

BUITENGEWONE



EXTRAORDINARY

Staatskoerant

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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DEPARTEMENT VAN ARBEID

[1 Maart 1967.]

Die volgende Wetsontwerp wat die Minister van Arbeid voornemens is om gedurende die huidige Parlementsitting in te dien, word vir algemene inligting gepubliseer.

Persone wat graag vertoë omtrent die Wetsontwerp wil rig, word versoek om sodanige vertoë binne dertig dae na die datum van publikasie van hierdie kennisgewing skriftelik aan die Sekretaris van Arbeid, Posbus 745, Kaapstad, te stuur.

DEPARTMENT OF LABOUR.

[1st March, 1967.]

The following Bill which the Minister of Labour proposes introducing during the present session of Parliament is published for general information.

Persons desirous of making representations in regard to the Bill are invited to submit such representations in writing to the Secretary for Labour, P.O. Box 745, Cape Town, within *thirty* days of the date of publication of this notice.

GENERAL EXPLANATORY NOTE:

- I** Words in bold type in square brackets indicate omissions proposed by Minister on introduction.
- Words underlined with solid line indicate insertions proposed by Minister on introduction.

BILL

To amend the Industrial Conciliation Act, 1956, in order to provide for the appointment of additional members on the industrial tribunal for the purposes of arbitrations involving local authorities; to provide that compulsory arbitration in respect of disputes between local authorities and their employees shall be conducted by the industrial tribunal; and to provide that disputes between local authorities and their employees or any change brought about by a local authority in the conditions of employment of any one or more of its employees may be referred to arbitration by the tribunal at the request of the Administrator.

(To be introduced by the MINISTER OF LABOUR.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 17 of Act 28 of 1956, as amended by section 4 of Act 41 of 1959.

1. Section 17 of the Industrial Conciliation Act, 1956 (hereinafter referred to as the principal Act), is hereby amended by the insertion after subsection (1) of the following subsection:

- “(1A) (a) Whenever any arbitration is to be conducted by the tribunal in terms of section 46 (4A), 46 (8) or 49 (10) in connection with a dispute or matter in which one of the parties is a local authority or a registered employers’ organization acting on behalf of one or more local authorities, the Minister shall, at the request of any of the parties concerned and after consultation with the said parties, appoint two persons as additional members on the tribunal for the purposes of such arbitration.
- (b) Any casual vacancy, concerning an additional member appointed in terms of this subsection, that occurs on the tribunal shall be filled by the appointment of another additional member in accordance with the provisions of this subsection.
- (c) The provisions of subsection (14) (a) (ii) shall *mutatis mutandis* apply in respect of an additional member appointed in terms of this subsection.
- (d) Any reference in subsections (5), (6), (9) and (12) to a member of the tribunal shall, in relation to any arbitration for which an additional member has been appointed in terms of this subsection, include such additional member, and for the purpose of subsection (6) the additional members shall be deemed to be members appointed in terms of subsection (1) (b) (i) and (ii).”.

Amendment of section 46 of Act 28 of 1956, as amended by section 9 of Act 41 of 1959.

2. Section 46 of the principal Act is hereby amended—

- (a) by the substitution for all the words preceding paragraph (a) of subsection (3) of the following words:
- “(3) Subject to the provisions of subsection (4A), when a dispute is to be referred to arbitration under the provisions of subsection (2)—”;
- (b) by the insertion after subsection (4) of the following subsection:
- “(4A) When a dispute in which one of the parties is an employer referred to in subsection (1) (a) or a registered employers’ organization acting on behalf of one or more such employers, is to be referred to arbitration under the provisions of subsection (2), such arbitration shall be conducted by the tribunal.”;
- and

ALGEMENE VERDUIDELIKENDE NOTA:

- []** Woorde in vet druk tussen vierkantige hake dui aan skrappings deur Minister by indiening voorgestel.
- Woorde met 'n volstreep daaronder, dui aan invoegings deur Minister by indiening voorgestel.

