



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Regulation Gazette

No. 7839

Regulasiekoerant

Vol. 461

Pretoria, 28 November 2003

No. 25769



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

CONTENTS**INHOUD**

No.	Page No.	Gazette No.	No.	Bladsy No.	Koerant No.
GOVERNMENT NOTICE			GOEWERMENTSKENNISGEWING		
Labour, Department of			Arbeid, Departement van		
Government Notice			Goewermentskennisgewing		
R. 1735	Labour Relations Act (66/1995): Bargaining Council for the Building Industry (Cape of Good Hope): Extension of Re-enactment and Amendment of Collective Agreement to Non-parties	3 25769	R. 1735	Wet op Arbeidsverhoudinge (66/1995): Bedingingsraad vir die Bounywerheid (Kaap die Goeie Hoop): Uitbreiding van Herbekragtiging en Wysiging van Kollektiewe Ooreenkoms na Nie-partye..	10 25769

GOVERNMENT NOTICE

GOEWERMENSKENNISGEWING

DEPARTMENT OF LABOUR DEPARTEMENT VAN ARBEID

No. R. 1735

28 November 2003

LABOUR RELATIONS ACT, 1995

BARGAINING COUNCIL FOR THE BUILDING INDUSTRY (CAPE OF GOOD HOPE): EXTENSION OF RE-ENACTMENT AND AMENDMENT OF 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 Bargaining Council for the Building Industry (Cape of Good Hope) 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 employees and employers in that Industry, with effect from 1 December 2003, and for the period of ending 31 October 2005.

M. M. S. MDLADLANA

Minister of Labour

SCHEDULE

BUILDING INDUSTRY BARGAINING COUNCIL (CAPE OF GOOD HOPE)

COLLECTIVE AGREEMENT

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

Boland Meestersbouers en Verwante Bedrywe Vereniging

Master Builders' and Allied Trades' Association, Cape Peninsula

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

Building, Construction and Allied Workers' Union

Building, Wood and Allied Workers' Union of South Africa

Building Workers' Union

National Union of Mineworkers (NUM)

South African Woodworkers' Union

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

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

1. SCOPE OF APPLICATION

- (1) The terms of this Agreement shall be observed in the Building and Monumental Masonry Industries—
 - (a) by all employers who are members of the employer's organisations and by all employees who are members of the trade unions;
 - (b) by all employers who are not members of the employers' organisations and by all employees who are not members of the trade unions;
 - (c) in the Magisterial Districts of The Cape, Wynberg [including that portion of the Magisterial District of Somerset West which, prior to 9 March 1973 (Government Notice No. R. 173 of 9 February 1973), fell within the Magisterial District of Wynberg], Simonstown, Goodwood and Bellville, in those portions of the Magisterial Districts of Malmesbury and Stellenbosch which prior to the publication of Government Notices Nos. R. 171 of 8 February 1957 and R. 283 of 2 March 1962, respectively, fell within the Magisterial District of Bellville, and in that portion of the Magisterial District of Kuils River which, prior to the publication of Government Notice No. R. 661 of 19 April 1974, fell within the Magisterial District of Stellenbosch but which, prior to 2 March 1962 (Government Notice No. R. 283 of 2 March 1962), fell within the Magisterial District of Bellville.
 - (d) in the Magisterial Districts of Paarl, Wellington, Stellenbosch, Kuils River (excluding any portions of the last mentioned two districts which, prior to the publication of Government Notice No. 283 of 2 March 1962 fell within the Magisterial District of Bellville), Somerset West (excluding that portion which, prior to 9 March 1973 (Government Notice No. 173 of 9 February 1973), fell within the Magisterial District of Wynberg), Strand and Malmesbury (excluding that portion which, prior to the publication of Government Notice No. 171 of 8 February 1957, fell within the Magisterial District of Bellville).

- (2) Notwithstanding the provisions of subclause (1) and/or clause 4, the terms of this Agreement shall apply to—
 - (a) employees in the Industry undergoing training consistent with the provisions of the Skills Development Act, 1998;
 - (b) temporary employment services, labour-only contractors, working partners, working directors, principals, contractors and working members of closed corporations who do work in the Building Industry.
- (3) Notwithstanding the provisions of subclause (1) and clause 4, the terms of this Agreement shall not apply to—
 - (a) clerical employees and administrative staff;
 - (b) university students and graduates in Building Science, and to construction supervisors, construction surveyors and other persons doing practical work, in completion of their academic training;
 - (c) non-parties in respect of clause 3 of this Agreement.

2. PERIOD OF OPERATION OF AGREEMENT

This Agreement shall come into operation on the date fixed by the Minister of Labour to be the effective date from which the Agreement shall be extended to become binding on non-parties, or the date on which the Minister of Labour declines to extend the Agreement to non-parties, and the Agreement shall remain in force until 31 October 2005.

3. SPECIAL PROVISIONS

The provisions contained in clause 19 and 20 of the Former Agreement shall apply to employers and employees.

4. GENERAL PROVISIONS

The provisions contained in clauses 3 to 18 and 21 to 29 of the Former Agreement, and as further extended, renewed, amended and re-enacted from time to time, shall apply to employers and employees.

5. CLAUSE 3: INDUSTRIAL ACTION

Insert the words "who is" after the word "person", delete the words "collective" and "entered into by the parties" and substitute the word "Amendment" with the word "Agreement".

6. CLAUSE 4: DEFINITIONS

- (1) Number the opening paragraph as subclause (1).
- (2) Insert the following additional definitions under subclause (1):

"**'employee'** means—

- (a) any person, excluding an independent contractor, who works for another person and who receives, or is entitled to receive, any remuneration; and
- (b) any other person who in any manner assists in carrying on or conducting the business of the employer;"

"**'employer'** means any person who employs or provides work to any person and remunerates or expressly or tacitly undertakes to remunerate him or who permits any person in any manner to assist him in the carrying on or conducting of his business;"

"**'learner'** means an employee registered as a learner in terms of clause 7 (4) of this Agreement;"

"**'Skills and Education Trust'** means the Skills and Education Trust, trust deed number IT 1029/2001;

"**'temporary employment service'** means any person who, for reward, procures for or provides to a person (hereinafter referred to as a 'client') other persons—

- (a) who render services to, or perform work for, the client; and
- (b) who are remunerated by the temporary employment services;"

- (3) Amend the definitions for—

"**'Building Industry'** or "**'Industry'**" by—

- deleting the words "other than" where they appear under the sub-definition of "masonry";
- deleting the word "signwriting" where it appears under the subdefinition of "painting"; and
- deleting the words "or structure" where they appear under the sub-definition of "steel construction";

"**'Former Agreement'** by substituting the expression "Government Notice No. R. 1055 of 1 November 2001 as amended by Government Notice No. R. 1320 of 25 October 2002" for the expression "Government Notice No. R. 1994 of 22 October 1993";

"**'joinery assembler'**", "**'machine operator'**" and "**'manufacturing worker'**" by substituting the expression "learner" for the expression "tradesman" where it appears in the said definitions;

"**'learnership'**" by substituting the expression "a learnership" for the expression "an employee who is" and the expression "which shall be subject to the" for the expression "and shall abide by";

"**'tradesman'** means an employee registered as a tradesman in terms of clause 7 (5) of this Agreement;

- (4) Substitute the following for the existing definition of "security guard":

"**'security guard'** means any employee who is engaged in protecting or safeguarding property and/or premises in any manner, including but not limited to guarding, patrolling, watching over or securing property and/or premises;"

- (5) Delete the definitions of "trainee tradesman" and "tradesman".
- (6) Insert a new subclauses (2) and (3) to read as follows:
 - "(2) Any person who works for or render services to any other person is presumed, until the contrary is proved, to be an employee, regardless of the form of the contract, if any one or more of the following factors are present:
 - (a) the manner in which the person works is subject to the control or direction of another person;
 - (b) the person's hours of work are subject to the control or direction of another person;
 - (c) in the case of a person who works for an organisation, the person is a member of that organisation;
 - (d) the person has worked for that other person for an average of at least 40 hours per month over the last three months.
 - (e) the person is economically dependent on the other person for whom that person works or renders services;
 - (f) the persons is provided with tools of trade or work equipment by the other person; or
 - (g) the person only works for or renders service to one person.
 - (3) Subclause (2) does not apply to any person who earns in excess of the amount determined from time to time by the Minister of Labour in terms of section 6 (3) of the Basic Conditions of Employment Act, No. 75 of 1997.
- (7) Insert a new subclause (4) to read as follows:

"In this Agreement, unless the context indicates otherwise words importing the singular shall include the plural and vice versa, words importing any gender shall include the other gender and words importing persons shall include partnerships and bodies corporate."

