulded boots	431,47	474,62
(xx) Inserting laces	431,47	474,62
(xxi) Slipping and sorting lasts	431,47	474,62
(xxii) Trimming linings	431,47	474,62
(xxiii) Rolling uppers	431,47	474,62
(xxiv) Cutting and/or inserting stays	431,47	474,62
(xxv) Dressing	431,47	474,62
(xxvi) Cleaning	431,47	474,62
(xxvii) Stamping sizes on linings	431,47	474,62
(xxviii) Loading trolley for autoclave	431,47	474,62
(xxix) Pairing	431,47	474,62
(xxx) Attaching throughs or insole-covers	431,47	474,62
(xxxi) Operations not specified in (i) to (xxx) above	431,47	474,62
(xxxii) General workers	431,47	474,62

B. OTHER FOOTWEAR IN THIS SECTION

Qualified employees employed on:

(i) Upper Cutting Department:

Group 1:

Marking and/or cutting (for canvas or fabric)	641,07	705,19
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Group 2:

Assisting clicker	431,47	474,62
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Marking and/or cutting gumboots (from rubber and/or canvas impregnated with rubber)	431,47	474,62
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Gum boots	431,47	474,62
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Size marking	431,47	474,62
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(ii) Closing Department:

Group 3:

Attaching stays	431,47	474,62
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Size stamping on linings	431,47	474,62
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Tread trimming	431,47	474,62
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All other closing room operations, including eyeletting, performing and skiving	456,37	502,01
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(iii) Bottom Stock Department:

Group 4:

Sole cutting from rubber by press or by hand	613,42	674,76
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Group 5:

Cutting or extruding blanks for the moulding of soles and/or heels	431,47	474,62
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Group 6:

All other press cutting operations	431,47	474,62
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	Column A Per week	Column B Per week
(iv) Making Department:		
Group 7:		
Applying insole filler	431,47	474,62
Size stamping insole	431,47	474,62
Hand-lasting, rubber sole attaching by hand	431,47	474,62
Vulcanising soles to uppers	431,47	474,62
Solutioning by hand or machine	431,47	474,62
Assembling	431,47	474,62
Direct moulding or sole to canvas uppers	453,43	498,77
Injection moulding of units to lasted uppers or string lasted uppers or of sole units:		
(a) Where one employee is employed on an injection moulding machine	485,49	534,04
(b) Where two employees are employed on an injection moulding machine	485,49	534,04
(c) Where more than two employees are employed on an injection moulding machine	485,49	534,04
String-lasting	453,43	498,77
Lasting operations on a Kamborian machine	499,93	549,92
Lasting seats or sides by machine	556,17	611,79
Combined pulling over and forepart lasting	697,26	766,99
(v) Group 8:		
Hobnailing by hand or machine	485,49	534,04
(vi) Group 9:		
Attaching back strip	431,47	474,62
Attaching foxing	431,47	474,62
Attaching insole	431,47	474,62
Attaching lining to upper	431,47	474,62
Cementing	431,47	474,62
Cleaning soles	431,47	474,62
Cutting foxing	431,47	474,62
Feeding conveyer	431,47	474,62
Granulating	431,47	474,62
Inserting the puffs	431,47	474,62
Rolling uppers	431,47	474,62
Slipping lasts	431,47	474,62
Sole rolling	431,47	474,62
Supplying lasts	431,47	474,62
Trimming uppers	431,47	474,62
Mass-measuring pellets for direct moulding	431,47	474,62
Wheeling	431,47	474,62
Checking and repairing	431,47	474,62
Edge scouring	431,47	474,62
Silk screen printing	431,47	474,62
(vii) Any operations not specified in (i) to (vi) above	431,47	474,62
(viii) General workers	431,47	474,62
(2) LEARNERS EMPLOYED ON OPERATIONS REFERRED TO IN SUBCLAUSE (1) A AND B (EXCLUDING GENERAL WORKERS)		
According to experience:		
First six months	268,92	295,81
Second six months	303,03	333,33

	Column A Per week	Column B Per week
Thereafter, the prescribed rate: Provided that an adult employee who has had less than 12 months' experience shall nevertheless be deemed to have had 12 months' experience.		
(3) RATIOS		
(a) Before a learner may be employed on any of the operations referred to in subclause (1) A, one qualified employee shall be employed and for every one qualified employee so employed, not more than two learners may be employed.		
(b) Before a learner may be employed in any of the nine groups of operations referred to in subclause (1) B, one qualified employee shall be employed in that group, and for every one qualified employee so employed, not more than two learners may be employed.		
(4) DIFFERENTIAL WORKING		
A qualified employee who is employed in any one week on two or more operations specified in this section of this Annexure shall be paid the wages which he would earn if employed for the whole time worked during that week solely on the higher or highest rated of those operations.		
(5) DEFINITIONS		
For the purposes of this clause—		
“ Rubber ” includes natural and synthetic rubber and any thermoplastic organic substance or compound thereof;		
“ canvas fabric ” means a fabric woven from yarns made from cotton and/or man-made fibres which in appearance is similar to cotton fabric and which fabric, whether bonded or not, is not more than 1,36 millimetres at 1 kilopascals or 1,32 millimetres at 5 kilopascals and its mass shall be not less than 400 grams per square metre, the characteristics of which are strength and firmness;		
“ one colour ” is an entirely natural or bleached colour of one solid shade or tone.		
CLAUSE 3: SLIPPERS, THE UPPERS OF WHICH ARE MADE OF MATERIAL OTHER THAN LEATHER		
(1) WAGES		
Qualified employees employed on:		
A. Upper Cutting Department:		
(i) Upper cutting	640,85	704,94
(ii) Stock cutting and/or lining cutting	499,93	549,92
(iii) Upper assembling	499,93	549,92
(iv) Marking and/or stamping	431,47	474,62
B. Machining Department:		
(i) Machining toe caps, collars, seams, binding, tongues, socks and pads, buttonholing, buttoning	434,26	477,69
(ii) Machining of uppers, socks, pads and soft soles together	456,37	502,01
(iii) Machining elastic bound edges of uppers to soft soles	456,37	502,01
C. Rough Stuff Department:		
(i) Sole cutting from leather	697,26	766,99
(ii) Sole cutting from other than leather	613,42	674,76
(iii) Insole cutting and lift and top-piece cutting	613,42	674,76
(iv) Stamping	431,47	474,62
(v) Heel covering	431,47	474,62
D. Making Department:		
(i) Slipper turn sewing	529,68	582,65
(ii) Steaming and blocking into shape:		
(a) Felt work	485,49	534,04
(b) Leather work, fabric Cubans	485,49	534,04

	Column A Per week	Column B Per week
(iii) Stuck-on process:		
(a) Hand-lasting	485,49	534,04
Sole roughening	485,49	534,04
Sole positioning on upper and press operating in one operation	485,49	534,04
Sole positioning on upper and forepart seat before pressing	485,49	534,04
Press operating with sole previously positioned	485,49	534,04
(b) Solutioning operation	431,47	474,62
(c) Sole and inside tacking	431,47	474,62
(iv) Vulcanising soles to lasted uppers	485,49	534,04
(v) Slugging	431,47	474,62
(vi) Channelling	431,47	474,62
Hand-levelling	431,47	474,62
Heel attaching	431,47	474,62
Tacking backs	431,47	474,62
(vii) Slipper turning	431,47	474,62
(viii) Fetching and putting away lasts	431,47	474,62
(ix) Inserting heel pads	431,47	474,62
(x) Conveyor operating	431,47	474,62
(xi) Direct injection moulding or pouring of any materials used for soiling and unit converting: Direct injection moulding of units to lasted uppers or string-lasting uppers or uppers with stitched-in socks:		
(a) Where one employee is employed on an injection moulding machine	485,49	534,04
(b) Where two employees are employed on an injection moulding machine	485,49	534,04
(c) Where more than two employees are employed on an injection moulding machine	485,49	534,04
E. Finishing Department:		
Edge trimming	613,42	674,76
Edge setting	500,49	550,54
Heel trimming	431,47	474,62
Scouring operations	431,47	474,62
Inking, staining and brushing	431,47	474,62
Slipping uppers	431,47	474,62
F. Shoe Room Department:		
Examining:		
All other Shoe Room operations	431,47	474,62
(2) LEARNERS		
According to experience:		
First six months	268,92	295,81
Second six months	302,99	333,29
Third six months	338,61	372,47
Fourth six months	378,36	416,20
Fifth six months	428,28	471,11
Provided that a learner shall not be entitled to a wage higher than that prescribed for a qualified employee employed on the operation on which such learner is engaged:		
Provided further that learners on operations for which a wage rate of R385,73 is prescribed shall, after the third six months of experience, become entitled to this wage rate:		
Provided further that an adult employee who has had less than 12 months' experience shall nevertheless be deemed to have had 12 months' experience.		

	Column A Per week	Column B Per week
(3) GENERAL WORKERS		
General workers.....	431,47	474,62
(4) RATIO		
For every one qualified employee engaged on the operations specified in subclause (1) hereof not more than two learners may be employed at the wages in accordance with the scale laid down for learners under subclause (2) hereof: Provided that one employee in receipt of the wage prescribed for a qualified employee shall be employed in each department before a learner may be employed.		
(5) DIFFERENTIAL WORKING		
A qualified employee who is employed in any one week on two or more operations specified in this section of this Annexure shall be paid the wage which he would earn if employed for the whole time worked during that week solely on the higher or highest rated of those operations.		
CLAUSE 4: 'PLATNATE' AND 'DOPPERS'		
NOTE: 'Platnate' and 'doppers' mean footwear wholly or mainly stitched by hand with riempies or pitch thread.		
Qualified employees employed on:		
(i) Clicking.....	484,74	533,21
(ii) Machining by power.....	434,26	477,69
Machining other than by power.....	434,26	477,69
Other Closing Department operations.....	434,26	477,69
(iii) Sole cutting by power.....	573,56	630,92
Sole cutting other than by power.....	431,47	474,62
(iv) Pulling over by hand and/or hand-lasting.....	431,47	474,62
Stitching by hand.....	431,47	474,62
(v) Edge trimming by power.....	489,23	538,15
Edge trimming other than by power.....	431,47	474,62
(vi) Paring and/or size marking.....	431,47	474,62
(vii) Any operation other than those specified in (i) to (vi) hereof.....	431,47	474,62
(2) LEARNERS		
According to experience:		
First six months.....	268,92	295,81
Second six months.....	302,99	333,29
Provided that a learner shall not be entitled to a wage higher than that prescribed for a qualified employee employed on the operation on which such learner is engaged:		
Provided further that an adult employee who has had less than 12 months' experience shall nevertheless be deemed to have had 12 months' experience.		
(3) GENERAL WORKERS		
General workers.....	431,47	474,62
(4) RATIO		
For every three employees receiving not less than R385,73 per week not more than one employee may be employed at a wage of less than R385,73 per week.		

