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GOVERNMENT NOTICES GOEWERMENSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE

No. R. 2029

13 December 1996

AGRICULTURAL PESTS ACT, 1983
(ACT No. 36 OF 1983)

CONTROL MEASURES: AMENDMENT*

I, Derek André Hanekom, Minister of Agriculture, acting under the section 6 of the Agricultural Pests Act, 1983 (Act No. 36 of 1983), hereby prescribe the control measures set out in the Schedule.

D. A. HANEKOM

Minister of Agriculture

* To make provision that the Sugar-cane varieties N25 and N26 be released to be kept, planted or cultivated without the authorisation of a permit.

SCHEDULE

Definition

1. In this Schedule "the Control Measures" means the control measures published by Government Notice No. R. 110 of 27 January 1984, as amended by Government Notices Nos. R. 909 of 4 May 1984, R. 1770 of 17 August 1984, R. 845 of 12 April 1985, R. 1518 of 12 July 1985, R. 1442 of 11 July 1986, R. 87 of 22 January 1988, R. 1349 of 8 July 1988, R. 1954 of 30 September 1988, R. 2416 of 19 October 1990, R. 18 of 4 January 1991, R. 2840 of 29 November 1991, R. 2269 of 14 August 1992, R. 2876 of 16 October 1992, R. 1560 of 20 August 1993, R. 451 of 11 March 1994, R. 1373 of 5 August 1994 and R. 1977 of 22 December 1995.

DEPARTEMENT VAN LANDBOU

No. R. 2029

13 Desember 1996

WET OP LANDBOUPLAIE, 1983
(WET No. 36 VAN 1983)

BEHEERMAATREËLS: WYSIGING*

Ek, Derek André Hanekom, Minister van Landbou, handelende kragtens artikel 6 van die Wet op Landbouplae, 1983 (Wet No. 36 van 1983), skryf hierby die beheermaatreëls in die Bylae uiteengesit, voor.

D. A. HANEKOM

Minister van Landbou

* Om voorsiening te maak dat die Suikerrietvariëteite N25 en N26 vrygestel word om, sonder magtiging van 'n permit, gehou, geplant of gekweek te word.

BYLAE

Woordomskriving

1. In hierdie Bylae beteken "die Beheermaatreëls" die beheermaatreëls gepubliseer by Goewermentskennisgewing No. 110 van 27 Januarie 1984, soos gewysig deur Goewermentskennisgewings Nos. R. 909 van 4 Mei 1984, R. 1770 van 17 Augustus 1984, R. 845 van 12 April 1985, R. 1518 van 12 Julie 1985, R. 1442 van 11 Julie 1986, R. 87 van 22 Januarie 1988, R. 1349 van 8 Julie 1988, R. 1954 van 30 September 1988, R. 2416 van 19 Oktober 1990, R. 18 van 4 Januarie 1991, R. 2840 van 29 November 1991, R. 2269 van 14 Augustus 1992, R. 2876 van 16 Oktober 1992, R. 1560 van 20 Augustus 1993, R. 451 van 11 Maart 1994, R. 1373 van 5 Augustus 1994 en R. 1977 van 22 Desember 1995.

Amendment of Table 4 of the Control Measures

2. Table 4 of the Control Measures is hereby amended by the insertion in column 1 of the expressions "N26" and "N27" after the expression "N25".

Wysiging van Tabel 4 van die Beheermaatreëls

2. Tabel 4 van die Beheermaatreëls word hiermee gewysig deur in kolom 1 die uitdrukkings "N26" en "N27" na die uitdrukking "N25" in te voeg.

DEPARTMENT OF EDUCATION DEPARTEMENT VAN ONDERWYS

No. R. 2032**13 December 1996**

NATIONAL EDUCATION POLICY ACT, 1996 (ACT No. 27 OF 1996)

NOTICE OF DETERMINATION OF POLICY

I, Sibusiso Mandlenkosi Emmanuel Bengu, Minister of Education, hereby give notice in terms of section 7 of the National Education Policy Act, 1996 (Act No. 27 of 1996), that I have determined national policy in terms of section 3 (4) (1) of the said Act to be applied in respect of curriculum frameworks, core syllabuses and education programmes, learning standards, examinations and the certification of qualifications as far as this relates to the matters referred to in the Schedule hereto.

The documents setting out such policy are obtainable upon written request from the Director-General: Department of Education, Private Bag X895, Pretoria, 0001.

S. M. E. BENGU**Minister of Education****SCHEDULE**

Addendum to the report: *Formal Technical College Instructional Programmes in the RSA* [REPORT 191 (95/11)].

Approval of the following revised instructional programme and instructional offerings:

As part of a revised National Certificate N2-N3: Arts:

- (a) Two-Dimensional Design N2.
- (b) Two-Dimensional Design N3.
- (c) Aural Training and Ensemble Work for Popular Music N2 and N3.
- (d) History of Music and Form for Popular Music N2 and N3.
- (e) Theory of Music, Harmony and Composition for Popular Music N2 and N3.
- (f) Popular Music Practical: Vocal N2 and N3.
- (g) Popular Music Practical: Piano/Keyboard N2 and N3.
- (h) Popular Music Practical: Guitar N2 and N3.
- (i) Popular Music Practical: Bass Guitar N2 and N3.
- (j) Popular Music Practical: Drums N2 and N3.

No. R. 2032**13 Desember 1996**

WET OP DIE NASIONALE ONDERWYSBELEID, 1996 (WET No. 27 VAN 1996)

KENNISGEWING VAN BELEIDSBEPALING

Ek, Sibusiso Mandlenkosi Emmanuel Bengu, Minister van Onderwys, gee hiermee ingevolge artikel 7 van die Wet op die Nasionale Onderwysbeleid, 1996 (Wet No. 27 van 1996), kennis dat ek kragtens artikel 3 (4) (1) van genoemde Wet die nasionale beleid bepaal wat gevolg moet word ten opsigte van kurrikulumraamwerke, kernsillabusse en onderwysprogramme, leerstandaarde, eksamens en die sertifisering van kwalifikasies sover dit betrekking het op die aangeleenthede in die Bylae hiervan vermeld.

Die stukke waarin sodanige beleid uiteengesit word, is op skriftelike aanvraag verkrygbaar van die Direkteur-generaal: Departement van Onderwys, Privaatsak X895, Pretoria, 0001.

S. M. E. BENGU**Minister van Onderwys****BYLAE**

Addendum tot die verslag: *Formele Tegniese kollegeonderrigprogramme in die RSA* [VERSLAG 191 (95/11)]

Goedkeuring van die volgende hersiene onderrigprogram en onderrigaanbiedinge:

As deel van 'n hersiene Nasionale Sertifikaat N2-N3: Kuns:

- (a) Tweedimensionele Ontwerp N2.
- (b) Tweedimensionele Ontwerp N3.

- (c) Gehooropleiding en Ensemblewerk vir Populêre Musiek N2 en N3.
- (d) Musiekgeskiedenis en Vormleer vir Populêre Musiek N2 en N3.
- (e) Musiekteorie, Harmonie en Komposisie vir Populêre Musiek N2 en N3.
- (f) Populêre Musiek Prakties: Vokaal N2 en N3.
- (g) Populêre Musiek Prakties: Klavier/Klawerbord N2 en N3.
- (h) Populêre Musiek Prakties: Ghitaar N2 en N3.
- (i) Populêre Musiek Prakties: Bas-ghitaar N2 en N3.
- (j) Populêre Musiek Prakties: Tromme N2 en N3.

SOUTH AFRICAN REVENUE SERVICE SUID-AFRIKAANSE INKOMSTEDIENS

No. R. 2045

13 December 1996

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE No. 5 (No. 5/48)

Under section 75 of the Customs and Excise Act, 1964, Schedule No. 5 to the said Act is hereby amended to the extent set out in the Schedule hereto.

T. A. MANUEL

Minister of Finance

SCHEDULE

Refund Item	Tariff Heading	Code	C. D.	Description	Extent of Refund	Annotations
540.00				By the insertion after refund item 538.00 of the following: Textiles and textile articles		
"540.00 540.01	00.00	01.00	03	Goods falling within section XI of Schedule No. 1, entered for home consumption in terms of such schedule on or after 1 September 1996 but not later than 12 December 1996.	The difference between the duty paid and the duty payable from 13 December 1996."	

No. R. 2045

13 Desember 1996

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 5 (No. 5/48)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 5 by genoemde Wet hiermee gewysig in die mate in die Bylae hiervan aangetoon.

T. A. MANUEL

Minister van Finansies

BYLAE

Terug-betaling-item	Tariefpos	Kode	T. S.	Beskrywing	Mate van Terug-betaling	Anno-tasies
540.00				Deur na terugbetaling 538.00 die volgende in te voeg:		
"540.00 540.01	00.00	01.00	03	Tekstiele en tekstielartikels Goedere van afdeling XI van Bylae No. 1, geklaar vir binnelandse gebruik, in terme van genoemde Bylaag op of na 1 September 1996, maar nie later as 12 Desember 1996 geklaar nie.	Die verskil tussen die reg betaal en die reg betaalbaar vanaf 13 Desember 1996."	

DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID

No. R. 2033

13 December 1996

LABOUR RELATIONS ACT, 1956

CORRECTION NOTICE

MOTOR TRANSPORT UNDERTAKING (GOODS): AMENDMENT OF A-AGREEMENT

The following correction to Government Notice No. R. 1834 appearing in *Government Gazette* No. R. 17548 of 8 November 1996, is hereby published for general information:

In the English text of the Schedule:

"34. LEVELS OF BARGAINING IN THE INDUSTRY

In subclause (2), substitute the expression "will not be negotiated . . ." for the expression "will be not be negotiated . . .".

No. R. 2033

13 Desember 1996

WET OP ARBEIDSVERHOUDINGE, 1956

VERBETERINGSKENNISGEWING

MOTORVERVOERONDERNEMING (GOEDERE): WYSIGING VAN A-OOREENKOMS

Onderstaande verbetering aan Goewermentskennisgewing No. R. 1834 wat in *Staatskoerant* No. R. 17548 van 8 November 1996 verskyn, word hierby vir algemene inligting gepubliseer:

In die Engelse teks van die Bylae:

"34. LEVELS OF BARGAINING IN THE INDUSTRY

In subklousule (2), vervang die uitdrukking "will be not be negotiated . . ." met die uitdrukking "will not be negotiated . . .".

No. R. 2034

13 December 1996

LABOUR RELATIONS ACT, 1956

CORRECTION NOTICE

MOTOR TRANSPORT UNDERTAKING (GOODS): AMENDMENT OF B-AGREEMENT

The following corrections to Government Notice No. R. 1832 appearing in *Government Gazette* No. 17548 of 8 November 1996, are hereby published for general information:

In the English text of the Schedule:

(a) 1. SCOPE OF APPLICATION

Substitute the word "clause" for the word "subclause" where it appears in subclauses (3) (a) and (b).

(b) 2. DEFINITIONS

(i) Substitute the word "plant" for the word "plan" where it appears in subclause (a) of the definition of "emergency work".

- (ii) Substitute the word "with" for the word "will" where it appears in subclause (b) of the definition of "labour broker".
- (iii) Substitute the word "four" for the word "for" where it appears in the definition of "monthly wage" to read "multiplied by four and a third".
- (iv) Substitute the figure "10" for the figure "9" where it appears in the definition of "wage".
- (c) 3. REGISTRATION OF AND PARTICULARS TO BE FURNISHED BY EMPLOYERS
 - (i) In subclause (7) (e) substitute the expression "clause 13 (1)" for the expression "clause 13 (2)".
- (d) 4. WAGES
 - (i) In subclause (1) "**Minimum Wages**" substitute the expression "clause 2" for the expression "clause 1 (2)".
 - (ii) In subclause (2) "**Basic of contract**" substitute the figure "(4)" for the figure "(3)".
 - (iii) In subclause (5) "**Subsistence allowance**" substitute the expression "a packer/loader or a teamleader" for the expression "a packer or loader or a chargehand" where it appears in subclause (a) (ii).
- (e) 5. PAYMENT OF REMUNERATION

In subclause (6) "**Deductions**" insert the letters (v) (ab) after the word "paragraph" where it appears in the last line of subclause 3 (a) (iii).
- (f) 8. SICK LEAVE

Substitute the word "agreement" for the word "order" where it appears in the second and last line of subclause 3 (a) (iii).
- (g) 9. PAID HOLIDAYS AND SUNDAYS

In subclause (4) (a) substitute the expression "clause 4 (4)" for the expression "clause 3 (4)".
- (h) 12. UNIFORMS, OVERALLS AND PROTECTIVE CLOTHING

In subclause (1) substitute the word "supply" for the word "apply".
- (i) 21. EXPENSES OF THE COUNCIL

In subclause (1) (a), substitute the expression "An amount equivalent to ,3% per week . . ." for the expression "An amount equivalent to 3% per week . . .".

No. R. 2034**13 Desember 1996**

WET OP ARBEIDSVERHOUDINGE, 1956

VERBETERINGSKENNISGEWING

MOTORVERVOERONDERNEMING (GOEDERE): WYSIGING VAN B-OOREENKOMS

Onderstaande verbeterings aan Goewermenskennisgewing No. R. 1832 wat in *Staatskoerant* No. 17548 van 8 November 1996 verskyn, word hierby vir algemene inligting gepubliseer:

In die Engelse teks van die Bylae:

- (a) 1. SCOPE OF APPLICATION

Vervang die woord "subclause" deur die woord "clause" waar dit in subklousules (3) (a) en (b) voorkom.
- (b) 2. DEFINITIONS
 - (i) Vervang die woord "plan" deur die woord "plant" waar dit in subklousule (a) van die woordomsywing van "emergency work" voorkom.
 - (ii) Vervang die woord "will" deur die woord "with" waar dit in subklousule (b) van die woordomsywing van "labour broker" voorkom.
 - (iii) Vervang die woord "for" deur die woord "four" in die woordomsywing van "monthly wage" om te lees "multiplied by four and a third".
 - (iv) Vervang die syfer "9" deur die syfer "10" waar dit in die woordomsywing van "wage" voorkom.
- (c) 3. REGISTRATION OF AND PARTICULARS TO BE FURNISHED BY EMPLOYERS
 - (i) In subklousule (7) (e) vervang die uitdrukking "clause 13 (2)" deur die uitdrukking "clause 13 (1)".
- (d) 4. WAGES
 - (i) In subklousule (1) "**Minimum Wages**" vervang die uitdrukking "clause 1 (2)" deur die uitdrukking "clause 2".
 - (ii) In subklousule (2) "**Basic of contract**" vervang die syfer "(3)" deur die syfer "(4)".

- (iii) In subklousule (5) "**Subsistence allowance**" vervang die uitdrukking "a packer or loader or a chargehand-" waar dit in subklousule (a) (ii) voorkom, deur die uitdrukking "a packer/loader or a teamleader".
- (e) 5. **PAYMENT OF REMUNERATION**
In subklousule (6) "**Deductions**" voeg die letters (v) (ab) in na die woord "paragraph" waar dit in die laaste reël van subklousule (a) (vii) voorkom.
- (f) 8. **SICK LEAVE**
Vervang die woord "order" deur die woord "agreement" waar dit in die tweede en laaste reël van subklousule 3 (a) (iii) voorkom.
- (g) 9. **PAID HOLIDAYS AND SUNDAYS**
In subklousule (4) (a) vervang die uitdrukking "clause 3 (4)" deur die uitdrukking "clause 4 (4)".
- (h) 12. **UNIFORMS, OVERALLS AND PROTECTIVE CLOTHING**
In subklousule (1) vervang die woord "apply" deur die woord "supply".
- (i) 21. **EXPENSES OF THE COUNCIL**
In subklousule (1) (a), vervang die uitdrukking "An amount equivalent to 3% per week . . ." deur die uitdrukking "An amount equivalent to ,3% per week . . .".

No. R. 2038**13 December 1996****LABOUR RELATIONS ACT, 1956****CANCELLATION OF GOVERNMENT NOTICE****IRON, STEEL, ENGINEERING AND METALLURGICAL INDUSTRY: PROVIDENT FUND AGREEMENT FOR THE METAL INDUSTRIES**

I, Tito Titus Mboweni, Minister of Labour, hereby, in terms of section 48 (5) of the Labour Relations Act, 1956, cancel Government Notice No. R. 624 of 19 April 1996, will effect from the second Monday after the date of publication of this notice.

T. T. MBOWENI
Minister of Labour

No. R. 2038**13 Desember 1996****WET OP ARBEIDSVARHOUDINGE, 1956****INTREKKING VAN GOEWERMENSKENNISGEWING****YSTER-, STAAL-, INGENIEURS- EN METALLURGIESE NYWERHEID: VOORSORGFONDSOOREENKOMS VIR DIE METAALNYWERHEDE**

Ek, Tito Titus Mboweni, Minister van Arbeid, trek hierby, kragtens artikel 48 (5) van die Wet op Arbeidsverhoudinge, 1956, Goewermenskennisgewing No. R. 624 van 19 April 1996 in, met ingang van die tweede Maandag na die datum van publikasie van hiedie kennisgewing.

T. T. MBOWENI
Minister van Arbeid

No. R. 2039**13 December 1996****LABOUR RELATIONS ACT, 1956****IRON, STEEL, ENGINEERING AND METALLURGICAL INDUSTRY: RE-ENACTMENT OF PROVIDENT FUND AGREEMENT FOR THE METAL INDUSTRIES**

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 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 10 May 1998, upon the employers' organisations and the trade unions which entered into the said 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 said Agreement, excluding those contained in clauses 1, 2 (1) (b) and 3, shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 10 May 1998, 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 said Agreement.

T. T. MBOWENI
Minister of Labour

SCHEDULE**NATIONAL INDUSTRIAL COUNCIL FOR THE IRON, STEEL, ENGINEERING AND METALLURGICAL INDUSTRY:
PROVIDENT FUND AGREEMENT FOR THE METAL INDUSTRIES**

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

Association of the Electric Cable Manufacturers of South Africa
Border Engineering Industries Association
Cape Engineers' and Founders' Association
Constructional Engineering Association (South Africa)
Covered Conductor Manufacturers' Association
Electrical Engineering and Allied Industries Association
Electronics and Telecommunications Industries Association
Gate and Fence Association
Hand Tool Manufacturers' Association
Iron and Steel Producer's Association of South Africa
Lift Engineering Association of South Africa
Light Engineering Industries Association of South Africa
Materials Handling Association
Natal Engineering Industries Association
Non-Ferrous Metal Industries Association of South Africa
Plastics Manufacturers' Association of South Africa
Port Elizabeth Engineers' Association
Pressure Vessel Manufacturers' Association of South Africa
Radio, Appliance and Television Association of South Africa
Refrigeration and Air Conditioning Manufacturers' and Suppliers' Association
Sheetmetal Industries Association of South Africa
S.A. Association of Shipbuilders and Repairers
S.A. Electro-Plating Industries Association
S.A. Engineers' and Founders' Association
S.A. Fasteners Manufacturers' Association
S.A. Industrial Refrigeration and Air Conditioning Contractors' Association
S.A. Pump Manufacturers' Association
S.A. Reinforced Concrete Engineers' Association
S.A. Tube Makers' Association
S.A. Valve and Actuator Manufacturers' Association
S.A. Wire and Wire Rope manufacturers' Association

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

Metal and Electrical Workers' Union of South Africa
Mineworkers Union
National Employees' Trade Union
National Union of Metalworkers of South Africa
Radio, Television, Electronics and Allied Workers' Union
S.A. Electrical Workers' Association
SA Workers' Union
Steel, Engineering and Allied Workers' Union 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 Iron, Steel, Engineering and Metallurgical Industry,

to amend the Provident Fund Agreement for the Metal Industries published under Government Notice No. R. 624 of 19 April 1996 (hereinafter referred to as the Re-enacting Agreement).

1. PERIOD OF OPERATION OF AGREEMENT

The terms of this Agreement shall come into operation on such date as may be fixed by the Minister of Labour in terms of section 48 of the Act and shall remain in force until 10 May 1998, or for such period as may be determined by the Minister.

2. SCOPE OF APPLICATION OF AGREEMENT

(1) Provided that any reference in this Agreement to the Republic of South Africa and/or the Provinces of the Cape of Good Hope, Transvaal, Natal and the Orange Free State shall be deemed to be the Magisterial Districts of those areas and/or provinces as they existed immediately prior to the coming into operation of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), and except as otherwise provided in this section, the terms of this Agreement shall apply to and be observed—

- (a) throughout the Republic of South Africa; and
- (b) by all employers and employees in the Iron, Steel, Engineering and Metallurgical Industries who are members of the employers' organisations and the trade unions respectively.

(2) The terms of this Agreement shall not apply to an employer and his employee who are governed by and fall within the scope of application of the Engineering Industries Pension Fund Agreement (formerly the Metal Industries Group Life and Provident Fund Agreement) in force for the time being.

