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[No. 4918

GOVERNMENT NOTICE**DEPARTMENT OF LABOUR**

No. R. 2313 5 December 1975

INDUSTRIAL CONCILIATION ACT, 1956**FURNITURE MANUFACTURING INDUSTRY,
NATAL.—TRAINING FUND AGREEMENT**

I, Marais Viljoen, Minister of Labour, hereby—

(a) in terms of section 48 (1) (a) of the Industrial Conciliation Act, 1956, declare that all the provisions of the Agreement which appears in the Schedule hereto and which relates to the Furniture Manufacturing Industry, shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 30 September 1978, upon the employers' organisation and the trade union which entered into the said Agreement and upon the employers and the employees who are members of the said organisation or union;

(b) in terms of section 48 (1) (b) of the said Act, declare that the provisions of the said Agreement, excluding those contained in clauses 1 (1) (a) and 2, shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 30 September 1978, upon all employers and employees other than those referred to in paragraph (a) of this notice, who are engaged or employed in the said Industry in the areas specified in clause 1 (1) (b) of the said Agreement; and

(c) in terms of section 48 (3) (a) of the said Act, declare that in the areas specified in clause 1 (1) (b) of the said Agreement and with effect from the second Monday after the date of publication of this notice and for the period ending 30 September 1978, the provisions of the said Agreement, excluding those contained in clauses 1 (1) (a) and 2, shall *mutatis mutandis* be binding upon all Bantu employed in the said Industry by the employers upon whom any of the said provisions are binding in respect of employees and upon those employers in respect of Bantu in their employ.

M. VILJOEN, Minister of Labour.

42700—A

GOEWERMENSKENNISGEWING**DEPARTEMENT VAN ARBEID**

No. R. 2313 5 Desember 1975

WET OP NYWERHEIDSVERSOENING, 1956**MEUBELNYWERHEID, NATAL.—OPLEIDINGS-
FONDSOOREENKOMS**

Ek, Marais Viljoen, Minister van Arbeid, verklaar hierby—

(a) kragtens artikel 48 (1) (a) van die Wet op Nywerheidsversoening, 1956, dat al die bepalings van die Ooreenkoms wat in die Bylae hiervan verskyn en op die Meubelnywerheid betrekking het, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 30 September 1978 eindig, bindend is vir die werkgewersorganisasie en die vakvereniging wat genoemde Ooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasie of vereniging is;

(b) kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van genoemde Ooreenkoms, uitgesonderd dié vervat in klousules 1 (1) (a) en 2, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 30 September 1978 eindig, bindend is vir alle ander werkgewers en werknemers as dié vermeld in paragraaf (a) van hierdie kennisgewing, wat betrokke is by of in diens is in genoemde Nywerheid in die gebiede gespesifiseer in klousule 1 (1) (b) van genoemde Ooreenkoms; en

(c) kragtens artikel 48 (3) (a) van genoemde Wet, dat die bepalings van genoemde Ooreenkoms, uitgesonderd dié vervat in klousules 1 (1) (a) en 2, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 30 September 1978 eindig, in die gebiede gespesifiseer in klousule 1 (1) (b) van genoemde Ooreenkoms, *mutatis mutandis* bindend is vir alle Bantoes in diens in genoemde Nywerheid by dié werkgewers vir wie enigeen van genoemde bepalings ten opsigte van werknemers bindend is en vir daardie werkgewers ten opsigte van Bantoes in hul diens.

M. VILJOEN, Minister van Arbeid.

4918—1

SCHEDULE

INDUSTRIAL COUNCIL FOR THE FURNITURE MANUFACTURING INDUSTRY, NATAL

AGREEMENT

in accordance with the provisions of the Industrial Conciliation Act, 1956, made and entered into by and between the

Natal Furniture Manufacturers' Association

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

National Union of Furniture and Allied Workers of South Africa

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

being the parties to the Industrial Council for the Furniture Manufacturing Industry, Natal.

