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G686
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Government Gazette Staatskoerant

Selling price • Verkoopprys
(GST excluded/AVB uitgesluit)

Local 70c Plaaslik
Other countries 95c Buitelands
Post free • Posvry

Regulation Gazette
Regulasiekoerant

No. 4625

Registered at the Post Office
as a Newspaper

As 'n Nuusblad by die
Poskantoor geregistreer



VOL. 307]

CAPE TOWN, 4 JANUARY 1991

KAAPSTAD, 4 JANUARIE 1991

[No. 12943

GOVERNMENT NOTICE

DEPARTMENT OF MANPOWER

R.3053

4 January 1991

LABOUR RELATIONS ACT, 1956

BUILDING INDUSTRY, KIMBERLEY

AMENDMENT OF MAIN AGREEMENT

I, ELI VAN DER MERWE LOUW, Minister of Manpower, hereby—

- (a) 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 the second Monday after the date of publication of this notice and for the period ending 31 October 1992, upon the employers' organisation and the trade union which entered into the Amending Agreement and upon the employers and employees who are members of the said organisation or union; and
- (b) in terms of section 48(1)(b) of the said Act, declare that the provisions of the Amending Agreement, excluding those contained in clause 1(1)(a), shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 31 October 1992, upon all employers and employees, other than those referred to in paragraph (a) of this notice, who are engaged or employed in the said Undertaking, Industry, Trade or Occupation in the areas specified in clause 1 of the Amending Agreement.

ELI V.D. M. LOUW
Minister of Manpower

SCHEDULE

INDUSTRIAL COUNCIL FOR THE BUILDING INDUSTRY,
KIMBERLEY

AGREEMENT

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

GOEWERMENTSKENNISGEWING

DEPARTEMENT VAN MANNEKRAG

R.3053

4 Januarie 1991

WET OP ARBEIDSVERHOUDINGE, 1956

BOUNYWERHEID, KIMBERLEY

WYSIGING VAN HOOFOOREENKOMS

Ek, ELI VAN DER MERWE LOUW, Minister van Mannekrag, verklaar hierby—

- (a) 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 die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 31 Oktober 1991 eindig, bindend is vir die werkgewers-organisasie en die vakvereniging wat die Wysigingsooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasie of vereniging is; en
- (b) kragtens artikel 48(1)(b) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms, uitgesonderd dié vervat in kousule 1(1)(a), met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 31 Oktober 1992 eindig, bindend is vir alle ander werkgewers en werknemers as dié genoem in paragraaf (a) van hierdie kennisgewing wat betrokke is by of in diens is in genoemde Onderneming, Nywerheid, Bedryf of Beroep in die gebiede in kousule 1 van die Wysigingsooreenkoms gespesifiseer.

ELI V.D. M. LOUW
Minister van Mannekrag

BYLAE

NYWERHEIDSRAAD VIR DIE BOUNYWERHEID, KIMBERLEY

OOREENKOMS

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

Kimberley Master Builders' and Allied Trades Association

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

Amalgamated Union of Building Trade Workers 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 Building Industry, Kimberley,

to amend the Agreement published under Government Notice R. 2110 of 29 September 1989, as amended and renewed by Government Notice's R. 1497 of 29 June 1990 and R. 2551 of 2 November 1990.

A. ADMINISTRATIVE AND GENERAL**1. SCOPE OF APPLICATION**

(1) The terms of this Agreement shall be observed in the Building Industry—

- (a) by the employers and the employees who are members of the employers' organisation and the trade union, respectively;
- (b) in an area bounded by and included in a radius of 15 kilometres of the General Post Office, Kimberley, but excluding those portions of the Province of the Orange Free State which fall within the said radius of 15 kilometres.

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

- (a) apprentices only in so far as they are not inconsistent with the provisions of the Manpower Training Act, 1981, or any contract entered into or any conditions fixed thereunder;
- (b) trainees under the Manpower Training Act, 1981, only in so far as they are not inconsistent with the provisions of that Act of any conditions fixed thereunder;
- (c) labour-only contractors, working partners and working directors, principals and contractors.