(3) The terms of this Agreement shall not, subject to subsection (4) below, apply to any employee who on 1 May 1991 was or thereafter became a participant in and member of any fund providing provident and/or pension benefits, which was in existence on the said date (and in which the employer of that employee was on the said date a participant) or to the employer of that employee, during such period only as such fund continues to operate and both employer and employee are participants therein: Provided that a fund which provides solely for payment of benefits on death shall not be deemed to be pension or provident fund for the purposes of this Agreement.

(4) Where employers and employees participate in domestic schemes providing provident and/or pension benefits as referred to in subsection (3) above, which at the date of coming into operation of this Agreement do not provide for percentage contributions which, in total, are at least as much as the percentages, in total, specified in section 5 of this Agreement, a period of six weeks shall be allowed to enable compliance with this requirement, subject to any amendment being retroactive to the date of coming into operation of this Agreement.

3. SPECIAL PROVISIONS

The provisions contained in section 7 of the Agreement published under Government Notice No. R. 624 of 19 April 1996 (hereinafter referred to as the "former Agreement") shall apply to employers and employees.

4. GENERAL PROVISIONS

The provisions contained in sections 3 to 6 (as amended by section 5 hereunder) and 8 to 10 of the former Agreement shall apply to employers and employees.

5. SECTION 5: CONTRIBUTIONS

Insert the following new subsection 2 (e):

- "(2) (e) The employer shall, in addition, contribute such additional amounts as he may from time to time be required to pay by virtue of the impact of any law or regulation which requires the payment of levies or taxes."

Signed at Johannesburg, for and on behalf of the parties, this 31st day of October 1996.

B. ANGUS

Member

W. P. COETZEE

Member

D. G. LEVY

General Secretary

No. R. 2039

13 Desember 1996

WET OP ARBEIDSVARHOUDINGE, 1956

YSTER-, STAAL-, INGENIEURS- EN METALLURGIESE NYWERHEID: HERBEKRAFTIGING VAN VOORSORGFONDSOOREENKOMS VIR DIE METAALNYWERHEDE

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 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 30 April 2001 eindig, bindend is vir die werkgewersorganisasies en die vakverenigings wat die genoemde Ooreenkoms 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 genoemde Ooreenkoms, uitgesonderd dié vervat in klousules 1, 2 (1) (b) en 3, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 30 April 2001 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 genoemde Ooreenkoms gespesifiseer.

T. T. MBOWENI

Minister van Arbeid

BYLAE

NASIONALE NYWERHEIDSRaad VIR DIE YSTER-, STAAL-, INGENIEURS- EN METALLURGIESE NYWERHEID: VOORSORGFONDSOOREENKOMS VIR DIE METAALNYWERHEDE

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

Association of the Electric Cable Manufacturers of South Africa

Border Engineering Industries Association

Cape Engineers' and Founders' Association

Constructional Engineering Association (South Africa)

Covered Conductor Manufacturers' Association

Electrical Engineering and Allied Industries Association

Electronics and Telecommunications Industries Association

Gate and Fence Association

Hand Tool Manufacturers' Association

Iron and Steel Producer's Association of South Africa

Lift Engineering Association of South Africa

Light Engineering Industries Association of South Africa

Materials Handling Association

Natal Engineering Industries Association

Non-Ferrous Metal Industries Association of South Africa

Plastics Manufacturers' Association of South Africa

Port Elizabeth Engineers' Association

Pressure Vessel Manufacturers' Association of South Africa

Radio, Appliance and Television Association of South Africa

Refrigeration and Air Conditioning Manufacturers' and Suppliers' Association

Sheetmetal Industries Association of South Africa

S.A. Association of Shipbuilders and Repairers

S.A. Electro-Plating Industries Association

S.A. Engineers' and Founders' Association

S.A. Fasteners Manufacturers' Association

S.A. Industrial Refrigeration and Air Conditioning Contractors' Association

S.A. Pump Manufacturers' Association

S.A. Reinforced Concrete Engineers' Association

S.A. Tube Makers' Association

S.A. Valve and Actuator Manufacturers' Association

S.A. Wire and Wire Rope manufacturers' Association

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

Metal and Electrical Workers' Union of South Africa

Mineworkers Union

National Employees' Trade Union

National Union of Metalworkers of South Africa

Radio, Television, Electronics and Allied Workers' Union

S.A. Electrical Workers' Association

SA Werkersunie

Steel, Engineering and Allied Workers' Union of South Africa

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

wat die partye is by die Nasionale Nywerheidsraad vir die Yster-, Staal-, Ingenieurs- en Metallurgiese Nywerheid, tot wysigings van die Voorsorgfondsooreenkoms vir die Metaalnywerhede gepubliseer by Goewermentskennissgewing R. 624 van 19 April 1996 (hierna die Herbekragtigingsooreenkoms genoem).

1. GELDIGHEIDSDUUR VAN OOREENKOMS

Hierdie Ooreenkoms tree in werking op die datum wat die Minister van Arbeid kragtens artikel 48 van die Wet vasstel, en bly van krag tot 10 Mei 1998, of vir die tydperk wat die Minister bepaal.

2. TOEPASSINGSBESTEK VAN OOREENKOMS

(1) Mits enige verwysing in hierdie Ooreenkoms na die Republiek van Suid-Afrika en/of die provinsies die Kaap die Goeie Hoop, Transvaal, Natal en die Oranje-Vrystaat geag word 'n verwysing te wees na die landdrosdistrikte van daardie gebiede en/of provinsies soos hulle bestaan het onmiddellik voor die inwerkingtreding van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), en behoudens andersluidende bepalings in hierdie klousule, is hierdie Ooreenkoms van toepassing op en moet dit nagekom word—

- (a) oral in die Republiek van Suid-Afrika; en
- (b) deur alle werkgewers en werknemers in die Yster-, Staal-, Ingenieurs- en Metallurgiese Nywerheid wat lede van onderskeidelik die werkgewersorganisasies en die vakverenigings is.

(2) Hierdie Ooreenkoms is nie van toepassing nie op 'n werkgewer en sy werknemer wat beheer word deur en binne die toepassingsbestek val van die Ingenieursnywerheidpensioenfondsooreenkoms (voorheen die Groepslewe- en Voorsorgfondsooreenkoms vir die Metaalnywerheid) wat voorlopig van krag is.

(3) Hierdie Ooreenkoms is nie van toepassing nie, onderworpe aan subklousule (4) hieronder, op 'n werknemer wat op 1 Mei 1991 'n deelnemer aan en lid was of daarna geword het van 'n fonds wat voorsiening maak vir voorsorg- en/of pensioenbystand, wat op genoemde datum bestaan het (en waarin die werkgewer van daardie werknemer op genoemde datum deelgeneem het) of op die werkgewer van daardie werknemer gedurende slegs sodanige tydperk wat sodanige fonds in werking bly en sowel die werkgewer as die werknemer daarin deelneem: Met dien verstande dat 'n fonds wat uitsluitlik vir die betaling van bystand by afsterwe voorsiening maak, by die toepassing van hierdie Ooreenkoms nie geag word 'n pensioen- of voorsorgfonds te wees nie.

(4) Waar werkgewers en werknemers deelneem aan huishoudelike skemas wat voorsorg- en/of pensioenvoordele verskaf soos in subklousule (3) hierbo bedoel en wat op die datum van inwerkingtreding van hierdie Ooreenkoms nie voorsiening maak nie vir persentasiebydraes wat altesaam minstens soveel is as die totale persentasiebydraes, gespesifiseer in klousule 5 van hierdie Ooreenkoms, moet 'n tydperk van ses weke ter voldoening aan hierdie vereiste toegestaan word, onderworpe daaraan dat enige wysiging terugwerkend is tot die datum van inwerkingtreding van hierdie Ooreenkoms.

3. SPESIALE BEPALINGS

Die bepalings vervat in klousule 7 van die Ooreenkoms gepubliseer by Goewermentskennissgewing No. R. 624 van 19 April 1996 (hierna die "vorige Ooreenkoms" genoem) is van toepassing op werkgewers en werknemers.

4. ALGEMENE BEPALINGS

Die bepalings vervat in klousules 3 tot 6 (soos gewysig by klousule 5 hieronder) en 8 tot 10 van die vorige Ooreenkoms is van toepassing op werkgewers en werknemers.

5. KLOUSULE 5: BYDRAES

Voeg die volgende nuwe subklousule 2 (e) in:

- "(2) (e) Die werkgewer moet daarbenewens sodanige bykomende bedrae bydra as wat van tyd tot tyd van hom vereis word om te betaal ingevolge 'n wet of regulasie wat die betaling van heffings of blastings vereis."

Namens die partye op hede die 31ste Oktober 1996 te Johannesburg onderteken.

B. ANGUS

Lid

W. P. COETZEE

Lid

D. G. LEVY

Hoofsekretaris

No. R. 2040

13 December 1996

LABOUR RELATIONS ACT, 1956

CANCELLATION OF GOVERNMENT NOTICE

**IRON, STEEL, ENGINEERING AND METALLURGICAL INDUSTRY:
ENGINEERING INDUSTRIES PENSION FUND AGREEMENT**

I, Tito Titus Mboweni, Minister of Labour, hereby, in terms of section 48 (5) of the Labour Relations Act, 1956, cancel Government Notice No. R. 627 of 19 April 1996, with effect from the second Monday after the date of publication of this notice.

T. T. MBOWENI

Minister of Labour

No. R. 2040**13 Desember 1996**

WET OP ARBEIDSVERHOUDINGE, 1956

INTREKKING VAN GOEWERMENTSKENNISGEWING

**YSTER-, STAAL-, INGENIEURS- EN METALLURGIESE NYWERHEID:
INGENIEURS- NYWERHEIDSPENSIOENFONDSOOREENKOMS**

Ek, Tito Titus Mboweni, Minister van Arbeid, trek hierby, kragtens artikel 48 (5) van die Wet op Arbeidsverhoudinge, 1956, Goewermentskennisgewing No. R. 627 van 19 April 1996 in, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing.

T. T. MBOWENI**Minister van Arbeid****No. R. 2042****13 December 1996**

LABOUR RELATIONS ACT, 1956

CANCELLATION OF GOVERNMENT NOTICE

IRON, STEEL, ENGINEERING AND METALLURGICAL INDUSTRY: STEELMED AGREEMENT

I, Tito Titus Mboweni, Minister of Labour, hereby, in terms of section 48 (5) of the Labour Relations Act, 1956, cancel Government Notice No. R. 230 of 17 February 1995, with effect from the second Monday after the date of publication of this notice.

T. T. MBOWENI**Minister of Labour****No. R. 2042****13 Desember 1996**

WET OP ARBEIDSVERHOUDINGE, 1956

INTREKKING VAN GOEWERMENTSKENNISGEWING

YSTER-, STAAL-, INGENIEURS- EN METALLURGIESE NYWERHEID: STEELMED-OOREENKOMS

Ek, Tito Titus Mboweni, Minister van Arbeid, trek hierby, kragtens artikel 48 (5) van die Wet op Arbeidsverhoudinge, 1956, Goewermentskennisgewing No. R. 230 van 17 Februarie 1995 in, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing.

T. T. MBOWENI**Minister van Arbeid****No. R. 2043****13 December 1996**

LABOUR RELATIONS ACT, 1956

**IRON, STEEL, ENGINEERING AND METALLURGICAL INDUSTRY: RE-ENACTMENT OF
STEELMED AGREEMENT**

I, Tito Titus Mboweni, Minister of Labour, hereby in terms of section 48 (1) (a) of the Labour Relations Act, 1956, declare that the provisions of the 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 10 May 1998, upon the employers' organisations and the trade unions which entered into the said Agreement and upon the employers and employees who are members of the said organisations or unions.

T. T. MBOWENI**Minister of Labour****NATIONAL INDUSTRIAL COUNCIL FOR THE IRON, STEEL, ENGINEERING AND METALLURGICAL INDUSTRY****STEELMED AGREEMENT**

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

Association of Electric Cable Manufacturers of South Africa**Border Engineering Industries Association****Constructional Engineering Association (South Africa)****Covered Conductor Manufacturers's Association****Electrical Engineering and Allied Industries Association**

Electronics and Telecommunications Industries Association**Gate and Fence Association****Hand Tool Manufacturers' Association****Iron and Steel Producers' Association of South Africa****Lift Engineering Association of South Africa****Light Engineering Industries Association of South Africa****Materials Handling Association****Natal Engineering Industries Association****Non-Ferrous Metal Industries Association of South Africa****Plastics Manufacturers' Association of South Africa****Plumbers and Engineers Brassware Manufacturers' Association****Port Elizabeth Engineers' Association****Pressure Vessels Manufacturers' Association of South Africa****Radio, Appliance and Television Association of South Africa****Sheetmetal Industries Association of South Africa****SA Association of Shipbuilders and Repairers****SA Electro-Plating Industries Association****SA Engineers and Founders' Association****SA Fasteners Manufacturers' Association****SA Industrial Refrigeration and Air Conditioning Contractors' Association****SA Post Tensioning Association****SA Reinforced Concrete Engineers' Association****SA Tube Makers' Association****SA Valve and Actuator Manufacturers' Association****SA Wire and Wire Rope Manufacturers' Association**

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

Metal and Electrical Workers' Union of South Africa**Mineworkers' Union****National Employees' Trade Union****Radio Television, Electronics and Allied Workers' Union****S.A. Electrical Workers' Association****S.A. Workers' Union**

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

being the parties to the National Industrial Council for the Iron, Steel, Engineering and Metallurgical Industry,

to amend the Steelmed Agreement published under Government Notice No. R. 230 of 17 February 1995 (hereinafter referred to as the Re-enacting Agreement).

1. SCOPE OF APPLICATION OF AGREEMENT

Except as otherwise provided in this section, the terms of this Agreement shall apply to and be observed throughout the Republic of South Africa by all employers in the Iron, Steel, Engineering and Metallurgical Industries who are members of the employers' organisations and such of their employees who have been in their employ since 31 July 1994 and who at the date were members of the party trade unions and who were members of, or were eligible for membership of, the Industry's Medical Benefit Funds and such other employees whose membership of the Fund since 1 August 1994 has been made a condition of their employment.

2. PERIOD OF OPERATION OF THE AGREEMENT

This Agreement shall come into operation on such date as may be fixed by the Minister of Labour in terms of section 48 of the Labour Relations Act, 1956, and shall remain in force until 10 May 1998 or for such period as the Minister may determine.

3. SECTION 7: TERMINATION OF MEMBERSHIP

Substitute the following for subsection (1):

- "(1) The Board of Management or any committee exercising such powers delegated to it by the Board shall have the right to terminate the membership of members who have unsound, intemperate or immoral habits or have abused their benefits: Provided that such decision shall be based on substantiating evidence."

4. SECTION 9: CONTRIBUTIONS

(1) Insert the following new subsection (6):

"(6) The employer shall, in addition, contribute such additional amounts as he may from time to time be required to pay by virtue of the impact of any law or regulation which requires the payment of levies or taxes. Such additional amounts shall be reflected in the statement referred to in subsection (5) above."

(2) Renumber subsections (6), (7), (8) and (9) to read (7), (8), (9) and (10), respectively.

(3) Substitute the following for subsection (10) (a):

"(10) (a) Continuation members admitted to membership in terms of section 7 (3) shall contribute monthly in advance, direct to the Fund, at the rate and in accordance with the criteria as determined by the Board of Management of the Fund from time to time in terms of subsection (2) hereof and as published in the Rules and the applicable addendum to the Rules."

Signed at Johannesburg, for and on behalf of the parties, this 31st day of October 1996.

B. ANGUS

Member

W. P. COETZEE

Member

D. G. LEVY

General Secretary

No. R. 2043

13 Desember 1996

WET OP ARBEIDSVERHOUDINGE, 1956

YSTER-, STAAL-, INGENIEURS- EN METALLURGIESE NYWERHEID: HERBEKRAGTIGING VAN STEELMED-OOREENKOMS

Ek, Tito Titus Mboweni, Minister van Arbeid, verklaar hierby kragtens artikel 48 (1) (a) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalings van die Ooreenkoms 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 10 Mei 1998 eindig, bindend is vir die werkgewers-organisasies en die vakverenigings wat die genoemde Ooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasies of verenigings is.

T. T. MBOWENI

Minister van Arbeid

**NASIONALE NYWERHEIDSRAAD VIR DIE YSTER-, STAAL-, INGENIEURS- EN METALLURGIESE NYWERHEID
STEELMED-OOREENKOMS**

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

Association of Electric Cable Manufacturers of South Africa

Border Engineering Industries Association

Constructional Engineering Association (South Africa)

Covered Conductor Manufacturers's Association

Electrical Engineering and Allied Industries Association

Electronics and Telecommunications Industries Association

Gate and Fence Association

Hand Tool Manufacturers' Association

Iron and Steel Producers' Association of South Africa

Lift Engineering Association of South Africa

Light Engineering Industries Association of South Africa

Materials Handling Association

Natal Engineering Industries Association

Non-Ferrous Metal Industries Association of South Africa

Plastics Manufacturers' Association of South Africa

Plumbers and Engineers Brassware Manufacturers' Association

Port Elizabeth Engineers' Association

Pressure Vessels Manufacturers' Association of South Africa

Radio, Appliance and Television Association of South Africa

Sheetmetal Industries Association of South Africa

SA Association of Shipbuilders and Repairers
 SA Electro-Plating Industries Association
 SA Engineers and Founders' Association
 SA Fasteners Manufacturers' Association
 SA Industrial Refrigeration and Air Conditioning Contractors' Association
 SA Post Tensioning Association
 SA Reinforced Concrete Engineers' Association
 SA Tube Makers' Association
 SA Valve and Actuator Manufacturers' Association
 SA Wire and Wire Rope Manufacturers' Association

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

Metal and Electrical Workers' Union of South Africa
 Mineworkers' Union
 National Employees' Trade Union
 Radio Television, Electronics and Allied Workers' Union
 S.A. Electrical Workers' Association
 S.A. Werkersunie

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

wat die partye is by die Nasionale Nywerheidsraad vir die Yster-, Staal-, Ingenieurs- en Metallurgiese Nywerheid, tot wysiging van die Steelmed-ooreenkoms soos gepubliseer by Goewermentskennisgewing No. R. 230 van 17 Februarie 1995 (hierna die Herbekragtigingsooreenkoms genoem).

1. TOEPASSINGSBESTEK VAN DIE OOREENKOMS

Behoudens andersluidende bepalings in hierdie klousule, is hierdie Ooreenkoms van toepassing op en moet dit oral in die Republiek van Suid-Afrika nagekom word deur alle werkgewers in die Yster-, Staal-, Ingenieurs- en Metallurgiese Nywerheid wat lede is van die werkgewersorganisasies en sodanige van hulle werknemers wat sedert 31 Julie 1994 in hul diens is en wat op gemelde datum lede was van die deelnemende vakverenigings en wat lede was of gekwalifiseer het vir lidmaatskap van die Nywerheid se Mediese Voordeelfondse en sodanige ander werknemers wie se lidmaatskap van die Fonds sedert 1 Augustus 1994 een van hulle diensvoorwaardes gemaak is.

2. GELDIGHEDSDUUR VAN OOREENKOMS

Hierdie Ooreenkoms tree in werking op die datum wat die Minister van Arbeid kragtens artikel 48 van die Wet op Arbeidsverhoudinge, 1956, vasstel en bly van krag tot 10 Mei 1998 of vir sodanige tydperk wat die Minister bepaal.

3. KLOUSULE 7: BEÏNDIGING VAN LIDMAATSKAP

Vervang subklousule (1) deur die volgende:

"(1) Die Bestuursraad of enige komitee wat sodanige bevoegdhede uitoefen wat deur die Raad aan hom opgedra is, het die reg om die lidmaatskap van lede met dranksugtige, onmatige of onsedelike gewoontes te beëindig of wat hulle voordele misbruik het: Met dien verstande dat sodanige besluit op stawende getuienis gegrond word."

4. KLOUSULE 9: BYDRAES

(1) Voeg die volgende nuwe subklousule (6) in:

"(6) Die werkgewer moet daarbenewens sodanige bykomende bydrae bydra soos van tyd tot tyd van hom vereis word om te betaal ingevolge 'n wet of regulasie wat die betaling van heffings of belastinge vereis. Sodanige bykomende bedrae moet weergegee word in die staat in subklousule (5) hierbo bedoel."

(2) Hernommer subklousules (6), (7), (8) en (9) tot onderskeidelik (7), (8), (9) en (10).

(3) Vervang subklousule (10) (a) deur die volgende:

"(10) (a) Kontinuasielende wat ingevolge klousule 7 (3) tot lidmaatskap toegelaat word, moet teen die koers en in ooreenstemming met die kriteria soos van tyd tot tyd ingevolge subklousule (2) hiervan deur die Bestuursraad van die Fonds vasgestel, en soos gepubliseer in die reëls en die toepaslike Bylae van die Reëls maandeliks vooruit regstreeks aan die Fonds betaal."