1. SCOPE OF APPLICATION OF AGREEMENT

(1) The terms of this Agreement shall be observed in the Furniture Manufacturing Industry (Natal)—

(a) by all employers who are members of the employers' organisation and by all employees who are members of the trade union, who are engaged or employed therein;

(b) in the Magisterial Districts of Durban, Inanda, Pietermaritzburg, Pinetown, Bizana, Flagstaff, Lusikisiki, Matatiele, Mount Ayliff, Mount Currie, Tabankulu and Umzimkulu.

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

(a) only to employees for whom wages are prescribed in the Main Agreement, and to the employers of such employees;

(b) to apprentices in so far as they are not inconsistent with the provisions of the Apprenticeship Act, 1944, or any regulation made thereunder or contract entered into in terms of the said Act.

2. PERIOD OF OPERATION OF AGREEMENT

This Agreement shall come into operation on a date to be fixed by the Minister of Labour in terms of section 48 (1) of the Act, and shall remain in operation for the period ending 30 September 1978, or such period as may be determined by him.

3. DEFINITIONS

Any expressions used in this Agreement which are defined in the Industrial Conciliation Act, 1956, shall have the same meaning as in that Act, any reference to an Act shall include any amendments to such Act and, unless the contrary intention appears, words importing the masculine gender shall also include females, and vice versa; further, unless inconsistent with the context—

"Act" means the Industrial Conciliation Act, 1956;

"Council" means the Industrial Council for the Furniture Manufacturing Industry, Natal, registered in terms of section 19 of the Act;

"employee" means any person (other than a Bantu) employed by, or working for any employer and receiving, or being entitled to receive any remuneration, and any other person whatsoever (other than a Bantu) who in any manner assists in the carrying on or conducting of the business of an employer; and "employed" and "employment" have corresponding meanings;

"employer" means any person whatsoever who employs or provides work for any person and remunerates or expressly or tacitly undertakes to remunerate him or who permits any person whatsoever in any manner to assist him in the carrying on or conducting of his business and "employ" and "employment" have corresponding meanings;

"Fund" shall mean the Furniture Manufacturing Industry Training Fund referred to in clause 4;

"Furniture Manufacturing Industry" or "Industry" means, without in any way limiting the ordinary meaning of the expression, the manufacture either in whole or in part of all types of furniture irrespective of the materials used, and shall include *inter alia* the following operations:

Repairing, upholstering, re-upholstering, staining, spraying or polishing, and/or repolishing, making of loose covers, and/or cushions, and/or curtains, and/or the making and/or repairing of boxspring mattresses, and/or frames for upholstering, wood-machining, veneering, woodturning, carving in connection with the manufacture and/or repair of furniture, polishing and/or repolishing of pianos, or the manufacture and/or staining, spraying and polishing and/or repolishing of tearoom, office, church, school, bar or theatre furniture, cabinets for musical instruments and radio or wireless cabinets and shall include the manufacture or processes in the manufacture of bedding, the

BYLAE

NYWERHEIDSRAAD VIR DIE MEUBELNYWERHEID, NATAL

OOREENKOMS

ingevolge die Wet op Nywerheidsversoening, 1956, gesluit deur en aangegaan tussen die

Natal Furniture Manufacturers' Association

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

National Union of Furniture and Allied Workers of South Africa (hierna die "werknemers" of die "vakvereniging" genoem), aan die ander kant,

wat die partye is by die Nywerheidsraad vir die Meubelnywerheid, Natal.

1. TOEPASSINGSBESTEK VAN OOREENKOMS

(1) Hierdie Ooreenkoms moet in die Meubelnywerheid (Natal) nagekom word—

(a) deur alle werkgewers wat lede van die werkgewersorganisasies is en deur alle werknemers wat lede van die vakvereniging is en wat onderskeidelik by die Nywerheid betrokke of daarin werksaam is;

(b) in die landdrostdistrikte Durban, Inanda, Pietermaritzburg, Pinetown, Bizana, Flagstaff, Lusikisiki, Matatiele, Mount Ayliff, Mount Currie, Tabankulu en Umzimkulu.