(5) DIFFERENTIAL WORKING

A qualified employee who is employed in any one week on two or more operations specified in this section of this Annexure shall be paid the wage which he would earn if employed for the whole time during that week solely on the higher or highest rated of those operations.

C. Substitute clause 14 for the following:**14. EXEMPTIONS**

1. Any party falling within the Council's registered scope may apply to the Bargaining Council for exemption from any or all the provisions of this Agreement.
2. All applications for exemption from any of the provisions of this Agreement must be in writing on an application form as provided by the Council, and lodged with the Local Office of the Council for consideration by the District Committee of the area concerned.
3. The District Committee shall hear and decide applications for exemption in a manner it considers appropriate to determine the application fairly and quickly, which may be limited to a consideration of written motivation, or may include the hearing of evidence and arguments.
4. **Exemption Criteria:** The District Committee, when considering an application, must take into account the following criteria (the order not indicating any form of priority):
 - (a) any written and/or verbal substantiation provided by the applicant;
 - (b) fairness to the employer, its employees and other employers and the employees in the industry;
 - (c) whether an exemption, if granted, would undermine this Agreement or the collective bargaining process;
 - (d) whether it will make a material difference to the viability of a new business, or a business previously outside the jurisdiction of the Council;
 - (e) unexpected economic hardship occurring during the currency of the Agreement and job creation and/or loss thereof;
 - (f) the infringement of basic conditions of employment rights;
 - (g) the fact that a competitive advantage might be created by the exemption;
 - (h) comparable benefits or provisions where applicable;
 - (i) the applicant's compliance with other statutory requirements such as the Occupational Injuries and Diseases Act or Unemployment Insurance; or
 - (j) any other factor which is considered appropriate.
5. The District Committee, on approving an application, must within 14 days advise the applicant of such decision, and issue a Licence of Exemption setting out the following:
 - (i) the full name of the person or enterprise concerned;
 - (ii) the provisions of this Agreement from which the exemption has been granted;
 - (iii) the conditions subject to which exemption is granted;
 - (iv) the period of the exemption;
 - (v) the date from which the exemption shall operate.
6. The District Committee may, on good cause shown, give the holder of a licence of exemption one week's notice of withdrawal of the exemption granted.
7. The District Committee, on not approving an exemption or part of an exemption, must advise the applicant(s) within fourteen (14) days of the date of such decision, providing the reason or reasons for not granting an exemption.
8. **Appeals:**

An independent body entitled the "Independent Appeal Body", will be appointed in accordance with the provisions of section 32 (3) (e) and (f) of the Act to hear and decide any appeal brought by a non-party against—

 - (a) The District Committee's refusal of an application for exemption from the provisions contained in this agreement;
 - or
 - (b) the withdrawal of an exemption by the District Committee.
9. The Council or District Secretary shall, on receipt of a written application for an appeal, forward the application, together with the original application for exemption and all supporting documents, to the Independent Appeal Body for a decision.
10. The Independent Appeal Body shall hear and decide appeals in a manner it considers appropriate to determine the application fairly and quickly, which may be limited to a consideration of written motivation, or may include the hearing of evidence and arguments.
11. The Independent Appeal Body must consider all applications with reference to the criteria in subclause (4).

12. The Independent Appeal Body shall advise the Council and the applicant(s) of their decision within fourteen (14) days, providing full reasons for the decision. Should the Independent Appeal Body reverse the decision of the District Committee, the Council must issue the applicant with a licence of exemption in accordance with subclause (5).

Signed by the parties at Durban on this the 7th day of June 2001.

D. J. F. LINDE

Member of the Council

M. PAULSEN

Member of the Council

W. VAN DE RHEEDE

Member of the Council

L. M. VAN LOGGERENBERG

General Secretary of the Council

No. R. 1230

30 November 2001

LABOUR RELATIONS ACT, 1995

LEATHER INDUSTRY OF SOUTH AFRICA: EXTENSION OF COLLECTIVE AGREEMENT FOR THE TANNING SECTION 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 Agreement which appears in the Schedule hereto, which was concluded in the National Bargaining Council of the Leather Industry of South Africa 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 3 December 2001, and for the period ending 30 June 2002.

M. M. S. MDLADLANA

Minister of Labour

No. R. 1230

30 November 2001

UMTHETHO WEZEMBISEBENZI, KA 1995

IMBONY YEZIKHUMBA YASENINGIZIMU AFRIKA: UKWELULWA KWESIVUMELWANO SIKAWONKEWONKE SINEZELELA KWINGXENYE YEZINTO ZESIGABA ESISHUKA ISIKHUMBA KULABO ABENGWONA AMALUNGU

Mina, Membathisi Mphumzi Shepherd Mdladlana, uNgqongqoshe wezemiSebenzi, ngokwesigaba 32 (2) soMthetho wobuDlelwano kwezemiSebenzi, ka 1995 (Labour Relations Act 1995), ngiyamemezela ukuthi iSivumelwano sikaWonkewonke esinezelelwa kwiSheduli yeSingisi exhunyiwe lapha, esahlangiswa emkhandlwini kaZwelonke wokuXoxisana ngamaHolo eziMbonini zesiKhumba eNingizimu Afrika, (National Bargaining Council of the Leather Industry of South Africa) futhi esiyisibopho ngokwesigaba 31 soMthetho wobuDlelwano kwezemiSebenzi, ka 1995 (Labour Relations Act, 1995), kulawo maqembu ahlanganisa isinezelelo sesivumelwano leso, siyababopha nabanye abaqashi nabaqashwa kulowo mkhakha wezimboni, kusukela ngomhlaka 3 Disemba 2001 nangesikhathi sonke esiyophela mhla ziwu 30 June 2002.

M. M. S. MDLADLANA

UNgqongqoshe wezemiSebenzi

Gaphela: Amakhophi alesi sivumelwano esiZulu ayatholakala eMkhandlwini kaZwelonke wokuXoxisana ngamaHolo eziMbonini zesiKhumba eNingizimu Afrika.

SCHEDULE

NATIONAL BARGAINING COUNCIL OF THE LEATHER INDUSTRY OF SOUTH AFRICA

COLLECTIVE AGREEMENT: TANNING SECTION

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

South African Tanning Employers' Organisation (SATEO)

(hereinafter referred to as the "employers" or the "employers' organisation")

and the

**Southern African Clothing and Textile Workers' Union
National Union of Leather and Allied Workers (N.U.L.A.W.)**

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

being parties to the National Bargaining Council of the Leather Industry of South Africa, to amend the Agreement published under Government Notice No. R. 823 of 7 September 2001.

1. SCOPE OF APPLICATION OF AGREEMENT

- (1) The terms of this Agreement shall be observed in the Tanning Section of the Leather Industry—
 - (a) in the Republic of South Africa, which includes the former Republic of Transkei, the former Republic of Bophuthatswana, the former Republic of Venda and the former Republic of Ciskei, as well as the former self-governing territories of KwaZulu, Qwa-Qwa, Lebowa, Gazankulu, KaNgwana and KwaNdebele;
 - (b) by all employers who are members of the employers' organisation, and by all employees who are members of the trade unions and who are engaged or employed in the said section of the Industry.
- (2) The terms of this Agreement shall apply only to employees for whom hourly wage rates are prescribed in this Agreement, and to the employers of such employees.
- (3) The terms of this Agreement shall not apply to non-parties in respect of clauses 1 (1) (a), 2 and 6.

2. DATE AND PERIOD OF OPERATION

This Agreement shall come into operation on such date as the Minister of Labour extends the Agreement to non-parties, and shall remain in force for the period ending 30 June 2002.

3. CLAUSE 5: HOURS OF WORK

Substitute the following for clause 5.3 (6): Rest Intervals:

"(6) The following rest periods shall be allowed to each employee, and shall be reckoned as time worked:

- (a) Mondays to Saturdays—a period of not less than 10 minutes in the morning: Provided that one hour has been worked.
- (b) Mondays to Fridays—a period of not less than ten minutes in the afternoon: Provided that one hour has been worked after the lunch interval: Provided further that, in the event of the employer, and not less than 75% of his employees agreeing not to observe one or both of the rest intervals, such rest interval or intervals may be dispensed with after a statement of such agreement has been lodged with the District Committee for the area concerned, and in that event, the ordinary hours of work for each day shall be reduced pro rata: Provided further that the time not taken as rest intervals shall nevertheless be deemed to be part of the ordinary hours of work, and be paid for as if such rest intervals had been observed.
- (c) The provisions of this clause shall not apply to employees engaged on shift work in terms of clause 5.4."

4. CLAUSE 6: LEAVE

- (1) Substitute the following for clause 6.1 (1) and (2):

- "(1) (a) An employer shall give all his employees annual leave of not less than fifteen (15) working days in the months of December and January, or
- (b) an employer may, in line with operational requirements, and in consultation with the affected employees, determine the scheduling of annual leave at workplace level, and
- (c) employees who, on 1 July 1998, have had fifteen (15) or twenty (20) years' continuous service with the same employer, shall be entitled to an additional one (1) or two (2) days' leave in addition to the fifteen (15) days' prescribed annual leave.

- (2) A notice, in writing, giving the provisional leave date, shall be placed in the workplace at least thirty (30) days in advance of such date. A further notice shall be placed in the workplace, advising of the closing and re-starting dates fourteen (14) days in advance of the leave dates."

- (2) In subclause 6.4 (2), substitute the expression "three days" for the expression "two days".

- (3) Substitute the following for clause 6.5 (2):

- "(2) During every sick leave cycle, an employee's entitlement to paid sick leave shall be limited to ten (10) days per annum. This limitation shall not apply to employees whose incapacitation requires hospitalisation for a period exceeding ten (10) days. In such event, the provisions of the Basic Conditions of Employment Act, 1997 shall apply."