Namens die partye op hede die 31ste dag van Oktober 1996 te Johannesburg onderteken.

B. ANGUS

Lid

W. P. COETZEE

Lid

D. G. LEVY

Hoofsekretaris

No. R. 2044

13 December 1996

LABOUR RELATIONS ACT, 1956

**IRON, STEEL, ENGINEERING AND METALLURGICAL INDUSTRY: AMENDMENT OF
SICK PAY FUND 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 the second Monday after the date of publication of this notice and for the period ending 20 November 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) (a) shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 20 November 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****NATIONAL INDUSTRIAL COUNCIL FOR THE IRON, STEEL, ENGINEERING AND METALLURGICAL INDUSTRY
SICK PAY FUND AGREEMENT**

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

Border Engineering Industries Association
Bright Bar Association
Cape Engineers' and Founders' Association
Constructional Engineering Association (South Africa)
Covered Conductor Manufacturers' Association
Electrical Engineering and Allied Industries Association
Electronics and Telecommunications Industries Association
Gate and Fence Association
Hand Tool Manufacturers' Association
Iron and Steel Producers' Association of South Africa
Lift Engineering Association of South Africa
Light Engineering Industries Association of South Africa
Materials Handling Association
Natal Engineering Industries Association
Non-Ferrous Metal Industries Association of South Africa
Plastics Manufacturers' Association of South Africa
Plumbers and Engineers Brassware Manufacturers' Association
Port Elizabeth Engineers' Association
Pressure Vessel Manufacturers' Association of South Africa
Radio, Appliance and Television Association of South Africa
Refrigeration and Air Conditioning Manufacturers and Suppliers Association
Sheetmetal Industries Association of South Africa
S.A. Association of Shipbuilders and Repairers
S.A. Electro-Plating Industries Association
S.A. Engineers and Founders Association
S.A. Fasteners Manufacturers' Association
S.A. Industrial Refrigeration and Air Conditioning Contractors' Association
S.A. Post Tensioning Association

S.A. Reinforced Concrete Engineers' Association**S.A. Tube Makers' Association****S.A. Valve and Actuator Manufacturers' Association****S.A. Wire and Wire Rope Manufacturers' Association**

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

National Employees' Trade Union**National Union of Metalworkers' of South Africa****Metal and Electrical Workers' Union of S.A.****Mineworkers' Union****Radio, Television, Electronics and Allied Workers' Union****SA Electrical Workers' Association****SA Werkersunie****Steel, Engineering and Allied Workers' Union 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 Iron, Steel, Engineering and Metallurgical Industry,

to amend the Sick Pay Fund Agreement published under Government Notice No. R. 2467 of 10 November 1989 hereinafter referred to as the Re-enacting Agreement), as re-enacted by Government Notices Nos. R. 1802 of 2 August 1991, R. 1216 of 8 May 1992, R. 3096 of 13 November 1992, R. 1468 of 26 August 1994, R. 1480 of 29 September 1995 and R. 1804 of 8 November 1996.

1. SCOPE OF APPLICATION OF AGREEMENT

(1) The terms of this Agreement shall be observed in the Iron, Steel, Engineering and Metallurgical Industries throughout the Republic of South Africa, as it existed immediately prior to the date of coming into operation of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), by—

- (a) all employers and employees who are members of the employers' organisations and the trade unions, respectively;
- (b) employees in the employ of employers under paragraph (a) as at 31 July 1989 who were on the date members of and participants in Scheme B of the Sick Pay Fund in terms of the Agreement as published under Government Notice No. R. 2032 of 9 October 1980, as amended and extended, and who, while being eligible to become members of a trade union which is a party to this Agreement, are not members of such a trade union, while they continue in the service of the same employer.

(2) The terms of this Agreement shall not apply to the following persons:

- (a) Employees engaged on or after 1 August 1989 by the employers referred to in subsection (1) (a) who, while being eligible to become members of a trade union which is a party to this Agreement, are not members of such a trade union; and
- (b) employees other than those employed by employers referred to in subsection (1).

2. SECTION 7: CONTRIBUTIONS

(1) Insert the following new subsection (4):

"(4) The employer shall, in addition, contribute such additional amounts as he may from time to time be required to pay by virtue of the impact of any law or regulation which requires the payment of levies or taxes. Such additional amounts shall be reflected in the statement referred to in subsection (3)."

(2) Re-number subsections (4), (5) and (6) to read (5), (6) and (7), respectively.

Signed at Johannesburg, for and on behalf of the parties, this 31st day of October 1996.

B. ANGUS

Member

W. P. COETZEE

Member

D. G. LEVY

General Secretary

No. R. 2044

13 Desember 1996

WET OP ARBEIDSVERHOUDINGE, 1956

YSTER-, STAAL-, INGENIEURS- EN METALLURGIESE NYWERHEID: WYSIGING VAN SIEKTEBYSTANDSFONDSOOREENKOMS

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 die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 20 November 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) (a) met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 20 November 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****NASIONALE NYWERHEIDSRaad VIR DIE YSTER-, STAAL-, INGENIEURS- EN METALLURGIESE NYWERHEID SIEKTEBYSTANDSFONDSOOREENKOMS**

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

Border Engineering Industries Association
Bright Bar Association
Cape Engineers' and Founders' Association
Constructional Engineering Association (South Africa)
Covered Conductor Manufacturers' Association
Electrical Engineering and Allied Industries Association
Electronics and Telecommunications Industries Association
Gate and Fence Association
Hand Tool Manufacturers' Association
Iron and Steel Producers' Association of South Africa
Lift Engineering Association of South Africa
Light Engineering Industries Association of South Africa
Materials Handling Association
Natal Engineering Industries Association
Non-Ferrous Metal Industries Association of South Africa
Plastics Manufacturers' Association of South Africa
Plumbers and Engineers Brassware Manufacturers' Association
Port Elizabeth Engineers' Association
Pressure Vessel Manufacturers' Association of South Africa
Radio, Appliance and Television Association of South Africa
Refrigeration and Air Conditioning Manufacturers and Suppliers Association
Sheetmetal Industries Association of South Africa
S.A. Association of Shipbuilders and Repairers
S.A. Electro-Plating Industries Association
S.A. Engineers and Founders Association
S.A. Fasteners Manufacturers' Association
S.A. Industrial Refrigeration and Air Conditioning Contractors' Association
S.A. Post Tensioning Association

S.A. Reinforced Concrete Engineers' Association**S.A. Tube Makers' Association****S.A. Valve and Actuator Manufacturers' Association****S.A. Wire and Wire Rope Manufacturers' Association**

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

National Employees' Trade Union**National Union of Metalworkers' of South Africa****Metal and Electrical Workers' Union of S.A.****Mynwerkersunie****Radio, Television, Electronics and Allied Workers' Union****SA Electrical Workers' Association****SA Werkersunie****Steel, Engineering and Allied Workers' Union of South Africa**

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

wat partye is by die nasionale Nywerheidsraad vir die Yster-, Staal-, Ingenieurs- en Metallurgiese Nywerheid,

tot wysiging van Siektebystandsfondsooreenkoms gepubliseer by Goewermentskennisgewing No. R. 2467 van 10 November 1989 (hierna die Herbekragtigingsooreenkoms genoem), soos herbekragtig by Goewermentskennisgewings Nos. R. 1802 van 2 Augustus 1991, R. 1216 van 8 Mei 1992, R. 3096 van 13 November 1992, R. 1468 van 26 Augustus 1994, R. 1480 van 29 September 1995 en R. 1804 van 8 November 1996.

1. TOEPASSINGSBESTEK VAN OOREENKOMS

(1) Hierdie Ooreenkoms moet nagekom word in die Yster-, Staal-, Ingenieurs- en Metallurgiese Nywerhede 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), deur—

- (a) alle werkgewers en werknemers wat lede van onderskeidelik die werkgewersorganisasies en die vakverenigings is;
 - (b) werknemers in diens van werkgewers kragtens paragraaf (a) op 31 Julie 1989 wat op daardie datum lede van en deelnemers aan Skema B van die Siektebystandsfonds was ingevolge die Ooreenkoms gepubliseer by Goewermentskennisgewing No. R. 2032 van 9 Oktober 1980, soos gewysig en verleng, en wat, hoewel hulle kwalifiseer vir lidmaatskap van 'n vakvereniging wat 'n party is by hierdie Ooreenkoms, nie lede van so 'n vakvereniging is nie, terwyl hulle in die diens van dieselfde werkgewer bly.
- (2) Hierdie Ooreenkoms is nie op die volgende persone van toepassing nie:
- (a) Werknemers in diens geneem op of na 1 Augustus 1989 deur die werkgewers in subklousule (1) (a) bedoel wat, hoewel hulle kwalifiseer vir lidmaatskap van 'n vakvereniging wat 'n party by die Ooreenkoms is, nie lede van so 'n vakvereniging is nie; en
 - (b) ander werknemers as dié in diens van werkgewers in subklousule (1) bedoel.

2. KLOUSULE 7: BYDRAES

(1) Voeg die volgende nuwe subklousule (4) in:

"(4) Die werkgewer moet daarbenewens sodanige bykomende bedrae bydra as wat van tyd tot tyd vereis word om te betaal ingevolge 'n wet of regulasie wat die betaling van heffings of belasting vereis. Sodanige bykomende bedrae moet weergegee word in die staat in subklousule (3) hierbo bedoel."

(2) Hernommer subklousules (4), (5) en (6) tot onderskeidelik (5), (6) en (7).

Namens die partye op hede die 31ste dag van Oktober 1996 te Johannesburg onderteken.

B. ANGUS

Lid

W. P. COETZEE

Lid

D. G. LEVY

Hoofsekretaris

No. R. 2063**13 December 1996****LABOUR RELATIONS ACT, 1956****JEWELLERY AND PRECIOUS METAL INDUSTRY (CAPE): EXTENSION OF MAIN AGREEMENT**

I, Dennis van der Walt, Director: Collective Bargaining, duly authorised thereto by the Minister of Labour, hereby, in terms of section 48 (4) (a) (i) of the Labour Relations Act, 1956, extend the period fixed in Government Notice No. R. 123 of 2 February 1996, from 1 January 1997 and by a further period ending 10 May 1998.

D. VAN DER WALT**Director: Collective Bargaining****No. R. 2063****13 Desember 1996****WET OP ARBEIDSVERHOUDINGE, 1956****JUWELIERSWARE- EN EDELMETAALNYWERHEID (KAAP): VERLENGING VAN HOOFOOREENKOMS**

Ek, Dennis van der Walt, Direkteur: Kollektiewe Bedinging, behoorlik daartoe gemagtig deur die Minister van Arbeid, verleng hierby, kragtens artikel 48 (4) (a) (i) van die Wet op Arbeidsverhoudinge, 1956, die tydperk vasgestel in Goewermenskennisgewing No. R. 123 van 2 Februarie 1996, vanaf 1 Januarie 1997 en met 'n verdere tydperk wat op 10 Mei 1998 eindig.

D. VAN DER WALT**Direkteur: Kollektiewe Bedinging****No. R. 2035****13 December 1996****MANPOWER TRAINING ACT, 1981****TEXTILE INDUSTRY: DESIGNATION OF TRADES AND PRESCRIPTION OF CONDITIONS OF APPRENTICESHIP**

I, Tito Titus Mboweni, Minister of Labour, acting in terms of section 13 of the Manpower Training Act, 1981, hereby—

- (a) designate in the Textile Industry in the Republic of South Africa the undermentioned trades as trades in respect of which the Act shall apply with effect from the second Monday after the publication of this notice:

TRADES

1. Weaving Mechanician—Rapier Loom;
2. Weaving Mechanician—Airjet Loom;
3. Weaving Mechanician—Shuttle Loom;
4. Weaving Mechanician—Projectile Loom;
5. Spinning Mechanician—Long Staple;
6. Spinning Mechanician—Short Staple: Blowroom and Cards;
7. Spinning Mechanician—Short Staple: Preparation: Drawframe and Speedframe;
8. Spinning Mechanician—Short Staple: Combing and Combing Preparation;
9. Spinning Mechanician—Short Staple: Ringframe, Ringdoubing and Two-for-one-Uptwister;
10. Spinning Mechanician—Short Staple: Open End;
11. Spinning Mechanician—Short Staple: Winding;
12. Spinning Mechanician—Short Staple: Rotor Spinning;
13. Knitting Mechanician—Weft;
14. Technical Dyer—Finisher;
15. Technical Printer—Finisher;
16. Spinning Mechanician—Semi-worsted—Finishing;
17. Spinning Mechanician—Semi-worsted—Winding and Twisting;
18. Spinning Mechanician—Semi-worsted—Roving and Spinning;
19. Spinning Mechanician—Semi-worsted—Preparation;
20. Spinning Mechanician—Semi-worsted—Woollen System—Blending—Carding and Drawing;
21. Spinning Mechanician—Woollen System—Ringframe—Open End and Twisting;

22. Spinning Mechanician—Woollen System—Ringframe—Winding;
 23. Spinning Mechanician—Woollen System—Ringframe—Dreft and Twisting;
 24. Weaving Mechanician—Narrow Loom;
 25. Weaving Preparation—Technical Controller;
 26. Knitting Mechanician—Warp;
- (b) prescribed with effect from the second Monday after the date of publication of this notice, the conditions set out hereunder as conditions of apprenticeship in respect of the trades designated in paragraph (a) in the Industry and the area mentioned therein; and
- (c) withdraw Government Notices Nos. R2708 of 15 November 1991, R. 1943 of 10 July 1992, R. 2780 of 2 October 1992, R. 719 of 30 April 1993, R. 1420 of 6 August 1993, R. 941 of 30 June 1995, R. 1856 of 1 December 1995 and R. 406 of 15 March 1996: Provided that the Conditions of Apprenticeship referred to above shall remain applicable in respect of apprentices whose contracts were entered into prior to the date of coming into operation of this notice.

For the purposes of this notice "Textile Industry" or "Industry" means the industry in which employers and their employees are associated either in whole or in part, and by any process incidental thereto, or consequent thereon, for any one or more of the following processes:

The receiving, sorting, grading, weighing, cataloguing, washing, cleaning, scouring, ginning, fibre-working, spinneret fibre production, blending, carding, combing, spinning, winding, twisting, warping, sizing, drawing-in, weaving, knitting, plaiting, braiding, preparation and dyeing, bleaching, raising, finishing, textile printing and designing, of the following products:

1. Fibres, yarns, threads, and other similar products which shall include, but not be limited to the following:

Natural fibres:

- Vegetable fibres.
- Animal fibres.
- Mineral fibres.

Man-made fibres:

- Synthetic polymers and natural polymers.

2. All classes of industrial, commercial and domestic woven and knitted fabrics and any other type of fabrics and products identified above. This shall include, but not be limited to the manufacture of all products including all classes of—

- ▶ Woven fabrics, including narrow and circular woven.
- ▶ Knitted fabrics including fully fashioned.
- ▶ Felted fabrics.
- ▶ Non-woven fabrics and products.
- ▶ Blankets and blanketing.
- ▶ Lace, crocheted fabrics and embroidery.
- ▶ Braided and plaited products.
- ▶ Matting, mats, cord, ropes, twine, nets and netting.
- ▶ Carpets, rugs, carpets tiles and carpeting.
- ▶ The making up of domestic textiles and bags from own company produced fabrics.

T. T. MBOWENI

Minister of Labour

CONDITIONS OF APPRENTICESHIP

1. Qualifications for commencing apprenticeship

The minimum age and educational qualifications for commencing apprenticeship shall be—

- (a) 16 years; and
- (b) (i) Standard 8 Certificate; or
- (ii) National Technical Certificate, Part I (N1), with an acceptable trade theory;
- (iii) such other certificate as the Textile Industry Training Board (TITB) may accept as appropriate and sufficient.

2. Period of apprenticeship

- (1) The period of apprenticeship shall be determined by the apprentice's progress through the training schedules subject to the time limits prescribed in the relevant training schedules for each module and subject to any credits granted by the TITB for previous experience. Training shall include time spent on technical studies until such time as the National Technical Certificate, Part III (N3) in all textile subjects, with the exception of the subject Mathematics in which only a Part II (N2) is required, has been obtained and the trade test has been passed.
- (2) The employer of an apprentice shall within seven days of the departure of the apprentice for training or service in terms of the Defence Act, 1957 (Act No. 44 of 1957), as amended, or the Police Act, 1958 (Act No. 7 of 1958), as amended, notify the TITB of such departure and shall do likewise within seven days of the return of the apprentice from such training or service.
- (3) The employer shall immediately advise the TITB of any continuous period of absence if such period exceeds 30 days.
- (4) Absence referred to in subclause (2) and (3) shall be recorded in the logbook issued by the TITB.

3. Wages

- (1) An employer shall pay an apprentice weekly or monthly in accordance with the apprentice's accredited level of development, at not less than the rates specified below:

Accredited level of development in accordance with the training Schedules:

	Per week	Per month
First level	R310,00	R1 343,23
Second level	R342,00	R1 481,89
Third level	R440,00	R1 906,52

- (2) An apprentice shall be paid at the rate of remuneration applicable to the accredited level of development within which he falls, regardless of the year of training. These rates of remuneration shall be reviewed annually by the TITB and published in the *Gazette*.

4. Technical studies

- (1) An apprentice who is not already in possession of a National Technical Certificate, Part III (N3), in the three subjects as specified for the trade, shall follow technical studies appropriate to such trade and in accordance with the syllabi prescribed for the National Technical Certificate, Parts I, II and III (N1, N2 and N3).
- (2) An apprentice shall, irrespective of entry qualifications held as stated in clause 1 (b) (i), (ii) and (iii) undertake technical studies until he obtains the National Technical Certificate, Part III (N3), in the three subjects as specified for the trade. Only Part II (N2) in Mathematics is required.
- (3) Technical studies may also be followed through a distance learning system.
- (4) An apprentice who is required to follow distance learning shall be provided with an appropriate equipped area for study purposes at his workplace, and the employer shall release such apprentice for a minimum of 6 hours per week and the time required for examinations.
- (5) Where facilities exist for technical class attendance by continuous or part time course of study, an apprentice may be requested by his employer to attend such classes as required during his ordinary working hours of work for the duration of the course. In such cases the employer shall be liable for the payment of accommodation and transport costs as determined by the TITB.
- (6) Any follow-up of distance learning or subsequent attendance of technical classes for any further certificate after an apprentice has complied with the requirements of subclause (2) shall be outside working hours: Provided that the apprentice may subject to the agreement of his employer, continue to participate in such courses or attend classes during ordinary working hours on the basis prescribed in subclause (7).
- (7) An apprentice who attends classes on a full time basis in terms of subclause (5) or (6) shall not be required to report for work for the duration of such course.
- (8) An apprentice who, because of absence for training or service in terms of the Defence Act, 1957, as amended, or the Police Act, 1958, as amended, is unable to follow distance learning or to attend technical classes for the duration of a continuous course of study for at least half an academic year, as the case may be, shall not be required to pursue his studies during such year.
- (9) The provisions of clause 4 (6) shall *mutatis mutandis* apply to the second attempt at any technical examination prescribed by subclause (2).

5. Payment of course or class and examination fees for technical college studies

- (1) An employer shall pay to the technical institution concerned the class or course fees and the examination fees payable by an apprentice who is required in terms of clause 4 (1) and (2) to take distance learning or attend classes or enter for examination.
- (2) Such course or class and examination fees for a designated course shall at least once be paid by the employer.

- (3) If an apprentice fails a course or any part thereof, all further course or class and examination fees shall be paid by the apprentice unless otherwise agreed by the employer.

6. Courses of training

- (1) An employer shall provide an apprentice with practical competency based modular training in the trade in which he is indentured in accordance with the specified training schedules for such trades as approved and published by the TITB and issued to the employer from time to time.
- (2) An apprentice shall attend practical competency based modular courses in accordance with the training schedules during the ordinary hours of work for the duration of such courses. He shall be required to pass all competency based modular tests within the time limit as specified in the training schedules before progressing to the next module.
- (3) An apprentice shall, if so directed by his employer and at the cost of the employer, commence attendance of practical competency based modular training courses at an accredited training institution as from such a date and for such a period as specified in the training schedules for the relevant trade.
- (4) The control over such competency based modular tests shall be the responsibility of the employer.
- (5) The employer shall notify the TITB in writing whether the apprentice has passed or failed any competency based modular test as specified within the training schedule.
- (6) An apprentice shall be allowed a maximum of three attempts at any competency based modular test: Provided that if the apprentice fails such third attempt, the TITB may after consultation with and at the request of his employer cancel the contract of apprenticeship if the apprentice is deemed to be unfit for further training.
- (7) An apprentice shall be trained under the delegated supervision of line management in the company in which he is indentured.
- (8) At the discretion of the TITB an apprentice who has obtained competence in any of the designated modules prior to being indentured as an apprentice may receive remission of time for these modules subject to the satisfactory proof of competence being provided.