(2) Ondanks subklousule (1), is hierdie Ooreenkoms van toepassing—

(a) slegs op werknemers vir wie lone in die Hofooreenkoms voorgeskryf word, en op die werkgewers van sodanige werknemers;

(b) op vakleerlinge vir sover dit nie onbestaanbaar is nie met die Wet op Vakleerlinge, 1944, of enige regulasies wat daarkragtens gemaak is of kontrak wat ingevolge genoemde Wet aangegaan is.

2. GELDIGHEIDSDUUR VAN OOREENKOMS

Hierdie Ooreenkoms tree in werking op 'n datum wat deur die Minister van Arbeid kragtens artikel 48 (1) van die Wet vasgestel word en bly van krag vir die tydperk eindigende 30 September 1978 of vir dié tydperk wat die Minister bepaal.

3. WOORDOMSKRYWING

Alle uitdrukkings wat in hierdie Ooreenkoms gebesig en in die Wet op Nywerheidsversoening, 1956, omskryf word, het dieselfde betekenis as in daardie Wet, waar daar van 'n Wet melding gemaak word, word ook alle wysigings van dié Wet bedoel, en tensy die teenoorgestelde bedoelings blyk, omvat woorde wat die manlike geslag aandui, ook vroue, en omgekeerd voorts, tensy onbestaanbaar met die samehang, beteken—

"Wet" die Wet op Nywerheidsversoening, 1956;

"Raad" die Nywerheidsraad vir die Meubelnywerheid, Natal, geregistreer ingevolge artikel 19 van die Wet;

"werknemer" enige persoon (behalwe 'n Bantoe) wat in diens is by of werk verrig vir enige werkgewer en beloning ontvang of geregtig is om dit te ontvang, en enige ander persoon hoegenaamd (uitgesonderd 'n Bantoe) wat op enige wyse help om die besigheid van 'n werkgewer voort te sit of te drywe; en het "in diens" en "diens" ooreenstemmende betekenisse;

"werkgewer" enige persoon hoegenaamd wat enige persoon in diens het of aan hom werk verskaf, en wat daardie persoon beloon, of uitdruklik of stilswyend onderneem om hom te beloon, of wat enige persoon hoegenaamd toelaat om hom op enige wyse te help om sy besigheid voort te sit of te drywe; en het "in diens hê", "in diens neem" en "diens" ooreenstemmende betekenisse;

"Fonds" die Opleidingsfonds vir die Meubelnywerheid in klousule 4 bedoel;

"Meubelnywerheid" of "Nywerheid", sonder om die gewone betekenis van die uitdrukking enigins te beperk, die vervaardiging, hetsy in die geheel of gedeeltelik, van meubels van alle tipes, afgesien van die materiaal wat gebruik word en dit sluit onder andere ook die volgende werksaamhede in:

Herstelwerk, stoffeerwerk, herstoffeerwerk, beitswerk, spuitwerk of poleerwerk en/of herpoleerwerk, die maak van los oortreksels en/of stoelkussings en/of gordyne en/of die maak en/of herstel van kisveermatrasse en/of rame vir stoffeerwerk, houtmasjienwerk, fineerwerk, houtdraaiwerk, houtsnijwerk in verband met die vervaardiging en/of herstel van meubels, poleerwerk en/of herpoleerwerk aan klaviere of die vervaardiging van en/of beitswerk, spuitwerk en poleerwerk en/of herpoleerwerk aan meubels vir teekamers, kantore, kerke, skole, kroë of teaters, kabinette vir musiekinstrumente en radio- of draadlooskabinette en ook die

definition and interpretation of which shall include all manner of types of mattresses, spring-mattresses, overlays, pillows, bolsters and cushions, and includes the activities carried on in any premises where wood-machining, wood-turning and/or carving in connection with the production of furniture is carried on; and includes, further the repairing, re-upholstering or repolishing of furniture in or in connection with establishments in which the production of furniture or any operation associated with the final preparation of any articles of furniture for sale, either in whole or in part, is carried on, and the veneering of laminated block-board or plywood doors used for furniture, and all parts of materials used in the construction of furniture, but excludes the manufacture of articles made principally of wicker, grass and/or cane, and the manufacture of metal furniture including the manufacture of metal bedsteads;

