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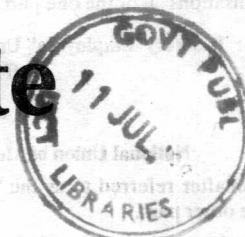
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PRETORIA, 5 JULY 1989
JULIE

No. 12000

GOVERNMENT NOTICE

DEPARTMENT OF MANPOWER

No. R. 1476

5 July 1989

LABOUR RELATIONS ACT, 1956

MOTOR INDUSTRY.—AMENDMENT OF MOTOR INDUSTRY SICK AND ACCIDENT PAY FUND AGREEMENT—CORRECTION NOTICE

Government Notice No. R. 1338 appearing in *Government Gazette* No. 11979 of 30 June 1989, is corrected by the substitution thereof of the following:

“No. R. 1338

30 June 1989

LABOUR RELATIONS ACT, 1956

MOTOR INDUSTRY.—AMENDMENT OF MOTOR INDUSTRY SICK AND ACCIDENT PAY FUND—AGREEMENT

I, Eli van der Merwe Louw, Acting Minister of Manpower, hereby, in terms of section 48 (1) (a) of the Labour Relations Act, 1956, declare that the provisions of the Agreement (hereinafter referred to as the Amending Agreement) which appears in the Schedule hereto and which relates to the Undertaking, Industry, Trade or Occupation referred to in the heading to this notice, shall be binding, with effect from 3 July 1989 and for the period ending 30 June 1992 upon the employers' organisations and the trade unions which entered into the Amending Agreement and upon the employers and employees who are members of the said organisations or unions.

E. VANDER M. LOUW,
Acting Minister of Manpower.

SCHEDULE

THE NATIONAL INDUSTRIAL COUNCIL FOR THE MOTOR INDUSTRY

MOTOR INDUSTRY SICK AND ACCIDENT PAY FUND AGREEMENT

in accordance with the provisions of the Labour Relations Act, 1956, made and entered into by and between the

471—A

GOEWERMENSKENNISGEWING

DEPARTEMENT VAN MANNEKRAG

No. R. 1476

5 Julie 1989

WET OP ARBEIDSVERHOUDINGE, 1956

MOTORNWERHEID.—WYSIGING VAN SIEK- TE- EN ONGEVALLEBYSTANDFONDSOOR- EENKOMS VIR DIE MOTORNWERHEID— VERBETERINGSKENNISGEWING

Goewermentskennisgewing No. R. 1338 wat in *Staatskoerant* No. 11979 van 30 Junie 1989 verskyn, word verbeter deur dit deur die volgende te vervang:

“No. R. 1338

30 Junie 1989

WET OP ARBEIDSVERHOUDINGE, 1956

MOTORNWERHEID.—WYSIGING VAN SIEK- TE- EN ONGEVALLEBYSTANDFONDSOOR- EENKOMS VIR DIE MOTORNWERHEID

Ek, Eli van der Merwe Louw, Waarnemende Minister van Mannekrag, verklaar hierby, kragtens artikel 48 (1) (a) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalings van die Ooreenkoms (hierna die Wysigingsooreenkoms genoem) wat in die Bylae hiervan verskyn en betrekking het op die Onderneming, Nywerheid, Bedryf of Beroep in die opskrif by hierdie kennisgewing vermeld, met ingang van 3 Julie 1989 en vir die tydperk wat op 30 Junie 1992 eindig, bindend is vir die werkgewersorganisasies en die vakverenigings wat die Wysigingsooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasies of verenigings is.

E. VANDER M. LOUW,
Waarnemende Minister van Mannekrag.

BYLAE

DIE NASIONALE NYWERHEIDSRAAD VIR DIE MOTOR- NYWERHEID

SIEKTE- EN ONGEVALLEBYSTANDFONDS VIR DIE MOTOR- NYWERHEID OOREENKOMS

ooreenkomstig die Wet op Arbeidsverhoudinge, 1956, gesluit deur en aangegaan tussen die

12000—1

South African Motor Industry Employers' Association

and the

South African Vehicle Builders' and Repairers' Association

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

Motor Industry Employees' Union of South Africa Motor Industry Staff Association

and the

National Union of Metalworkers of South Africa

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

being the parties to the National Industrial Council for the Motor Industry,

to amend the Motor Industry Sick and Accident Pay Fund Agreement published under Government Notice No. R. 1600 of 30 July 1982, as amended and extended by Government Notices Nos. R. 2797 of 31 December 1982, R. 1727 of 15 August 1986, R. 973 of 30 April 1987 and R. 1805 of 21 August 1987, as follows:

1. SCOPE OF APPLICATION OF AGREEMENT

The terms of this Agreement shall be observed in the Regions defined herein by all employers in the Motor Industry who are members of the employers' organisations and by all employees in the said Industry who are members of the trade unions.