7. Trade tests

- (1) To qualify as an artisan every apprentice in a designated trade shall pass an approved trade test as directed by the TITB.
- (2) Trade tests shall be conducted at a trade test centre accredited by the TITB on a date determined by the TITB.
- (3) To be accepted as a candidate for a trade test referred to in subclause (1) an apprentice shall—
- have completed the competency based modular on-the-job training programme approved by the TITB for the trade concerned;
 - have passed all the specified practical competency based modular tests approved by the TITB as specified within the training schedules for the relevant trade;
 - have obtained at least the National Technical Certificate, Part II (N2) in four subjects and Part III (N3) in three textile subjects;
 - have obtained such other technical competence and educational certificates as the TITB may accept as appropriate and sufficient; and
 - if required, supply documentary proof of having met the requirements specified in subclauses (i) to (iv).
- (4) An apprentice who fails his first attempt at the trade test shall be permitted two additional attempts within such further period as approved by the TITB. Failure to pass the trade test within the maximum of three attempts will result in the termination of the contract of apprenticeship.
- (5) All costs of the trade test specified in subclauses (1) and (4) shall be borne by the employer.
- (6) An apprentice undergoing a trade test in terms of subclauses (1) and (4) shall in respect of the period spent in connection with the test be paid his ordinary wage by his employer in respect of such period of absence from work.

8. Trade test certificates

- (1) On the successful completion of the trade test, the TITB shall issue the apprentice with a trade test certificate.
- (2) All certificates issued to apprentices who have passed a trade test shall be co-signed by the Registrar of Manpower Training and the TITB.

9. General conditions of employment

Subject to these conditions of apprenticeship and the provisions of the Manpower Training Act, 1981, every apprentice shall be subject to the same conditions of employment as any permanent employee in the service of the employer with whom he is indentured.

No. R. 2035

13 Desember 1996

WET OP MANNEKRAGOPLEIDING, 1981

TEKSTIELNYWERHEID: AANWYSING VAN AMBAGTE EN VOORSKRYWING VAN LEERVOORWAARDES

Ek, Tito Titus Mboweni, Minister van Arbeid, wys hierby kragtens artikel 13 van die Wet op Mannekragopleiding, 1981—

- (a) die volgende ambagte in die Tekstielywerheid in die Republiek van Suid-Afrika aan as ambagte waarop die bepalings van die Wet van toepassing sal wees van die tweede Maandag na die datum van publikasie van hierdie kennisgewing:

AMBAGTE

1. Weefmeganikus—Rapierweef;
2. Weefmeganikus—Lugstraalweef;
3. Weefmeganikus—Skietspoelweef;
4. Weefmeganikus—Skietgrypweef;
5. Spinmeganikus—Langvesel;
6. Spinmeganikus—Kortvesel: Wankamer en Kaarte;
7. Spinmeganikus—Kortvesel: Voorbereiding: Afdun- en Voorspinmasjien;
8. Spinmeganikus—Kortvesel: Kam en Kam Voorbreiding;
9. Spinmeganikus—Kortvesel: Ringspin; Ringtwyning en Dubbelstygdraaier;
10. Spinmeganikus—Kortvesel: Werwelspin;
11. Spinmeganikus—Kortvesel: Optol;
12. Spinmeganikus—Kortvesel: Rotorspin;
13. Breimeganikus—Inslag;
14. Tegniese Kleurder—Afronder;
15. Tegniese Bedrukker—Afronder;
16. Spinmeganikus—Half-Kam—Afwerking;
17. Spinmeganikus—Half-Kam—Optol en Twyning;
18. Spinmeganikus—Half-Kam—Voorgaring en Spin;
19. Spinmeganikus—Half-Kam—Voorbereiding;
20. Spinmeganikus—Wol Proses—Mengeling—Kaarding en Afkam;
21. Spinmeganikus—Wol Proses—Ringspin—Werwelspin en Twyning;
22. Spinmeganikus—Wol Proses—Ringspin—Optol;
23. Spinmeganikus—Wol Proses—Ringspin—Dref en Twyning;
24. Weefmeganikus—Smalweef;
25. Weefvoorbereiding—Tegniese Kontroleurder;
26. Breimeganikus—Skering; en

- (b) skryf met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing, die leervoordes hieronder uiteengesit voor as leervoordes ten opsigte van die ambagte aangewys in paragraaf (a) in die Nywerheid en die gebied daarin genoem; en

- (c) trek Goewermetskennisgewings Nos. R2708 van 15 November 1991, R. 1943 van 10 Julie 1992, R. 2780 van 2 Oktober 1992, R. 719 van 30 April 1993, R. 1420 van 6 Augustus 1993, R. 941 van 30 Junie 1995, R. 1856 van 1 Desember 1995 en R. 406 van 15 Maart 1996: Met dien verstande dat die Leervoordes waarna hierbo verwys word van toepassing sal bly ten opsigte van vakleerlinge wie kontrakte aangegaan het voor die datum van inwerkingtreding van hierdie kennisgewing.

Vir die doeleindes van hierdie kennisgewing beteken "Tekstielywerheid" of "Nywerheid" die nywerheid waarin werkgewers en hul werknemers met mekaar geassosieer is, in geheel of gedeeltelik, en deur enige proses bykomstig daartoe of daarop of daaruitvolgende vir enige van die volgende prosesse:

Die ontvangs, sortering, klassering, weging, katalogisering, wassery, skoonmaak, skuur, pluising, veselverwerking, spin vesel-vervaardiging, vermenging, kaarding, kammery, spinnery, optolling, ineendraaiing, kettingskering, planering, intrekking, weef, breiery, vleg, koordwerk, voorbereiding en kleuring, verbleiking, opheffing, afwerking, tekstieldrukwerk en ontwerp van die volgende produkte:

1. Vesel, garing, draad en ander soortgelyke produkte wat die volgende insluit maar nie tot die ondergenoemde beperk sal wees nie:

Natuurlike vesels:

Plantatydige vesels.

Dierlike vesels.

Mineraalvesels.

Kunsvesels:

Sintetiese polimere en natuurlike polimere.

2. Alle klasse van industriële, kommersiële en huishoudelike geweeftde en gebreide tekstielstowwe, en enige ander tipe stowwe en produkte soos hierbo geïdentifiseer. Dit sal die volgende insluit maar nie beperk word tot die vervaardiging van alle produkte, insluitende klasse van—
 - ▶ Geweeftde tekstielstowwe insluitende smal en sirkelvormige weefwerk.
 - ▶ Gebreide tekstielstowwe insluitende volgefattoeneerde.
 - ▶ Viltagtige tekstielstowwe.
 - ▶ Nie geweeftde stowwe en produkte.
 - ▶ Komberse en kombersstof.
 - ▶ Kant, gehekelde stowwe en borduurwerk.
 - ▶ Sierband en gevlegde produkte.
 - ▶ Matstof, matte, kables, toue, lyn, nete en netwerk.
 - ▶ Tapyte, reisdekens, matteëls en tapytstof.
 - ▶ Die opmaak van huishoudelike tekstielstowwe en sakke van eie vervaardigde stowwe.

T. T. MBOWENI

Minister van Arbeid

LEERVOORWAARDES

1. Kwalifikasies om met vakleerlingskap te begin

Die minimum ouderdom en opvoedkundige kwalifikasies om met vakleerlingskap te begin, is—

- (a) 16 jaar; en
- (b) (i) Standaard 8-sertifikaat; of
- (ii) 'n Nasionale Tegnieuse Sertifikaat, Deel I (N1) met 'n aanvaarbare ambagsteorie;
- (iii) sodanige ander sertifikaat as wat die Tekstielywerheid Opleidingsraad (TNOR) as toepaslik en voldoende aanvaar.

2. Leertyd

- (1) Die leertyd word bepaal deur die vakleerling se vordering deur die opleidingskedules, onderworpe aan die tydsbeperkings voorgeskryf in die betrokke opleidingskedules vir elke module en onderworpe aan enige krediete wat deur die TNOR toegestaan is vir die vorige ondervinding. Opleiding, sluit die tyd in wat aan tegnieuse studies bestee word totdat die Nasionale Tegnieuse Sertifikaat, Deel III (N3) in alle tekstiel vakke, met die uitsondering van Wiskunde waarin slegs 'n Deel II (N2) vereis word, verwerf is en die ambagstoets geslaag is.
- (2) Die werkgever van 'n vakleerling moet die TNOR binne sewe dae na die vakleerling se vertrek vir opleiding of diens ingevolge die Verdedigingswet, 1957 (Wet No. 44 van 1957), soos gewysig, of die Polisiwet, 1958 (Wet No. 7 van 1958), soos gewysig, in kennis stel van sodanige vertrek en moet ingelyks handel binne sewe dae na die vakleerling se terugkeer van sodanige opleiding of diens.
- (3) Die werkgever moet die TNOR onverwyld verwittig van enige aaneenlopende tydperk van afwesigheid indien sodanige tydperk 30 dae oorskry.
- (4) Afwesighede bedoel in subklousule (2) en (3) moet in die logboek, voorgeskryf deur die TNOR, opgeteken word.

3. Lone

- (1) 'n Werkgever moet 'n vakleerling weekliks of maandeliks ooreenkomstig die vakleerling se erkende ontwikkelingsvlak besoldig teen minstens die skale hieronder uiteengesit:

Erkende ontwikkelingsvlak ooreenkomstig die opleiding Skedules:

	Per week	Per maand
Eerste vlak.....	R310,00	R1 343,23
Tweede vlak.....	R342,00	R1 481,89
Derde vlak	R440,00	R1 906,52

- (2) 'n Vakleerling moet besoldig word teen die loonskaal van toepassing op die erkende ontwikkelingsvlak waarin hy val, ongeag die jaar van opleiding. Hierdie loonskaal moet jaarliks deur die TNOR hersien en in die *Staatskoerant* gepubliseer word.

4. Tegniese studies

- (1) 'n Vakleerling wat nie reeds in besit is van 'n Nasionale Tegniese Sertifikaat, Deel III (N3), in die drie vakke soos gespesifiseer vir die ambag nie, moet tegniese studies volg wat paslik is vir sodanige ambag in ooreenstemming met die leerplanne soos voorgeskryf vir die Nasionale Tegniese Sertifikaat, Deel I, II en III (N1, N2 en N3).
- (2) Afsien van die intreekwalifikasies wat 'n vakleerling besit, soos gemeld in klousule 1 (b) (i), (ii) en (iii), moet hy tegniese studies onderneem totdat hy die Nasionale Tegniese Sertifikaat, Deel III (N3), verwerf het in die drie vakke soos gespesifiseer vir die ambag. Slegs Deel II (N2) in Wiskunde word vereis.
- (3) Tegniese studies kan deur 'n afstandonderrigstelsel gevolg word.
- (4) 'n Vakleerling van wie daar vereis word om afstandonderrig te volg, moet voorsien word van 'n paslike toegeruste area vir studiedoeleindes by sy werkplek, en die werkgever moet sodanige vakleerling vir 'n minimum van 6 ure per week en vir die tyd vereis vir eksamens vrystel.
- (5) Waar fasiliteite vir die bywoning van tegniese klasse by wyse van 'n aaneenlopende of deeltydse studiekursus bestaan, kan 'n vakleerling deur sy werkgever versoek word om vir die duur van die kursus sodanige klasse as wat vereis word, gedurende sy gewone werkure by te woon. In sodanige gevalle is die werkgever aanspreeklik vir die betaling van verblyf- en vervoerkoste soos vasgestel deur die TNOR.
- (6) Enige voortsetting van afstandonderrig of voortgesette bywoning van tegniese klasse vir enige verder sertifikaat nadat 'n vakleerling voldoen het aan die vereistes van subklousule (2), moet buite werkure geskied: Met dien verstande dat die vakleerling, onderworpe aan die ooreenkoms met sy werkgever, kan voortgaan om deel te neem aan sodanige kursusse of om klasse by te woon gedurende gewone werkure op die basis voorgeskryf in subklousule (7).
- (7) Van 'n vakleerling wat ingevolge subklousule (5) of (6) klasse op 'n voltydse basis bywoon, mag daar vir die duur van die kursus nie vereis word om hom vir werk aan te meld nie.
- (8) Van 'n vakleerling wat as gevolg van afwesigheid vir opleiding of diens ingevolge die Verdedigingswet, 1957, soos gewysig, of die Polisiwet, 1958, soos gewysig, nie in staat is om afstandonderrig of tegniese klasse vir die duur van 'n aaneenlopende studiekursus vir minstens die helfte van 'n akademiese jaar te volg nie, na gelang van die geval, mag daar nie vereis word om sy studie gedurende sodanige jaar voort te sit nie.
- (9) Die bepalinge van klousule 4 (6) is *mutatis mutandis* van toepassing op die tweede poging om enige tegniese eksamen soos voorgeskryf in subklousule (2) af te lê.

5. Betaling van kursus-, klas- en eksamengelde vir studies aan 'n tegniese kollege

- (1) 'n Werkgever moet aan die betrokke tegniese inrigting die klas- of kursugelde en die eksamengelde betaal wat betaalbaar is deur 'n vakleerling van wie dit ingevolge klousule 4 (1) en (2) vereis word om afstand-onder- rig te volg of om klasse by te woon of om vir 'n eksamen in te skryf.
- (2) Sodanige klas-, kursus- en eksamengelde vir 'n aangewese kursus moet ten minste een keer deur die werkgever betaal word.
- (3) Indien 'n vakleerling 'n kursus of enige gedeelte daarvan druipt, moet alle verdere klas-, kursus- en eksamen- gelde deur die vakleerling betaal word, tensy anders ooreengekom met die werkgever.

6. Opleidingskursusse

- (1) 'n Werkgever moet aan 'n vakleerling die praktiese bevoegdheidsgebaseerde modulêre opleiding in die ambag waarvoor hy ingeboek is aanbied volgens die gespesifiseerde opleidingskedules vir sodanige ambag soos deur die TNOR goedgekeur en gepubliseer is, en van tyd tot tyd aan die werkgever uitgereik word.
- (2) 'n Vakleerling moet gedurende die gewone werkure praktiese bevoegdheidsgebaseerde modulêre kursusse soos voorgeskryf in die opleidingskedules, bywoon vir die duur van sodanige kursusse. Daar sal van hom vereis word om die bevoegdheidsgebaseerde modulêre toetse te slaag binne die tydsduur soos gespesifiseer in die opleidingskedules alvorens hy na die volgende module kan vorder.
- (3) 'n Vakleerling moet, indien hy deur sy werkgever gelas word, en op koste van die werkgever met die bywoning van praktiese bevoegdheidsgebaseerde modulêre opleidingskursusse by 'n geakkrediteerde opleidingsinrigting begin, vanaf sodanige datum en vir sodanige tydperk soos gespesifiseer in die oplei- dingskedules vir die betrokke ambag.
- (4) Die beheer van sodanige bevoegdheidsgebaseerde modulêre toetse sal die verantwoordelikheid van die werkgever wees.
- (5) Die werkgever moet die TNOR skriftelik in kennis stel of die vakleerling in enige bevoegdheidsgebaseerde modulêre toets soos gespesifiseer in die opleidingskedule, geslaag of gedruip het.
- (6) Die vakleerling sal 'n maksimum van drie pogings toegelaat word om 'n bevoegdheidsgebaseerde modulêre toets te slaag: Met dien verstande dat indien die vakleerling met sy derde poging in sodanige toets druipt, die TNOR na oorlegpleging met en op versoek van sy werkgever die kontrak van vakleerlingskap kan kanselleer indien die vakleerling ongeskik geag word vir verdere opleiding.

- (7) 'n Vakleerling moet opgelei word onder die gedelegeerde toesig van die lynbestuur in die maatskappy waar hy ingeboek is.
- (8) 'n Vakleerling wat, voordat hy ingeboek word as 'n vakleerling, bevoegdheid bewys het in enige van die aangewese modules, kan in oorleg met die TNOR, vermindering van tyd ontvang vir sodanige modules indien voldoende bewys van bevoegdheid gelewer kan word.

7. Ambagstoetse

- (1) Om as 'n ambagsman te kan kwalifiseer moet elke vakleerling in 'n aangewese ambag 'n goedgekeurde ambagstoets slaag soos bepaal deur die TNOR.
- (2) Ambagstoetse moet by 'n ambagstoetsentrum, wat deur die TNOR geakkrediteer is, afgeneem word op 'n datum soos bepaal deur die TNOR.
- (3) Om as 'n kandidaat vir 'n ambagstoets bedoel in subklousule (1) aanvaar te word, moet 'n vakleerling—
 - (i) die bevoegdheidsgebaseerde modulêre intaakopleidingsprogram wat deur die TNOR vir die betrokke ambag goedgekeur is, voltooi het;
 - (ii) in al die gespesifiseerde praktiese bevoegdheidsgebaseerde modulêre toetse geslaag het wat deur TNOR goedgekeur is soos gespesifiseer in die opleidingskedules vir die betrokke ambag;
 - (iii) minstens die Nasionale Tegniiese Sertifikaat, Deel II (N2), verwerf het in vier vakke en Deel III (N3) in drie tekstiel vakke;
 - (iv) sodanige ander tegniiese bevoegdheid en opvoedkundige sertifikate verwerf het wat deur die TNOR as geskik en voldoende geag word; en
 - (v) indien vereis word, dokumentêre bewys lewer dat voldoen is aan die vereistes soos gespesifiseer in subklousules (i) tot (iv).
- (4) 'n Vakleerling wat met sy eerste poging in die ambagstoets druipe moet 'n verdere twee pogings toegelaat word binne sodanige verdere tydperk as wat deur die TNOR goedgekeur word. Indien hy nie binne die maksimum van drie pogings in sodanige toets slaag nie, sal dit die beëindiging van sy kontrak van vakleerlingskap tot gevolg hê.
- (5) Alle kostes verbonde aan die ambagstoetse soos gespesifiseer in subklousules (1) en (4) moet deur die werkgever gedra word.
- (6) 'n Vakleerling wat 'n ambagstoets kragtens subklousules (1) en (4) aflê, moet ten opsigte van die tydperk wat in die verband aan die toets bestee is, sy gewone loon deur sy werkgever betaal word vir sodanige tydperk van afwesigheid van die werk.

8. Ambagstoetssertifikate

- (1) Die TNOR moet, by suksesvolle voltooiing van die ambagstoets, 'n ambagstoetsertifikaat aan die vakleerling uitreik.
- (2) Alle sertifikate uitgereik aan vakleerlinge wat in 'n ambagstoets geslaag het, moet deur sowel die Registrateur van Mannekragopleiding en die TNOR onderteken word.

9. Algemene diensvoorwaardes

Behoudens hierdie leervoorwaardes en die bepalings van die Wet op Mannekragopleiding, 1981, is elke vakleerling onderworpe aan dieselfde diensvoorwaardes as enige permanente werknemer in diens van die werkgever by wie hy ingeboek is.

No. R. 2041

13 December 1996

LABOUR RELATIONS ACT, 1956

IRON, STEEL, ENGINEERING AND METALLURGICAL INDUSTRY: RE-ENACTMENT OF ENGINEERING INDUSTRIES PENSION FUND 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 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 10 May 1998, upon the employers' organisations and the trade unions which entered into the said 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 said Agreement, excluding those contained in clauses 1, 2 (1) (b) and 3 shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 10 May 1998, 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 said Agreement.

T. T. MBOWENI

Minister of Labour

SCHEDULE**NATIONAL INDUSTRIAL COUNCIL FOR THE IRON, STEEL, ENGINEERING AND METALLURGICAL INDUSTRY:
ENGINEERING INDUSTRIES PENSION FUND AGREEMENT**

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

Association of Electrical Cable Manufacturers of South Africa

Border Engineering Industries Association

Cape Engineers' and Founders' Association

Constructional Engineering Association (South Africa)

Covered Conductor Manufacturers' Association

Electrical Engineering and Allied Industries Association

Electronics and Telecommunications Industries Association

Gate and Fence Association

Hand Tool Manufacturers' Association

Iron and Steel Producers' Association of South Africa

Lift Engineering Association of South Africa

Light Engineering Industries Association of South Africa

Material Handling Association

Natal Engineering Industries Association

Non-Ferrous Metal Industries Association of South Africa

Plastics Manufacturers' Association of South Africa

Port Elizabeth Engineers' Association

Pressure Vessel Manufacturers' Association of South Africa

Radio, Appliance and Television Association of South Africa

Refrigeration and Air Conditioning Manufacturers' and Suppliers' Association

Sheetmetal Industries Association of South Africa

S.A. Association of Shipbuilders and Repairers

S.A. Electro-Plating Industries Association

S.A. Engineers and Founders Association

S.A. Fasteners Manufacturers' Association

S.A. Industrial Refrigeration and Air Conditioning Contractors' Association

S.A. Pump Manufacturers' Association

S.A. Reinforced Concrete Engineers' Association

S.A. Tube Makers' Association

S.A. Valve and Actuator Manufacturers' Association

S.A. Wire and Wire Rope Manufacturers' Association

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

Metal and Electric Workers' Union of South Africa

Mineworkers' Union

National Employees' Trade Union

National Union of Metalworkers of South Africa

Radio, Television, Electronic and Allied Workers' Union

S.A. Electric Workers' Association

S.A. Workers' Union

Steel, Engineering and Allied Workers' Union 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 Iron, Steel, Engineering and Metallurgical Industry,

to amend the Engineering Industries Pension Fund Agreement published under Government Notice No. R. 625 of 19 April 1996

(hereinafter referred to as the Re-enacting Agreement).