"Main Agreement" means any current agreement for the Furniture Manufacturing Industry, Natal, published in terms of section 48 of the Act, in which wages are prescribed, or in the absence of such an agreement, the last wage agreement published for the Industry in terms of the Act;

"remuneration" means the gross payments (other than that of proprietors or managing directors), for work done in the Furniture Manufacturing Industry, which includes normal pay, payment for overtime, bonus and holiday payments, as well as cash allowances, but does not include payments in kind such as the provision of houses or motor vehicles.

4. FURNITURE MANUFACTURING INDUSTRY TRAINING FUND

(1) The Council having been advised of the establishment of the Furniture Manufacturing Industry Training Fund, hereby authorises for the purpose of implementing the objects set forth in the Constitution of the Fund the collection of levies in accordance with the procedure detailed hereunder.

(2) From the date of coming into operation of this Agreement every employer shall pay to the Council a monthly levy equivalent to 0,5 per cent of the total remuneration paid by him to all his employees in the Industry for whom minimum wages are prescribed in the Main Agreement and apprentices.

(3) The amount payable each month in terms of subclause (2) shall be forwarded to the Secretary of the Council, P.O. Box 1554, Durban, 4000, not later than the 10th day of the month immediately following the month to which it relates, together with a statement in such form as may from time to time be prescribed by the Council.

(4) The Council shall, at the end of each month, remit to the Fund the total amount of contributions collected in terms of subclause (3), less a collection fee not exceeding 2 per cent, which amounts shall accrue to the general funds of the Council.

(5) Every employer in the Industry shall submit to the Training Board at the Head Office, P.O. Box 61631, Marshalltown, 2107, Transvaal, by the 21st day of the month following the end of each quarter a return showing the total salaries and wages paid by him to all employees employed by him in the three calendar months preceding 28/29 February, 31 May, 31 August and 30 November of each year. All employees employed by him shall be deemed to be employed in the Furniture Manufacturing Industry, unless he provides contrary proof to the satisfaction of the Training Board. The employer shall have such returns certified annually by a public auditor.

(6) Copies of the Constitution and of the audited annual accounts and balance sheets of the Fund shall be lodged with the Council and the Secretary for Labour. For the purposes of this subclause, the term "Constitution" includes any amendments to the Constitution adopted from time to time.

This Agreement signed on behalf of the parties at Durban this the 23rd day of September 1975.

B. T. RESSELL, Chairman.
C. A. BOTES, Vice-Chairman.
V. M. LEWIS, Secretary.

vervaardiging of die prosesse vir die vervaardiging van beddegoed, wat so omskryf en vertolk moet word dat dit alle soorte matrasse, veermatrasse, beleglae, kussings, peule en stoelkussings insluit, en ook die werksaamhede wat uitgevoer word op alle persele waar houtmasjienwerk, houtdraaiwerk en/of houtsnijwerk uitgevoer word in verband met die vervaardiging van meubels; voorts ook herstelwerk, herstoffeerwerk of herpoleerwerk aan meubels in of in verband met bedryfsinrigtings waarin die vervaardiging van meubels of 'n werksaamheid wat in verband staan met die finale bereiding van 'n meubelstuk vir verkoop, of in sy geheel of gedeeltelik uitgevoer word, en die fineerwerk aan gelamelleerde blokbord- of laaghoutdeure wat vir meubels gebruik word, en alle gedeeltes van materiaal wat by die vervaardiging van meubels gebruik word, maar uitgesonderd die vervaardiging van artikels wat hoofsaaklik van mandjiesgoed, gras en/of rottang gemaak word en die vervaardiging van metaalmeubels, met inbegrip van metaalkatels;