7. CLAUSE 6: REGISTRATION OF EMPLOYERS

- (1) In subclause 6 (7), substitute the expression "compliant" for the word "registered".
- (2) Delete subclauses 6 (9) and 6 (10) and substitute the following for the existing subclause 6 (8):

"A newly registered employer shall be entitled to receive from the Council free orientation training on employment legislation, this Agreement and the preparation of wage records and assistance in registering for the National Certificate of Contracting learnership."

8. CLAUSE 6A: COMPLIANCE BY EMPLOYERS, SUBCONTRACTING AND USE OF TEMPORARY EMPLOYMENT SERVICES

"6A. COMPLIANCE BY EMPLOYERS, SUBCONTRACTING AND USE OF TEMPORARY EMPLOYMENT SERVICES

- (1) The Council shall keep a register of employers in good standing with the Council which shall be generally made known and be available to any person on request.
- (2) An employer shall be in good standing with the Council for purposes of subclause (1) if the employer is registered with the Council in accordance with clause 6 and unless the employer is failing to comply with a compliance order and/or pay a penalty imposed in terms of clause 25 (1) (d) (ii) of this Agreement.
- (3) No person shall enter an agreement to subcontract Building Industry work to another person unless, at the time of entering the agreement, both persons are employers in good standing with the Council: Provided that, where persons conclude an agreement to subcontract such work on an indefinite basis or for longer than 12 months, the parties to such agreement must be in good standing with the Council each time that work is subcontracted under the agreement. A person who, despite the foregoing, subcontracts Building Industry work to another person who is not in good standing with the Council at the relevant time, shall be jointly and severally liable if the subcontractor, in respect of any of its employees, fails to meet any obligations that it has under this Agreement, as amended from time to time.
- (4) No person shall enter an agreement to utilise a temporary employment service for Building Industry work unless, at the time of entering the agreement, both the person and the temporary employment service are employers in good standing with the Council: Provided that, where persons conclude such an agreement on an indefinite basis or for longer than 12 months, the parties to such agreement must be in good standing with the Council each time that the services of the temporary employment service are utilised under the agreement. The provisions of section 198 of the Act shall apply to any person who enters an agreement to utilise a temporary employment service for Building Industry work.

9. CLAUSE 7: REGISTRATION OF EMPLOYEES

Substitute the following for clause 7:

- "(1) All persons employed in the Building Industry shall be registered with the Council and each employee and the employer shall be jointly responsible for the registration of the employee with the Council within 60 days of commencement of employment.

- (2) The Council shall issue to each registered employee a Bargaining Council identity card and the employee shall be required to retain that card at all times whilst engaged in work in the Building Industry.
- (3) The Council shall bear the initial costs of the Bargaining Council identity card, but the employee shall be liable for the costs of the replacement of any identity card.
- (4) **Learnership:** A registered employer or an employers' organisation acting in terms of a group scheme may employ a person as a learner under a contract of employment with a learner in accordance with the Skills Development Act, 1998 (No. 97 of 1998) and the Council shall register such person as a learner subject to the following terms and conditions:
- The person has first been registered as a learner by the Construction Education Training Authority ("CETA").
 - The learner shall only be entitled to perform work in a designated trade once the Council has received from the CETA a valid certificate of registration for the learner in respect of such trade.
 - For purposes of his learnership, the learner shall be entitled to undergo training with his employer or under the auspices of any accredited training institution.
 - Upon successful completion by the learner of the necessary group of credits in respect of a course of training as provided for in subclause (5) below, the Council shall re-register the learner in the appropriate tradesman category.
 - A learner shall be entitled to the payment of wages in accordance with the wage prescribed in terms of clause 9 in respect of the category of learner in which he is registered from time to time.
- (5) **Tradesmen:**
- A learner in a specified category shall be registered as a tradesman in that category in accordance with the following:
 - In respect of Class 4, where he has completed less than 55 percent of the credits of the prescribed course.
 - In respect of Class 3, where he has completed 55 to 74 percent of the credits of the prescribed course.
 - In respect of Class 2, where he has completed 75 to 99 percent of the credits of the prescribed course.
 - Employers and trade unions shall endeavour to ensure that learners complete their training within the specified time.
 - Any person who has been employed outside the registered scope of the Council as a skilled worker, other than an artisan qualified in terms of subclause 6 (b), shall be required to undergo a prior learning assessment with an accredited training provider in order to determine the unit standards in which he is competent and in respect of which he should be credited and, pursuant thereto, shall be registered as a tradesman in a particular category, as follows:

<i>Proficiency</i>	<i>Class</i>
(i) Below 55 per cent	4
(ii) 55–74 per cent	3
(iii) 75–99 per cent	2
(iv) Completed all credits.....	Artisan

- (6) **Artisan:**
- An employee shall be registered as an artisan once he has passed the trade test or has completed the number of credits that qualify him to work as an artisan.
 - An artisan shall be entitled to the payment of wages in accordance with the wage prescribed for his category in terms of clause 9.
 - If at any stage an employer is of the opinion that a registered artisan is not performing his duties to an acceptable level of proficiency, the employer may, at its own cost, require that artisan undergo a proficiency test, in which case the artisan shall be obliged to undergo such test.
- (7) In this clause 7, a credit means a credit as defined from time to time under the regulations made under the South African Qualifications Authority Act, No. 58 of 1995.

10. CLAUSE 8: TERMS OF EMPLOYMENT

- In subclause (1) (a) (i), substitute the expression "9" or the expression "10" where it appears.
- Insert a new subclause (5A) to read as follows:

"(5A) Notwithstanding anything contained in subclauses (1) to (5) above, security guards are required to work shifts in accordance with the employer's operational requirements: Provided that no security guard shall be required to work more than 13 hours during a night shift and 11 hours during a day shift."

11. CLAUSE 9: REMUNERATION

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

"Category of employee"	Minimum wage—per hour		
	Area A	Area B	Area C
	R	R	R
(i) Labourer.....	7,76	6,34	5,58
(ii) Cleaner	7,76	6,39	5,62
(iii) General Workers.....	11,94	9,80	8,61
(iv) Tradesman class 4, Learner class 4 and scaffolder.....	12,82	11,38	9,98
(v) Tradesman class 3, Learner class 3.....	14,14	13,17	11,55
(vi) Tradesman class 2, Learner class 2 and blocklayer.....	19,28	16,95	14,86
		Per day	Per day
(vii) Drivers/Plant Operators, of motor vehicles who require a code C1 licence or above.....	16,10	110,92	97,30
	Per day	Per day	Per day
(viii) Drivers of all other vehicles who require a code A, A1 or B licence.....	12,11	82,08	72,04
(ix) Artisan.....	25,80	22,01	19,27
	Per day	Per day	Per day
(x) Security guard.....	108,59	80,85	71,01"

(2) Insert a new subclause (4A) to read as follows:

"Notwithstanding anything contained in subclause (1) to (4) above, if a security guard's shift work includes work on a Sunday or public holiday, payment in respect of such Sunday or public holiday work shall be at the ordinary basic rate, unless it constitutes overtime in accordance with clause 8 (4) (a) above in which case payment shall be at a rate of one and one third of the ordinary basic rate."

12. CLAUSE 10: WAGE PAYMENT PROCEDURE

Substitute a clause reference "24 (4)" for the reference to "24 (4)" in subclause (2) (a) (v)".

13. CLAUSE 11: STORAGE AND PROVISION OF TOOLS

Substitute the expression "learner" for the expression "trainee tradesman".

14. CLAUSE 12: BENEFITS

Delete subclauses (5) and (6).

15. CLAUSE 13: HOLIDAY FUND

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

"Category of employee"	Amount per day		
	Rand		
	Area A	Area B	Area C
(i) Labourer.....	4,68	3,42	3,01
(ii) Cleaner	4,68	3,44	3,03
(iii) General Worker.....	7,19	5,28	4,64
(iv) Tradesman class 4, Learner class 4 and scaffolder.....	7,54	6,13	5,38
(v) Tradesman class 3, Learner class 3.....	8,31	7,10	6,22
(vi) Tradesman class 2, Learner class 2 and blocklayer	11,33	9,13	8,01
(vii) Drivers/Plant Operators, of motor vehicles who require a code C1 licence or above.....	9,94	6,79	5,96
(viii) Drivers of all other vehicles who require a code A, A1 or B licence.....	7,47	5,03	4,41
(ix) Artisan.....	15,16	11,86	10,38
(x) Security guard.....	7,98	4,95	4,35"

16. CLAUSE 14: PENSION/PROVIDENT FUND

(1) Amend subclause (1) by replacing the expression "is" in the first line with the words "and the Building Industry Provident Fund (Western Province) ("the Provident Fund") are", and by deleting the expression "and shall further be entitled to establish a provident fund as contemplated in the Pension Fund Act, 1956, which it deems fit for this purpose".