1. PERIOD OF OPERATION OF AGREEMENT

This Agreement shall come into operation on such date as may be fixed by the Minister of Labour in terms of section 48 of the Labour Relations Act, 1956, and shall remain in force until 10 May 1998 or for such period as the Minister may determine.

2. SCOPE OF APPLICATION OF AGREEMENT

(1) Provided that any reference in this Agreement to the Republic of South Africa and/or the provinces of the Cape of Good Hope, the Transvaal, Natal and the Orange Free State shall be deemed to be the Magisterial Districts of those areas and/or provinces as they existed immediately prior to the coming into operation of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), and except as otherwise provided in this section, the terms of this Agreement shall apply and be observed—

- (a) throughout the Republic of South Africa; and
- (b) by all employers and employees in the Iron, Steel, Engineering and Metallurgical Industries who are members of the employers' organisations and the trade unions, respectively.

(2) The terms of this Agreement shall not apply to an employer and his employee who are governed by a fall within the scope of application of the Metal Industries Provident Fund Agreement.

(3) The terms of this Agreement shall not apply to any employee who on 29 July 1957 was or thereafter became a participant in and member of any fund providing provident and/or pension benefits, which was in existence on the said date (and in which the employer of that employee was on the said date a participant) or to the employer of that employee, during such period only as such fund continues to operate and both employer and employee are participants therein: Provided that a fund which provides solely for payment of benefits on death shall not be deemed to be a pension or provident fund for the purposes of this Agreement.

(4) Where employers and employees participate in domestic schemes providing provident and/or pension benefits as referred to in subsection (3) above, which at the date of coming into operation of this Agreement do not provide for percentage contributions which, in total, are at least as much as the percentages, in total, specified in section 5 of this Agreement, a period of six weeks shall be allowed to enable compliance with this requirements subject to any such amendment being retro-active to the date of coming into operation of this Agreement.

3. SPECIAL PROVISIONS

The provisions contained in section 7 of the Agreement published under Government Notice No. R. 627 of 19 April 1996 (hereinafter referred to as the "Former Agreement") shall apply to employers and employees.

4. GENERAL PROVISIONS

The provisions contained in sections 3 to 6 (as amended by section 5 hereunder) and 8 to 10 of the Former Agreement shall apply to employers and employees.

5. SECTION 5: CONTRIBUTIONS

Insert the following new subsection (2) (e):

- "(2) (e) The employer shall, in addition, contribute such additional amounts as he may from time to time be required to pay by virtue of the impact of any law or regulation which requires the payment of levies or taxes."

Signed at Johannesburg, for and on behalf of the parties, this 31st day of October 1996.

B. ANGUS

Member

W. P. COETZEE

Member

D. G. LEVY

General Secretary

No. R. 2041

13 Desember 1996

WET OP ARBEIDSVERHOUDINGE, 1956

**YSTER-, STAAL-, INGENIEURS- EN METALLURGIESE NYWERHEID: HERBEKRAGTING VAN
INGENIEURS NYWERHEIDSPENSIOENFONDSOOREENKOMS**

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 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 10 Mei 1998 eindig, bindend is vir die werkgewersorganisasies en die vakverenigings wat die genoemde Ooreenkoms 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 genoemde Ooreenkoms, uitgesonderd dié vervat in klousules 1, 2 (1) (b) en 3, met ingang van de tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 10 Mei 1998 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 genoemde Ooreenkoms gespesifiseer.

T. T. MBOWENI

Minister van Arbeid

BYLAE

**NASIONALE NYWERHEIDSRAAD VIR DIE YSTER-, STAAL-, INGENIEURS- EN METALLURGIESE NYWERHEID:
INGENIEURSNYWERHEIDSPENSIOENFONDSOORENKOMS**

ingevolge die Wet op Arbeidsverhoudinge, 1956, gesluit deur en aangegaan tussen die—

Association of Electrical Cable Manufacturers of South Africa
Border Engineering Industries Association
Cape Engineers' and Founders' Association
Constructional Engineering Association (South Africa)
Covered Conductor Manufacturers' Association
Electrical Engineering and Allied Industries Association
Electronics and Telecommunications Industries Association
Gate and Fence Association
Hand Tool Manufacturers' Association
Iron and Steel Producers' Association of South Africa
Lift Engineering Association of South Africa
Light Engineering Industries Association of South Africa
Material Handling Association
Natal Engineering Industries Association
Non-Ferrous Metal Industries Association of South Africa
Plastics Manufacturers' Association of South Africa
Port Elizabeth Engineers' Association
Pressure Vessel Manufacturers' Association of South Africa
Radio, Appliance and Television Association of South Africa
Refrigeration and Air Conditioning Manufacturers' and Suppliers' Association
Sheetmetal Industries Association of South Africa
S.A. Association of Shipbuilders and Repairers
S.A. Electro-Plating Industries Association
S.A. Engineers and Founders Association
S.A. Fasteners Manufacturers' Association
S.A. Industrial Refrigeration and Air Conditioning Contractors' Association
S.A. Pump Manufacturers' Association
S.A. Reinforced Concrete Engineers' Association
S.A. Tube Makers' Association
S.A. Valve and Actuator Manufacturers' Association
S.A. Wire and Wire Rope Manufacturers' Association

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

Metal and Electric Workers' Union of South Africa
Mineworkers' Union
National Employees' Trade Union
National Union of Metalworkers of South Africa
Radio, Television, Electronic and Allied Workers' Union
S.A. Electric Workers' Association
S.A. Werkersunie
Steel, Engineering and Allied Workers' Union of South Africa

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

wat die partye is by die Nasionale Nywerheidsraad vir die Yster-, Staal-, Ingenieurs- en Metallurgiese Nywerheid, tot wysiging van die Ingenieursnywerheidspensioenfondsooreenkoms gepubliseer by Goewermmentskennisgewing R. 625 van 19 April 1996 (hierna die Herbekragtigingsooreenkoms genoem).

1. GELDIGHEIDSDUUR VAN OOREENKOMS

Hierdie Ooreenkoms tree in werking op die datum wat die Minister van Arbeid kragtens artikel 48 (1) van die Wet op Arbeidsverhoudinge, 1956, vasstel, en bly van krag tot 10 Mei 1998 of vir 'n tydperk wat die Minister bepaal.

2. TOEPASSINGSBESTEK VAN OOREENKOMS

(1) Mits enige verwysing in hierdie Ooreenkoms na die Republiek van Suid-Afrika en/of die provinsies die Kaap die Goeie Hoop, Transvaal, Natal en die Oranje-Vrystaat geag word 'n verwysing te wees na die landdrosdistrikte van daardie gebiede en/of provinsies soos hulle bestaan het onmiddellik voor die inwerkingtreding van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), en behoudens andersluidende bepalings in hierdie klousule, is hierdie Ooreenkoms van toepassing op en moet dit nagekom word—

- (a) oral in die Republiek van Suid-Afrika; en
- (b) deur alle werkgewers en werknemers in die Yster-, Staal-, Ingenieurs- en Metallurgiese Nywerheid wat lede van onderskeidelik die werkgewersorganisasies en die vakverenigings is.

(2) Die bepalings van hierdie Ooreenkoms is nie van toepassing nie op 'n werkgewer en sy werknemer wat beheer word deur en binne die toepassingsbestek val van die Voorsorgfondsooreenkoms vir die Metaalnywerhede.

(3) Hierdie Ooreenkoms is nie van toepassing nie op 'n werknemer wat op 29 Julie 1957 'n deelnemer aan en lid was of daarna geword het van 'n fonds wat voorsiening maak vir voorsorg- en/of pensioenvoordele, wat op genoemde datum bestaan het (en waarin die werkgewer van daardie werknemer op genoemde datum deelgeneem het) of op die werkgewer van daardie werknemer gedurende slegs dié tydperk wat sodanige fonds in werking bly en sowel die werkgewer as die werknemer daarin deelneem: Met dien verstande dat 'n fonds wat uitsluitlik vir die betaling van voordele by afsterwe voorsiening maak, by die toepassing van hierdie Ooreenkoms nie geag word 'n pensioen- of voorsorgfonds te wees nie.

(4) Waar werkgewers en werknemers deelneem in huishoudelike skemas wat voorsorg- en/of pensioenvoordele voorsien soos in subklousule (3) hierbo bedoel, wat op die datum van inwerkingtreding van hierdie Ooreenkoms nie voorsiening maak vir persentasiebydraes wat, in totaal, ten minste soveel is as die persentasies, in totaal, gespesifiseer in klousule 5 van hierdie Ooreenkoms, word 'n tydperk van ses weke toegelaat ten einde te voldoen aan hierdie vereiste, behoudens dat enige sodanige wysiging terugwerkend van krag sal wees tot die datum van inwerkingtreding van hierdie Ooreenkoms.

3. SPESIALE BEPALINGS

Die bepalings vervat in klousule 7 van die Ooreenkoms gepubliseer by Goewermentskennisgewing No. R. 627 van 19 April 1996 (hierna die "Vorige Ooreenkoms" genoem) is van toepassing op werkgewers en werknemers.

4. ALGEMENE BEPALINGS

Die bepalings vervat in klousules 3 tot 6 (soos gewysig by klousule 5, hieronder) en 8 tot 10 van die Vorige Ooreenkoms is van toepassing op werkgewers en werknemers.

5. KLOUSULE 5: BYDRAES

Voeg die volgende nuwe subklousule (2) (e) in:

- "(2) (e) Die werkgewer moet daarbenewens sodanige bykomende bedrae bydra as wat van tyd tot tyd van hom vereis word om te betaal ingevolge 'n wet of regulasie wat die betaling van heffings of belastingen vereis."

Namens die partye op hede die 31ste dag van Oktober 1996 te Johannesburg onderteken.

B. ANGUS

Lid

W. P. COETZEE

Lid

D. G. LEVY

Hoofsekretaris

No. R. 2062

13 December 1996

LABOUR RELATIONS ACT, 1956**FURNITURE AND BEDDING MANUFACTURING INDUSTRY, TRANVAAL:
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 the second Monday after the date of publication of this notice and for the period ending 31 December 1996, upon the employers' organisation and the trade unions which entered into the Amending Agreement and upon the employers and employees who are members of the said organisation 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) (a), shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 31 December 1996, 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**INDUSTRIAL COUNCIL FOR THE FURNITURE & BEDDING MANUFACTURING INDUSTRY, TRANSVAAL****AGREEMENT**

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

Transvaal Furniture, Bedding & Upholstery Manufacturers' Association

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

National Union of Furniture & Allied Workers South Africa

and

Paper, Printing, Wood & Allied Workers' Union of South Africa

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

being the parties to the Industrial Council for the Furniture and Bedding Manufacturing Industry, Transvaal, to amend the Agreement published under Government Notice No. R. 1347 of 30 June 1981, as amended, extended, renewed and re-enacted by Government Notices Nos. R. 1819 of 27 August 1982, R. 1453 of 1 July 1983, R. 1344 of 27 June 1986, R. 1878 of 12 September 1986, R. 1206 of 26 June 1988, R. 1722 of 26 August 1988, R. 205 of 2 February 1990, R. 1492 of 29 June 1990, R. 3041 of 4 January 1991, R. 1418 of 21 June 1991, R. 2662 of 8 November 1991, R. 2795 of 22 November 1991, R. 1683 of 19 June 1992, R. 3006 of 30 October 1992, R. 3098 of 13 November 1992, R. 129 of 29 January 1993, R. 1224 of 9 July 1993, R. 2078 and R. 2079 of 5 November 1993, R. 1109 of 24 June 1994, R. 2248 of 23 December 1994, R. 961 of 30 June 1995, R. 458 of 22 March 1996, R. 1069 of 28 June 1996 and R. 1577 of 27 September 1996.

CHAPTER I**1. SCOPE OF APPLICATION**

- (1) The terms of this Agreement shall be observed in the furniture and Bedding Manufacturing Industry, Transvaal—
 - (a) by all employers who are members of the employers' organisation and by all employees who are members of the trade union, and who are engaged and employed in the Furniture & Bedding Manufacturing Industry, respectively;
 - (b) in the Province of the Transvaal as it existed immediately prior to the date of coming into operation of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), and in the Magisterial District of Vryburg as it was constituted as at 24 June 1960.
- (2) Notwithstanding the provisions of subclause (1), the provisions of this Agreement shall—
 - (a) apply only to employees for whom wages are prescribed therein and to the employers of such employees;
 - (b) apply to apprentices in so far as they are not inconsistent with the provisions of the Manpower Training Act, 1981, or the Manpower Training Amendment Act, 1990, or any contracts entered into or any conditions fixed thereunder;
 - (c) be subject to the provisions of the Determination by the Court, dated 30 October 1984, in the matter between the Industrial Council's for the Furniture and Bedding Manufacturing Industry, Transvaal and Natal, and the Industrial Councils for the Building Industry, Transvaal and Natal, and the National Industrial Council for the Iron, Steel, Engineering and Metallurgical Industry.

2. CLAUSE 3: DEFINITIONS

In the definition "probationer" the period of "two weeks" must be substituted with "one month".

3. CLAUSE 4: CLOSING OF ESTABLISHMENT FOR ANNUAL HOLIDAY SHUT-DOWN

Substitute the following for clause 4:

"No employer shall perform work or require to allow an employee to perform work, and no employee shall undertake or perform work, whether for remuneration or not, during the following period:

From the evening of Friday, 20 December 1996 to the morning of Thursday, 16 January 1997.

4. CLAUSE 9: PAYMENT OF REMUNERATION

Insert the following expression after the word "cash" where it appears in subclause (2)—

"or electronic transfer to the individual employee's bank account; provided that the employer shall pay for the cost of two withdrawals per week,"

5. CLAUSE 13: HOLIDAY BONUS FUND

Insert a new subclause (6) (d):

"Employees who become unemployed due to retrenchment, or where the firm closes down and/or cease trading due to liquidation, may apply for immediate payment of Holiday Bonus Fund from the Council".

Insert a new subclause (6) (e):

"Employees who apply for and are granted a loan from the Emergency, Trauma, Disaster and Educational Fund, shall be entitled to cede their Holiday Bonus Fund entitlement as surety and collateral against such loan".

6. CLAUSE 17: EXPENSES OF THE COUNCIL

In subclause (1) substitute the amount "34 cent" with the expression "R1,00 per week and a further 20 cent per week with effect from 1 January 1997".

In subclause (5) add the following after "attorney client scale":

"For the purpose of initiating the legal action, the Council shall be entitled to use the latest information lodged with the Council, in the event of current and up to date information not being available and/or where the accused refuses and/or neglects to make such information available".

7. CHAPTER II: MINIMUM WAGES

Substitute the following for clause 1 of Chapter II:

- "1. (a) *Wage Increases: Furniture manufacturing:* The following shall be the minimum weekly wages prescribed for the respective classes of work emunerated hereunder: Provided that on each occasion the minimum prescribed rate has to be increased in terms of this Agreement. Employees who are in receipt of a wage in excess of the minimum prescribed rate for the class of work performed by them shall, notwithstanding anything to the contrary herein contained, receive an increment equivalent to the amount shown hereunder for the wage category:

*Actual earnings**Period ending 30 June 1997*

Foreman/Supervisor earning R453,25 or more.....	Weekly wage to be increased by R43,00
Chargehand earning R438,40 or more	Weekly wage to be increased by R43,00
Chargehand (Grade IV) earning R366,28 or more	Weekly wage to be increased by R43,00
Grade I employees earning R408,72 or more.....	Weekly wage to be increased by R43,00
Grade II employees earning R400,92 or more.....	Weekly wage to be increased by R43,00
Grade III employees earning R373,20 or more.....	Weekly wage to be increased by R43,00
Grade IV employees earning R351,15 or more	Weekly wage to be increased by R43,00
Grade IVA employees earning R353,83 or more	Weekly wage to be increased by R43,00
Casual employee earning R7,44 per hour	Wage to be increased by R0,79 per hour

- (b) *Wage increases: Bedding manufacturing:* The following shall be the minimum weekly wages prescribed for the respective classes of work enumerated hereunder: Provided that on each occasion the minimum prescribed wage has to be increased in terms of this Agreement. Employees who are in receipt of a wage in excess of the minimum prescribed wage for the class of work performed by them shall, notwithstanding anything to the contrary herein contained, receive a increment equivalent to the amount shown hereunder for the wage category:

*Actual earnings**Period ending 30 June 1997*

Grade I employees earning R400,92 or more.....	Weekly wage to be increased by R43,00
Grade IA employees earning R408,72 or more	Weekly wage to be increased by R43,00
Grade II employees earning R391,51 or more.....	Weekly wage to be increased by R43,00
Grade III employees earning R373,20 or more.....	Weekly wage to be increased by R43,00
Grade IIIA employees earning R368,16 or more	Weekly wage to be increased by R43,00
Grade IV employees earning R351,13 or more	Weekly wage to be increased by R43,00
Casual employee earning R7,74 per hour	Wage to be increased by R0,79 per hour

- (c) The following shall be the minimum weekly wages prescribed for apprentices in designated trades. An apprentice who is in receipt of a wage in excess of the minimum prescribed rate of the skills level for which he has qualified, shall, notwithstanding anything to the contrary contained herein, receive an increase of not less than R43,00 per week:

*Minimum wages**Indenturing**Period ending
30 June 1997*

At indenturing	R405,33
Passing Phase 1	R420,33
Passing Phase 2	R432,33
Passing Phase 3	R445,33
Passing Phase 4	R457,33
Passing Phase 5	R470,33

8. CLAUSE 2: GRADE I EMPLOYEE

Delete the following expression "until such time as the Council determines the wage rate for the operations performed on such machines" and substitute it with the following:

"Provided that the Council shall complete the grading of such new operation within 30 days of initiation".

9. CLAUSE B (8): GRADE IV EMPLOYEE

Add a new subclause (9) as follows:

"The feeding and/or operating of machines that have an automatic feeder or hopper or similar device that only requires putting material in or on an automatic feeder or hopper or similar device".

10. CLAUSE 1 (20): GRADE IV EMPLOYEE

Add a new subclause 20A: Grade V employees as follows:

"Grade V employee for a trial period ending 30 June 1997 at a wage rate of R7,09 per hour:

- (1) Tea person;
- (2) sweeper;
- (3) cleaner;
- (4) stacker;
- (5) post man;
- (6) cook;
- (7) canteen worker;
- (8) lift attendant;
- (9) gardener;
- (10) truck assistant".

CHAPTER III**II. CLAUSE B: WAGE INCREASE AND MINIMUM WAGES**

Substitute the following for subclause (1) of clause B:

- "(1) The following shall be the minimum weekly wages prescribed for the respective classes of work enumerated hereunder: Provided that on each occasion, the minimum prescribed rate has to be increased in terms of this Agreement. Employees who are in receipt of a wage in excess of the minimum prescribe rate for the class of work performed by them shall, notwithstanding anything to the contrary herein contained, receive an increment equivalent to the amount shown hereunder for that wage category:

Classification *For the period ending 30 June 1997*

Driver classified under 1 (a) (i)	Weekly wage to be increased by R43,00
Driver classified under 1 (a) (ii)	Weekly wage to be increased by R43,00
Driver classified under 1 (a) (iii)	Weekly wage to be increased by R43,00
Driver classified under 1 (a) (iv) and (b)	Weekly wage to be increased by R43,00
Driver classified under 1 (b)	Weekly wage to be increased by R43,00

CASUAL DRIVERS

Casual drivers classified under 1 (c) (i)	Weekly wage to be increased by R10,08
Casual drivers classified under 1 (c) (ii)	Weekly wage to be increased by R10,08
Casual drivers classified under 1 (c) (iii)	Weekly wage to be increased by R10,08
Casual drivers classified under 1 (c) (iv) and (d)	Weekly wage to be increased by R10,08
Casual drivers classified under 1 (d)	Weekly wage to be increased by R10,08

12. CLAUSE B (6): SUBSISTENCE ALLOWANCE

In clause 6, delete subclause (a), (b), and (c) and substitute it with the amount of "R30,00" after the expression "allowance of not less than".

Signed at Johannesburg on behalf of the parties, this 23rd day of September 1996.