2. Substitute the expression "National Union of Metalworkers of South Africa" for "Motor Industry Combined Workers' Union" wherever the latter expression appears in the Agreement.

3. CLAUSE 3. — DEFINITIONS

3.1 Insert the following new definition between the definitions of "Council" and "Fund":

"'female member' means a female employee who is a member of one of the trade unions and who is employed by an employer who is a member of one of the employers' organisations which is a party to the Council".

3.2 Insert the following new definitions between the definitions of "normal weekly remuneration" and "operative engine assembler":

3.2.1 "'NUMSA member' means an employee who is a member of the National Union of Metalworkers of South Africa and on whose behalf his employer is not already contributing to the Fund in terms of any Licence of Exemption and who is not an apprentice, B/A journeyman, brake drum skimmer, clerical employee, journeyman, operative air-conditioner fitter, operative engine assembler, operative exhaust fitter, operative machinist qualified or unqualified, operative sunroof fitter, operative upholstery, operative wheelbalancer or wheel alignment worker and who furthermore, is employed by an employer who is a member of one of the employers' organisations which is a party to the Council".

3.2.2 "'operative air-conditioner fitter' means an employee who is employed only in workshops engaged mainly or exclusively in the installation, servicing and maintenance of air-conditioners who installs, services and maintains air-conditioners;"

3.3 Insert the following new definition between the definitions of "operative engine assembler" and "operative machinist qualified":

"operative exhaust fitter" means an employee mainly or exclusively engaged in—

removing all corroded or faulty exhaust parts by undoing exhaust pipe flanges securing bolts;

cutting tubing with a chain cutter or gas flame and welding brackets by arc and arc welding;

bending pipes by using old parts as a sample;

positioning new parts, sealing joints with exhaust sealer, then clamping tight;

retightening pipe flange securing bolts and tightening all hanger brackets;

3.4 Insert the following new definitions between the definitions of "operative machinist unqualified" and "Region BR":

3.4.1 "operative sunroof fitter" means an employee mainly or exclusively engaged on the fitting of sunroofs to motor vehicles;

South African Motor Industry Employers' Association

en die

South African Vehicle Builders' and Repairers' Association

(hierna die "werkgevers" of die "werkgeversorganisasies" genoem), aan die een kant, en die

Motor Industry Employees' Union of South Africa Motor Industry Staff Association

en die

National Union of Metalworkers of South Africa

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

wat die partye is by die Nasionale Nywerheidsraad vir die Motornywerheid,

om die Siekte- en Ongevallebystandsfondsooreenkoms vir die Motornywerheid, gepubliseer by Goewermentskennisgewing No. R. 1600 van 30 Julie 1982, soos gewysig en verleng by Goewermentskennisgewings Nos. R. 2797 van 31 Desember 1982, R. 1727 van 15 Augustus 1986, R. 973 van 30 April 1987 en R. 1805 van 21 Augustus 1987, te wysig.

1. TOEPASSINGSBESTEK VAN OOREENKOMS

Hierdie Ooreenkoms moet in die Streke wat hierin omskryf word, nagekom word deur alle werkgevers in die Motornywerheid wat lede van die werkgeversorganisasies is en deur alle werknemers in genoemde Nywerheid wat lede van die vakverenigings is.

2. Vervang die uitdrukking "Motor Industry Combined Workers' Union" deur die uitdrukking "National Union of Metalworkers of South Africa" oral waar eersgenoemde uitdrukking in die Ooreenkoms voorkom.

3. KLOUSULE 3. — WOORDOMSKRYWING

3.1 Voeg die volgende nuwe omskrywing tussen die omskrywings "Raad" en "Fonds", in:

"'vroulike lid', 'n vroulike werknemer wat 'n lid is van een van die vakverenigings en wat in diens is van 'n werkgegewer wat lid van een van die werkgegewersorganisasies is wat 'n party tot die Raad is."