(2) Insert after the existing subclause (1), a new subclause (1A) to read as follows:

"(1A) Every employee for whom a contribution is required in the table in subclause 3 below, must be a member of either the Pension Fund or the Provident Fund, subject always to the rules of the said funds."

(3) Amend subclause (3) by the insertion of the words "or the Provident Fund, as the case may be", after the words "Pension Fund" and substituting the following for the table therein:

"Category of employee"	Amount per day		
	Rand		
	Area A	Area B	Area C
(i) Labourer.....	—	—	—
(ii) Cleaner	5,09	—	—
(iii) General Worker.....	7,83	6,25	5,50
(iv) Tradesman class 4, Learner class 4 and scaffolder.....	8,21	7,26	6,37
(v) Tradesman class 3, Learner class 3.....	9,05	8,40	7,37
(vi) Tradesman class 2, Learner class 2 and blocklayer	12,34	10,81	9,48
(vii) Drivers/Plant Operators, of motor vehicles who require a code C1 licence or above.....	10,82	8,04	7,05
(viii) Drivers of all other vehicles who require a code A, A1 or B licence.....	8,14	5,95	5,22
(ix) Artisan.....	16,51	14,04	12,29
(x) Security guard.....	8,69	5,86	5,15"

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

"Category of employee"	Amount per day		
	Rand		
	Area A	Area B	Area C
(i) Labourer.....	—	—	—
(ii) Cleaner	4,77	—	—
(iii) General Worker.....	7,35	6,25	5,49
(iv) Tradesman class 4, Learner class 4 and scaffolders	7,69	7,26	6,37
(v) Tradesman class 3, Learner class 3.....	8,48	8,40	7,37
(vi) Tradesman class 2, Learner class 2 and blocklayer	11,57	10,81	9,48
(vii) Drivers/Plant Operators, of motor vehicles who require a code C1 licence or above.....	10,14	8,04	7,05
(viii) Drivers of all other vehicles who require a code A, A1 or B licence.....	7,63	5,95	5,22
(ix) Artisan.....	15,48	14,04	12,29
(x) Security guard.....	8,14	5,86	5,15"

(5) Amended subclause (6) by the insertion of the expression "or Provident Fund" after the expression "Pension Fund".

(6) Insert the following new subclauses (6A) and (6B) after the existing subclause 6:

"(6A) When an employee fails to qualify for death, disability, and/or funeral benefits in terms of the Pension Fund and/or the Provident Fund because an employer has failed to pay contributions owing by it in respect of the employee's membership, such employer shall be liable to pay to such employee or his beneficiary an amount of money equal to the death, disability and/or funeral benefits that would have been payable to the employee under the rules of the applicable fund had the contributions been paid by the employer.

(6B) During the period of operation of this Agreement—

- (a) the Pension Fund) and the Provident Fund shall be converted to defined contribution funds; and
- (b) a reduction of the retirement age to 60 years of age under the said funds shall be phased in."

17. CLAUSE 15: SICK PAY FUND

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

"Category of employee"	Amount per day Rand		
	Area A	Area B	Area C
(i) Labourer.....	0,74	0,65	0,57
(ii) Cleaner	0,74	0,65	0,57
(iii) General Worker.....	1,13	1,00	0,88
(iv) Tradesman class 4, Learner class 4 and scaffolder.....	1,19	1,16	1,02
(v) Tradesman class 3, Learner class 3.....	1,31	1,34	1,18
(vi) Tradesman class 3, Learner class 2 and blocklayer	1,79	1,73	1,51
(vii) Drivers/Plant Operators, of motor vehicles which require a code C1 licence or above	1,57	1,28	1,13
(viii) Drivers of all other vehicles who require a code A, A1 or B licence.....	1,18	0,95	0,83
(ix) Artisan.....	3,34	3,14	2,75
(x) Security guard.....	1,26	0,94	0,82"

- (2) Substitute the expression "three" in subclause (8) for the expression "three".

18. CLAUSE 17: EXPENSES OF THE COUNCIL

Substitute the expression "R0,20" in subclause (1) for the expression "R0,01".

19. CLAUSE 18: TRADE UNION SUBSCRIPTIONS

Replace the expression "sales" in subclause (b) (iii) by the expression "subscriptions".

20. CLAUSE 21: WESTERN PROVINCE BUILDING AND ALLIED TRADES' SICK FUND

Substitute the expression "subscriptions" for the expression "sales" in subclause (b) (iii).

21. CLAUSE 22: GENERAL

Delete the expression " , as and when conditions demand it" in subclause 22 (5).

22. CLAUSE 24: MEDICAL AID

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

	"Amount per day	
	Member employee	Employer
	R	R
Artisan	10,00	10,00"

23. CLAUSE 25: RESOLUTION OF DISPUTES

- (1) Amend subclause 25 (1) (d) as follows:

- (a) Substitute the following subparagraphs for the existing subparagraph (ii):

"(ii) impose a compliance order and a penalty in terms of subclause 25 (1) (m); or

(iii) refer the matter to arbitration in terms of this Agreement if the respondent party does not consent to the compliance order or the penalty and in which case the respondent party may be ordered to pay the costs of the process; or";

- (b) renumber the existing subparagraph (iii) to read (iv).

- (2) Amend subclause 25 (1) (m) as follows:

- (a) Amend subparagraph (a) by the addition of the expression "on the non-compliant party in accordance with subparagraph (b) below" at the end thereof;

- (b) amend subparagraph (b) (i) by the deletion of the expression "Table Two";

- (c) amend subparagraph (b) (ii) by the addition of the expression "or Table Two" after the expression "Table One".

- (3) Amend subclause 25 (2) (c) by the replacement of the expression "the arbitration award" with the expression "have an arbitration award made".

24. CLAUSE 27: EMPLOYER FORUM

Delete the entire clause 27 and renumber clauses 28 and 29 as clauses 27 and 28 respectively.

Signed at Bellville this 15th day of October 2003.

R.H.M. JOHNSON

for the Master Builders' and Allied Traders' Association, West Cape

W.C. CLIFT

for the Boland Meesterbouers en Verwante Bedrywe Vereniging

E. TYEMBILE

for the Building, Construction and Allied Workers' Union

R.C. DAMON

for the Building Workers' Union

H. KETSISE

for the National Union of Mineworkers (NUM)

T. NTSOMI

for the Building, Wood and Allied Workers' Union of South Africa

P. ROOLF

for the South African Woodworkers' Union

No. R. 1735

28 November 2003

WET OP ARBEIDSVERHOUDINGE, 1995

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

Ek, Membathisi Mphumzi Shepherd Mdladlana, Minister van Arbeid, verklaar hierby kragtens artikel 32 (2) van die Wet op Arbeidsverhoudinge, 1995, die kollektiewe ooreenkoms wat in die Bylae hiervan verskyn, en wat in die Bedingsraad vir die Bounywerheid (Kaap die Goeie Hoop) aangegaan is en kragtens artikel 31 van die Wet op Arbeidsverhoudinge, 1995, bindend is op die partye wat die ooreenkoms aangegaan het, bindend vir die ander werkgewers en werknemers in daardie Nywerheid, met ingang van 1 Desember 2003 en vir die tydperk wat op 31 Oktober 2005 eindig.