(3) Notwithstanding the provisions of subclause (1)(a), the terms of this Agreement shall not apply to—

- (a) clerical employees and administrative staff;
- (b) university students and graduates in building science and construction supervisors, construction surveyors and other persons doing practical work in the completion of their academic training.

2. CLAUSE 24.—MINIMUM WAGE RATES

Substitute the following for the existing clause 24:

"24.—MINIMUM WAGE RATES

(1) Subject to the remaining provisions of this clause, no employer shall pay and no employer shall accept wages at a lower rate than the following:

Category of employee	Per hour
(a) General worker	1,84
(b) Specified skills trainee	2,36
(c) Artisan	5,20
(d) Craftsman	6,62

(2) Notwithstanding the provisions of subclause (1), an employer shall pay to each of the undermentioned classes of employees in his employ who has worked a full week of not less than 45 ordinary hours or who has been present and available to work the ordinary hours as required by his employer a wage of not less than—

Category of employee	Cent per hour
(a) General worker	1,95
(b) Specified skills trainee	2,50
(c) Artisan	5,50
(d) Craftsman	7,00:

Provided that the occurrence of a paid holiday or the commencement or termination of employment of an employee during any week or authorised absence from work shall not affect the employee's right to such higher rate."

Kimberley Master Builders' and Allied Trades Association

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

Amalgamated Union of Building Trade Workers of South Africa

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

wat die partye is by die Nywerheidsraad vir die Bounywerheid, Kimberley,

om die Ooreenkoms gepubliseer by Goewermenskennisgewing R. 2110 van 29 September 1989, soos gewysig en hernieu deur Goewermenskennisgewing R. 1497 van 29 Junie 1990 en R. 2551 van 2 November 1990, te wysig.

A. ADMINISTRATIEF EN ALGEMEEN**1. TOEPASSINGSBESTEK**

(1) Hierdie Ooreenkoms moet in die Bounywerheid nagekom word—

- (a) deur die werkgewers en die werknemers wat onderskeidelik lede van die werkgewersorganisasie en die vakvereniging is;
- (b) in 'n gebied begrens deur en ingesluit binne 'n straal van 15 kilometer vanaf die Hoofposkantoor, Kimberley, maar uitgesonderd daardie gedeeltes van die provinsie die Oranje-Vrystaat wat binne genoemde straal van 15 kilometer val.

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

- (a) vakleerlinge slegs vir sover dit nie met die Wet op Mannekragopleiding, 1981, of met 'n kontrak wat daarkragtens aangegaan of met voorwaardes wat daarkragtens gestel is, onbestaanbaar is nie;
- (b) kwekelinge wat opgelei word ooreenkomstig die Wet op Mannekragopleiding, 1981, slegs vir sover dit nie met daardie Wet of met voorwaardes wat daarkragtens gestel is, onbestaanbaar is nie;
- (c) slegs-arbeid-kontrakteurs, werkende vennote en werkende direkteurs, prinsipale en aannemers.

(3) Ondanks subklousule (1)(a), is hierdie Ooreenkoms nie van toepassing nie op—

- (a) klerke en administratiewe personeel;
- (b) universiteitstudente en geïntegreerde in die bouwetenskap en konstruksietoetsinghouers, konstruksieopmeters en ander persone wat besig is met praktiese werk ter voltooiing van hul akademiese opleiding.