3.2 Voeg die volgende nuwe omskrywings tussen die omskrywings "Motornywerheid" en "werkman-enjinmonteur", in:

3.2.1 "'NUMSA' lid", 'n werknemer wat 'n lid is van die National Union of Metalworkers of South Africa en wie se werkgegewer nie reeds kragtens enige Sertifikaat van Vrstelling namens hom enige bydraes tot die Fonds betaal nie, en wat nie 'n vakleerling, B/A vakman, rentrommelskiller, klerklike werknemer, vakman, werkman-lugversorgermonteur, werkman-enjinmonteur, werkman-uitlaatmonteur, werkman-masjinis gekwalifiseer of ongekwalifiseer, werkman-sondakmonteur, werkman-stoffeerder, werkman-wielbalanseerder of wielsporingswerker is nie en wat verder in diens is van 'n werkgegewer wat lid van een van die werkgegewersorganisasies is wat party tot die Raad is".

T3.2.2 "'werkmanlugsorgermonteur' 'n werknemer wat net in werkwinkels werk wat hoofsaaklik of uitsluitlik met die installering, versiening en onderhoud van lugsorger gemoeid is en wat lugsorger installeer, versien en onderhou;"

3.3 Voeg die volgende nuwe omskrywing tussen die omskrywings "werkman-enjinmonteur" en "werkmanmasjinis, gekwalifiseer" in:

"werkman-uitlaatmonteur" 'n werknemer wat hoofsaaklik of uitsluitlik—

alle gekorrodeerde of defekte uitlaatonderdele verwyder deur die borgboute van die uitlaattypplense los te draai;

pypwerk met 'n tapketting of gasvlam sny en klampe met gas- en boogswaaisweis;

pype buig deur die ou gedeelte as monster te gebruik;

nuwe gedeeltes in posisie plaas, voë met uitlaatterseëlaar verseël en dan styf vaskramp;

die borgboute van pypplense weer vasdraai en alle hangerklampe vasdraai;

3.4 Voeg die volgende nuwe omskrywings tussen die omskrywings "werkmanmasjinis ongekwalifiseer" en "Streek BR," in:

3.4.1 "werkman-sondakmonteur" 'n werknemer wat hoofsaaklik of uitsluitlik sondakke op motorvoertuie monteert;

3.4.2 "operative upholsterer" means an employee mainly or exclusively engaged in—

- stripping and/or fitting of vinyl tops to motor vehicles;
- sewing or tacking seat and/or squab covers, padding and/or lining by hand and/or machine;
- stripping and/or repairing seats, mats, hoodlinings, and/or upholstery of motor vehicles;

3.4.3 "operative wheel balancer" means an employee engaged in any establishment mainly or exclusively on the sale of new and reconditioned tyres and who is permitted to balance wheels by using any machine designed to balance wheels on or off a motor vehicle;

3.5 Insert the following new definition after the definition of "week":

"wheel alignment worker" means an employee employed at any establishment wherein, whereon or wherefrom the repairing, vulcanising and/or retreading of tyres is carried on who has successfully completed the prescribed training course in wheel alignment at any of the group training centres;

4. CLAUSE 4.—ESTABLISHMENT AND OBJECTS OF THE FUND

Substitute the following for subclause (3):

"(3) The objects of the Fund shall be, in accordance with the rules of the Fund as determined from time to time, to—

- (a) assist NUMSA members who suffer losses of wages through absenteeism resulting from incapacity owing to sickness.
- (b) assist female members who suffer losses of wages through absenteeism resulting from the pregnancy of such members, and
- (c) assist other members of the Fund who suffer losses of wages through absenteeism resulting from incapacity owing to accident or sickness."

5. CLAUSE 5.—MEMBERSHIP

Insert the following new subclause (1) (c):

"(c) all female members and NUMSA members".

6. CLAUSE 6.—CONTRIBUTIONS

Substitute the following for subclause (1):

"(1) In respect of each week of employment of each of the undermentioned classes of employee in his employ, every employer shall contribute the amounts indicated to the Fund as follows:

- (a) In respect of each apprentice, B/A journeyman, brake drum skimmer, clerical employee, journeyman, operative air conditioner fitter, operative engine assembler, operative exhaust fitter, operative machinist qualified or unqualified, operative sunroof fitter, operative upholsterer, operative wheelbalancer or wheel alignment worker, R1,00 per week;
- (b) In respect of each NUMSA member, 50 cents per week;
- (c) In respect of each female member, 50 cents per week."

7. CLAUSE 10.—FINANCIAL CONTROL

Insert a new subclause (2) A:

"(2) A (a) All moneys received by a Regional Council on behalf of the Fund shall be credited in the Region's books of account separately in accounts reflecting—

- (i) all contributions received and benefits paid in respect of those members for whom contributions are payable in terms of subclause 6 (1) (a);
- (ii) all contributions received and benefits paid in respect of those members for whom contributions are payable in terms of subclause 6 (1) (b); and
- (iii) all contributions received and benefits paid in respect of those members for whom contributions are payable in terms of subclause 6 (1) (c).