"Hooffooreenkoms" enige bestaande ooreenkoms vir die Meubelnywerheid, Natal, wat ingevolge artikel 48 van die Wet gepubliseer is en waarin lone voorgeskryf word, of by afwesigheid van sodanige ooreenkoms, die jongste loonooreenkoms wat ingevolge die Wet vir die Nywerheid gepubliseer is;

"beloning" die bruto betalings (uitgesonderd dié aan eienaars of besturende direkteurs) vir werk in die Meubelnywerheid gedoen, wat gewone betaling, betaling vir oortydwerk, bonus- en vakansiebetalinge asook kontanttoelae insluit, maar uitgesonderd betalings in natura soos die verskaffing van huise of motorvoertuie.

4. OPLEIDINGSFONDS VIR DIE MEUBELNYWERHEID

(1) Nademaal die Raad van die instelling van die Opleidingsfonds vir die Meubelnywerheid in kennis gestel is, magtig hy hierby die invordering van heffings ooreenkomstig die prosedure hieronder uiteengesit, met die doel om die doelwitte in die Fonds se Konstitusie gemeld, te verwesenlik.

(2) Met ingang van die datum van inwerkingtreding van hierdie Ooreenkoms moet elke werkgewer maandeliks 'n heffing aan die Raad betaal gelyk aan 0,5 persent van die totale beloning wat hy betaal het aan al sy werknemers in die Nywerheid vir wie minimum lone in die Hooffooreenkoms voorgeskryf word en vakleerlinge.

(3) Die bedrag wat elke maand ingevolge subklousule (2) betaalbaar is, moet voor of op die 10de dag van die maand wat onmiddellik volg op die maand waarop dit betrekking het aan die Sekretaris van die Raad, Posbus 1554, Durban, 4000, gestuur word, tesame met 'n staat in sodanige vorm as wat die Raad van tyd tot tyd mag voorskryf.

(4) Die Raad moet aan die einde van elke maand die totale bedrag van die bydraes wat ingevolge subklousule (3) ingevorder is aan die Fonds stuur, min invorderingsgeld van hoogstens 2 persent, welke bedrag aan die Raad se algemene fondse moet toeval.

(5) Elke werkgewer in die Nywerheid moet teen die 21ste dag van die maand wat volg op die einde van elke kwartaal aan die Opleidingsraad by sy Hoofkantoor, Posbus 61631, Marshalltown, 2107, Transvaal, 'n opgawe stuur van die totale bedrag aan salarisse en lone wat hy betaal het aan alle werknemers wat in die drie kalendermaande vóór 28/29 Februarie, 31 Mei, 31 Augustus en 30 November elke jaar by hom in diens was. Alle werknemers in diens by hom word geag in diens van die Meubelnywerheid te wees, tensy hy tot tevredenheid van die Opleidingsraad die teenoorgestelde bewys lewer. Die werkgewer moet dié opgawes jaarliks deur 'n openbare ouditeur laat sertifiseer.

(6) Kopieë van die Konstitusie en van die geouditeerde jaarlikse rekeninge en balansstate van die Fonds moet by die Raad en die Sekretaris van Arbeid ingedien word. Vir die toepassing van hierdie subklousule sluit die uitdrukking "Konstitusie" in alle wysigings van die Konstitusie wat van tyd tot tyd aangeneem word.

Hierdie Ooreenkoms is namens die partye op hede die 23ste dag van September 1975 te Durban onderteken.

B. T. RESSELL, Voorsitter.
C. A. BOTES, Ondervoorsitter.
V. M. LEWIS, Sekretaris.

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CONTENTS

No.
Labour, Department of
Government Notice

R.2313. Furniture Manufacturing Industry, Natal:
Training Fund Agreement

Page

1

INHOUD

No.
Arbeid, Departement van
Goewermentskennisgewing

R.2313. Meubelnywerheid, Natal: Opleidingsfonds-
ooreenkoms

Bladsy

1