5. CLAUSE 7: REMUNERATION

- (1) Substitute the following for clause 7.1 (1):

- "1. An employer shall pay an employee at least the wages prescribed in terms of this clause for the operation performed by the employee.

WAGE AND WAGE RATES

	Rate per hour
A. The following wage rates shall be paid to qualified employees in the lime/tan yard, shaving, splitting, dyeing, drying and finishing sections:	
Band A1 employees engaged in:	
Splitting.....	16,81
Rounding	13,47
Band A2 employees engaged in:	
Shaving.....	14,41
Band B employees engaged in:	
Hand spraying	13,41
Colour matching, glazing, hand tipping and polishing.....	12,58
Band C employees engaged in:	
Assisting splitter, brushing, buffing, colour mixing, curtain-coating, fleshing (hand or machine), hydraulic press, measuring, pasting, padding, roller coating, rotor press, rotor spraying, sammying, setting, sole rolling, staking and vacuum drying	12,51
Hide stamping	11,71
Lime/tan drum operating and trimming after shaving	11,58
Band D employees engaged in:	
Flesh trimming and togling and general workers employed on operations as defined in the definition of general worker	11,53
Learners employed on operations specified in Bands A1, A2, B and C shall be paid on the following basis:	
First six months of experience	80% of prescribed wage
Second six months of experience	90% of prescribed wage
B. The following wage rates shall be paid to qualified employees engaged in Wool skin processing and on operations not elsewhere specified:	
Combing, Band C	11,85
Ironing, Band C.....	11,85
Shearing, Band C	11,85
Carding, Band C	11,85
Cutting to patterns, Band C	11,66
Stitching by machine, Band C	12,07
C. The following wage rates shall be paid to qualified employees in the component cutting section:	
Band A1 employees engaged in:	
Pattern place/cutter 1	14,49
Band A2 employees engaged in:	
Hand cutting.....	13,47
Band B employees engaged in:	
Pattern place/cutter 2	13,41
Band C employees engaged in:	
Stamping (piece marking).....	11,71
Band D employees	
General workers employed on operations as defined in the definition of general worker	11,53
Learners employed on operations specified in Band A1, A2, B and C shall be paid on the following basis:	
First six months experience	80% of prescribed wage

	Rate per hour
Second six months of experience.....	90% of prescribed wage
The following wage rates shall be paid to employees other than those referred to in A, B, and C:	
D. Drivers:	
Motor Vehicle Delivery Driver, Band A2 (Code 10 licence or higher).....	13,28
Motor Vehicle General Driver, Band B (Code 9 licence or lower)	12,42
Forklift Driver, Band C.....	12,51
E. Boiler Attendant, Band C.....	11,71
F. Night Watchman.....	8,65
G. Day Watchman.....	11,66
H. Storeman and/or Warehouseman, Band B.....	12,13
Store Assistant and/or Warehouseman Assistant, Band C.....	11,71
I. Despatch Clerk, Band B.....	12,13
J. Handyman, Band B.....	11,92

(2) Substitute the following for clause 7.3 (1):

"(1) An employer shall pay every employee who has completed twelve (12) consecutive months' employment, a holiday bonus equal to ten (10) days pay. In the event of an employee not utilising his/her sick leave entitled in terms of clause 6.52 (2), he/she shall qualify for one (1) day's additional bonus for every three (3) days not utilised.

6. CLAUSE 8: ORGANISATIONAL RIGHTS

Substitute the following for clause 8.2 (4):

"(4) Shop stewards elected in terms of subclause (1) shall be entitled to eight (8) days' paid leave per year for the purpose of attending training courses or Council meetings."

Signed by the parties at Port Elizabeth on this 12th day of June 2001.

J. P. HENRY (Member of the Council)

W. VAN DER RHEEDE (Member of the Council)

A. BENJAMIN (Member of the Council)

L. M. VAN LOGGERENBERG (General Secretary of the Council)

No. R. 1242

30 November 2001

LABOUR RELATIONS ACT, 1995

METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL: AMENDMENT AND EXTENSION OF LIFT ENGINEERING COLLECTIVE 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 Agreement which appears in the Schedule hereto, which was concluded in the Metal and Engineering Industries Bargaining Council 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 3 December 2001, and for the period of ending 30 June 2003.

M. M. S. MDLADLANA

Minister of Labour

No. R. 1242

30 November 2001

WET OP ARBEIDSVERHOUDINGE, 1995

METAAL- EN INGENIEURSNIJWERHEDE BEDINGINGSRAAD: UITBREIDING VAN HYSBAKINGENIEURS 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 Ooreenkoms wat in die Bylae hiervan verskyn en wat in die Metaal- en

Ingenieursnywerhede Bedingingsraad aangegaan is en kragtens artikel 31 van die Wet op Arbeidsverhoudinge, 1995, bindend is op die partye wat die Ooreenkoms aangegaan het, bindend is vir die ander werkgewers en werknemers in daardie Nywerheid, met ingang van 3 Desember 2001, en vir die tydperk wat op 30 Junie 2003 eindig.

M. M. S. MDLADLANA

Minister van Arbeid

SCHEDULE

METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL

LIFT ENGINEERING COLLECTIVE AMENDING AGREEMENT

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

Lift Engineering Association of South Africa

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

National Employees' Trade Union

and the

South African Electrical Workers' Association

(hereinafter referred to as the "employees" or the "trade unions"), of the other part, being the parties to the Metal and Engineering Industries Bargaining Council, to amend the agreement published under Government Notice No. R. 405 of 31 March 1998, as renewed, amended and re-enacted by Government Notices Nos. R. 160 and R. 161 of 12 February 1999, R. 1314 of 12 November 1999 and R. 1125 of 17 November 2000.

1. SCOPE OF APPLICATION OF AGREEMENT

(1) The terms of this Agreement shall be observed—

(a) in the Iron, Steel, Engineering and Metallurgical Industry throughout the Republic of South Africa;

(b) by all employers who are members of the employers' organisation and by all employees who are members of the trade unions, in respect of the maintenance and/or assembly and/or installation and/or repair of electrical and hydraulic lifts, escalators, moving walkways and goods lifts.

(2) The provisions of clauses 1 (1) (b), 2 and 3 of this Agreement shall not apply to employers and employees who are not members of the employers' organisation and trade unions, respectively.

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 30 June 2003.

3. SPECIAL PROVISIONS

The provisions contained in clause 28 of the Agreement published under Government Notice No. R. 405 of 31 March 1998, as renewed, amended and re-enacted by Government Notices Nos. R. 160 and R. 161 of 12 February 1999, R. 1314 of 12 November 1999 and R. 1125 of 17 November 2000 (hereinafter referred to as the "Former Agreement") shall apply to employers and employees.

4. GENERAL PROVISIONS

The provisions contained in clauses 3 to 27 and 29 to 40 and Annexure A of the Former Agreement shall apply to employers and employees.

4. CLAUSE 6: STANDBY DUTIES AND CALL-OUTS

Substitute the following for subclauses (1) (d), (e) and (f):

"(d) An employee who is required to be on standby on Monday to Friday shall receive a standby allowance of R17,10 per day, excluding Saturdays, Sundays and public holidays.

(e) An employee who is required to be on standby on a Saturday shall receive a standby allowance of R25,69 per day.

(f) An employee who is required to be on standby on a Sunday or Public holiday shall receive a standby allowance of R34,25 per day."

6. CLAUSE 9: TOOL INSURANCE

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

"(1) Every employer shall inaugurate a scheme to ensure that the personal tools and/or equipment of employees are insured against fire or theft for an amount of R2 300 per employee."

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

- "(3) An employer shall reimburse an employee for lost or stolen tools on receipt of a valid motivated first claim. In the event of subsequent losses being incurred by the employee, an excess payment shall be due by the employee, as follows:

(a) Second excess claim: R345,00.

Third and subsequent excess claims: R690,00."

7. CLAUSE 19: ALLOWANCES

Substitute the following for subclauses (3), (4), (5), (6) and (7):

- "(3) **Subsistence:** Where an employee is required to live away from his usual place of domicile, hotel accommodation, including meals, shall be provided. Alternatively, by mutual consent, a subsistence allowance of R115,00 per day shall be payable.
- (4) **Out-of-pocket expenses:** Employers shall pay an amount of R16,40 per day to employees to compensate them for additional non-recoverable expenses incurred where the work assignment entails overnight stay. This amount shall be payable irrespective of whether or not the employer pays full accommodation and board and lodging. Mutually agreed legitimate expenses over and above the R16,40 per day shall be reimbursed upon presentation of receipts.
- (5) **Dirt allowance:** A dirt allowance of R12,14 per shift shall be paid to lift mechanics engaged on the dismantling of existing installations and/or the stripping of lifts and escalators for modernisation and/or the changing of main hoisting and compensating ropes.
- (6) **Certificate allowance:** Subject to the provisions of clause 37 of this Agreement, and in addition to wages and other allowances prescribed in this Agreement, the employer shall pay to each employee who is the holder of a certificate of registration issued in terms of the Occupational Health and Safety Act, 1993, an allowance of 27c per hour, including overtime.
- (7) **Underground allowance:** An allowance of R30,00 per shift shall be paid to employees who are required to work below the collar of any mine shaft for a shift or part of a shift."

8. CLAUSE 31: TERMINATION OF EMPLOYMENT OWING TO PREGNANCY

- (1) Insert the following new subclause (4):

"(4) During an employee's pregnancy an employer shall offer her suitable alternative employment on terms and conditions that are no less favourable than her ordinary terms and conditions of employment if the employee is required to perform night work (between the hours of 18:00 and 06:00) and it is practical for the employer to do so."

- (2) Renumber subclauses (4), (5), and (6) to read (5), (6) and (7) respectively.

9. CLAUSE 36: WAGES

- (2) Substitute the following for the existing clause 36:

A. "For the parties to the agreement of the period 1 July 2001 to 30 June 2002 and for non-parties the period of coming into operation of the agreement to 30 June 2001:

- (1) No employer shall pay to any employee engaged on work classified in the Schedules to this Agreement wages lower than those stipulated and no employees shall accept wages lower than those stipulated, namely—

(a) Category 1: R35,25 per hour.

Category 2: R25,86 per hour.

Category 3: R16,49 per hour.

Category 4: R13,36 per hour.

(b) Apprentices:

First year: R12,33 per hour.

Second year: R14,09 per hour.

Third year: R17,64 per hour.