M. M. S. MDLADLANA

Minister van Arbeid

SKEDULE

BEDINGINGSRAAD VIR DIE BOUNYWERHEID (KAAP DIE GOEIE HOOP)

KOLLEKTIEWE OOREENKOMS

Ooreenkomstig die Wet op Arbeidsverhoudinge, Wet No. 66 van 1995, gesluit deur en aangegaan tussen die

Boland Meestersbouers en Verwante Bedrywe Vereniging

Master Builders' and Allied Trades' Association, Cape Peninsula

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

Building, Construction and Allied Workers' Union

Building, Wood and Allied Workers' Union of South Africa

Building Workers' Union

National Union of Mineworkers (NUM)

South African Woodworkers' Union

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

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

1. TOEPASSINGSBESTEK

(1) Hierdie Ooreenkoms moet in die Bou- en Monumentklipmesselnywerheid nagekom word—

(a) deur alle werkgewers wat lede van die werkgewersorganisasies is en deur alle werknemers wat lede van die vakbonde is;

- (b) deur alle werkgewers wat nie lede van die werkgewersorganisasies is nie en deur alle werknemers wat nie lede van die vakbonde is nie;
 - (c) in die landdrosdistrikte Die Kaap, Wynberg [met inbegrip van die gedeelte van die landdrosdistrik Somerset-Wes wat voor 9 Maart 1973 (Goewermentskennisgewing No. R. 173 van 9 Februarie 1973) binne die landdrosdistrik Wynberg geval het], Simonstad, Goodwood en Bellville, in die gedeeltes van die landdrosdistrikte Malmesbury en Stellenbosch wat voor die publikasie van onderskeidelik Goewermentskennisgewings Nos. R. 171 van 8 Februarie 1957 en R. 283 van 2 Maart 1962 binne die landdrosdistrik Bellville geval het, en die gedeelte van die landdrosdistrik Kuilsrivier wat voor die publikasie van Goewermentskennisgewing No. R. 661 van 19 April 1974 binne die landdrosdistrik Stellenbosch geval het maar wat voor 2 Maart 1962 (Goewermentskennisgewing No. R. 283 van 2 Maart 1962) binne die landdrosdistrik Bellville geval het.
 - (d) In die landdrosdistrikte Paarl, Wellington, Stellenbosch, Kuilsrivier (uitgesonderd enige gedeeltes van laasgenoemde twee distrikte wat, voor die publikasie van Goewermentskennisgewing No. 283 van 2 Maart 1962, binne die landdrosdistrik Bellville geval het), Somerset-Wes [uitgesonderd die gedeelte wat, voor 9 Maart 1973 (Goewermentskennisgewing No. 173 van 9 Februarie 1973), binne die landdrosdistrik Wynberg geval het] Strand en Malmesbury (uitgesonderd die gedeelte wat, voor die publikasie van Goewermentskennisgewing No. 171 van 8 Februarie 1957, binne die landdrosdistrik Bellville geval het).
- (2) Ondanks subklousule (1) en/of klousule 4, is hierdie Ooreenkoms van toepassing op—
- (a) werknemers in die Nywerheid wat opleiding ontvang volgens die bepalings van die Skills Development Act, 1998 (Wet op Vaardigheidsontwikkeling);
 - (b) tydelike werkverskaffingsdienste, slegs-arbeid-kontrakteurs, werkende vennote, werkende direkteure, prinsipale, aannemers en werkende lede van beslote korporasies wat werk doen in die Bounywerheid.
- (3) Ondanks subklousule (1) en klousule 4 is die bepalings van hierdie Ooreenkoms nie van toepassing nie op—
- (a) klerke en administrasiepersoneel;
 - (b) universiteitstudente en gegradueerdes in die Bouwetenskap, en op konstruksietoetsinghouers, konstruksie-opmeters en ander persone wat besig is met praktiese werk ter voltooiing van hulle akademiese opleiding;
 - (c) nie-partye ten opsigte van klousules 3 van hierdie Ooreenkoms.

2. GELDIGHEIDSDUUR VAN OOREENKOMS

Hierdie Ooreenkoms tree in werking op die datum wat die Minister van Arbeid vasstel as die inwerkingstredingsdatum waarop die Ooreenkoms vir nie-partye bindend word, of die datum waarop die Minister van Arbeid weier om die Ooreenkoms tot nie-partye uit te brei en die Ooreenkoms sal van krag bly tot 31 Oktober 2005.

3. SPESIALE BEPALINGS

Die bepalings vervat in klousule 19 en 20 van die Vorige Ooreenkoms is van toepassing op sowel werkgewers as werknemers.

4. ALGEMENE BEPALINGS

Die bepalings vervat in klousules 3 tot 18 en 21 tot 29 van die Vorige Ooreenkoms, soos verder verleng, hernieu, gewysig en herbekragtig van tyd tot tyd is van toepassing op sowel werkgewers as werknemers.

5. KLOUSULE 3: NYWERHEIDSOPTREDE

Skrap die woorde "kollektiewe" en "wat die partye aangegaan het".

6. KLOUSULE 4: WOORDOMSKRYWING

- (1) Nommer die openingsparagraaf tot subklousule (1).
 - (2) Voeg die volgende woordomskrywings in onder subklousule (1):
- " 'werknemer' beteken—
- (a) enige persoon, behalwe 'n onafhanklike kontrakteur, wat werk doen vir 'n ander persoon en besoldiging ontvang, of geregtig is om besoldiging te ontvang; en
 - (b) enige ander persoon wat op enige wyse help om die besigheid van 'n werkgewer voort te sit of te bedryf;"
- " 'werkgewer' beteken enige persoon wat werk verskaf aan 'n persoon, of persoon besoldig, of uitdruklik of stilswyend onderneem om 'n persoon te besoldig, of wat enige persoon toelaat om hom op enige wyse by te staan in die voortsit of bedryf van sy besigheid;"
- " 'leerling' beteken enige werknemer wat as 'n leerling geregistreer is in terme van klousule 7 (4) van hierdie Ooreenkoms;"
- " 'Kundigheids- en Opvoedingstrust' beteken die Kundigheids- en Opvoedingstrust, trustaktenommer IT1029/2001;"
- " 'tydelike werkverskaffingsdiens' beteken enige persoon wat teen vergoeding, vir 'n ander persoon (hierna die kliënt genoem) persone verkry of verskaf—
- (a) wat aan die kliënt dienste lewer of vir die kliënt werk doen; en
 - (b) wat deur die tydelike werkverskaffingsdiens besoldig word;"

(3) Wysig die woordomskeywing van—

“bounywerheid” deur die—

- skrapping van die woord “uitgesonderd” waar dit voorkom in die subwoordomskeywing van “klipmesselwerk”;
- skrapping van die woord “letterskilderwerk” waar dit voorkom in die subwoordomskeywing van “verfwerk”; en
- skrapping van die woorde “of bouwerk” waar hulle voorkom onder die subwoordomskeywing van “staalkonstruksie”;

“Vorige Ooreenkoms” deur die vervanging van die uitdrukking “Goewermenskennisgewing No. R. 1994 van 22 Oktober 1993, soos gewysig” deur die uitdrukking “Goewermenskennisgewing No. R. 1055 van 1 November 2001 soos gewysig deur Goewermenskennisgewing No. R. 1320 van 25 Oktober 2002”;

“skrynwerkmonteerder”, “masjienbediener” en “vervaardigingswerker” deur die vervanging van die uitdrukking “bouwerker” waar dit in die genoemde woordomskeywings voorkom deur die uitdrukking “leerling”;

“leerlingskap” deur die vervanging van die uitdrukking “iemand wat” deur die uitdrukking “’n leerlingskap” en die uitdrukking “sal onderwerp wees” deur die woorde “sal onderworpe wees”;

“bouwerker” ’n werknemer was as ’n bouwerker geregistreer is in terme van klousule 7 (5) van hierdie Ooreenkoms;”

(4) Vervang die bestaande omskeywing van “veiligheidswag” deur die volgende:

“ ‘veiligheidswag’ enige werknemer wat gemoeid is met die beskerming of bewaring op welke wyse ook al van die eiendom en/of persele, insluitend maar nie beperk tot bewaking, patrolling, toesighouding oor eiendom en/of persele;”

(5) Skrap die woordomskeywing van “kwekelingbouwerker” en “bouwerker”.

(6) Voeg ’n nuwe subklousule (2) en (3) in wat soos volg lui:

“(2) ’n Persoon wat werk vir of dienste verskaf aan enige ander persoon word veronderstel, tot die teendeel bewys word, ’n werknemer te wees van daardie persoon, ongeag die vorm van die kontrak, as enigeen van die volgende faktore aanwesig is:

- (a) die wyse waarop die persoon werk, is onderworpe aan die beheer of leiding van ’n ander persoon;
- (b) die persoon se werkure is onderworpe aan die beheer of leiding van ’n ander persoon;
- (c) in die geval van ’n persoon wat vir ’n organisasie werk, maak die persoon deel van daardie organisasie uit;
- (d) die persoon het oor die afgelope drie maande gemiddeld minstens 40 uur per maand vir daardie persoon gewerk;
- (e) die persoon is ekonomies afhanklik van die ander persoon vir wie hy of sy werk of dienste lewer;
- (f) die persoon word deur die ander persoon van bedryfsgereedskap of werkstoerusting voorsien; of
- (g) die persoon werk vir of lewer dienste slegs aan een persoon.