M. SEFF

Chairman of the Council

R. CORNICK

Vice-Chairman of the Council

P. C. SMIT

General Secretary of the Council

No. R. 2062

13 Desember 1996

WET OP ARBEIDSVERHOUDINGE, 1956

**MEUBEL- EN BEDDEGOEDNYWEHEID, TRANSVAAL:
WYSIGING VAN HOOFOOREENKOMS**

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 die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 31 Desember 1996 eindig, bindend is vir die werkgewersorganisasie en die vakverenigings wat die Wysigingsooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasie 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) (a), met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 31 Desember 1996 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 Wysigings-ooreenkoms gespesifiseer.

T. T. MBOWENI

Minister van Arbeid

BYLAE**NYWERHEIDSRAAD VIR DIE MEUBEL- EN BEDDEGOEDVERVAARDIGINGSNYWERHEID, TRANSVAAL
OOREENKOMS**

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

Transvaal Furniture, Bedding & Upholstery Manufacturers' Association

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

National Union of Furniture & Allied Workers South Africa

en

Paper, Printing, Wood & Allied Workers' Union of South Africa

(hierna die "werknemers" of die "vakverenigings" genoem), aan die anderkant

wat die partye is by die Nywerheidsraad vir die Meubel- en Beddegoednywerheid, Transvaal, tot wysiging van die Ooreenkoms gepubliseer by Goewermentskennisgewing No. R. 1347 van 30 Junie 1981, soos gewysig, verleng, hernu en herbekragtig van Goewermentskennisgewings Nos. R. 1819 van 27 Augustus 1982, R. 1453 van 1 Julie 1983, R. 1344 van 27 Junie 1986, R. 1878 van 12 September 1986, R. 1206 van 26 Junie 1988, R. 1722 van 26 Augustus 1988, R. 205 van 2 Februarie 1990, R. 1492 van 29 Junie 1990, R. 3041 van 4 Januarie 1991, R. 1418 van 21 Junie 1991, R. 2662 van 8 November 1991, R. 2795 van 22 November 1991, R. 1683 van 19 Junie 1992, R. 3006 van 30 Oktober 1992, R. 3098 van 13 November 1992, R. 129 van 29 Januarie 1993, R. 1224 van 9 Julie 1993, R. 2078 en R. 2079 van 5 November 1993, R. 1109 van 24 Junie 1994, R. 2248 van 23 Desember 1994, R. 961 van 30 Junie 1995, R. 458 van 22 Maart 1996, R. 1069 van 28 Junie 1996 van R. 1577 van 27 September 1996.

HOOFTUK I**1. TOEPASSINGSBESTEK VAN OOREENKOMS**

- (1) Hierdie Ooreenkoms moet in die Meubel- en Beddegoednywerheid, Transvaal, nagekom word—
 - (a) deur alle werkgewers wat lede van die werkgewersorganisasie is en deur alle werknemers wat lede van die vakverenigings is, en wat onderskeidelik by die Meubel- en Beddegoednywerheid betrokke is en daar werksaam is;
 - (b) in die Provinsie Transvaal 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), en in die landdrostdistrik Vryburg soos dit op 24 Junie 1996 saamgestel was.
- (2) Ondanks subklousule (1), is hierdie Ooreenkoms—
 - (a) slegs van toepassing op werknemers vir wie lone daarin voorgeskryf word en op die werkgewers van sodanige werknemers;
 - (b) van toepassing op vakleerlinge vir sover dit nie onbestaanbaar is nie met die Wet op Mannekragopleiding, 1981, of die Wysigingswet op Mannekrag, 1990, of enige kontrakte daarkragtens aangegaan of enige voorwaardes daarkragtens vasgestel;

- (c) onderworpe aan die bepalings van die Vasstelling van die Nywerheidshof, gedateer 30 Oktober 1984, in die saak tussen die Nywerheidsrade vir die Meubel- en Beddegoednywerheid, Transvaal en Natal, en die nywerheidsrade vir die Bounywerheid, Transvaal en Natal, en die Nasionale Nywerheidsraad vir die Yster-, Staal-, Ingenieurs- en Metallurgiese Nywerheid.

2. KLOUSULE 3: WOORDOMSKRYWING

In die woordomskrywing "proefwerknemer" vervang die periode "twee weke" met "een maand".

3. KLOUSULE 4: SLUITING VAN BEDRYFSINRIGTING VIR DIE JAARLIKSE VAKANSIESLUITING

Vervang klousule 4 deur die volgende:

"Geen werkgewer mag werk verrig of van 'n werknemer vereis of hom toelaat om werk te verrig, en geen werknemer mag werk onderneem of verrig, hetsy teen besolding al dan nie, gedurende die volgende tydperk nie:

Vanaf die aand van Vrydag, 20 Desember 1996 tot die oggend van Donderdag, 16 Januarie 1997.

4. KLOUSULE 9: BETALING VAN BESOLDIGING

Voeg die volgende uitdrukking in na die woord "kontant" waar dit in subklousule (2) voorkom:

"Of elektroniese oorplasing na die individuele werknemer se bankrekening; op voorwaarde dat die werkgewer vir twee ontrekkings per week sal betaal".

5. KLOUSULE 13: VAKANSIEBONUSFONDS

Voeg 'n nuwe subklousule (6) (d) in as volg:

"Werknemers wie werkloos raak, as gevolg van personeelvermindering of waar die firma afsluit en/of staak om handel te dryf as gevolg van likwidasie, mag onmiddellik aansoek doen by die Raad vir die uitbetaling van Vakansiebonusfonds".

Voeg 'n nuwe subklousule (6) (e) in as volg:

"Werknemers wie aansoek doen en wie 'n lening toegestaan word vanaf die Nood-, Trauma-, Ramp- en Opvoedkundige Fonds, sal geregtig wees om hul Vakansiebonusfonds te sedeer as waarborg en kollateraal teen so 'n lening".

6. KLOUSULE 17: UITGAWES VAN DIE RAAD

In subklousule (1) vervang die bedrag "34 sent" met die uitdrukking "R1,00 per week en 'n verdere 20 sent per week met ingang van 1 Januarie 1997".

In subklousule (5) voeg die volgende by na "prokureur- en kliëntskaal":

"Vir die doel om regsaksie te inisieer, sal die Raad geregtig wees om die laaste beskikbare inligting, soos op hande by die Raad, te gebruik waar huidige en op datum inligting nie beskikbaar is nie en/of waar die beskuldige weier en/of nalaat om sulke inligting beskikbaar te stel".

7. HOOFSTUK II: MINIMUM LONE EN LOONSVERHOIGINGS

Vervang die volgende vir Klousule 1 van Hoofstuk II:

- "1. (a) *Loonverhogings: Meubelvervaardiging:* Onderstaande is die minimum weeklone voorgeskryf vir die onderskeie klasse werk hieronder opgesom. Met dien verstande dat by elke geleentheid die minimum voorgeskrewe loon ingevolge hierdie Ooreenkoms verhoog moet word. 'n Werknemer wat 'n hoër loon ontvang as die minimum voorgeskrewe loon vir die klas werk wat hy verrig, moet ondanks andersluidende bepalings hierin vervat, 'n verhoging ontvang wat gelyk is aan die bedrag hieronder vir daardie loonkategorie aangedui:

Werklike verdienste

Tydperk eindigende 30 Junie 1997

Voorman/Toesighouer wat R453,25 of meer per week verdien	Weekloon moet verhoog word met R43,00
Onderbaas wat R438,40 of meer per week verdien	Weekloon moet verhoog word met R43,00
Onderbaas (Graad IV) wat R366,28 of meer per week verdien	Weekloon moet verhoog word met R43,00
Werknemers (Graad I) wat R408,72 of meer per week verdien	Weekloon moet verhoog word met R43,00
Werknemers (Graad II) wat R400,92 of meer per week verdien	Weekloon moet verhoog word met R43,00
Werknemers (Graad III) wat R373,20 of meer per week verdien	Weekloon moet verhoog word met R43,00
Werknemers (Graad IV) wat R351,13 of meer per week verdien	Weekloon moet verhoog word met R43,00
Werknemers [Graad IV (A)] wat R353,83 of meer per week verdien	Weekloon moet verhoog word met R43,00
Los werknemer wat R7,44 per uur verdien	Loon moet verhoog word met R0,79 per uur

- (b) *Loonsverhogings: Beddegoedvervaardiging:* Onderstaande is die minimum weeklone voorgeskryf vir die onderskeie klasse werk hieronder opgesom: Met dien verstande dat by elke geleentheid die minimum voorgeskrewe loon ingevolge hierdie Ooreenkoms verhoog moet word. 'n Werknemer wat 'n hoër loon ontvang as die minimum voorgeskrewe loon vir die klas werk wat hy verrig, moet ondanks andersluidende bepalings hierin vervat, 'n verhoging ontvang wat gelyk is aan die bedrag hieronder vir daardie loonkategorie aangedui:

*Werklike verdienste**Tydperk eindigende 30 Junie 1997*

Werknemers (Graad I) wat R400,92 of meer per week verdien	Weekloon moet verhoog word met R43,00
Werknemers (Graad IA) wat R408,72 of meer per week verdien	Weekloon moet verhoog word met R43,00
Werknemers (Graad II) wat R391,51 of meer per week verdien	Weekloon moet verhoog word met R43,00
Werknemers (Graad III) wat R373,20 of meer per week verdien	Weekloon moet verhoog word met R43,00
Werknemers (Graad IIIA) wat R368,16 of meer per week verdien	Weekloon moet verhoog word met R43,00
Werknemers (Graad IV) wat R351,13 of meer per week verdien	Weekloon moet verhoog word met R43,00
Los Werknemer wat R7,74 per uur verdien	Loon moet verhoog word met R0,79 per uur

- (c) Onderstaande is die minimum weeklone voorgeskryf vir vakleerlinge in aangewese ambagte. 'n Vakleerling wat 'n hoër loon ontvang as die minimum voorgeskrewe loon van die vaardigheidsvlak waarvoor hy gekwalifiseer het, moet ondanks andersluidende bepalings hierin vervat, 'n verhoging ontvang van minstens R43,00 per week.

*Minimum lone**Tydperk
eindigende
30 Junie 1997**Indeling*

By inboeking	R405,33
Slaag fase 1	R420,33
Slaag fase 2	R432,33
Slaag fase 3	R445,33
Slaag fase 4	R457,33
Slaag fase 5	R470,33

8. KLOUSULE 2: GRAAD I-WERKNEMER

Skrap die volgende uitdrukking "tot tyd en wyl die Raad die loonskaal vasstel vir die werksaamhede wat met so 'n masjien uitgevoer word" en vervang dit met die volgende:

"Op voorwaarde dat die Raad die gradering van nuwe werksaamhede sal afhandel binne 30 dae van inisiasie".

9. KLOUSULE B (8): GRAAD IV-WERKNEMER

Voeg die volgende nuwe subklausule (9) in:

"Die voer en/of bediening van masjiene wat voorsien is van 'n outomatiese voerder of voerbak of soortgelyke apparaat, wat slegs vereis dat materiaal in of op 'n outomatiese voerder of voerbak of soortgelyke apparaat geplaas word".

10. KLOUSULE 1 (2): GRAAD IV-WERKNEMER

Voeg 'n nuwe subklausule 20A: Graad V-werknemer in:

"Graad V-werknemer vir 'n proeftydperk eindigende 30 Junie 1997 teen 'n loonskaal van R7,09 per uur:

- (1) Teemaker;
- (2) veër;
- (3) skoonmaker;
- (4) rakbediende;
- (5) posman;
- (6) kok;
- (7) personeelkafewerker;
- (8) hysbakbediener;
- (9) tuinier;
- (10) vragwa-assistent".

HOOFSTUK III**II. KLOUSULE B: LOONSVERHOOGING EN MINIMUM LONE**

Vervang subklousule (1) van klousule B deur die volgende:

- "(1) Onderstaande is die minimum weeklone voorgeskryf vir die onderskeie klasse werk hieronder genoem: Met dien verstande dat by elke geleentheid 'n minimum voorgeskrewe loon ingevolge hierdie Ooreenkoms verhoog moet word. 'n Werknemer wat 'n hoër loon ontvang as die minimum voorgeskrewe loon vir die klas werk wat hy verrig, moet ondanks andersluidende bepalings hierin vervat, 'n verhoging ontvang wat gelyk is aan die bedrag hieronder vir daardie loonkategorie aangedui:

Indeling

Tydperk eindigende 30 Junie 1997

Drywer ingedeel onder 1 (a) (i)	Weekloon moet verhoog word met R43,00
Drywer ingedeel onder 1 (a) (ii)	Weekloon moet verhoog word met R43,00
Drywer ingedeel onder 1 (a) (iii)	Weekloon moet verhoog word met R43,00
Drywer ingedeel onder 1 (a) (iv) en (b)	Weekloon moet verhoog word met R43,00
Drywer ingedeel onder 1 (b)	Weekloon moet verhoog word met R43,00

LOS DRYWERS

Los drywer ingedeel onder 1 (c) (i)	Weekloon moet verhoog word met R10,08
Los drywer ingedeel onder 1 (c) (ii)	Weekloon moet verhoog word met R10,08
Los drywer ingedeel onder 1 (c) (iii)	Weekloon moet verhoog word met R10,08
Los drywer ingedeel onder 1 (c) (iv) en (d)	Weekloon moet verhoog word met R10,08
Los drywer ingedeel onder 1 (d)	Weekloon moet verhoog word met R10,08

12. KLOUSULE B (6): VERBLYFTOELAE

In klousule 6 skrap sub-klousule (a), (b) en (c) en vervang dit met die bedrag "R30,00" na die uitdrukking "die verblyftoelae betaal van".

Geteken te Johannesburg namens die partye, hierdie 23ste dag van September 1996.

M. SEFF

Voorsitter van die Raad

R. CORNICK

Onder-voorsitter van die Raad

P. C. SMIT

Hoofsekretaris van die Raad

No. R. 2049

13 December 1996

LABOUR RELATIONS ACT, 1956**BUILDING INDUSTRY, EAST CAPE: 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 the second Monday after the date of publication of this notice and for the period ending 31 December 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 the provisions of the Amending Agreement, excluding those contained in clauses 1 (1) (a), 9 and 11 (2) (2) (i) of Part I and 1 (1) (a) of Part II, shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 31 December 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**INDUSTRIAL COUNCIL FOR THE BUILDING INDUSTRY, EAST CAPE****AGREEMENT**

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

Building Industries' Association, East Cape

Electrical Contracting and Allied Industries' Association (Eastern Cape)

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

Amalgamated Society of Woodworkers of South Africa

Amalgamated Union of Building Trade Workers of South Africa

and

Construction and Allied Workers' Union

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

being the parties to the Industrial Council for the Building Industry, East Cape,

to amend the Agreement published under Government Notice No. R. 2380 of 27 September 1991 (hereinafter referred to as the "Re-enacting Agreement"), as extended and amended by Government Notices Nos. R. 1940 of 10 July 1992, R. 2654 of 18 September 1992, R. 2810 of 5 October 1992, R. 1658 of 3 September 1993, R. 1774 of 24 September 1993, R. 2034 of 25 November 1994, R. 2035 of 25 November 1994, R. 1549 of 6 October 1995 and R. 1800 of 17 November 1995.

PART I**1. SCOPE OF APPLICATION OF AGREEMENT**

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

- (a) by all employers and employees who are members of the employers' organisations and the trade unions, respectively;
- (b) in the Magisterial Districts of Albany, Alexandria, Bathurst, Beaufort West, Calitzdorp, George, Humansdorp, Joubertina, Knysna, Ladismith, Mossel Bay, Oudtshoorn, Port Elizabeth, Queenstown (excluding that portion which, prior to the publication of Government Notice No. 1904 of 30 August 1985, fell within the Magisterial District of Stockenström), Riversdale, Uitenhage, Uniondale, and in that portion of the Magisterial District of Hankey which, prior to 1 November 1963, fell within the Magisterial District of Port Elizabeth, but excluding that portion of the Magisterial District of Port Elizabeth which, prior to the publication of Government Notice No. 1974 of 26 September 1980, fell within the Magisterial District of Hankey.

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

- (a) only apply to those classes of employees for whom wages are prescribed in this Agreement and to learn this Agreement and to learners;
- (b) apply to apprentices and trainees only in so far as they are not inconsistent with the provisions of the Manpower Training Act, 1981, or any conditions prescribed or any notice served in terms thereof;
- (c) apply to labour-only contractors, working partners and working directors;
- (d) not apply to university students and graduates in building science and construction supervisors, construction surveyors and other such persons doing practical work in the completion of their academic training;
- (e) not apply to clerical employees or to employees engaged in administrative duties or to any member of an administrative staff.

(3) Notwithstanding the provisions of subclause (1) (a), the provisions of clauses 15 (3), 27 and 40 of Part I of the Agreement published under Government Notice No. R. 2217 of 31 October 1980, as amended and re-enacted (hereinafter referred to as the Former Agreement), shall not apply in Areas B, D, E and F.

2. CLAUSE 3 OF PART I: DEFINITIONS

(1) Substitute the following for the definition of "Area B":

"**'Area B'** means the Magisterial Districts of Beaufort West, Calitzdorp, George, Humansdorp, Joubertina, Knysna, Ladismith, Mossel Bay, Oudtshoorn, Riversdale and Uniondale;"

(2) Delete the definition of "Area C".

(3) After the definition of "driver", insert the following new definitions:

"**'electrical general employee'** means an employee engaged at such level and whose formal training shall be provided by the employer and who may use the necessary tools to perform the following tasks:

- (a) Loading or unloading materials and goods;
- (b) digging holes and trenches, planting poles and laying cables in trenches;
- (c) cleaning office and workshop areas and vehicles and equipment;

- (d) preparing refreshments;
- (e) chasing and cutting walls and concrete floors for conduit, including the use of power tools;
- (f) stripping redundant installations and equipment incidental thereto from which the supply cables have been removed;
- (g) ending conduit;
- (h) measuring and cutting conduit, threading, reaming and screwing thereof;
- (i) attachment to conduit of empty conduit accessories and trays;
- (j) installation and fixing of wireways, excluding surface installations;
- (k) installation of armoured and unarmoured surface cable, excluding the connection thereof;
- (l) installation of draw wires into sleeves, wireways, etc.;
- (m) fitting glands to PVC cables, but excluding any glands which require epoxy or similar filling;
- (n) operating a trenching machine;
- (o) laying cables in trenches, ducts and racks, including securing such cables;
- (p) assisting any category of workmen of a higher skill including trainees, apprentices and electrical operators, but not performing any work individually, except as set out in (a) to (o) above;

'electrical journeyman (unlicensed)' means an employee engaged in any or all of the following tasks and who may use the tools necessary to perform such tasks: Provided that such tasks are carried out only on new installations and/or renovations of structures or buildings from which the power has been disconnected from the main supply, and are carried out under supervision of a master installation electrician or installation electrician:

- (a) Wiring and assembling of distribution boards;
- (b) installation and connection of distribution boards;
- (c) tensioning cleat wiring;
- (d) complete tubing and wiring of installations excluding connecting up to the supply;
- (e) simple arc and gas welding;
- (f) where necessary, the performance of the work of an electrical operator and/or general employee;
- (g) assisting any category of workmen of a higher skill;

'electrical operator' means an employee engaged in any or all of the following classes of work:

- (a) Installation and fixing of conduits, wireways and accessories;
- (b) installation of armoured and unarmoured cable;
- (c) fitting glands to PVC cables, but excluding any glands which require epoxy or similar filling;
- (d) operating a trenching machine, including the use of power tools;
- (e) laying cables in trenches, ducts and racks, including the securing of such cables;
- (f) cleating, including the placing of wires in cleats, excluding tensioning;
- (g) placing or drawing conductors into conduits and wireways: Provided that the size of each conductor shall not exceed 16 mm²;
- (h) erection and fixing of luminaires, including the connection thereof;
- (i) installation of light switches, socket outlets, isolators and accessories of a similar nature, including the connection thereof;
- (j) performing the work of a general employee or assisting any category of workmen of a higher skill;
- (k) installation of systemised and/or innovative electrical installations such as twin and earth, wiring harness systems, etc, including the connection of accessories thereto: Provided that such employee may not connect the distribution board;
- (l) supervising general employees;

'electrical tester for single phase' means an employee who has been registered as an electrical tester for single phase in terms of regulation 9 of the Machinery and Occupational Safety Act, 1983 (Act No. 6 of 1983), and who has been approved by the chief inspector for the verification and certification of the construction, testing and inspection of electrical installations supplied by a single-phase electricity supply;"

(4) After the definition of "journeyman's assistant", insert the following new definition:

"'installation electrician' means an employee registered as an installation electrician in terms of regulation 9 of the Machinery and Occupational Safety Act, 1983 (Act No. 6 of 1983), and who has been approved by the chief inspector for the verification and certification of the construction, testing and inspection of electrical installations, excluding specialised electrical installations: Provided that the exclusion came into effect on 1 July 1994;"

(5) Delete the definition of "learner".