WETSONTWERP

Tot wysiging van die Wet op Nywerheidsversoening, 1956, ten einde voorsiening te maak vir die aanstelling van addisionele lede op die nywerheidshof vir die doeleindes van arbitrasië waarby plaaslike owerhede betrokke is; om voorsiening te maak dat verpligte arbitrasië ten opsigte van geskille tussen plaaslike owerhede en hul werknemers deur die nywerheidshof onderneem word; en om voorsiening te maak dat geskille tussen plaaslike owerhede en hul werknemers of enige verandering wat 'n plaaslike owerheid in die diensvoorwaardes van een of meer van sy werknemers aanbring na arbitrasië deur die nywerheidshof verwys kan word op versoek van die Administrateur.

(Ingedien te word deur die MINISTER VAN ARBEID.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 17 van die Wet op Nywerheidsversoening, 1956 (hieronder die Hoofwet genoem), word hierby gewysig deur die volgende subartikel na subartikel (1) in te voeg:

Wysiging van artikel 17 van Wet 28 van 1956, soos gewysig deur artikel 4 van Wet 41 van 1959.

- „(1A) (a) Wanneer enige arbitrasië deur die nywerheidshof ingevolge artikel 46 (4A), 46 (8) of 49 (10) onderneem moet word in verband met 'n geskil of aangeleentheid waarby 'n plaaslike owerheid of 'n geregistreerde werkgewersorganisasie wat namens een of meer plaaslike owerhede optree, een van die partye is, stel die Minister, op versoek van enige van die betrokke partye en in oorleg met genoemde partye, twee persone as addisionele lede in die nywerheidshof vir die doeleindes van sodanige arbitrasië aan.
- (b) 'n Toevallige vakature wat in die nywerheidshof ontstaan met betrekking tot 'n addisionele lid wat ingevolge hierdie subartikel aangestel is, word gevul deur die aanstelling van 'n ander addisionele lid ooreenkomstig die bepalings van hierdie subartikel.
- (c) Die bepalings van subartikel (14) (a) (ii) is *mutatis mutandis* van toepassing ten opsigte van 'n addisionele lid wat ingevolge hierdie subartikel aangestel word.
- (d) 'n Verwysing in subartikels (5), (6), (9) en (12) na 'n lid van die nywerheidshof sluit, met betrekking tot 'n arbitrasië waarvoor 'n addisionele lid ingevolge hierdie subartikel aangestel is, so 'n addisionele lid in, en by die toepassing van subartikel (6) word die addisionele lede geag lede te wees wat ingevolge subartikel (1) (b) (i) en (ii) aangestel is.”

2. Artikel 46 van die Hoofwet word hierby gewysig—

Wysiging van artikel 46 van Wet 28 van 1956, soos gewysig deur artikel 9 van Wet 41 van 1959.

- (a) deur al die woorde wat paragraaf (a) van subartikel (3) voorafgaan deur die volgende woorde te vervang:
- „(3) Behoudens die bepalings van subartikel (4A), wanneer 'n geskil kragtens die bepalings van subartikel (2) na arbitrasië verwys moet word—”;
- (b) deur die volgende subartikel na subartikel (4) in te voeg:
- „(4A) Wanneer 'n geskil waarby 'n in subartikel (1) (a) bedoelde werkgewer of 'n geregistreerde werkgewersorganisasie wat namens een of meer sodanige werkgewers optree, een van die partye is, kragtens die bepalings van subartikel (2) na arbitrasië verwys moet word, word sodanige arbitrasië deur die nywerheidshof onderneem.”; en

(c) by the addition of the following subsection:

“(8) (a) Notwithstanding anything to the contrary contained in this Act, whenever the Administrator of a province in which—

(i) a dispute in which one of the parties is an employer referred to in subsection (1) (a) or a registered employers’ organization acting on behalf of one or more such employers, has arisen; or

(ii) an employer referred to in subsection (1) (a) has changed the conditions of employment of any one or more of his employees,

is of opinion that such dispute or change could affect the conditions of employment applicable in respect of any other local authority in that province, he may report to the Minister that in his opinion it is desirable that the dispute be settled by arbitration, or that the matter referred to in subparagraph (ii) be submitted to arbitration as though it were a dispute.

(b) Upon receipt of a report referred to in paragraph (a), the Minister may, if he deems it expedient to do so and if he is of opinion that it will be in the interest of local government that such dispute or matter be referred to arbitration, by notice served upon the parties concerned in such dispute or matter and upon the tribunal, require such dispute or matter to be referred to arbitration by the tribunal, and thereupon the tribunal shall conduct the arbitration as if such dispute or matter were a dispute which has been referred to arbitration in terms of subsection (2).