Fourth year: R28,19 per hour.

- (2) Every employee who, on the date of coming into operation of this Agreement, is employed by an employer on work classified in this Agreement shall, while in the employ of the same employer and whether or not his actual rate of pay immediately prior to the said date was in excess of the rate specified for his class of work in this Agreement, be paid not less than the actual rate he was receiving immediately prior to the said date, plus an additional for his wage group as follows:

Class of work	Amount per hour Cents
(a) Category 1 employees	246
Category 2 employees	180
Category 3 employees	115
Category 4 employees	93
(b) Apprentices:	
First year	86
Second year	98
Third year	123
Fourth year	197

OR

7,5% of the actual hourly rate of pay he was receiving on 30 June 2001, whichever additional amount is the greater: Provided that—

- (i) the additional amount payable in terms of this subclause to an employee for his class of work may be reduced by the amount of any increase granted to such employee on or subsequent to 1 July 2001: Provided further that any employee to whom no increase or only a part of the prescribed increase was granted on or after 1 July 2001 shall be remunerated by the payment of an amount within 16 weeks after the date of coming into operation of this Agreement on the basis stated below:

Amount per hour for the employee's class of work as prescribed above	} less } if } any	{amount per hour of any {increase granted to the {employee on or after 1 July 2001
--	-------------------------	--

multiplied by the number of hours for which the employee concerned was entitled to payment of this wage for the period from the start of the first shift on or after 1 July 2001 to the first shift for which the amount per hour of the employee's class of work as prescribed above is paid or the date of coming into operation of this Agreement, whichever is the later;

- (ii) any employee who was engaged after 1 July 2001 at a rate of pay not less than the rate of pay prescribed for his class of work as at the date of coming into operation of this Agreement shall not be entitled to be paid the additional amount specified in this subclause for his class of work;
- (iii) no employer shall reduce the rate of pay of any employee to whom an increase in excess of the additional amount specified in this subclause for his class of work was awarded on or subsequent to 1 July 2001 and no employee shall be paid wages at a rate less than the rate for his class of work specified in this Agreement;
- (iv) an employer who intends to grant increases to all employees or to a particular category of employees in excess of the guaranteed personal minimum increases provided for above at the date of coming into operation of this Agreement shall consult the trade unions of which the employees concerned are members and, where an employer, following such consultation, grants such increases over and above those provided for in this Agreement, the Bargaining Council shall be notified of the increases granted.

- (3) Operators may be employed on Category 2 and Category 3 work only if they have passed (a) training programme(s) recognised by the Bargaining Council and are in possession of a certificate of proficiency issued by the employer covering the functions that they are allowed to perform under the Schedules to this Agreement.
- (4) The employers who are party to this Agreement shall undertake to distinguish clearly, at the time of awarding wage increases, between the wage increase component negotiated in terms of this Agreement and any other increases, such as merit increases which may be granted to employees.
- (5) (a) No employee shall be employed on more than one occupation scheduled in this Agreement at different rates of pay in any one week, including any overtime worked at a higher-paid occupation, unless payment is made as if such employee has been employed for the whole of that week in the higher-paid occupation: Provided that where a lower-paid employee is temporarily substituted for a higher-paid employee who is absent from his work and not employed elsewhere in the establishment, such substituted employee shall be paid at the higher rate only for the period of he actually worked at the higher-paid occupation. Any period of of substitution of less than one-half shift in the aggregate in any one week shall not count for payment at the higher rate.

- (b) Where a lower-paid employee is temporarily substituted for a higher-paid employee—
 - (i) such substitution shall be part of career development aimed at developing the employee by providing exposure to the higher-level job; and
 - (ii) such substitution shall be an integral part of the development programme and therefore a pre-requisite for successful completion of the programme.
- (6) An employer who intends to grant increases to all employees or a particular category of employees shall consult the trade unions of which the employees concerned are members.

B. For the period 1 July 2002 to 30 June 2003

The parties have agreed that the wage increases effective from 1 July 2002 shall be calculated on the following basis:

- (a) The CPIX will serve as the basis for the percentage wage increases. This will be the published Statistics S.A. year-on-year percentage increase in the CPIX for all income groups for the period April 2001 to April 2002.
- (b) Should the CPIX figure referred to in (a) above—
 - (i) be 10% or higher, the parties shall re-open the negotiations on the level of the wage increases only; or
 - (ii) be between 6% and 5%, a figure of 6% shall be used as a basis for the increase, plus an across-the-board improvement factor of 0,75%; or
 - (iii) be below 5% the wage increases shall be negotiated.

The final level of wage increases for this period shall be finalised by the Bargaining Council and shall be published in a *Government Gazette*.

Insert the following new clause:

10. CLAUSE 40: CODE OF GOOD PRACTICE ON KEY ASPECTS OF HIV/AIDS AND EMPLOYMENT

Employers and employees shall observe the provisions of Annexure B.

Signed at Johannesburg, for and on behalf of the parties, this 13 day of August 2001.

W. P. COETZEE

Member

L. TRENTINI

Member

J. BEUKES

Council Secretary

ANNEXURE B

CODE OF GOOD PRACTICE ON KEY ASPECTS OF HIV/AIDS AND EMPLOYMENT

1. INTRODUCTION

- 1.1 The Human Immunodeficiency Virus (HIV) and the Acquired Immune Deficiency Syndrome (AIDS) are serious public health problems which have socio-economic, employment and human rights implications.
- 1.2 It is recognised that the HIV/AIDS epidemic will affect every workplace, with prolonged staff illness, absenteeism, and death impacting on productivity, employee benefits, occupational health and safety, production costs and workplace morale¹.
- 1.3 HIV knows no social, gender, age or racial boundaries, but is accepted that socio-economic circumstances do influence disease patterns. HIV thrives in an environment of poverty, rapid urbanisation, violence and destabilisation. Transmission is exacerbated by disparities, in resources and patterns of migration from rural to urban areas. Women in particular are more vulnerable to infection in cultures and economic circumstances where they have little control over their lives.
- 1.4 Furthermore, HIV/AIDS is still a disease surrounded by ignorance, prejudice, discrimination and stigma. In the workplace unfair discrimination against people living with HIV and AIDS has been perpetuated through practices such as pre-employment HIV testing, dismissals for being HIV positive and the denial of employee benefits.
- 1.5 One of the most effective ways of reducing and managing the impact of HIV/AIDS in the workplace is through the implementation of an HIV/AIDS policy and programme. Addressing aspects of HIV/AIDS in the workplace will enable employers, trade unions and government to actively contribute towards local, national and international efforts to prevent and control HIV/AIDS. In light of this, the Code has been developed as a guide to employers, trade unions and employees.
- 1.6 Furthermore, the Code seeks to assist with the attainment of the broader goals of—
 - eliminating unfair discrimination in the workplace based on HIV status;

- promoting a non-discriminatory workplace in which people living with HIV or AIDS are able to be open about their HIV status without fear of stigma or rejection;
- promoting appropriate and effective ways of managing HIV in the workplace;
- creating a balance between the rights and responsibilities of all parties; and
- giving effect to the regional obligations of the Republic as a member of the Southern African Development Community.

¹ The Code will be accompanied by *Technical Assistance Guidelines on Managing HIV/AIDS in the workplace*. It is envisaged that these will be developed in the second half of 2000 and published during 2001. The guidelines will provide more detail on the implementation of potential policies and programmes to address these impacts, including strategies to accommodate the needs of small businesses and the informal sector.

2. OBJECTIVES

2.1 The Code's primary objective is to set out guidelines for employers and trade unions to implement so as to ensure individuals with HIV infection are not unfairly discriminated against in the workplace. This includes provisions regarding—

- (i) creating a non-discriminatory working environment;
- (ii) dealing with HIV testing, confidentiality and disclosure;
- (iii) providing equitable employee benefits;
- (iv) dealing with dismissals; and
- (v) managing grievance procedures.

2.2 The Code's secondary objective is to provide guidelines for employers, employees and trade unions on how to manage HIV/AIDS within the workplace. Since the HIV/AIDS epidemic impacts upon the workplace and individuals at a number of different levels, it requires a holistic response which takes all of these factors into account. The Code therefore includes principles, which are dealt with in more details under the statutes listed in item 5.1, on the following:

- (i) Creating a safe working environment for all employers and employees;
- (ii) developing procedures to manage occupational incidents and claims for compensation;
- (iii) introducing measures to prevent the spread of HIV;
- (iv) developing strategies to assess and reduce the impact of the epidemic upon the workplace; and
- (v) supporting those individuals who are infected or affected by HIV/AIDS so that they may continue to work productively for as long as possible.

2.3 In addition, the Code promotes the establishment of mechanisms to foster co-operation at the following levels:

- (i) Between employers, employees and trade unions in the workplace; and
- (ii) between the workplace and other stakeholders at a sectoral, local, provincial and national level.

3. POLICY PRINCIPLES

3.1 The promotion of equality and non-discrimination between individuals with HIV infection and those without, and between HIV/AIDS and other comparable health/medical conditions.

3.2 The creation of a supportive environment so that HIV infected employees are able to continue working under normal conditions in their current employment for as long as they are medically fit to do so.

3.3 The protection of human rights and dignity of people living with HIV or AIDS is essential to the prevention and control of HIV/AIDS.

3.4 HIV/AIDS impacts disproportionately on women and this should be taken into account in the development of workplace policies and programmes.

3.5 Consultation, inclusivity and encouraging full participation of all stakeholders are key principles which should underpin every HIV/AIDS policy and programme.

4. APPLICATION AND SCOPE

4.1 All employers and employees, and their respective organisations, are encouraged to use this Code to develop, implement and refine their HIV/AIDS policies and programmes to suit the needs of their workplaces.

4.2 For the purposes of this code, the term "workplace" should be interpreted more broadly than the definition given in the Labour Relations Act, Act 66 of 1995, section 213, to include the working environment of, amongst others, persons not necessarily in an employer-employee relationship, those working in the informal sector and the self-employed.

- 4.3 This Code, however, does not impose any legal obligation in addition to those in the Employment Equity Act and the Labour Relations Act, or in any other legislation referred to in the Code. Failure to observe it does not, by itself, render an employer liable in any proceedings, except where the Code refers to obligations set out in law.
- 4.4 The Code should be read in conjunction with other codes of good practice that may be issued by the Minister of Labour.