(6) After the definition of "Management Committee", insert the following new definition:

"**'master installation electrician'** means an employee who has been registered as a master installation electrician in terms of regulation 9 of the Machinery and Occupational Safety Act, 1983 (Act No. 6 of 1983), and who has been approved by the chief inspector for the verification and certification of the construction, testing and inspection of any electrical installation;"

(7) Delete the definition of "trainee" and insert the following new definitions:

"**'trainee building worker level B'** means an employee duly approved and registered with the Council in terms of clause 25 of Part I and who receives on-site and institutional training in terms of the Council's and Building Industries Training Board's competence-based modular training programme in any one of the eight recognised designated trades;

'trainee building worker level C' means an employee duly approved and registered with the Council in terms of clause 25 of Part I and who receives on-site and institutional training in terms of the Council's and Building Industries Training Board's competence-based modular training programme in specified skills of any one of the eight recognised designated trades or laid down ancillary trades;

'trainee building worker level D' means an employee duly approved and registered with the Council in terms of clause 25 of Part I and who receives on-site and institutional training in at least five basic modules as prescribed by the Building Industries Training Board's competence-based modular training programme, plus one skills module (to be nominated by the employer) selected from any one of the eight recognised designated trades or laid down ancillary trades."

(8) Substitute the following for the definition of "working day":

"**'working day'** means any day other than Saturday, Sunday, any public holiday prescribed in the Public Holidays Act, 1994 (Act No. 36 of 1994), or any other day declared to be a paid public holiday under section 2A of the Public Holidays Act, 1994, and any day other than the annual leave period in terms of clause 37 of Part I of this Agreement, in respect of the ordinary hours of work prescribed in clause 10 of Part I of this Agreement."

3. CLAUSE 7 OF PART I: REGISTRATION OF EMPLOYEES

(1) Insert the following new paragraph (v) after paragraph (iv) in subclause (1) (a):

"(v) been working as or who can work as an electrical journeyman (unlicensed) and any employee who has been registered as an electrical tester for single phase, installation electrician or master installation electrician in terms of regulation 9 of the Machinery and Occupational Safety Act, 1983 (Act No. 6 of 1983), and who has been approved by the chief inspector."

(2) Substitute the following for subclause (7):

"(7) No journeyman, electrical journeyman (unlicensed), electrical tester for single phase, installation electrician or master installation electrician shall accept employment in the Building Industry and no employer shall employ an employee, unless he produces to the employer a certificate issued to him in terms of this clause: Provided that this shall not apply if he produces to the employer proof from the Council that application has been made for a certificate of registration in terms of this clause, in which event such employee shall not accept employment and the employer shall not employ him for a period exceeding one month from the date of this application to the Council, without a certificate or registration."

4. CLAUSE 8 OF PART I: WAGES

(1) Substitute the following for subclause (1) (i) to (xvii):

"(1) **Minimum wage rates:** No employer shall pay and no employee shall accept wages at rates lower than the following, read with the remaining provisions of this clause:

Category of employees and area	Per hour R
(i) General employees:	
Area A	6,35
Area B	4,45
Area D	3,43
Area E	3,63
Area F	3,50
(ii) Semi-skilled employees:	
Area A	7,00
Area B	5,10
Area D	3,56
Area E	4,12
Area F	4,55

Category of employees and area	Per hour R
(iii) Journeyman's assistants:	
Area A	9,28
Area B	5,60
Area D	4,36
Area E	4,78
Area F	4,95
(iv) Drivers of mechanical vehicles with a pay-load of—	
up to and including 2 722 kg:	
Area A	7,00
Area B	4,70
Area D	3,56
over 2 722 kg but not exceeding 4 536 kg:	
Area A	7,94
Area B	5,60
Area D	3,64
over 4 536 kg:	
Area A	9,28
Area D	4,36
(v) General foremen, foremen and journeymen in all trades and occupations:	
Area A	15,47
(vi) Watchmen, per six-day week:	
Area A	269,17
Area B	200,00
Area D	175,65
(vii) Apprentices: Wages as prescribed under the Manpower Training Act, 1981, for apprentices in the Building Industry.	
(viii) Minors in all trades: Wages as prescribed for apprentices in the Building Industry.	
(ix) Trainee building workers: Wages as fixed by the Council in terms of clause 25 of this Agreement.	
(x) Unskilled cleaners: 70 per cent of the wage prescribed for general employees in paragraph (i).	
(xi) Employees in all other trades or occupations not elsewhere specified, excluding apprentices and trainees:	
Area A	6,35
Area B	4,45
Area D	3,43
Area E	3,63
Area F	3,50
(xii) Grade A journeymen in the painting and glazing trades:	
Area B	7,65
Area F	8,10
(xiii) Other journeymen in the painting and glazing trades:	
Area B	7,35
Area D	6,42
Area E	7,22
Area F	7,62
(xiv) Grade A journeymen in other trades:	
Area B	8,90
Area D	7,92
Area E	7,97
Area F	8,10

Category of employees and area		Per hour R
(xv) Journeymen in other trades:		
Area B		7,35
Area D		6,42
Area E		7,22
Area F		7,62
(xvi) Motor vehicle drivers and operators of cranes and hoists:		
Area F		5,43
(xvii) Employees engaged in electrical installation, which includes electrical fitting and wiring and operations incidental thereto:		
	Per hour R	
	Areas	
	A B D E F	
(a) Master installation electrician.....	17,02 9,79 8,71 8,77 8,91	
(b) Installation electrician.....	15,47 8,90 7,92 7,97 8,10	
(c) Electrical tester for single phase.....	12,38 7,12 6,34 6,38 6,48	
(d) Electrical journeyman (unlicensed).....	12,38 7,12 6,34 6,38 6,48	
(e) Electrical operator	9,28 5,34 4,75 4,78 4,86	
(f) Electrical general employee.....	6,35 4,45 3,43 3,63 3,50	
(xviii) Notwithstanding the provisions of subclause (1) (xvii), no electrical journeyman (unlicensed) who was previously registered with the Council as a journeyman and who was engaged in electrical installation, which includes electrical fitting and wiring operations incidental thereto, shall receive a wage less than that prescribed in clause 8 (1) (v) and (xiv), i.e. R14,53 and R8,20, respectively, as published by Government Notice No. R. 1549 of 6 October 1995.		

Note: During 1997, a new labour structure will be introduced in the Building Industry, which will mean that the names of the current categories of employees will be changed as follows:

General employees will be known as construction workers level E.

Semi-skilled employees will be known as construction workers level D.

Journeyman's assistants will be known as construction workers level C.

Drivers of mechanical vehicles with a payload of—

up to and including 2 722 kg will be known as construction workers level D;

over 2 722 kg but not exceeding 4 536 kg will be known as special categories;

over 4 536 kg will be known as construction workers level C.

Journeymen in all trades will be known as construction workers level B.

Watchmen will be known as special categories.

Operators of cranes will be known as construction workers level C.”.

(2) In subclause (2) (a), substitute the expression “subclause (1)” for the expression “subclause (1) (a) and (b).”.

(3) In subcaluse (2) (b), substitute the expression “subclause (1) (v), (xii), (xiii), (xiv), (xv) and (xvii) (a), (b), (c) and (d)” for the expression “(1) (a) (v)”.

(4) Substitute the following for subclause (8):

“(8) *Supply of overalls:*

(a) Area A: Every employer shall supply a suitable new overall free of charge to each of his employees (other than wathcmen) after the first four weeks, continuous employment with the same employer and thereafter at the beginning of each yearly cycle of employment.

(b) Areas B, D, E and F: Every employer shall supply a suitable new overall free of charge to each of his employees (other than watchmen) after the first 12 months' continuous employment and thereafter at the beginning of each yearly cycle of employment.

(c) For the purposes of this clause “yearly cycle of employment” means a period of 12 months' continuous employment with the same employer and shall be calculated from the date of commencement of employment with such employers.

(d) Employees supplied with overalls in terms of this clause shall maintain such overalls in a clean condition.

(e) The employer shall remain the owner of any overall supplied to an employee by him free of charge and the employee shall return such overall to the employer in the event of the employee leaving the employer for any reason whatsoever."

5. CLAUSE 10 OF PART I: DAYS AND HOURS OF WORK

Substitute the following for subclause (4):

"(4) No employee shall solicit, undertake or perform any work, or ply his trade or any trade or subdivision thereof referred to in the definition of 'Building Industry', whether for remuneration or not, for or on behalf of any person, outside the hours prescribed in or as may be laid down in accordance with this Agreement, or on a Saturday, Sunday, any paid public holiday prescribed in the Public Holidays Act, 1994 (Act No. 36 of 1994), or any other day declared to be a paid public holiday under section 2A of the Public Holidays Act, 1994, or during the annual leave period, except where the prior consent of the Council has been obtained in writing: Provided that such employee may perform work for himself only."

6. CLAUSE 15 OF PART I: STORAGE AND PROVISIONS OF TOOLS

Substitute the following for subclause (1) (c):

"(c) An employer shall insure the tools of an employee referred to in clause 8 (1) (v), (vii), (ix), (xii), (xiii), (xiv), (xv) and (xvii) (a), (b), (c) and (d) in Areas A, D, E and F against loss by fire and/or theft."

7. CLAUSE 23 OF PART I: COUNCIL EXPENSES

Substitute the following for subparagraphs (i) and (ii) of subclause (1) (a):

- "(i) An amount of R3,80 in Area A and an amount of R3,90 in Areas B, D, E and F in respect of each employee employed by him and for whom wages are prescribed in clause 8 (1) (iii), (v), (ix), (xiii), (xiv), (xv) and (xvii) (a), (b), (c) and (d) of Part I of this Agreement. An employer may deduct from the wages of each such employee an amount of R1,90 in Area A and an amount of R1,95 in Areas B, D, E and F for such week;
- (ii) an amount of R2,56 in Area A and an amount of R2,36 in Areas B, D, E and F in respect of each employee employed by him and for whom wages are prescribed in clause 8 (1) (i), (ii), (iv), (x), (xi), (xvi), (xvii) (e) and (f) of Part I of this Agreement. An employer may deduct from the wages of each such employee an amount of R1,08 in Area A and an amount of R1,18 in Areas B, D, E and F for such week."

8. CLAUSE 25 OF PART I: EMPLOYMENT OF LEARNERS

Substitute the following for clause 25:

"25. EMPLOYMENT OF TRAINEE BUILDING WORKERS

(1) The following requirements shall apply in respect of all trainee building workers employed in terms of this Agreement:

- (a) Minimum age of 16 years.
- (b) Physical fitness.
- (c) Minimum educational or other requirements for trainee building workers level B:
 - (i) Standard 5 or conformance to prescribed BITB minimum selection criteria;
 - (ii) registration as journeyman's assistant as defined in clause 3 of this Agreement and standard 5 or conformance to prescribed BITB minimum selection criteria;
 - (iii) registration as journeyman's assistant with a minimum of four years' relevant practical experience as a journeyman's assistant in the Building Industry and conformance to prescribed BITB minimum selection criteria.
- (d) Minimum educational or other requirements for trainee building workers level C:
 - (i) Standard 3; or
 - (ii) proof of having passed the prescribed BITB test in respect of trainability and functional literacy and numeracy and a minimum of five years' relevant practical experience in the Building Industry; or
 - (iii) registration as semi-skilled employee, as defined in clause 3 of this Agreement, and proof of having passed the prescribed BITB test in respect of trainability and functional literacy and numeracy and a minimum of three years' relevant practical experience as a semi-skilled employee in the Building Industry.
- (e) Minimum educational or other requirements for trainee building workers level D:
 - (i) Standard 1; or
 - (ii) proof of having passed the prescribed BITB test in respect of trainability and basic literacy and numeracy and a minimum of two years' relevant practical experience in the Building Industry.

Note: An employee with standard 7 or a higher educational qualification shall be indentured as an apprentice in terms of the Manpower Training Act, 1981.

- (2) An application for permission to employ a trainee building worker at level B, C or D shall be lodged with the Council within 14 days from the date of employment of the employee concerned and the employer shall furnish, *inter alia*, the following particulars:
- The full name and age of the person concerned;
 - the nature of the work in which he is required to be trained;
 - the number of trainee building workers levels B, C or D, in his employ who are already in similar training;
 - the number of employees, other than trainee building workers levels B, C or D in his employ who are engaged on such work; and
 - the educational qualification of trainee.
- (3) The Council shall have the power to—
- fix the remuneration and other conditions of employment of a trainee building worker level B, C or D by allocating the trainee building worker to the appropriate category of employee as prescribed in clause 8 (1), and Area as defined in clause 3 of this Agreement; and
 - prescribe the conditions of the qualifying test a trainee building worker level B, C or D must undergo before he can be registered as a journeyman in terms of clause 7.
- (4) If a trainee building worker level B, C or D loses ordinary working hours during his traineeship period he shall be required to work in the aggregate of such ordinary working hours at the end of his traineeship period: Provided that he shall not be required to work in any ordinary working hours which were occasioned by sickness and/or accident and/or cause beyond his control not exceeding in the aggregate 15 working days in any one year, and/or military service.
- (5) Notwithstanding any of the above provisions, the Council may at any time by notice, in writing, withdraw its consent to the employment of any trainee building worker level B, C or D, if it considers there is good reason to do so, and on receipt of such notification from the Council the employer shall within seven days dispense with the services of the employee.
- (6) (a) The minimum period in which a trainee building worker level B can qualify shall be 24 months and the maximum period allowed shall be 30 months. Should a trainee level B not be able to pass the prescribed trade test within 30 months, the traineeship shall terminate, whereafter he shall not be deemed a journeyman.
- (b) The minimum period in which a trainee level C can qualify shall be 12 months and the maximum period allowed shall be 18 months. Should a trainee level C not be able to pass the prescribed trade test within 18 months, the traineeship shall terminate, whereafter he shall not advance to the next level of trainee.
- (c) The minimum period in which a trainee level D can qualify shall be six months and the maximum period allowed shall be 12 months. Should a trainee level D not be able to pass the prescribed trade test within 12 months, the traineeship shall terminate, whereafter he shall not advance to the next level of trainee.
- (7) For the purpose of this clause 'BITB' means the Building Industries Training Board."

9. CLAUSE 34 OF PART I: TRADE UNION SUBSCRIPTIONS

In subclause (2), substitute the expression "Building Industries Association, East Cape" for the expression "Port Elizabeth Master Builders' and Allied Trades Association".

10. CLAUSE 35 OF PART I: EMPLOYMENT RETURN FORMS AND PAYMENT OF CONSOLIDATED STAMP CONTRIBUTIONS

In subclause (1), substitute the expression "clause 8 (1) (i), (ii), (iii), (iv), (v), (vi), (ix), (xi), (xii), (xiii), (xiv), (xv), (xvi) and (xvii) (a), (b), (c), (d), (e) and (f)" for the expression "clause 8 (1) (a), (i), (ii), (iii), (iv), (v), (vi), (ix), (xi), (xii), (xiii), (xiv), (xv) and (xvi)".

11. CLAUSE 37 OF PART I: ANNUAL LEAVE, PAID PUBLIC HOLIDAYS, BONUS PAYMENT AND THE BUILDING INDUSTRY HOLIDAY FUND, EAST CAPE

- (1) Substitute the following for subclause (1) (a):

"(1) (a) No work shall be performed in the Industry by employers and employees during the period stated hereunder:

Between finishing time on Friday, 13 December 1996 and starting time on Monday, 13 January 1997, except—

- in the case of emergency work, when the employer must notify the Secretary of the Council in writing within three days of having commenced such overtime of the circumstances necessitating such overtime;
- in the case where the prior written exemption has been obtained from the Council."

(2) Substitute the following for subclause (2):

"(2) All public holidays prescribed in the Public Holidays Act, 1994 (Act No. 36 of 1994), or any other day declared to be a paid public holiday under section 2A of the Public Holidays Act, 1994, shall be compulsory paid holidays for all employees, and in addition to any other remuneration to which an employee may be entitled in terms of this Agreement, an employer shall pay an employee in respect of each of the said public holidays which fall on an ordinary working day, the remuneration which such employee would have earned on an ordinary working day; such amount to be paid on the payday of the employer following the public holiday concerned: Provided that—

- (i) if an employee is absent from work on the working day immediately prior to and/or following the compulsory paid holidays referred to in this subclause, he shall not be entitled to the payment referred to in this subclause: Provided further that this proviso shall not apply in respect of an employee who is absent from work on the instructions or at the request of his employer;
- (ii) no employer shall retrench any employees immediately prior to any compulsory paid holidays referred to in this subclause for the purpose of evading the provisions of this subclause."

(3) In subclause (3) (e) (i), substitute the expression "clause 8 (1) (i), (ii), (iii), (iv), (x), (xi) and (xvii) (e) and (f)" for the expression "clause 8 (1) (i), (ii), (iii), (iv), (x) and (xi)".

(4) In subclause (3) (e) (ii), substitute the expression "clause 8 (1), (xii), (xiii), (xiv), (xv) and (xvii) (a), (b) (c) and (d)" for the expression "clause 8 (1) (xii), (xiii), (xiv) and (xv)".

12. CLAUSE 39 OF PART I: PENSION FUND

(1) Substitute the following for subclauses (1), (2) and (3):

"(1) Every employer to whom the provisions of Part I and Part II of this Agreement apply shall, in respect of each of the undermentioned employees in his employ in Area B who has worked the ordinary hours of work on three working days during a week, pay to the Council, in accordance with the procedure prescribed in subclause (3) (c) of this clause, the following amounts:

PART I

Category of employee

Per week

R

(a) General employees	24,03
(b) Semi-skilled employees	27,54
(c) Journeyman's assistants	31,50
(d) Drivers of mechanical vehicles with a payload of—	
up to and including 2 722 kg	25,38
over 2 722 kg but not exceeding 4 536 kg	30,24
(e) Watchmen, per six-day week	24,00
(f) Employees in all other trades or occupations not elsewhere specified, excluding apprentices and trainees	24,03
(g) Grade A journeymen in the painting and glazing trades	43,03
(h) Other journeymen in the painting and glazing trades	41,34
(i) Grade A journeymen in other trades	50,06
(j) Journeymen in other trades	41,34
(k) Employees engaged in electrical installation, which includes electrical fitting and wiring and operations incidental thereto:	
(i) Master installation electrician	55,07
(ii) Installation electrician	50,06
(iii) Electrical tester for single phase	40,05
(iv) Electrical journeyman (unlicensed)	40,05
(v) Electrical operator	28,84
(vi) Electrical general employee	24,03

PART II

Category of employee

Per week

R

(l) General employees	24,03
(m) Semi-skilled employees	27,54

Category of employee	Per week R
(n) Drivers of mechanical vehicles with a payload of—	
up to and including 2 722 kg	25,38
over 2 722 kg but not exceeding 4 536 kg	30,24
(o) Journeyman's assistants	31,50
(p) Machine minders and sawyers	31,91
(q) Mechanical handling equipment drivers	31,91
(r) Watchmen, per six-day week	24,00
(s) Employees in all other trades or occupations not elsewhere specified, excluding apprentices and trainees	24,03
(t) Grade A joiners, machinists, saw doctors, maintenance mechanics, supervisors, foremen, general foremen and journeymen in all other trades	50,06
(u) Other joiners, machinists, saw doctors, maintenance mechanics, supervisors, foremen, general foremen and journeymen in all other trades	41,34
(v) Grade A glaziers in joinery shop	43,03
(w) Other glaziers in joinery shop	41,34

- (2) In addition to any other remuneration payable in terms of Part I and Part II of this Agreement, every employer in Area B to whom the provisions of this Agreement apply, shall in respect of the undermentioned employees in his employ pay an allowance as specified below in respect of every hour worked (excluding overtime) weekly: Provided that the said allowance shall be paid for not more than 45 hours in any one week:

PART I

Category of employee	Per hour R
(a) G e n e r a l	0,32
(b) Semi-skilled employees	0,37
(c) Journeyman's assistants	0,42
(d) Drivers of mechanical vehicles with a payload of—	
up to and including 2 722 kg	0,34
over 2 722 kg but not exceeding 4 536 kg	0,40
(e) Watchmen, per six-day week	0,32
(f) Employees in all other trades or occupations not elsewhere specified, excluding apprentices and trainees	0,32
(g) Grade A journeymen in the painting and glazing trades	0,57
(h) Other journeymen in the painting and glazing trades	0,55
(i) Grade A journeymen in other trades	0,67
(j) Journeymen in other trades	0,55
(k) Employees engaged in electrical installation, which includes electrical fitting and wiring and operations incidental thereto:	
(i) Master installation electrician	0,73
(ii) Installation electrician	0,67
(iii) Electrical tester for single phase	0,53
(iv) Electrical journeyman (unlicensed)	0,53
(v) Electrical operator	0,38
(vi) Electrical general employee	0,32

PART II

Category of employee	Per hour R
(l) G e n e r a l	0,32
(m) Semi-skilled employees	0,37

Category of employee	Per week R
(n) Drivers of mechanical vehicles with a payload of—	
up to and including 2 722 kg	0,34
over 2 722 kg but not exceeding 4 536 kg	0,40
(o) Journeyman's assistants	0,42
(p) Machine minders and sawyers	0,43
(q) Mechanical handling equipment drivers	0,43
(r) Watchmen, per six-day week	0,32
(s) Employees in all other trades or occupations not elsewhere specified, excluding apprentices and trainees	0,32
(t) Grade A joiners, machinists, saw doctors, maintenance mechanics, supervisors, foremen, general foremen and journeymen in all other trades	0,67
(u) Other joiners, machinists, saw doctors, maintenance mechanics, supervisors, foremen, general foremen and journeymen in all other trades	0,55
(v) Grade A glaziers in joinery shop	0,57
(w) Other glaziers in joinery shop	0,55

(3) In addition to the remuneration payable in terms of clause 8 of Part I and clause 4 of Part II of this Agreement, every employer in Areas A, D, E and F shall pay the following:

- (a) To each category of employee in his employ in respect of the ordinary hours worked by each such employee in his employ, the employer shall pay a pension fund allowance calculated in terms of the undermentioned formula based on the wage rates prescribed in clause 8 of Part I and clause 4 of Part II of this Agreement or the maximum rate of the wage bands decided on by the Council from time to time:

FORMULAE:

$WR \times PPC \times H$ = total weekly pension contribution

$\frac{TWC \times 60\%}{H}$ (per cent) = hourly pension allowance

Note:

1. 'WR' means the wage rate prescribed in clause 8 of Part I and clause 4 of Part II of this Agreement or the maximum rate of wage bands decided on by the Council from time to time.
2. 'PPC' means the percentage pension contribution in relation to an employee's weekly wage decided on by the Council from time to time.
3. 'H' means the hours per week prescribed in clause 10 (1) (a) for all employees other than semi-skilled employees, general employees, unskilled cleaners and drivers of mechanical vehicles in Area A and the hours per week prescribed in clause 10 (c) in Areas D, E and F.
4. 'TWC' means the total weekly pension contribution.