(3) Subklousule (2) is nie van toepassing nie op enige persoon wat meer verdien nie as die bedrag wat die Minister van Arbeid ingevolge artikel 6(3) van die Wet op Basiese Diensvoorwaardes, 1997 (Wet No. 75 van 1997) bepaal.

(7) Voeg ’n nuwe subklousule (4) in wat soos volg lui:

“In hierdie Ooreenkoms, tensy anders blyk uit die konteks, sluit woorde wat die enkelvoud aandui ook die meervoud in en omgekeerd, woorde wat enige geslag aandui, sluit ook die ander geslag in en woorde wat persone aandui, sluit ook vennootskappe en regspersone in.”

7. KLOUSULE 6: REGISTRASIE VAN WERKGEWERS

(1) Skrap die uitdrukking “wat die Ooreenkoms nakom” in subklousule 6(7) en voeg die uitdrukking “geregistreerde” voor die uitdrukking “werkgewers” in.

(2) Skrap subklousules 6 (9) en 6 (10), en vervang subklousule 6 (8) deur die volgende nuwe subklousule 6 (8):

“’n Nuut geregistreerde werkgewer is daarop geregtig om van die Raad kosteloos oriëntasie-opleiding te ontvang ten opsigte van arbeidswetgewing, hierdie Ooreenkoms en die voorbereiding van loonrekords en hulp met registrasie vir die “National Certificate of Contracting”-leerlingskap.

8. KLOUSULE 6A: NAKOMING DEUR WERKGEWERS, SUBKONTRAKTERING EN GEBRUIK VAN TYDELIKE WERKVERSKAFFINGSDIENSTE

“6A. NAKOMING DEUR WERKGEWERS, SUBKONTRAKTERING EN DIE GEBRUIK VAN TYDELIKE WERKVERSKAFFINGSDIENSTE

- (1) Die Raad moet ’n register hou van alle werkgewers van goeie aansien by die Raad. Hierdie register moet algemeen bekend gemaak word en op versoek beskikbaar wees vir enige persoon.
- (2) ’n Werkgewer moet vir die doeleindes van subklousule (1) goeie aansien hê by die Raad as die werkgewer in ooreenkomstig klousule 6 by die Raad geregistreer is en die werkgewer nie versuim het om enige bevel na te kom en/of enige boete te betaal wat ingevolge klousule 25 (1) (d) (ii) van hierdie Ooreenkoms opgelê is, nie.

- (3) Geen persoon mag 'n ooreenkoms gemik op die subkontraktering van Bounywerheidswerk met 'n ander persoon aangaan nie tensy beide persone werkgewers is wat ten tyde van die aangaan van die ooreenkoms goeie aansien by die Raad het: Met dien verstande dat waar persone ooreenkom om vir 'n onbepaalde tydperk of vir 'n tydperk langer as 12 maande werk te subkontraakteer, moet die partye by so 'n ooreenkoms goeie aansien hê by die Raad elke keer wat gesubkontraakteer word ingevolge die ooreenkoms. 'n Persoon wat, ten spyte van die voorgaande, Bounywerheidswerk aan 'n ander persoon subkontraakteer wat op die bepaalde tydstip nie goeie aansien by die Raad het nie, is gesamentlik en afsonderlik aanspreeklik indien die subkontraakteur, ten opsigte van enige van sy werknemers, versuim om enige van die verpligtinge ingevolge hierdie ooreenkoms na te kom, soos van tyd tot tyd gewysig.
- (4) Geen persoon mag 'n ooreenkoms aangaan vir die gebruik van 'n tydelike werkverskaffingsdiens vir Bounywerheidswerk nie, tensy beide die persoon en die tydelike werkverskaffingsdiens werkgewers tydens die aangaan daarvan goeie aansien by die Raad het: Met dien verstande dat waar persone so 'n ooreenkoms vir 'n onbepaalde tydperk of vir 'n tydperk langer as 12 maande aangaan, die partye by so 'n ooreenkoms goeie aansien by die Raad moet hê by elke geleentheid wat die diens van die tydelike werkverskaffingsdiens benut word ingevolge die ooreenkoms. Die bepaling van artikel 198 van die Wet is van toepassing op enige persoon wat 'n ooreenkoms aangaan om 'n tydelike werkverskaffingsdiens te benut vir werk in die Bounywerheid.

9. KLOUSULE 7: REGISTRASIE VAN WERKNEMERS

Vervang klousule 7 deur die volgende:

- (1) Alle persone werksaam in die Bounywerheid moet by die Raad geregistreer wees en elke werknemer en werkgewer is binne 60 dae na die werknemer se diensaanvaarding gesamentlik verantwoordelik vir die registrasie van die werknemer by die Raad.
- (2) Die Bedingsraad moet aan elke geregistreerde werknemer 'n Bedingsraadidentiteitskaart uitreik en daar sal van die werknemer vereis word om die kaart te alle tye byderhand te hê wanneer werksaam in die Bounywerheid.
- (3) Die Raad moet die aanvanklike koste van die Bedingsraadidentiteitskaart dra, maar die werknemer sal verantwoordelik wees vir die koste van die vervanging van enige identiteitskaart.
- (4) **Leerlingskap:** 'n Geregistreerde werknemer of 'n werknemersorganisasie wat ingevolge 'n groepskema optree, mag 'n persoon as 'n leerling, ingevolge 'n dienskontrak met 'n leerling soos in die Wet op Vaardigheidsontwikkeling, 1998 (Wet No. 97 van 1998) vervat, in diens neem en die Raad moet, onderworpe aan die volgende voorwaardes, so 'n persoon as 'n leerling registreer:
 - (a) Die persoon is eers geregistreer as 'n leerling ingevolge die Construction Education Training Authority ("CETA").
 - (b) Die leerling mag toegelaat word om werk in 'n aangewese ambag te verrig slegs wanneer die Raad vanaf die CETA 'n geldige sertifikaat van registrasie ten opsigte van daardie ambag vir die leerling ontvang het.
 - (c) Vir die doeleindes van sy leerlingskap sal die leerling die reg hê om opleiding te ondergaan by sy werkgewer of onder die beskerming van enige geakrediteerde opleidingsinstansie.
 - (d) Wanneer die leerling die noodsaaklike groepkrediete ten opsigte van 'n opleidingskursus, soos bepaal in subklousule (5) hieronder, afgehandel het, moet die Raad die leerling herregistreer in die toepaslike ambagkategorie.
 - (e) 'n Leerling is daarop geregtig om 'n loon te ontvang ooreenkomstig die loon voorgeskryf in klousule 9 ten opsigte van die leerlingkategorie waarin hy van tyd tot tyd geregistreer is.
- (5) **Bouwerker:**
 - (a) 'n Leerling in 'n gespesifiseerde kategorie moet as 'n bouwerker in daardie kategorie in ooreenstemming met die volgende geregistreer word:
 - (i) Ten opsigte van Klas 4 waar hy minder as 55 persent van die krediete in die voorgeskrewe kursus voltooi het.
 - (ii) Ten opsigte van Klas 3 waar hy 55 tot 74 persent van die krediete in die voorgeskrewe kursus voltooi het.
 - (iii) Ten opsigte van Klas 2 waar hy 75 tot 99 persent van die krediete in die voorgeskrewe kursus voltooi het.
 - (b) Werkgewers en vakbonde moet poog om te verseker dat leerlinge hul opleiding binne die gespesifiseerde tydperk afhandel.
 - (c) Enige persoon wat buite die geregistreerde bestek van die Raad in diens is as 'n geskoolde werker, uitgesonderd 'n ambagsman gekwalifiseer ingevolge klousule 6(b), is verplig om vooraf 'n kundigheids-evaluering te ondergaan by 'n geakrediteerde opleidingsvoorsiener om die eenheidstandaarde te bepaal waarin hy bekwaam is en ten opsigte waarvan hy krediet moet ontvang en ingevolge waarvan hy daarna geregistreer moet word as 'n bouwerker in 'n spesifieke kategorie, soos volg:

- Bekwaamheid* *Klas*
- (i) Onder 55 persent..... 4
- (ii) 55–74 persent..... 3
- (iii) 75–99 persent..... 2
- (iv) Alle krediete voltooi Ambagsman
- (6) **Ambagsman:**
- (a) 'n Werknemer word geregistreer as 'n ambagsman sodra hy die ambagstoets geslaag het of die aantal krediete voltooi het wat hom kwalifiseer om as ambagsman te werk.
- (b) 'n Ambagsman sal daarop geregtig wees om betaling te ontvang ooreenkomstig die loon voorgeskryf vir sy kategorie van ambagsman in klousule 9;
- (c) As 'n werkgewer te eniger tyd van mening is dat 'n ambagsman nie sy dienste op 'n aanvaarbare vaardigheidsvlak kan verrig nie, kan daardie werkgewer op sy eie koste daarop aandrang dat die ambagsman 'n vaardigheidstoets ondergaan en die ambagsman sal dan verplig wees om die toets te ondergaan.
- (7) In klousule 7 beteken 'n krediet 'n krediet soos van tyd tot tyd omskryf in die regulasies uitgevaardig ingevolge die Wet op Suid Afrikaanse Kwalifikasie-owerheid No. 58 van 1995.