5. LEGAL FRAMEWORK

- 5.1 The Code should be read in conjunction with the Constitution of South Africa Act, No. 108 of 1996, and all relevant legislation which includes the following:
- (i) Employment Equity Act, No. 55 of 1998;
 - (ii) Labour Relations Act, No. 66 of 1995;
 - (iii) Occupational Health and Safety Act, No. 85 of 1993;
 - (iv) Mine Health and Safety Act, No. 29 of 1996;
 - (v) Compensation of Occupational Injuries and Diseases Act, No. 130 of 1993;
 - (vi) Basic Conditions of Employment Act, No. 75 of 1997;
 - (vii) Medical Schemes Act, No. 131 of 1998; and
 - (viii) Promotion of Equality and Prevention of Unfair Discrimination Act, No. 4 of 2000.
- 5.2 The contents of this code should be taken into account when developing, implementing or reviewing any workplace policies or programmes in terms of the statutes listed above.
- 5.3 The following are selected, relevant sections contained in certain of the above-mentioned legislation. These should be read in conjunction with other legislative provisions:
- 5.3.1 The Code is issued in terms of section 54 (1) (a) of the Employment Equity Act, No. 55 of 1998, and is based on the principle that no person may be unfairly discriminated against on the basis of their HIV status. In order to assist employers and employees to apply this principle consistently in the workplace, the Code makes reference to other pieces of legislation.
- 5.3.2 Section 6 (1) of the Employment Equity Act provides that no person may unfairly discriminate against an employee, or an applicant for employment, in any employment policy or practice, on the basis of his or her HIV status. In any legal proceedings in which it is alleged that any employer has discriminated unfairly, the employer must prove that any discrimination or differentiation was fair.
- 5.3.3 No employee, or applicant for employment, may be required by their employer to undergo an HIV test in order to ascertain their HIV status. HIV testing by or on behalf of an employer may only take place where the Labour Court has declared such testing to be justifiable in accordance with section 7 (2) of the Employment Equity Act.
- 5.3.4 In accordance with section 187 (1) (f) of the Labour Relations Act, No. 66 of 1995, an employee with HIV/AIDS may not be dismissed simply because he or she is HIV positive or has AIDS. However, where there are valid reasons related to their capacity to continue working and fair procedures have been followed, their services may be terminated in accordance with section 188 (1) (a) (i).
- 5.3.5 In terms of section 8 (1) of the Occupational Health and Safety Act, No. 85 of 1993, an employer is obliged to provide, as far as is reasonably practicable, a safe workplace. This may include ensuring that the risk of occupational exposure to HIV is minimised.
- 5.3.6 Section 2 (1) and section 5 (1) of the Mine Health and Safety Act, No. 29 of 1996, provides that an employer is required to create, as far as is reasonably practicable, a safe workplace. This may include ensuring that the risk of occupational exposure to HIV is minimised.
- 5.3.7 An employee who is infected with HIV as a result of an occupational exposure to infected blood or bodily fluids, may apply for benefits in terms of section 22 (1) of the Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993.
- 5.3.8 In accordance with the Basic Conditions of Employment Act, No. 75 of 1997, every employer is obliged to ensure that all employees receive certain basic standards of employment, including a minimum number of days sick leave [section 22 (2)].
- 5.3.9 In accordance with section 24 (2) (3) of the Medical Schemes Act, No. 131 of 1998, a registered medical aid scheme may not unfairly discriminate directly or indirectly against its members on the basis of their "state of health". Further, in terms of s 67 (1) (9) regulations may be drafted stipulating that all schemes must offer a minimum level of benefits to their members.
- 5.3.10 In accordance with both the common law and section 14 of the Constitution of South Africa Act, No. 108 of 1996, all persons with HIV or AIDS have a right to privacy, including privacy concerning their HIV or AIDS Status. Accordingly, there is no general legal duty on an employee to disclose his or her HIV status to their employer or to other employees.

6. PROMOTING A NON-DISCRIMINATORY WORKING ENVIRONMENT

6.1 No person with HIV or AIDS shall be unfairly discriminated against within the employment relationship or within any employment policies or practices, including with regard to—

- (i) recruitment procedures, advertising and selection criteria;
- (ii) appointments, and the appointment process, including job placement;
- (iii) job classification or grading;
- (iv) remuneration, employment benefits and terms and conditions of employment;
- (v) employee assistance programmes;
- (vi) job assignments;
- (vii) the workplace and facilities;
- (viii) occupational health and safety;
- (ix) training and development;
- (x) performance evaluation systems;
- (xi) promotion, transfer and demotion;
- (xii) disciplinary measures short of dismissal; and
- (xiii) termination of services.

6.2 To promote a non-discriminatory working environment based on the principle of equality, employers and trade unions should adopt appropriate measures to ensure that employees with HIV and AIDS are not unfairly discriminated against and are protected from victimisation through positive measures such as—

- (i) preventing unfair discrimination and stigmatisation of people living with HIV or AIDS through the development of HIV/AIDS policies and programmes for the workplace;
- (ii) awareness, education and training on the rights of all persons with regard to HIV and AIDS;
- (iii) mechanisms to promote acceptance and openness around HIV/AIDS in the workplace;
- (iv) providing support for all employees infected or affected by HIV and AIDS; and
- (v) grievance procedures and disciplinary measures to deal with HIV-related complaints in the workplace.

7. HIV TESTING, CONFIDENTIALITY AND DISCLOSURE

7.1 *HIV testing:*

7.1.1 No employer may require an employee, or an applicant for employment, to undertake an HIV test in order to ascertain that employee's HIV status. As provided for in the Employment Equity Act, employers may approach the Labour Court to obtain authorisation for testing.

7.1.2 Whether s 7 (2) of the Employment Equity Act prevents an employer-provided health service supplying a test to an employee who requests a test, depends on whether the Labour Courts would accept that an employee can knowingly agree to waive the protection in the section. This issue has not yet been decided by the courts.²

7.1.3 In implementing the sections below, it is recommended that parties take note of the position set out in item 7.1.2.

7.1.4 *Authorised testing*

Employers must approach the Labour Court for authorisation in, amongst others, the following circumstances:

- (i) During an application for employment;
- (ii) as a condition of employment;
- (iii) during procedures related to termination of employment;
- (iv) as an eligibility requirement for training or staff development programmes; and
- (v) as an access requirement to obtain employee benefits.

7.1.5 *Permissible testing*

(a) An employer may provide testing to an employee who has requested a test in the following circumstances:

- (i) As part of a health care service provided in the workplace;
- (ii) in the event of an occupational accident carrying a risk of exposure to blood or other body fluids;
- (iii) for the purposes of applying for compensation following an occupational accident involving a risk of exposure to blood or other body fluids.

- (b) Furthermore, such testing may only take place within the following defined conditions:
- (i) At the initiative of an employee;
 - (ii) within a health care worker and employee-patient relationship;
 - (iii) with informed consent and pre- and post-test counselling, as defined by the Department of Health's National Policy on Testing for HIV; and
 - (iv) with strict procedures relating to confidentiality of an employee's HIV status as described in clause 7.2 of this Code.

7.1.6 All testing, including both authorised and permissible testing, should be conducted in accordance with the Department of Health's National Policy on Testing for HIV issued in terms of the National Policy for Health Act, No. 116 of 1990.

7.1.7 Informed consent means that the individual has been provided with information, understands it and based on this has agreed to undertake the HIV test. It implies that the individual understands what the test is, why it is necessary, the benefits, risks, alternatives and any possible social implications of the outcome.

²The Employment Equity Act does not make it a criminal offence for an employer to conduct a test in violation of s 7 (2). However, an employee who alleges that his or her right not to be tested has been violated may refer a dispute to the CCMA for conciliation, and if this does not resolve the dispute, to the Labour Court for determination.

7.1.8 Anonymous, unlinked surveillance or epidemiological HIV testing in the workplace may occur provided it is undertaken in accordance with ethical and legal principles regarding such research.³ Where such research is done, the information obtained may not be used to unfairly discriminate against individuals or groups of persons. Testing will not be considered anonymous if there is a reasonable possibility that a person's HIV status can be deduced from the results.

7.2 Confidentiality and disclosure

7.2.1 All persons with HIV or AIDS have the legal right to privacy. An employee is therefore not legally required to disclose his or her HIV status to their employer or to other employees.

7.2.2 Where an employee chooses to voluntarily disclose his or her HIV status to the employer or to other employees, this information may not be disclosed to others without the employee's express written consent. Where written consent is not possible, steps must be taken to confirm that the employee wishes to disclose his or her status.

7.2.3 Mechanisms should be created to encourage openness, acceptance and support for those employers and employees who voluntarily disclose their HIV status within the workplace, including—

- (i) encouraging persons openly living with HIV or AIDS to conduct or participate in education, prevention and awareness programmes;
- (ii) encouraging the development of support groups for employees living with HIV or AIDS; and
- (iii) ensuring that persons who are open about their HIV or AIDS status are not unfairly discriminated against or stigmatised.

8. PROMOTING A SAFE WORKPLACE

8.1 An employer is obliged to provide and maintain, as far as is reasonably practicable, a workplace that is safe and without risk to the health of its employees.

8.2 The risk of HIV transmission in the workplace is minimal. However, occupational accidents involving bodily fluids may occur, particularly in the health care professions. Every workplace should ensure that it complies with the provisions of the Occupational Health and Safety Act, including the Regulations on Hazardous Biological Agents, and the Mine Health and Safety Act, and that its policy deals with, amongst others—

- (i) the risk, if any, of occupational transmission within the particular workplace;
- (ii) appropriate training, awareness and education on the use of universal infection control measures so as to identify, deal with and reduce the risk of HIV transmission in the workplace;

³ See amongst others the Department of Health's National Policy for Testing for HIV and the Biological Hazardous Agents Regulations.

(iii) providing appropriate equipment and materials to protect employees from the risk of exposure to HIV;

- (iv) the steps that must be taken following an occupational accident including the appropriate management of occupational exposure to HIV and other blood borne pathogens, including access to post-exposure prophylaxis;
- (v) the procedures to be followed in applying for compensation for occupational infection;
- (vi) the reporting of all occupational accidents; and
- (vii) adequate monitoring of occupational exposure to HIV to ensure that the requirements of possible compensation claims are being met.