(b) The provisions of subclause (1) (c) of this clause shall apply *mutatis mutandis* to any benefits payable from the different accounts provided for in subclause (a) above."

Signed at Johannesburg, on behalf of the parties, this 18th day of April 1989.

W. DE KLERK,
President of the Council.

A. H. HAWES,
Member of the Council.

H. C. L. LOOCK,
Secretary of the Council."

3.4.2. "werkman-stoffeerder" 'n werkmán wat hoofsaaklik of uitsluitlik—

- vinielkappe van motorvoertuie stroop en/of daarop aanbring;
- oortreksels vir sitplekke en/of rugleuningkussings, bekleding en/of voering met die hand of 'n masjien vaswerk of vasspyker;
- sitplekke, matte, kapvoerings en/of stoffering van motorvoertuie stroop en/of herstel;

3.4.3 "werkman-wielbalanseerder" 'n werkmán wat in 'n bedryfsinrigting hoofsaaklik of uitsluitlik nuwe en vernieuëde bande verkoop en wat toegelaat word om wiele te balanseer deur gebruik te maak van 'n masjien wat ontwerp is om wiele te balanseer wanneer hulle aan 'n motorvoertuig is of los van 'n motorvoertuig is;

3.5 Voeg die volgende nuwe omskrywing na die omskrywing "week", in:

"wielsporingswerker" 'n werknemer in diens by 'n bedryfsinrigting waarin, waarop of waaruit bande herstel, ge vulkaniseer en/of versool word, wat die voorgeskrewe opleidingskursus in wielsporing by enigeen van die groepopleidingsentrums suksesvol voltooi het;

4. KLOUSULE 4.—INSTELLING EN DOELSTELLING VAN DIE FONDS

Vervang subklousule (3) deur die volgende:

"(3) Die doelstellings van die Fonds is om, ooreenkomstig die reëls van die Fonds soos van tyd tot tyd vasgestel—

- (a) bystand te verleen aan NUMSA-lede wat lone verbeur deur afwesigheid weens siekte;
- (b) bystand aan vroulike lede te verleen wat lone verbeur deur afwesigheid weens swangerskap; en
- (c) bystand te verleen aan ander lede van die Fonds wat lone verbeur deur afwesigheid weens ongeluk of siekte".

5. KLOUSULE 5.—LIDMAATSKAP

Voeg die volgende nuwe subklousule by:

"(1) (c) alle vroulike lede en NUMSA-lede".

6. KLOUSULE 6.—BYDRAES

Vervang subklousule (1) deur die volgende:

"(1) 'n Werkgegewer sal ten opsigte van elke week van diens van elk van die ondergenoemde werknemers, die onderstaande bedrae aan die Fonds oorbetal—

- (a) ten opsigte van elke vakleerling, B/A vakman, rentrommelskiller, klerklike werknemer, vakman, werkmán-lugversorgermonteur, werkmán-enjinmonteur, werkmán-uitlaatomteur, werkmán-masjienis, gekwalifiseer of ongekwalifiseer, werkmán-sondakmonteur, werkmán-stoffeerder, werkmán-wielbalanseerder of wielsporingswerker, R1,00 per week;
- (b) Ten opsigte van elke NUMSA-lid, 50 sent per week;
- (c) Ten opsigte van elke vroulike lid, 50 sent per week".

7. KLOUSULE 10.—FINANSIËLE BEHEER

Voeg die volgende nuwe subklousule by:

"(2) A (a) Alle gelde wat deur 'n Streekraad namens die Fonds ontvang word, sal afsonderlik in dié Streek se boeke gekrediteer word, soos volg:

- (i) Alle bydraes ontvang en voordele betaal ten opsigte van die lede namens wie voordele betaalbaar is kragtens subklousule 6 (1) (a);
- (ii) alle bydraes ontvang en voordele betaal ten opsigte van die lede namens wie voordele betaalbaar is kragtens subklousule 6 (1) (b); en
- (iii) alle bydraes ontvang en voordele betaal ten opsigte van lede namens wie voordele betaalbaar is kragtens subklousule 6 (1) (c).

(b) Die bepalings van subklousule (1) (c) van hierdie klousule sal *mutatis mutandis* toegepas word op enige voordele betaalbaar uit die onderskeie rekenings soos bepaal in subklousule (a) hierbo."

Namens die partye op die 18de dag van April 1989 te Johannesburg onderteken.

W. DE KLERK,
President van die Raad.

A. H. HAWES,
Lid van die Raad.

H. C. L. LOOCK,
Sekretaris van die Raad."

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