2. KLOUSULE 24.—MINIMUM LOONSKALE

Vervang die bestaande klousule 24 deur die volgende:

"24.—MINIMUM LOONSKALE

(1) Behoudens die oorblywende bepalings van hierdie klousule mag geen lone laer as dié hieronder deur 'n werkgewer betaal en deur 'n werknemer aangeneem word nie:

Kategorie werknemer	Sent per uur
(a) Algemene werker	1,84
(b) Kwekeling (gespesifiseerde ambag)	2,36
(c) Ambagsman	5,20
(d) Vakman	6,62

(2) Ondanks subklousule (1) moet 'n werkgewer aan elk van ondergenoemde klas werknemers in sy diens wat 'n volle week van minstens 45 gewone ure gewerk het of aanwesig of beskikbaar was om die gewone ure, soos vereis deur die werkgewer, te werk 'n loon betaal van minstens:

Kategorie werknemer	Sent per uur
(a) Algemene werker	1,95
(b) Kwekeling (gespesifiseerde ambag)	2,50
(c) Ambagsman	5,50
(d) Vakman	7,00:

Met dien verstande dat as daar in 'n bepaalde week 'n vakansiedag met besoldiging voorkom of 'n werknemer se diens begin of eindig of hy met magtiging van die werk afwesig is dit nie die werknemer se reg op sodanige hoër loon mag raak nie."

3. CLAUSE 27.—HOLIDAY PAY

Substitute the following for the existing subclause (4)(b) and (c):

"(b) pay weekly to employees of the undermentioned classes, the amounts as set out hereunder in respect of not more than 45 hours per week, irrespective of whether such time was worked at ordinary or overtime rates:

<i>Category of employee</i>	<i>Per hour</i>
(i) General workers	15
(ii) Specified skills trainee.....	19
(iii) Artisans.....	43
(iv) Craftsmen	54

(c) on each pay-day deduct the following amounts from the remuneration due to his employees of the undermentioned classes who have worked for him for not less than three full days during that week: Provided that where an employee has worked for two or more employers during the same week, the deduction for that week shall be made by the employer by whom he was first employed for not less than three full days:

<i>Category of employee</i>	<i>Per week</i>
(i) General workers.....	6,77
(ii) Specified skills trainee.....	8,97
(iii) Artisans.....	20,18
(iv) Craftsmen	24,78

The amounts deducted in terms of this paragraph shall be paid weekly to the Council."

SIGNED AT KIMBERLEY, ON BEHALF OF THE PARTIES,
THIS 20TH DAY OF JULY 1990.

V. N. SMAILES
Chairman

A. R. HERMANUS
Vice-Chairman

R. A. EVANS
Secretary.

3. KLOUSULE 27.—VAKANSIEBESOLDIGING

Vervang die bestaande subklousule (4)(b) en (c) deur die volgende:

"(b) weekliks aan ondergenoemde klasse werknemers die bedrae hieronder gemeld, betaal ten opsigte van hoogstens 45 uur per week, ongeag of sodanige tyd teen gewone of oortydtariewe gewerk is:

<i>Kategorie werknemer</i>	<i>Per uur</i>
(i) Algemene werkers.....	15
(ii) Kwekeling (gespesifiseerde ambag).....	19
(iii) Ambagsmanne	43
(iv) Vakmanne	54

(c) op elke betaaldag die volgende bedrae aftrek van die besoldiging verskuldig aan sy werknemers van ondergenoemde klasse wat gedurende daardie week minstens drie volle dae vir hom gewerk het: Met dien verstande dat indien 'n werknemer gedurende dieselfde week vir twee of meer werkgevers gewerk het, die aftrekking vir daardie week gedoen moet word deur die werkgever by wie hy die eerste vir minstens drie volle dae in diens was:

<i>Kategorie werknemer</i>	<i>Per week</i>
(i) Algemene werkers.....	6,77
(ii) Kwekeling (gespesifiseerde ambag).....	8,97
(iii) Ambagsmanne	20,18
(iv) Vakmanne	24,78

Die bedrae wat ingevolge hierdie paragraaf afgetrek word, moet weekliks aan die Raad betaal word."

NAMENS DIE PARTYE OP HEDE DIE TWINTIGSTE DAG
VAN JULIE 1990 TE KIMBERLEY ONDERTEKEN.

V. N. SMAILES
Voorsitter

A. R. HERMANUS
Ondervoorsitter

R. A. EVANS
Sekretaris.

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