9. COMPENSATION FOR OCCUPATIONALLY ACQUIRED HIV

- 9.1 An employee may be compensated if he or she becomes infected with HIV as a result of an occupational accident, in terms of the Compensation for Occupational Injuries and Diseases Act.
- 9.2 Employers should take reasonable steps to assist employees with the application for benefits including—
 - (i) providing information to affected employees on the procedures that will need to be followed in order to qualify for a compensation claim; and
 - (ii) assisting with the collection of information which will assist with proving that the employees were occupationally exposed to HIV infected blood.
- 9.3 Occupational exposure should be dealt with in terms of the Compensation for Occupational Injuries and Diseases Act. Employers should ensure that they comply with the provisions of this Act and any procedure or guideline issued in terms thereof.

10. EMPLOYEE BENEFITS

- 10.1 Employees with HIV or AIDS may not be unfairly discriminated against in the allocation of employee benefits.
- 10.2 Employees who become ill with AIDS should be treated like any other employee with a comparable life-threatening illness with regard to access to employee benefits.
- 10.3 Information from benefit schemes on the medical status of an employee should be kept confidential and should not be used to unfairly discriminate.
- 10.4 Where an employer offers a medical scheme as part of the employee benefit package it must ensure that this scheme does not unfairly discriminate, directly or indirectly, against any person on the basis of his or her HIV status.

11. DISMISSAL

- 11.1 Employees with HIV/AIDS may not be dismissed solely on the basis of their HIV/AIDS status.
- 11.2 Where an employee has become too ill to perform their current work, an employer is obliged to follow accepted guidelines regarding dismissal for incapacity before terminating an employee's services, as set out in the Code of Good Practice on Dismissal contained in Schedule 8 of the Labour Relations Act.
- 11.3 The employer should ensure that as far as possible, the employee's right to confidentiality regarding his or her HIV status is maintained during any incapacity proceedings. An employee cannot be compelled to undergo an HIV test or to disclose his or her HIV status as part of such proceedings unless the Labour Court authorised such a test.

12. GRIEVANCE PROCEDURES

- 12.1 Employers should ensure that the rights of employees with regard to HIV/AIDS, and the remedies available to them in the event of a breach of such rights, become integrated into existing grievance procedures.
- 12.2 Employers should create an awareness and understanding of the grievance procedures and how employees can utilise them.
- 12.3 Employers should develop special measures to ensure the confidentiality of the complainant during such proceedings, including ensuring that such proceedings are held in private.

13. MANAGEMENT OF HIV IN THE WORKPLACE

- 13.1 The effective management of HIV/AIDS in the workplace requires an integrated strategy that includes, amongst others, the following elements:
 - 13.1.1 An understanding and assessment of the impact of HIV/AIDS on the workplace; and
 - 13.1.2 Long and short term measures to deal with and reduce this impact, including—
 - (i) An HIV/AIDS Policy for the workplace;
 - (ii) HIV/AIDS Programmes, which would incorporate—
 - (a) ongoing sustained prevention of the spread of HIV among employees and their communities;

- (b) management of employees with HIV so that they are able to work productively for as long as possible; and
- (c) strategies to deal with the direct and indirect costs of HIV/AIDS in the workplace.

14. ASSESSING THE IMPACT OF HIV/AIDS ON THE WORKPLACE

- 14.1 Employers and trade unions should develop appropriate strategies to understand, assess and respond to the impact of HIV/AIDS in their particular workplace and sector. This should be done in cooperation with sectoral, local, provincial and national initiatives by government, civil society and non-governmental organisations.
- 14.2 Broadly, impact assessments should include—
- (i) risk profiles; and
 - (ii) assessment of the direct and indirect costs of HIV/AIDS.
- 14.3 Risk profiles may include an assessment of the following:
- (i) The vulnerability of individual employees or categories of employees to HIV infection;
 - (ii) the nature and operations of the organisation and how these may increase susceptibility to HIV infection (eg migrancy or hostel dwellings);
 - (iii) a profile of the communities from which the organisation draws its employees;
 - (iv) a profile of the communities surrounding the organisation's place of operation; and
 - (v) an assessment of the impact of HIV/AIDS upon their target markets and client base.
- 14.4 The assessments should also consider the impact that the HIV/AIDS epidemic may have on—
- (i) direct costs such as costs to employee benefits, medical costs and increased costs related to staff turnover such as training and recruitment costs and the costs of implementing an HIV/AIDS programme;
 - (ii) indirect costs such as costs incurred as a result of increased absenteeism, employee morbidity, loss of productivity, a general decline in workplace morale and possible workplace disruption.
- 14.5 The cost effectiveness of any HIV/AIDS interventions should also be measured as part of an impact assessment.

15. MEASURES TO DEAL WITH HIV/AIDS WITHIN THE WORKPLACE

15.1 *A workplace HIV/AIDS Policy*

- 15.1.1 Every workplace should develop an HIV/AIDS policy, in order to ensure that employees affected by HIV/AIDS are not unfairly discriminated against in employment policies and practices. This policy should cover—
- (i) the organisation's position on HIV/AIDS;
 - (ii) an outline of the HIV/AIDS programme;
 - (iii) details on employment policies (e.g. position regarding HIV testing, employee benefits, performance management and procedures to be followed to determine medical incapacity and dismissal);
 - (iv) express standards of behaviour expected of employers and employees and appropriate measures to deal with deviations from these standards;
 - (v) grievance procedures in line with item 12 of this Code;

⁴This policy could either be a specific policy on HIV/AIDS, or could be incorporated in a policy on life-threatening illness.

- (vi) the means of communication within the organisation on HIV/AIDS issues;
- (vii) details of employee assistance available to persons affected by HIV/AIDS;
- (viii) details of implementation and coordination responsibilities; and
- (ix) monitoring and evaluation mechanisms.

15.1.2 All policies should be developed in consultation with key stakeholders within the workplace including trade unions, employee representatives, occupational health staff and the human resources department.

15.1.3 The policy should reflect the nature and needs of the particular workplace.

15.1.4 Policy development and implementation is a dynamic process, so the workplace policy should be—

- (i) communicated to all concerned;
- (ii) routinely reviewed in light of epidemiological and scientific information; and
- (iii) monitored for its successful implementation and evaluated for its effectiveness.

15.2 Developing Workplace HIV/AIDS Programmes

- 15.2.1 It is recommended that every workplace work towards developing and implementing a workplace HIV/AIDS programme aimed at preventing new infections, providing care and support for employees who are infected or affected, and managing the impact of the epidemic in the organisation.
- 15.2.2 The nature and extent of a workplace programme should be guided by the needs and capacity of each individual workplace. However, it is recommended that every workplace programme should attempt to address the following in cooperation with the sectoral, local, provincial and national initiatives:
- (i) Hold regular HIV/AIDS awareness programmes;
 - (ii) encourage voluntary testing;
 - (iii) conduct education and training on HIV/AIDS;
 - (iv) promote condom distribution and use;
 - (v) encourage health-seeking behaviour for STDs;
 - (vi) enforce the use of universal infection control measures;
 - (vii) create an environment that is conducive to openness, disclosure and acceptance amongst all staff;
 - (viii) endeavour to establish a wellness programme for employees affected by HIV/AIDS;
 - (ix) provide access to counselling and other forms of social support for people affected by HIV/AIDS;
 - (x) maximise the performance of affected employees through reasonable accommodation, such as investigations into alternative sick leave allocation;
 - (xi) develop strategies to address direct and indirect costs associated with HIV/AIDS in the workplace, as outlined under item 14.4;
 - (xii) regularly monitor, evaluate and review the programme.
- 15.2.3 Employers should take all reasonable steps to assist employees with referrals to appropriate health, welfare and psycho-social facilities within the community, if such services are not provided at the workplace.

16. INFORMATION AND EDUCATION

- 16.1 The Department of Labour should ensure that copies of this code are available and accessible.
- 16.2 Employers and employer organisations should include the Code in their orientation, education and training programmes of employees.
- 16.3 Trade unions should include the Code in their education and training programmes of shop stewards and employees.

GLOSSARY

Affected employee:	An employee who is affected in any way by HIV/AIDS eg. if they have a partner or a family member who is HIV positive.
Aids:	AIDS is the acronym for "acquired immune deficiency syndrome". AIDS is the clinical definition given to the onset of certain life-threatening infections in persons whose immune systems have ceased to function properly as a result of infection with HIV.
Epidemiology:	The study of disease patterns, causes, distribution and mechanisms of control in society.
HIV:	HIV is the acronym for "human immuno deficiency virus". HIV is a virus which attacks and may ultimately destroy the body's natural immune system.
HIV testing:	Taking a medical test to determine a person's HIV status. This may include written or verbal questions inquiring about previous HIV tests; questions related to the assessment of risk behaviour (for example questions regarding sexual practices, the number of sexual partners or sexual orientation); and any other indirect methods designed to ascertain an employee's or job applicant's HIV status.
HIV positive:	Having tested positive for HIV infections.
Infected employee:	An employee who has tested positive for HIV or who has been diagnosed as having HIV/AIDS.
Informed consent:	A process of obtaining consent from a patient which ensures that the person fully understands the nature and implications of the test before giving his or her agreement to it.
Policy:	A document setting out an organisation's position on a particular issue.
Pre and post tests counselling:	A process of counselling which facilitates an understanding of the nature and purpose of the HIV test. It examines what advantages and disadvantages the test holds for the person and the influence the result, positive or negative, will have on them.

Reasonable accommodation:

Any modification or adjustment to a job or to the workplace that is reasonably practicable and will enable a person living with HIV or AIDS to have access to or participate or advance in employment.

STDs:

Acronym for "sexually transmitted diseases." These are infections passed from one person to another during sexual intercourse, including syphilis, gonorrhea and HIV.

Surveillance testing:

This is anonymous, unlinked testing which is done in order to determine the incidence and prevalence of disease within a particular community or group to provide information to control, prevent and manage the disease.

SOUTH AFRICAN REVENUE SERVICE

SUID-AFRIKAANSE INKOMSTEDIENS

No. R. 1243**30 November 2001**

CUSTOMS AND EXCISE ACT, 1964.-

AMENDMENT OF SCHEDULE NO. 1 (NO. 1/1/1118)

Under section 48 of the Customs and Excise Act, 1964, Part 1 of Schedule No. 1 to the said Act is hereby amended to the extent, with retrospective effect to 1 January 2001, set out in the Schedule hereto.