(c) The Minister shall in such notice determine the terms of reference of the tribunal and the area concerned.”.

Amendment of section 49 of Act 28 of 1956.

3. Section 49 of the principal Act is hereby amended by the substitution for subsection (10) of the following subsection:

“(10) Notwithstanding anything to the contrary contained in subsection (6), the Minister may at the request of both the employees and the employers referred to in paragraph (a) of the said subsection, made after the expiry of the period referred to in the said paragraph, approve of the subject matter of the original award concerned being referred to arbitration and thereupon the arbitration shall, if the original award is binding upon an employer referred to in section 46 (1) (a) or a registered employers’ organization acting on behalf of one or more such employers, be conducted by the tribunal, and in all other cases **[be conducted]** by the arbitrator or the arbitrators and the umpire or the tribunal as agreed upon by the said employees and employers or, in the absence of such agreement within one month from the date of the Minister’s approval, by the tribunal.”.

Short title.

4. This Act shall be called the Industrial Conciliation Amendment Act, 1967.

(c) deur die volgende subartikel by te voeg:

„(8) (a) Ondanks andersluidende bepalings in hier-

die Wet vervat, wanneer die Administrateur van 'n provinsie waarin—

5 (i) 'n geskil waarby 'n in subartikel (1) (a) bedoelde werkgewer of 'n geregistreerde werkgewersorganisasie wat namens een of meer sodanige werkgewers optree, een van die partye is, ontstaan het; of

10 (ii) 'n in subartikel (1) (a) bedoelde werkgewer die diensvoorwaardes van een of meer van sy werknemers verander het,

15 van mening is dat sodanige geskil of verandering die diensvoorwaardes van toepassing ten opsigte van enige ander plaaslike owerheid in daardie provinsie kan raak, kan hy aan die Minister verslag doen dat dit na sy mening wenslik is dat die geskil deur arbitrasie besleg word, of dat die in subparagraaf (ii) bedoelde aangeleentheid na

20 arbitrasie verwys word asof dit 'n geskil is.

(b) By ontvangs van 'n in paragraaf (a) bedoelde verslag, kan die Minister, indien hy dit raadsaam ag om dit te doen, en indien hy van mening is dat dit in belang van plaaslike bestuur sal wees dat sodanige geskil of aangeleentheid na arbitrasie verwys word, by kennisgewing bestel aan die betrokke partye by die geskil of aangeleentheid en aan die nywerheidshof, gelas dat daardie geskil of aangeleentheid verwys word na arbitrasie deur die nywerheidshof, en daarna onderneem die nywerheidshof die arbitrasie asof daardie geskil of aangeleentheid 'n geskil is wat ingevolge sub-

35 artikel (2) na arbitrasie verwys is.
(c) Die Minister moet in bedoelde kennisgewing die opdrag aan die nywerheidshof en die betrokke gebied bepaal.”.

3. Artikel 49 van die Hoofwet word hierby gewysig deur subartikel (10) deur die volgende subartikel te vervang:

40 „(10) Ondanks andersluidende bepalings in subartikel (6) vervat, kan die Minister op versoek van beide die werknemers en die werkgewers in paragraaf (a) van bedoelde subartikel bedoel, gedoen na die verstryking van die tydperk in bedoelde paragraaf bedoel, goedkeur dat die onderwerp van die betrokke oorspronklike toekenning na arbitrasie verwys word en daarop moet die arbitrasie, indien die oorspronklike toekenning bindend is op 'n in artikel 46 (1) (a) bedoelde werkgewer of 'n geregistreerde werkgewers organisasie wat namens een of meer sodanige werkgewers optree, onderneem word deur die nywerheidshof, en in alle

50 ander gevalle deur die arbiter of die arbiters en die skeidsregter of die nywerheidshof soos deur bedoelde werknemers en werkgewers ooreengekom word of, by ontstentenis van sodanige ooreenkoms binne een maand vanaf die datum van die Minister se goedkeuring, deur die nywerheidshof.”.

Wysiging van artikel 49 van Wet 28 van 1956.

55 4. Hierdie Wet heet die Wysigingswet op Nywerheidsversoening, 1967. Kort titel.

INHOUD.

WETSONTWERP.

BLADSY

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