10. KLOUSULE 8: DIENSVOORWARDES

- (1) In subklousule (1) (a) (i) moet die uitdrukking "10" waar dit daarin verskyn vervang word deur die uitdrukking "9".
- (2) Voeging 'n nuwe subklousule (5A) in wat soos volg lui:
- "(5A) Ondanks enigiets vervat in subklousules (1) tot (5) hierbo word daar van veiligheidswagte vereis om skofte te werk ooreenkomstig die werkgewer se operasionele vereistes: Met die voorbehoud dat daar van geen veiligheidswag vereis sal word om meer as 13 uur gedurende 'n nagskof en 11 uur gedurende 'n dagskof te werk nie."

11. KLOUSULE 9: BESOLDIGING

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

"Kategorie van werknemer"	Minimum loon—per uur		
	Area A	Area B	Area C
	R	R	R
(i) Arbeider	7,76	6,34	5,58
(ii) Skoonmaker	7,76	6,39	5,62
(iii) Algemene werker	11,94	9,80	8,61
(iv) Bouwerker Klas 4, en leerling Klas 4	12,82	11,38	9,98
(v) Bouwerker Klas 3, en leerling Klas 3	14,14	13,17	11,55
(vi) Bouwerker Klas 2, en leerling Klas 2 en bloklêer	19,28	16,95	14,86
		Per dag	Per dag
(vii) Drywers/kragaaangedrewe-masjienbedieners, van motorvoertuie wat 'n kode C1- of hoër lisensie nodig het	16,10	110,92	97,30
	Per dag	Per dag	Per dag
(viii) Drywers van alle ander motorvoertuie wat 'n kode A-, A1- of B-lisensie nodig het	12,11	82,08	72,04
(ix) Ambagsman	25,80	22,01	19,27
	Per dag	Per dag	Per dag
(x) Veiligheidswag	108,59	80,85	71,01"

- (2) Voeg 'n nuwe subklousule (4A) in wat as volg lui:

"Ondanks enigiets vervat in klousules (1) tot (4) hierbo, as enige veiligheidswag se skofwerk 'n Sondag of openbare vakansiedag insluit moet die betaling ten opsigte van so 'n Sondag of openbare vakansiedag teen die gewone basiese koers wees, tensy dit neerkom op oortyd ooreenkomstig klousule 8 (4) hierbo, in welke geval betaling sal geskied teen 'n koers van een en 'n derde van die gewone basiese koers."

12. KLOUSULE 10: LOONBETALINGSPROSEDURE

Vervang die klousuleverwysing "24 (3)" in subklousule (2) (a) (v) deur die verwysing "24 (4)".

13. KLOUSULE 11: BERGING EN VOORSIENING VAN GEREEDSKAP

Vervang die woorde "kwekelingbouwerker", deur die woord "leerling".

14. KLOUSULE 12: VOORDELE

Skrap subklousule (5) en (6).

15. KLOUSULE 13: VAKANSIEFONDS

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

"Kategorie van werknemer"	Bedrag per dag		
	Rand		
	Area A	Area B	Area C
(i) Arbeider	4,68	3,42	3,01
(ii) Skoonmaker	4,68	3,44	3,03
(iii) Algemene werker	7,19	5,28	4,64
(iv) Bouwerker Klas 4, leerling Klas 4 en steierwerker	7,54	6,13	5,38
(v) Bouwerker Klas 3, leerling Klas 3	8,31	7,10	6,22
(vi) Bouwerker Klas 2, leerling Klas 2 en bloklêer	11,33	9,13	8,01
(vii) Drywers/kragaangedrewe-masjineriebediener van voertuie, wat 'n kode C1- of hoër lisensie nodig het	9,94	6,79	5,96
(viii) Drywers van alle ander voertuie wat 'n kode A-, A1- of B-lisensie nodig het	7,47	5,03	4,41
(ix) Ambagsman	15,16	11,86	10,38
(x) Veiligheidswag	7,98	4,95	4,35"

16. KLOUSULE 14: PENSIEN-/VOORSORGFONDS

(1) Wysig subklousule (1) deur die uitdrukking "word" in die eerste lyn te vervang deur die uitdrukking "en die Bounywerheid Voorsorgfonds (Westelike provinsie) ("die Voorsorgfonds) is" en skrap die uitdrukking "en sal ook verder daarop geregtig wees om enige ander soortgelyke fonds te stig soos beoog in die Wet op Pensioenfondse, 1956, wat hy vir hierdie doel goeddink".

(2) Voeg na die bestaande subklousule (1), 'n nuwe subklousule (1A) in wat soos volg lui:

"(1A) Onderworpe aan die reëls van die Pensioenfonds of die Voorsorgfonds moet elke werknemer, ten opsigte van wie 'n bydrae vereis word in die tabel in subklousule 3 hieronder, 'n lid van een van genoemde fondse wees."

(3) Wysig subklousule (3) deur die invoegng van die uitdrukking "of die Voorsorgfonds, na gelang van die geval" na die uitdrukking "Pensioenfonds" en die vervanging van die tabel daarin deur die volgende:

"Kategorie van werknemer"	Bedrag per dag		
	Rand		
	Area A	Area B	Area C
(i) Arbeider	—	—	—
(ii) Skoonmaker	5,09	—	—
(iii) Algemene werker	7,83	6,25	5,50
(iv) Bouwerker Klas 4, leerling Klas 4 en steierwerker	8,21	7,26	6,37
(v) Bouwerker Klas 3, leerling Klas 3	9,05	8,40	7,37
(vi) Bouwerker Klas 2, leerling Klas 2 en bloklêer	12,34	10,81	9,48
(vii) Drywer/kragaangedrewe-masjienbediener wat 'n kode C1- of hoër lisensie nodig het	10,82	8,04	7,05
(viii) Drywer wat 'n kode A-, A1- of B-lisensie nodig het	8,14	5,95	5,22
(ix) Ambagsman	16,51	14,04	12,29
(x) Veiligheidswag	8,69	5,86	5,15"

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

"Kategorie van werknemer"	Bedrag per dag		
	Rand		
	Area A	Area B	Area C
(i) Arbeider	—	—	—
(ii) Skoonmaker	4,77	—	—
(iii) Algemene werker	7,35	6,25	5,49
(iv) Bouwerker Klas 4, leerling Klas 4 en steierwerker	7,69	7,26	6,37
(v) Bouwerker Klas 3, leerling Klas 3	8,48	8,40	7,37
(vi) Bouwerker Klas 2, leerling Klas 2 en bloklêer	11,57	10,81	9,48
(vii) Drywers/kragaangedrewe-masjienbediener wat 'n kode C1- of hoër lisensie nodig het	10,14	8,04	7,05
(viii) Drywers van alle ander voertuie wat 'n kode A-, A1- of B-lisensie nodig het	7,63	5,95	5,22
(ix) Ambagsman	15,48	14,04	12,29
(x) Veiligheidswag	8,14	5,86	5,15"

(5) Wysig subklousule (6) deur die uitdrukking "of Voorsorgfonds" in te voeg na die uitdrukking "Pensioenfonds".

(6) Voeg na die bestaande subklousule (6) die volgende nuwe subklousules (6A) en (6B) in:

"(6A) Wanneer 'n werknemer nie daarin slaag om te kwalifiseer vir sterfte-, ongeskiktheids- en/of begrafnisvoordele ingevolge die Pensioenfonds en/of Voorsorgfonds nie omdat 'n werkgever nagelaat het om bydraes verskuldig ten opsigte van die werknemer se lidmaatskap te betaal, is so 'n werkgever aanspreeklik vir die betaling aan die werknemer van 'n bedrag geld gelyk aan die sterfte-, ongeskiktheids- en/of begrafnisvoordeel wat betaal sou word ingevolge die reëls van die toepaslike fonds indien die bydrae betaal is deur die werkgever.