MMPAHLWA
DEPUTY MINISTER OF FINANCE

SCHEDULE

Head- ing	Subheading	C D	Article Description	Statistical Unit	Rate of Duty		
					General	EU	SADC
07.02 and 07.03			By the substitution for headings Nos. 07.02 and 07.03 of the following:				
"07.02	0702.00	0	Tomatoes, fresh or chilled	kg	15%	7,5%	free
07.03			Onions, shallots, garlic, leeks and other alliaceous vegetables, fresh or chilled:				
	0703.10	9	- Onions and shallots	kg	15%	7,5%	free
	0703.20	3	- Garlic	kg	325c/kg with a maximum of 39%	162,5c/kg with a maximum of 39%	162,5c/kg with a maximum of 39%
	0703.90	5	- Leeks and other alliaceous vegetables	kg	15%	free	free"
07.08			By the substitution for subheading No. 0708.10 of the following:				
	"0708.10	7	- Peas (<i>Pisum sativum</i>)	kg	15%	7,5%	free"
07.09			By the substitution for subheading No. 0709.20 of the following:				
	"0709.20	5	- Asparagus	kg	15%	7,5%	free"

Head= ing	Subheading	C D	Article Description	Statistical Unit	Rate of Duty		
					General	EU	SADC
07.10	"0709.90	7	By the substitution for subheading No. 0709.90 of the following: - Other	kg	15%	7,5%	free"
	"0710.29	2	By the substitution for subheadings Nos. 0710.29 and 0710.30 of the following: -- Other	kg	30%	30%	18%
	0710.30	1	- Spinach, New Zealand spinach and orache spinach (garden spinach)	kg	20%	20%	7%"
07.11 and 07.12 "07.11	"0710.90	7	By the substitution for subheading No. 0710.90 of the following: - Mixtures of vegetables	kg	10%	5%	free"
			By the substitution for headings Nos. 07.11 and 07.12 of the following: Vegetables provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption:				
	0711.10	4	- Onions	kg	20%	20%	7%
	0711.20	9	- Olives	kg	25%	25%	8%
	0711.30	3	- Capers	kg	20%	10%	7%
	0711.40	8	- Cucumbers and gherkins	kg	20%	20%	7%
	0711.90		- Other vegetables; mixtures of vegetables:				
	.10	8	-- Shallots and leeks	kg	20%	20%	7%
	.30	2	-- Fruits of the genus <i>Pimenta</i>	kg	free	free	free
	.90	6	-- Other	kg	20%	20%	7%

Head= ing	Subheading	C D	Article Description	Statistical Unit	Rate of Duty		
					General	EU	SADC
07.12			Dried vegetables, whole, cut, sliced, broken or in powder, but not further prepared:				
	0712.20	2	- Onions	kg	20%	20%	7%
	0712.30	7	- Mushrooms and truffles	kg	20%	20%	7%
	0712.90		- Other vegetables; mixtures of vegetables:				
	.15	2	-- Culinary herbs	kg	4c/kg	2c/kg	free
07.13	.90	4	-- Other	kg	20%	10%	7%"
			By the substitution for subheading No. 0713.10.25 of the following:				
	"25	7	-- Green peas, skinned or split	kg	30%	30%	18%"
07.14			By the substitution for subheading No. 0713.90.20 of the following:				
	"20	2	-- Skinned or split	kg	30%	30%	18%"
			By the substitution for subheading No. 0714.10.10 of the following:				
	"10	2	-- Frozen	kg	5%	2,5%	free"
			By the substitution for subheading No. 0714.20.10 of the following:				
08.01	"10	7	-- Frozen	kg	5%	2,5%	free"
			By the substitution for subheading No. 0714.90.10 of the following:				
	"10	9	-- Frozen	kg	5%	2,5%	free"
08.01			By the substitution for subheading No. 0801.11.90 of the following:				
	"90	5	--- Other	kg	25%	12,5%	8%"
			By the substitution for subheading No. 0801.19.90 of the following:				
	"90	6	--- Other	kg	25%	12,5%	8%"

Heading	Subheading	C D	Article Description	Statistical Unit	Rate of Duty		
					General	EU	SADC
08.03			By the substitution for heading No. 08.03 of the following:				
"08.03	0803.00	6	Bananas, including plantains, fresh or dried	kg	5%	2,5%	free"
08.04			By the substitution for subheadings Nos. 0804.40 and 0804.50 of the following:				
	"0804.40	8	- Avocados	kg	5%	2,5%	free
	0804.50	2	- Guavas, mangoes and mangosteens	kg	35%	17,5%	21%"
08.05, 08.06, 08.07, 08.08 and 08.09			By the substitution for headings Nos. 08.05, 08.06, 08.07, 08.08 and 08.09 of the following:				
"08.05			Citrus fruit, fresh or dried:				
	0805.10	8	- Oranges	kg	5%	2,5%	free
	0805.20	2	- Mandarins (including tangerines and satsumas); clementines, wilkings and similar citrus hybrids	kg	5%	2,5%	free
	0805.30	7	- Lemons (<i>Citrus limon</i> , <i>Citrus Limonum</i>) and limes (<i>Citrus aurantifolia</i>)	kg	5%	2,5%	free
	0805.40	1	- Grapefruit	kg	5%	2,5%	free
	0805.90	4	- Other	kg	5%	2,5%	free
08.06			Grapes, fresh or dried:				
	0806.10	1	- Fresh	kg	5%	2,5%	free
	0806.20	6	- Dried	kg	10%	free	free
08.07			Melons (including watermelons) and papaws (papayas), fresh:				
	0807.1		- Melons (including watermelons):				
	0807.11	1	-- Watermelons	kg	15%	7,5%	free

Head=ing	Subheading	C D	Article Description	Statistical Unit	Rate of Duty		
					General	EU	SADC
08.08	0807.19	2	-- Other	kg	15%	7,5%	free
	0807.20	7	- Papaws (papayas)	kg	15%	7,5%	free
			Apples, pears and quinces, fresh:				
	0808.10	9	- Apples	kg	5%	2,5%	free
08.09	0808.20	3	- Pears and quinces	kg	5%	2,5%	free
			Apricots, cherries, peaches (including nectarines), plums and sloes, fresh:				
	0809.10	2	- Apricots	kg	5%	2,5%	free
	0809.20	7	- Cherries	kg	5%	2,5%	free
08.10	0809.30	1	- Peaches, including nectarines	kg	5%	2,5%	free
	0809.40	6	- Plums and sloes	kg	5%	2,5%	free"
			By the substitution for subheading No. 0810.10 of the following:				
	"0810.10	2	- Strawberries	kg	15%	7,5%	free"
08.11 and 08.12			By the substitution for subheadings Nos. 0810.50 and 0810.90 of the following:				
	"0810.50	0	- Kiwifruit	kg	5%	2,5%	free
	0810.90		- Other:				
	.10	6	-- Granadillas and litchis	kg	15%	7,5%	free
"08.11	.90	4	-- Other	kg	5%	2,5%	free"
			By the substitution for headings Nos. 08.11 and 08.12 of the following:				
			Fruit and nuts, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter:				
	0811.10	6	- Strawberries	kg	20%	20%	7%

Head=ing	Subheading	C D	Article Description	Statistical Unit	Rate of Duty		
					General	EU	SADC
08.12	0811.20	0	- Raspberries, blackberries, mulberries, loganberries, black, white or red currants and gooseberries	kg	20%	20%	7%
	0811.90		- Other:				
	.15	0	-- Granadilla pulp; litchi pulp	kg	5%	5%	free
	.90	8	-- Other	kg	20%	20%	7%
			Fruit and nuts, provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption:				
	0812.10	0	- Cherries	kg	20%	10%	7%
	0812.20	4	- Strawberries	kg	20%	20%	7%
	0812.90		- Other:				
	.15	4	-- Granadilla pulp; litchi pulp	kg	5%	2,5%	free
	.90	1	-- Other	kg	20%	10%	7%
08.13			By the substitution for subheading No. 0813.30 of the following:				
09.01	"0813.30	2	- Apples	kg	10%	2,5%	free"
			By the substitution for subheadings Nos. 0901.2 and 0901.90 of the following:				
	"0901.2		- Coffee, roasted:				
	0901.21	6	-- Not decaffeinated	kg	6c/kg	3c/kg	free
	0901.22	2	-- Decaffeinated	kg	6c/kg	3c/kg	free
	0901.90		- Other:				
	.10	9	-- Coffee husks and skins	kg	20%	20%	7%
	.20	6	-- Coffee substitutes containing coffee	kg	10c/kg	5%	free"

Head- ing	Subheading	C D	Article Description	Statistical Unit	Rate of Duty		
					General	EU	SADC
09.02			By the substitution for subheadings Nos. 0902.30 and 0902.40 of the following:				
	"0902.30	8	- Black tea (fermented) and partly fermented tea, in immediate packings of a content not exceeding 3 kg	kg	400c/kg	400c/kg	free
	0902.40	2	- Other black tea (fermented) and other partly fermented tea	kg	400c/kg	400c/kg	free"
09.04			By the substitution for subheading No. 0904.20.30 of the following:				
	"30	2	-- Fruits of the genus <i>Capsicum</i>	kg	25%	25%	8%"
09.10			By the substitution for subheading No. 0910.10.20 of the following:				
	"20	9	-- Crushed or ground	kg	20%	20%	7%"

No. R. 1243

30 November 2001

**DOEANE- EN AKSYNSWET, 1964.-
WYSIGING VAN BYLAE NO. 1 (NO. 1/1/1118)**

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 1 van Bylae No. 1 by genoemde Wet hiermee gewysig, met terugwerkende krag tot 1 Januarie 2001, in die mate in die Bylae hierby aangetoon.

