

REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA

Government Gazette Staatskoerant

Regulation Gazette

No. 5793

Regulasiekoerant

Vol. 376

PRETORIA, 25 OCTOBER 1996
OKTOBER

No. 17541

GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF LABOUR DEPARTEMENT VAN ARBEID

No. R. 1763

25 October 1996

LABOUR RELATIONS ACT, 1956

MOTOR INDUSTRY: AMENDMENT OF MAIN AGREEMENT

I, Tito Titus Mboweni, Minister of Labour, 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 28 October 1996 and for the period ending 31 August 1997, 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; 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) (b) of Division A, shall be binding, with effect from 28 October 1996 and for the period ending 31 August 1997, 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.

T. T. MBOWENI
Minister of Labour

SCHEDULE**THE NATIONAL INDUSTRIAL COUNCIL FOR THE MOTOR INDUSTRY****MAIN AGREEMENT**

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

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

National Union of Metalworkers of South Africa

Motor Industry Employees' Union of South Africa

and the

Motor Industry Staff Association

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

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

to amend the Main Agreement published under Government Notice No. R. 838 of 23 June 1995, as amended and extended by Government Notices Nos. R. 2002 of 29 December 1995, R. 536 of 4 April 1996, R. 906 of 31 May 1996, R. 1278 and R. 1283 of 8 August 1996 and R. 1400 of 28 August 1996.

DIVISION A**1. CLAUSE 1: SCOPE OF APPLICATION**

- (1) The terms of this Agreement shall be observed in the Motor Industry—
 - (a) throughout the Republic of South Africa as it existed prior to the commencement of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993);
 - (b) by the employers and the employees in the Motor Industry who are members of the employers' organisations and the trade unions, respectively.
- (2) Notwithstanding the provisions of subclause (1), the provisions of this Agreement shall apply to—
 - (a) apprentices only in so far as they are not inconsistent with the provisions of or any conditions fixed under the Manpower Training Act, 1981; and
 - (b) trainees undergoing training under the Manpower Training Act, 1981, only in so far as they are not inconsistent with the provisions of or any conditions fixed under that Act.

2. CLAUSE 12: ADDITIONAL HOLIDAY PAY FOR APPRENTICES

In subclause (1), substitute the following for paragraphs (a) and (b):

- "(a) In the case of apprentices who have entered into three-year contracts of apprenticeship:

For first year of contract: R10,15.

For second year of contract: R14,65.

For third year of contract: R16,90.

- (b) In the case of apprentices who have entered into four-year contracts of apprenticeship:

For first year of contract: R10,15.

For second year of contract: R12,40.

For third year of contract: R14,65.

For fourth year of contract: R16,90."

Signed at Randburg this 13th day of September 1996.

T. NIEUWOUDT

President of the Council

G. J. HAVENGA

Vice-President of the Council

B. G. DU PREEZ

General Secretary of the Council

No. R. 1763

25 Oktober 1996

WET OP ARBEIDSVERHOUDINGE, 1956

MOTORNYWERHEID: WYSIGING VAN HOOFDOOREENKOMS

Ek, Tito Titus Mboweni, Minister van Arbeid, 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 28 Oktober 1996 en vir die tydperk wat op 31 Augustus 1997 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; en
- (b) kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms, uitgesonderd dié vervat in klousule 1 (1) (b) van Afdeling A, met ingang van 28 Oktober 1996 en die tydperk wat op 31 Augustus 1997 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 klousule 1 van die Wysigingsooreenkoms gespesifiseer.

T. T. MBOWENI

Minister van Arbeid

BYLAE

DIE NASIONALE NYWERHEIDSRaad VIR DIE MOTORNYWERHEID

HOOFDOOREENKOMS

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

South African Motor Industry Employers' Association

en die

South African Vehicle Builders' and Repairers' Association

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

National Union of Metalworkers of South Africa

Motor Industry Employees' Union of South Africa

en die

Motor Industry Staff Association

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

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

tot wysiging van die Hoofdooreenkoms gepubliseer by Goewermentskennisgewing No. R. 838 van 23 Junie 1995, soos gewysig en verleng by Goewermentskennisgewings Nos. R. 2002 van 29 Desember 1995, R. 536 van 4 April 1996, R. 906 van 31 Mei 1996, R. 1278 en R. 1283 van 8 Augustus 1996 en R. 1400 van 28 Augustus 1996.

AFDELING A

1. KLOUSULE 1: TOEPASSINGSBESTEK

- (1) Hierdie Ooreenkoms moet in die Motornywerheid nagekom word—
- (a) oral in die Republiek van Suid-Afrika soos dit bestaan het onmiddellik voor die datum van inwerkingtreding van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993);
- (b) deur die werkgewers en die werknemers in die Motornywerheid wat lede is van onderskeidelik die werkgewers-organisasie en die vakverenigings.
- (2) Ondanks subklousule (1) is hierdie Ooreenkoms van toepassing op—
- (a) vakleerlinge slegs vir sover dit nie onbestaanbaar is met die Wet op Mannekragopleiding, 1981, of voorwaardes wat daarkragtens gestel is nie; en
- (b) kwekelinge wat opleiding ingevolge die Wet op Mannekragopleiding, 1981, ondergaan, slegs vir sover dit nie onbestaanbaar is met daardie Wet of voorwaardes wat daarkragtens gestel is nie.

2. KLOUSULE 12: ADDISIONELE VAKANSIEBESOLDIGING VIR VAKLEERLINGE

In subklousule (1), vervang paragrawe (a) en (b) deur die volgende:

“(a) In die geval van vakleerlinge wat driejaar-vakleerlingkontrakte gesluit het:

Vir eerste jaar van die kontrak: R10,15.

Vir tweede jaar van die kontrak: R14,65.

Vir derde jaar van die kontrak: R16,90.

(b) In die geval van vakleerlinge wat vierjaar-vakleerlingkontrakte gesluit het:

Vir eerste jaar van die kontrak: R10,15.

Vir tweede jaar van die kontrak: R12,40.

Vir derde jaar van die kontrak: R14,65.

Vir vierde jaar van die kontrak: R16,90.”

Op hede die 13de dag van September 1996 te Randburg onderteken.

T. NIEUWOUDT

President van die Raad

G. J. HAVENGA

Visepresident van die Raad

B. G. DU PREEZ

Hoofsekretaris van die Raad

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