(6B) Gedurende die tydperk wat die Ooreenkoms van krag is—

(a) moet die Pensioenfonds en die Voorsorgfonds omskep word tot vastebydraefondse; en

(b) "n vermindering van die aftreeouderdom tot 60, in genoemde fondse, moet ingefaseer word."

17. KLOUSULE 15: SIEKEFONDS

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

"Kategorie van werknemer"	Bedrag per dag		
	Rand		
	Area A	Area B	Area C
(i) Arbeider	0,74	0,65	0,57
(ii) Skoonmaker	0,74	0,65	0,57
(iii) Algemene werker	1,13	1,00	0,88
(iv) Bouwerker Klas 4 en leerling Klas 4	1,19	1,16	1,02
(v) Bouwerker Klas 3 en leerling Klas 3	1,31	1,34	1,18
(vi) Bouwerker Klas 2, leerling Klas 2 en bloklêer	1,79	1,73	1,51
(vii) Drywers/kragaangedrewe-masjienbediener, van motorvoertuie wat 'n kode C1- of hoër lisensie nodig het	1,57	1,28	1,13
(viii) Drywers wat 'n kode A-, A1- of B-lisensie nodig het	1,18	0,95	0,83
(ix) Ambagsman	3,34	3,14	2,75
(x) Veiligheidswag	1,26	0,94	0,82

(2) In die Engelse teks vervang die uitdrukking "thee" in subklousule (8) deur die uitdrukking "three".

18. KLOUSULE 17: UITGAWES VAN DIE RAAD

(1) Vervang die bedrag "R0,01" in subklousule (1) deur die bedrag "R0,20".

19. KLOUSULE 18: VAKBONDLEDEGELD

Vervang die uitdrukking "verkope" in subklousule (b) (iii) deur die woord "ledegeld".

20. KLOUSULE 21: SIEKEFONDS VIR DIE WESTELIKE PROVINSIE BOU- EN VERWANTE AMBAGTE

Vervang die uitdrukking "verkope" in subklousule (b) (iii) deur die uitdrukking "ledegeld".

21. KLOUSULE 22: ALGEMEEN

Skrap die uitdrukking "soos en wanneer omstandighede dit vereis" in die subklousule 22 (5).

22. KLOUSULE 24: MEDIESE BYSTANDFONDS

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

	"Bedrag per dag"	
	Werknemer lid	Werkgewer
	R	R
Ambagsman	10,00	10,00"

23. KLOUSULE 25: BESLEGTING VAN GESKILLE

- (1) Wysig subklousule 25 (1) (d) soos volg:
 - (a) Vervang die bestaande subparagraaf (ii) deur die volgende subparagraawe:
 - "(ii) 'n nakomingsbevel en 'n boete oplê ingevolge van subklousule 25 (1) (m); of
 - (iii) die saak na arbitrasie verwys ingevolge hierdie Ooreenkoms as die respondentparty nie toestem tot die nakomingsbevel of boete nie, in welke geval 'n kostebevel moontlik teen die respondentparty uitgereik kan word; of"
 - (b) en hernoem subparagraaf (iii) as (iv).
- (2) Wysig subklousule 25 (1) (m) soos volg:
 - (a) Wysig subparagraaf (a) deur die byvoeging van die uitdrukking "op die nie-klaerparty ingevolge subparagraaf (b) hieronder" aan die einde daarvan.
 - (b) wysig in die Engelse teks subparagraaf (b) (i) deur die uitdrukking "Table Two" te skrap.
 - (c) wysig subparagraaf (b) (ii) deur die byvoeging van die uitdrukking "of Tabel Twee" na die uitdrukking "Tabel Een".
- (3) Wysig subklousule 25 (2) (c) deur voor die uitdrukking "maak" die uitdrukking "laat" in te voeg.

24. KLOUSULE 27: WERKGEWERFORUM

Skrap klousule 27 in sy geheel en hernoem klousules 28 en 29 as klousules 27 en 28 onderskeidelik.

Op hede die 15de dag van Oktober 2003 te Bellville onderteken.

R.H.M. JOHNSON

vir die Master Builders' and Allied Traders' Association, West Cape

W.C. CLIFT

vir die Boland Meesterbouers en Verwante Bedrywe Vereniging

E. TYEMBILE

vir die Building, Construction and Allied Workers' Union

R.C. DAMON

vir die Building Workers' Union

H. KETSISE

vir die National Union of Mineworkers (NUM)

T. NTSOMI

vir die Building, Wood and Allied Workers' Union of South Africa

P. ROOLF

vir die South African Woodworkers' Union

**Dog ate your Gazette?
... read it online**



www.SA Gazettes.co.za
.....

A new information Portal keeping you up to date with news, legislation, the Parliamentary programme and which is the largest pool of SA Gazette information available on the Web.

- Easily accessible through the www!
 - Government Gazettes - from January 1994
 - Compilations of all Indexes pertaining to the past week's Government Gazettes
 - All Provincial Gazettes - from September 1995
 - Parliamentary Bills - as of January 1999
- Available in full-text, with keyword searching
- Sabinet Online scans, formats, edits and organize information for you. Diagrams and forms included as images.
- No stacks of printed gazettes - all on computer. Think of the storage space you save.
- Offers Bill Tracker - complementing the SA Gazettes products.

For easy electronic access to full-text gazette info, subscribe to the SA Gazettes from Sabinet Online. Please visit us at www.sagazettes.co.za

Sabinet
 *Online*

Tel: (012) 643-9500, Fax: (012) 663-3543, Toll free: 0800 11 8595, e-mail: corporate@sabinet.co.za, www: <http://corporate.sabinet.co.za>