MMPAHLWA
ADJUNKMINISTER VAN FINANSIES

BYLAE

Pos	Subpos	T S	Artikel Beskrywing	Statistiese Eenheid	Skaal van Reg		
					Algemeen	EU	SAOG
07.02 en 07.03			Deur poste Nos. 07.02 en 07.03 deur die volgende te vervang:				
"07.02	0702.00	0	Tamaties, vars of verkoel	kg	15%	7,5%	vry
07.03			Uie, salotte, knoffel, preie en ander uiagtige groente, vars of verkoel:				
	0703.10	9	- Uie en salotte	kg	15%	7,5%	vry
	0703.20	3	- Knoffel	kg	325c/kg met 'n maksimum van 39%	162,5c/kg met 'n maksimum van 39%	162,5c/kg met 'n maksimum van 39%
	0703.90	5	- Preie en ander uiagtige groente	kg	15%	vry	vry"
07.08			Deur subpos No. 0708.10 deur die volgende te vervang:				
	"0708.10	7	- Erte (<i>Pisum sativum</i>)	kg	15%	7,5%	vry"
07.09			Deur subpos No. 0709.20 deur die volgende te vervang:				
	"0709.20	5	- Aspersies	kg	15%	7,5%	vry"

Pos	Subpos	T S	Artikel Beskrywing	Statis= tiese Eenheid	Skaal van Reg		
					Algemeen	EU	SAOG
07.10	"0709.90	7	Deur subpos No. 0709.90 deur die volgende te vervang: - Ander	kg	15%	7,5%	vry"
	"0710.29	2	Deur subposte Nos. 0710.29 en 0710.30 deur die volgende te vervang: - - Ander	kg	30%	30%	18%
	0710.30	1	- Spinasie, Nieu-Seeland-spinasie en meld (tuin meld)	kg	20%	20%	7%"
07.11 en 07.12 "07.11	"0710.90	7	Deur subpos No. 0710.90 deur die volgende te vervang: - Mengsels van groente	kg	10%	5%	vry"
			Deur poste Nos. 07.11 en 07.12 deur die volgende te vervang: Groente wat voorlopig gepreserveer is (byvoorbeeld, deur swaweldioksiedgas, in pekel, in swawelwater of in ander preserveeroplossings), maar ongeschik in daardie toestand vir onmiddellike gebruik:				
	0711.10	4	- Uie	kg	20%	20%	7%
	0711.20	9	- Olywe	kg	25%	25%	8%
	0711.30	3	- Kappertjies	kg	20%	10%	7%
	0711.40	8	- Komkommers en agurkies	kg	20%	20%	7%
	0711.90		- Ander groente; mengsels van groente:				
	.10	8	-- Salotte en preie	kg	20%	20%	7%
	.30	2	-- Vrugte van die soort <i>Pimenta</i>	kg	vry	vry	vry
	.90	6	-- Ander	kg	20%	20%	7%

Pos	Subpos	T S	Artikel Beskrywing	Statistiese Eenheid	Skaal van Reg		
					Algemeen	EU	SAOG
07.12			Gedroogde groente, heel, gesny, gekerf, gebreek of in poeier, maar nie verder voorberei nie:				
	0712.20	2	- Uie	kg	20%	20%	7%
	0712.30	7	- Sampioene en truffels	kg	20%	20%	7%
	0712.90		- Ander groente; mengsels van groente:				
	.15	2	-- Kruie vir kookdoeleindes	kg	4c/kg	2c/kg	vry
	.90	4	-- Ander	kg	20%	10%	7%
07.13			Deur subpos No. 0713.10.25 deur die volgende te vervang:				
	“.25	7	-- Groenerte, afgenerf of gesplete	kg	30%	30%	18%
			Deur subpos No. 0713.90.20 deur die volgende te vervang:				
	“.20	2	-- Afgenerf of gesplete	kg	30%	30%	18%
07.14			Deur subpos No. 0714.10.10 deur die volgende te vervang:				
	“.10	2	-- Bevrore	kg	5%	2,5%	vry
			Deur subpos No. 0714.20.10 deur die volgende te vervang:				
	“.10	7	-- Bevrore	kg	5%	2,5%	vry
			Deur subpos No. 0714.90.10 deur die volgende te vervang:				
	“.10	9	-- Bevrore	kg	5%	2,5%	vry
08.01			Deur subpos No. 0801.11.90 deur die volgende te vervang:				
	“.90	5	--- Ander	kg	25%	12,5%	8%
			Deur subpos No. 0801.19.90 deur die volgende te vervang:				
	“.90	6	--- Ander	kg	25%	12,5%	8%

Pos	Subpos	T S	Artikel Beskrywing	Statis= tiese Eenheid	Skaal van Reg		
					Algemeen	EU	SAOG
08.03			Deur pos No. 08.03 deur die volgende te vervang:				
"08.03	0803.00	6	Piesangs, met inbegrip van meelpiesangs, vars of gedroog	kg	5%	2,5%	vry"
08.04			Deur subposte Nos. 0804.40 en 0804.50 deur die volgende te vervang:				
	"0804.40	8	- Avokados	kg	5%	2,5%	vry
	0804.50	2	- Koejawels, mangos en mangostans	kg	35%	17,5%	21%"
08.05, 08.06, 08.07, 08.08 en 08.09			Deur poste Nos. 08.05, 08.06, 08.07, 08.08 en 08.09 deur die volgende te vervang:				
"08.05			Sitrusvrugte, vars of gedroog:				
	0805.10	8	- Lemoene	kg	5%	2,5%	vry
	0805.20	2	- Nartjies (met inbegrip van vasskil=nartjies en "satsumas"), "clementines", "wilkins" en dergelike sitrusbasters	kg	5%	2,5%	vry
	0805.30	7	- Suurlemoene (<i>Citrus limon</i> , <i>Citrus Limonum</i>) en lemmetjies (<i>Citrus Aurantifolia</i>)	kg	5%	2,5%	vry
	0805.40	1	- Pomelos	kg	5%	2,5%	vry
	0805.90	4	- Ander	kg	5%	2,5%	vry
08.06			Druwe, vars of gedroog:				
	0806.10	1	- Vars	kg	5%	2,5%	vry
	0806.20	6	- Gedroog	kg	10%	vry	vry
08.07			Meloene (met inbegrip van waterlemoene) en papajas, vars:				
	0807.1		- Meloene (met inbegrip van waterlemoene):				
	0807.11	1	-- Waterlemoene	kg	15%	7,5%	vry

Pos	Subpos	T S	Artikel Beskrywing	Statis= tiese Eenheid	Skaal van Reg		
					Algemeen	EU	SAOG
08.08	0807.19	2	-- Ander	kg	15%	7,5%	vry
	0807.20	7	- Papajas	kg	15%	7,5%	vry
			Appels, pere en kwepers, vars:				
	0808.10	9	- Appels	kg	5%	2,5%	vry
08.09	0808.20	3	- Pere en kwepers	kg	5%	2,5%	vry
			Appelkose, kersies, perskes (met inbegrip van kaalperskes), pruime en sleeppruime, vars:				
	0809.10	2	Appelkose	kg	5%	2,5%	vry
	0809.20	7	Kersies	kg	5%	2,5%	vry
08.10	0809.30	1	Perskes, met inbegrip van kaalperskes	kg	5%	2,5%	vry
	0809.40	6	Pruime en sleeppruime	kg	5%	2,5%	vry"
			Deur subpos No. 0810.10 deur die volgende te vervang:				
	"0810.10	2	- Aarbeie	kg	15%	7,5%	vry"
08.11 en 08.12			Deur subposte Nos. 0810.50 en 0810.90 deur die volgende te vervang:				
	"0810.50	0	- Kiwifruit	kg	5%	2,5%	vry
	0810.90		- Ander:				
	.10	6	-- Grenadellas en lietsjies	kg	15%	7,5%	vry
"08.11	.90	4	-- Ander	kg	5%	2,5%	vry"
			Deur poste Nos. 08.11 en 08.12 deur die volgende te vervang:				
			Vrugte en neute, ongekook of onder stoom of in water gekook, bevrore, hetsy dit bygevoegde suiker of ander versoetingsmiddels bevat al dan nie:				
	"0811.10	6	- Aarbeie	kg	20%	20%	7%

Pos	Subpos	T S	Artikel Beskrywing	Statistiese Eenheid	Skaal van Reg		
					Algemeen	EU	SAOG
08.12	0811.20	0	- Frambose, braambessies, moerbeie, loganbessies, swart, wit of rooi aalbessies en kruisbessies	kg	20%	20%	7%
	0811.90		- Ander:				
	.15	0	-- Grenadellapulp; lietsjiepulp	kg	5%	5%	vry
	.90	8	-- Ander	kg	20%	20%	7%
			Vrugte en neute, wat voorlopig gepreserveer is (byvoorbeeld, deur swaweldioksiedgas, in pekel, in swawelwater of in ander preserveer=oplossings), maar ongeschik in daardie toestand vir onmiddellike verbruik:				
	0812.10	0	- Kersies	kg	20%	10%	7%
	0812.20	4	- Aarbeie	kg	20%	20%	7%
	0812.90		- Ander:				
	.15	4	-- Grenadellapulp; lietsjiepulp	kg	5%	2,5%	vry
	.90	1	-- Ander	kg	20%	10%	7%
08.13			Deur subpos No. 0813.30 deur die volgende te vervang:				
	"0813.30	2	- Appels	kg	10%	2,5%	vry"
09.01			Deur subposte Nos. 0901.2 en 0901.90 deur die volgende te vervang:				
	"0901.2		- Koffie, gebrand:				
	0901.21	6	-- Nie gedekafeïeneerd nie	kg	6c/kg	3c/kg	vry
	0901.22	2	-- Gedekafeïeneerd	kg	6c/kg	3c/kg	vry
	0901.90		- Ander:				
	.10	9	-- Koffiedoppe en -nerwe	kg	20%	20%	7%
	.20	6	-- Koffiesurrogate wat koffie bevat	kg	10c/kg	5%	vry"

Pos	Subpos	T S	Artikel Beskrywing	Statis= tiese Eenheid	Skaal van Reg		
					Algemeen	EU	SAOG
09.02			Deur subposte Nos. 0902.30 en 0902.40 deur die volgende te vervang:				
	"0902.30	8	- Swart tee (gefermenteer) en gedeeltelik gefermenteerde tee, in onmiddellike verpakings met 'n inhoud van hoogstens 3 kg	kg	400c/kg	400c/kg	vry
	0902.40	2	- Ander swart tee (gefermenteer) en ander gedeeltelik gefermenteerde tee	kg	400c/kg	400c/kg	vry"
09.04			Deur die subpos No. 0904.20.30 deur die volgende te vervang:				
	"30	2	-- Vrugte van die soort <i>Capsicum</i>	kg	25%	25%	8%"
09.10			Deur die subpos No. 0910.10.20 deur die volgende te vervang:				
	"20	9	-- Gebreek of gemaal	kg	20%	20%	7%"

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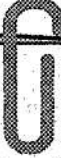
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