Looking for out of print issues of Government and Provincial Gazettes

We can provide photocopies

Contact

The National Library of South Africa,
Pretoria Campus
PO Box 397
0001 PRETORIA

Physical address

C/o Andries and Vermeulen Streets
Entrance in Andries Street

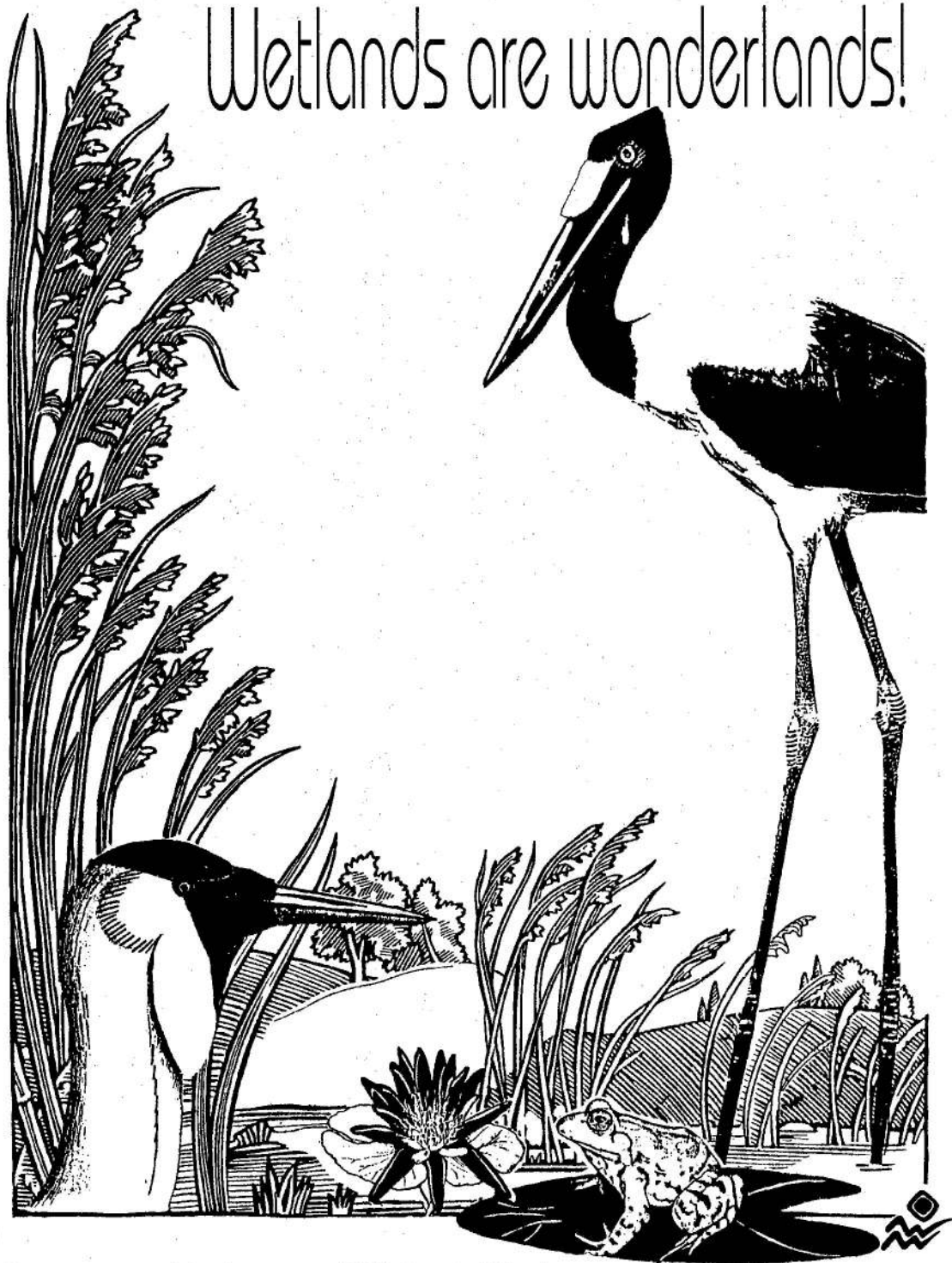
Contact details

Tel: (012) 321-8931

Fax: (012) 325-5984

E-mail: infodesk@nlsa.ac.za

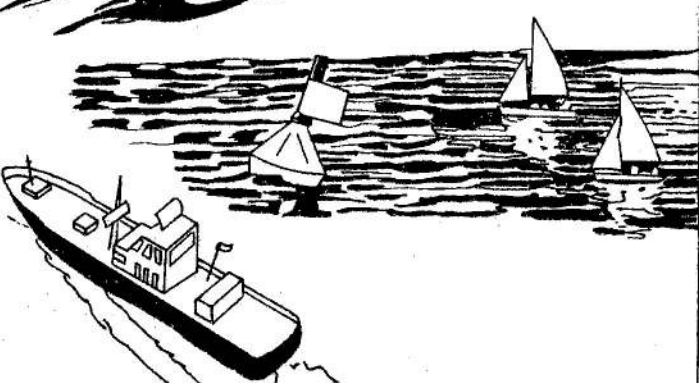
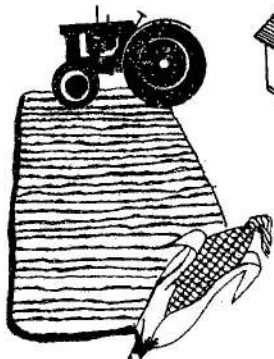
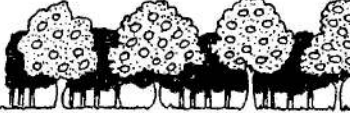
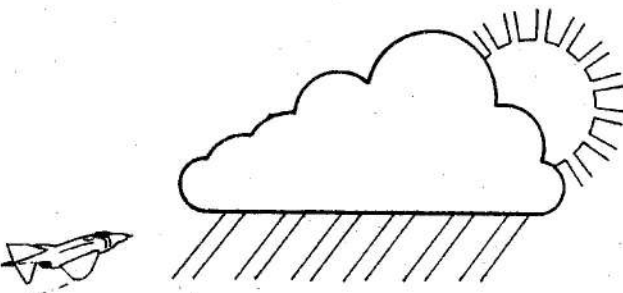
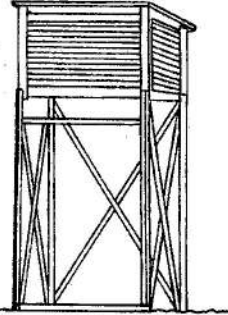
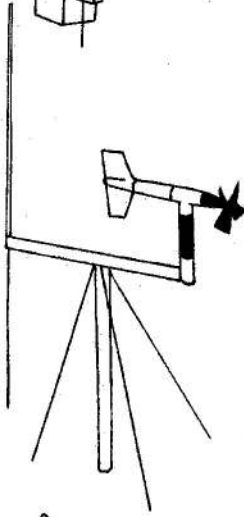
Wetlands are wonderlands!

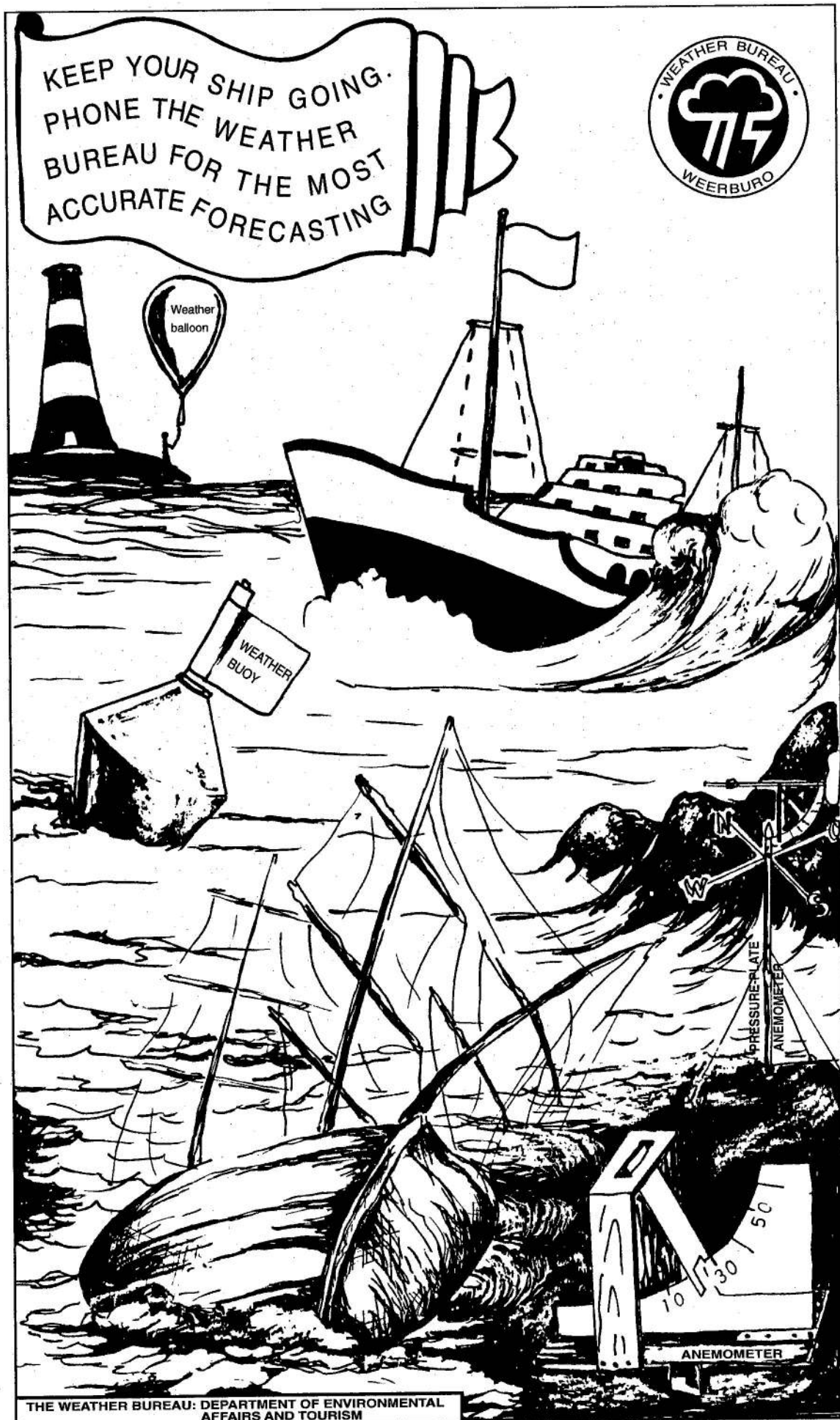


Department of Environmental Affairs and Tourism

SA WEATHER BUREAU SA WEERBURO

WEATHER · SERVICES · WEERDIENSTE





THE WEATHER BUREAU HELPS FARMERS TO PLAN THEIR CROP



THE WEATHER BUREAU: DEPARTMENT OF ENVIRONMENTAL AFFAIRS & TOURISM
DIE WEERBURO: DEPARTEMENT VAN OMGEWINGSAKE EN TOERISME

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001

Publications: Tel: (012) 334-4508, 334-4509, 334-4510

Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504

Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737

Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001

Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510

Advertensies: Tel: (012) 334-4673, 334-4674, 334-4504

Subskripsies: Tel: (012) 334-4735, 334-4736, 334-4737

Kaapstad-tak: Tel: (021) 465-7531