- (b) Every employer to whom the provisions of Part I and Part II of this Agreement apply shall, in respect of every employee in his employ who has worked the ordinary hours of work on three working days during a week, pay to the Council, in accordance with the procedure prescribed in paragraph (c) hereof, the total weekly pension contribution calculated in terms of paragraph (a) hereof.

- (c) An employer shall be entitled to deduct the amounts prescribed in subclause (1) and the total weekly pension contribution calculated in terms of the formula prescribed in subclause (3) (a) from the remuneration of an employee every week: Provided that where an employee is employed by two or more employers during the same week, the deduction shall be made only by the employer by whom he was first employed for not less than the ordinary hours of work on three working days during the week."

(2) In subclause (14), substitute the expression "subclauses (1) and (3)" for the expression "subclause (1)".

13. CLAUSE 39(bis) OF PART I: SICK BENEFIT FUND

(1) In subclause (3) (a), substitute the expression "clause 8 (1) (i), (ii), (iii), (iv), (v), (vi), (ix) and (xvii)" for the expression "clause 8 (1) (i), (ii), (iii), (iv), (v), (vi), (ix) and (xi)".

(2) Substitute the following for subclause (3) (b):

- "(b) Membership of the Fund shall be compulsory in Area B and for all employees for whom wages are prescribed in clause 8 (1) (i), (ii), (iii), (iv), (v), (vi), (ix), (xi), (xii), (xiii), (xiv), (xv), (xvi) and (xvii) of Part I of this Agreement. An employee for whom membership of the Fund is compulsory in terms of this paragraph shall be entitled to benefits for only three days' sick leave and/or compassionate leave: Provided that the three days' sick leave shall be in addition to the sick leave prescribed in section 13 of the Basic Conditions of Employment Act, 1983 (Act No. 3 of 1983)."

(3) In subclause (4) (a), substitute the expressions "clause 8 (1) (v), (ix), (xii), (xiii), (xiv), (xv) and (xvii) (a), (b), (c) and (d)" and "clause 8 (1) (i), (ii), (iii), (iv), (v), (xi), (xvi) and (xvii) (e) and (f)" for the expressions "clause 8 (1) (v), (ix), (xii), (xiii), (xiv) and (xv)" and "clause 8 (1) (i), (ii), (iii), (iv), (v), (xi) and (xvi)", respectively.

(4) In subclause (5) (a), substitute the expressions "clause 8 (1) (v), (ix), (xii), (xiii), (xiv), (xv) and (xvii) (a), (b), (c) and (d)" and "clause 8 (1) (i), (ii), (iii), (iv), (v), (xi), (xvi) and (xvii) (e) and (f)" for the expressions "clause 8 (1) (v), (ix), (xii), (xiii), (xiv) and (xv)" and "clause 8 (1) (i), (ii), (iii), (iv), (v), (xi) and (xvi)", respectively.

14. CLAUSE 39(ter) OF PART I: MEDICAL AID FUND

(1) In subclause (3) (a), substitute the expression "clause 8 (1) (v) and (xvii) (a), (b), (c) and (d)" for the expression "clause 8 (1) (a) (v)".

(2) Substitute the following for subclause (4) (a):

"(4) *Allowance:* (a) In addition to any other remuneration which an employee referred to in clause 8 (1) (v) and (xvii) (a), (b), (c) and (d) of Part I and clause 4 (1) (vii) and (viii) of Part II may be entitled, every employer shall pay to every such employee in his employ in Area A an allowance of 69½ cents per hour in respect of all the ordinary hours of work, prescribed in clause 10 (1) (a), worked by such employee during a week."

(3) Substitute the following for subclause (5) (a):

"(5) *Contributions:* (a) Every employer shall, subject to the provisions of (b) and (c) hereof, contribute to the Fund an amount of R55,60 per week in respect of each of his employees for whom wages are prescribed in clause 8 (1) (v) and (xvii) (a), (b), (c) and (d) of Part I and clause 4 (1) (vii) and (viii) of Part II, who is employed in Area A. An employer shall be entitled to deduct the amount paid to the employee in terms of subclause (4)(a) from the remuneration of the employee in respect of whom payment was made."

15. CLAUSE 45 OF PART I: DEVELOPMENT AND TRAINING FUND FOR THE ELECTRICAL CONTRACTING INDUSTRY

Delete this clause in its entirety.

PART II

SPECIAL PROVISIONS APPLICABLE TO THE TIMBER TRADE IN THE BUILDING INDUSTRY

1. SCOPE OF APPLICATION

The terms of Part II of this Agreement shall be observed in the Timber Trade in the Building Industry—

- (a) by all employers and employees who are members of the employers' organisations and the trade unions, respectively;
- (b) in the Magisterial Districts of Alexandria, Bathurst, Beaufort West, Calitzdorp, George, Humansdorp, Joubertina, Knysna, Ladismith, Mossel Bay, Oudtshoorn, Port Elizabeth, but excluding that portion of the Magisterial District of Port Elizabeth which, prior to the publication of Government Notice No. 1974 of 26 September 1980, fell within the Magisterial Districts of Hankey, Riversdale, Uitenhage and Uniondale, and in that portion of the Magisterial District of Hankey which, prior to 1 November 1963, fell within the Magisterial District of Port Elizabeth.

2. CLAUSE 3 OF PART II: DEFINITIONS

Substitute the following for the definition of "working day":

"**working day** means any day other than Saturday, Sunday, any public holiday prescribed in the Public Holidays Act, 1994 (Act No. 36 of 1994), or any other day declared to be a paid public holiday under section 2A of the Public Holidays Act, 1994, and any day other than the annual leave period in terms of clause 10 of Part II of this Agreement, in respect of the ordinary hours of work prescribed in clause 6 of Part II of this Agreement."

3. CLAUSE 4 OF PART II: WAGES

Substitute the following for subclause (1) (i) to (xvii):

"(1) *Minimum wage rates:* No employer shall pay and no employee shall accept wages at rates lower than the following, read with the remaining provisions of this clause:

Category of employee and area	Per hour
	R
(i) General employees:	
Area A	6,35
Area B	4,45
Area D	3,43

Category of employee and area	Per week R
(ii) Semi-skilled employees:	
Area A	7,00
Area B	5,10
Area D	3,56
(iii) Drivers of mechanical vehicles with a payload of—	
up to and including 2 722 kg:	
Area A	7,00
Area B	4,70
Area D	3,56
over 2 722 kg but not exceeding 4 536 kg:	
Area A	7,94
Area B	5,60
Area D	3,64
over 4 536 kg:	
Area A	9,28
Area D	4,36
(iv) Journeyman's assistants:	
Area A	9,28
Area B	5,60
Area D	4,36
(v) Machine minders and sawyers:	
Area A	8,71
Area B	5,91
Area D	4,36
(vi) Mechanical handling equipment drivers:	
Area A	8,71
Area B	5,91
Area D	4,36
(vii) Joiners, machinists, saw doctors, maintenance mechanics, supervisors, foremen, general foremen and journeymen in all other trades:	
Area A	15,47
(viii) Glaziers in joinery shop:	
Area A	15,15
(ix) Watchmen, per six-day week:	
Area A	269,17
Area B	200,00
Area D	175,65
(x) Apprentices: Wages prescribed under the Manpower Training Act, 1981, for apprentices in the Building Industry.	
(xi) Trainee building workers: Wages as fixed by the Council in terms of clause 25 of the former Agreement.	
(xii) Minors in all trades: Wages as prescribed from time to time for apprentices in the Building Industry.	
(xiii) Employees in all other trades or occupations not elsewhere specified, excluding apprentices and trainees:	
Area A	6,35
Area B	4,45
Area D	3,43

Category of employee and area	Per week R
(xiv) Grade A joiners, machinists, saw doctors, maintenance mechanics, supervisors, foremen, general foremen and journeymen in all other trades:	
Area B.....	8,90
Area D.....	8,10
(xv) Other joiners, machinists, saw doctors, maintenance mechanics, supervisors, foremen, general foremen and journeymen in all other trades:	
Area B.....	7,35
Area D.....	6,42
(xvi) Grade A glaziers in joinery shop:	
Area B.....	7,65
Area D.....	7,53
(xvii) Other glaziers in joinery shop:	
Area B.....	7,35
Area D.....	6,42."

4. CLAUSE 6 OF PART II: HOURS OF WORK

Substitute the following for subclause (2):

- "(2) No employee shall solicit, undertake or perform any work, or ply his trade or any trade or subdivision thereof referred to in the definition of 'Building Industry', whether for remuneration or not, for or on behalf of any person, outside the hours prescribed in or as may be laid down in accordance with this Agreement, or on a Saturday, Sunday, any paid public holiday prescribed in the Public Holidays Act, 1994 (Act No. 36 of 1994), or any other day declared to be a paid public holiday under section 2A of the Public Holidays Act, 1994, or during the annual leave period, except where the prior consent of the Council has been obtained in writing: Provided that such employee may perform work for himself only."

5. CLAUSE 10 OF PART II: ANNUAL LEAVE AND PAID PUBLIC HOLIDAYS

(1) Substitute the following for subclause (1) (a):

- "(1) (a) No work shall be performed in the Industry by employers and employees during the period stated hereunder: Between finishing time on Friday, 13 December 1996 and starting time on Monday, 13 January 1997, except—

- (i) in the case of emergency work, when the employer must notify the Secretary of the Council in writing within three days of having commenced such overtime of the circumstances necessitating such overtime;
- (ii) in the case where the prior written exemption has been obtained from the Council."

(2) Substitute the following for subclause (2):

- "(2) *Payment for public holidays:* All public holidays prescribed in the Public Holidays Act, 1994 (Act No. 36 of 1994), or any day declared to be a paid public holiday under section 2A of the Public Holidays Act, 1994, shall be paid public holidays for all employees, at not less than their ordinary rate of remuneration."

6. CLAUSE 11 OF PART II: COUNCIL EXPENSES

(1) In subclause (1) (a), substitute the expressions "R3,80", "R3,90", "R1,90" and "R1,95" for the expressions "R3,00", "R3,10", "R1,50" and "R1,55", respectively.

(2) In subclause (1) (b), substitute the expressions "R2,56", "R2,36", "R1,08" and "R1,18", for the expressions "R1,76", "R1,56", "68c" and "78c", respectively.

7. GENERAL

Delete the expression "Area C" wherever it appears in any specific clause in Part I and Part II of this Agreement.

Signed at Port Elizabeth, on behalf of the parties, this 1st day of October 1996.

J. N. D. MHLABA

Chairman of the Council

J. GEDDES

Vice-Chairman of the Council

V. H. LE ROUX

General Secretary of the Council

No. R. 2049**13 Desember 1996****WET OP ARBEIDSVERHOUDINGE, 1956****BOUNYWERHEID, OOS-KAAP: WYSIGING VAN HOOFOOREENKOMS**

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 die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 31 Desember 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 klousules 1 (1) (a), 9 en 11 (2) (2) (i) van Deel I en 1 (1) (a) van Deel II, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 31 Desember 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****NYWERHEIDSRAAD VIR DIE BOUNYWERHEID, OOS-KAAP****OOREENKOMS**

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

Building Industries' Association, East Cape

Electrical Contracting and Allied Industries' Association (Eastern Cape)

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

Amalgamated Society of Woodworkers of South Africa

Amalgamated Union of Building Trade Workers of South Africa

en

Construction and Allied Workers' Union

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

wat die partye is by die Nywerheidsraad vir die Bounywerheid, Oos-Kaap

tot wysiging van die Ooreenkoms gepubliseer by Goewermmentskennisgewing No. R. 2380 van 27 September 1991 (hierna die "Herbektigtingsooreenkoms" genoem), soos verleng en gewysig by Goewermmentskennisgewings Nos. R. 1940 van 10 Julie 1992, R. 2654 van 18 September 1992, R. 2810 van 5 Oktober 1992, R. 1658 van 3 September 1993, R. 1774 van 24 September 1993, R. 2034 van 25 November 1994, R. 2035 van 25 November 1994, R. 1549 van 6 Oktober 1995 en R. 1800 van 17 November 1995.

DEEL I**1. TOEPASSINGSBESTEK VAN OOREENKOMS**

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

- (a) deur alle werkgewers en werknemers wat lede is van onderskeidelik die werkgewersorganisasies en die vakverenigings;
- (b) in die landdrosdistrikte Albany, Alexandria, Bathurst, Beaufort-Wes, Calitzdorp, George, Humansdorp, Joubertina, Knysna, Ladismith, Mosselbaai, Oudtshoorn, Port Elizabeth, Queenstown (uitgesonderd die gedeelte wat voor die publikasie van Goewermmentskennisgewing No. 1904 van 30 Augustus 1985 binne die landdrosdistrik Stockenström geval het), Riversdale, Uitenhage, Uniondale, en in die gedeelte van die landdrosdistrik Hankey wat voor 1 November 1963 binne die landdrosdistrik Port Elizabeth geval het, maar uitgesonderd die gedeelte van die landdrosdistrik Port Elizabeth wat voor die publikasie van Goewermmentskennisgewing No. 1974 van 26 September 1980 binne die landdrosdistrik Hankey geval het.

(2) Ondanks subklousule (1) (a) is hierdie Ooreenkoms—

- (a) van toepassing slegs op die klasse werknemers vir wie lone in hierdie Ooreenkoms voorgeskryf word en op leerlinge;
- (b) van toepassing op vakleerlinge en kwekelinge slegs vir sover dit nie strydig is met die Wet op Mannekragopleiding, 1981, of met voorwaardes of kennisgewings wat daarkragtens voorgeskryf of bestel is nie;

- (c) van toepassing op slegs-arbeid-kontrakteurs, werkende vennote en werkende direkteurs;
- (d) nie van toepassing nie op universiteitstudente en gegradueerdes in die bouwetenskap en konstruksietoeshouers, konstruksieopmeters en ander persone wat besig is met praktiese werk ter voltooiing van hul akademiese opleiding;
- (e) nie van toepassing op klerke of op werknemers wat administratiewe pligte verrig of op 'n lid van 'n administratiewe personeel nie.

(3) Ondanks subklousule (1) (a), is klousule 15 (3), 27 en 40 van Deel I van die Ooreenkoms gepubliseer by Goewermentskennisgewing No. R. 2217 van 31 Oktober 1980, soos gewysig en herbekragtig (hierna die Vorige Ooreenkoms genoem), nie van toepassing in Gebiede B, D, E en F nie.

2. KLOUSULE 3 VAN DEEL I: WOORDOMSKRYWING

- (1) Vervang die omskrywing "Gebied B" deur die volgende:

"**'Gebied B'** die landdrosdistrikte Beaufort-Wes, Calitzdorp, George, Humansdorp, Joubertina, Knysna, Ladismith, Mosselbaai, Oudtshoorn, Riversdal en Uniondale;"

- (2) Skrap die omskrywing "Gebied C".

- (3) Voeg die volgende omskrywings in na die omskrywing van "drywer":

"**'elektriese algemene werknemer'** 'n werknemer wat op sodanige vlak werk en wie se formele opleiding deur die werkgever voorsien moet word en wat die nodige gereedskap mag gebruik om die volgende take te verrig:

- (a) Die oplaai en aflaai van materiaal en goedere;
- (b) die grawe van gate en slote, die plant van pale en die lê van kables in slote;
- (c) die skoonmaak van kantoor- en werkswinkeloppervlakke en van voertuie en toerusting;
- (d) die voorberei van verversings;
- (e) die uitgroef en sny van mure en betonvloere vir leipype, met inbegrip van die gebruik van masjiengereedskap;
- (f) die stroop van oortollige installasies en gepaardgaande toerusting waarvan die toevoerkables verwyder is;
- (g) die afsluit van leipype;
- (h) die meet en sny van leipype en skroefdraad, en die ruim en vasskroef daarvan;
- (i) die aanheg aan leipype leë leipypbybore en bakke;
- (j) die installering en heg van draadleidings, uitgesonderd oppervlakinstallasies;
- (k) die oppervlakinstallering van gepantserde en ongepantserde kabel, uitgesonderd die aansluiting daarvan;
- (l) die installering van deurtrekdrade in hulse, draadleidings, ens.;
- (m) die aansit van PVC-kables van afdigstukke, uitgesonderd enige afdigstukke wat epoksie- of soortgelyke vulsel vereis;
- (n) die bediening van 'n slootgraafmasjien;
- (o) die lê van kables in slote, leidings en rakke, met inbegrip van die vasmaak van sodanige kables;
- (p) assitering van enige kategorie hoërgeskoolde vakmanne, met inbegrip van kwekelinge, vakleerlinge en elektriese operateurs, maar nie die individuele verrigting van werk nie, uitgesonderd soos uiteengesit in (a) tot (o) hierbo.

'elektriese ambagsman (ongelisensieerd)' 'n werknemer wat enige of al die volgende take verrig en die gereedskap wat daarvoor benodig word, mag gebruik: Met dien verstande dat sodanige take verrig word slegs by nuwe installasies en/of opknapping van strukture of geboue waarvan die krag van die hooftoevoer afgesluit is, en welke take onder toesig van 'n meesterinstallasie-elektrisiën of installasie-elektrisiën uitgevoer word:

- (a) Die bedrading en montering van verdeelborde;
- (b) die installering en aansluiting van verdeelborde;
- (c) die span van klampbedrading;
- (d) die voorsiening van volledige pypwerk en bedrading van installasies, uitgesonderd die aansluiting by kragtoevoer;
- (e) die verrigting van eenvoudige boog- en gassweiswerk;
- (f) die verrigting waar nodig, van die werk van 'n elektriese operateur en/of algemene werknemer;
- (g) die assitering van enige kategorie hoër geskoolde vakman.

'elektriese operateur' 'n werknemer wat enigeen of al die volgende klasse werk verrig, naamlik:

- (a) die installering en hegting van leipype, draadleidings en bybore;
- (b) die installering van gepantserde en ongepantserde kabel;
- (c) die aanbring van PVC-kables van afdigstukke, uitgesonderd afdigstukke wat epoksie of soortgelyke vulsel vereis;
- (d) die bediening van 'n slootgraafmasjien, met inbegrip van die gebruik van masjiengereedskap;

- (e) die lê van kables in slote, leidings en rakke, met inbegrip van die vasmaak van sodanige kables;
- (f) die verrigting van klampwerk met inbegrip van die plaas van drade in klampe, maar nie spanwerk nie;
- (g) die plaas of trek van geleiers in leipype en draadleidings: Met dien verstande dat die grootte van elke geleier hoogstens 16 mm² is;
- (h) die installering en vassit van liggenehede, met inbegrip van die aansluiting daarvan;
- (i) die installering van ligskakelaars, kontakskokke, isoleerders en bybehore van soortgelyke aard, met inbegrip van die aansluiting daarvan.
- (j) die verrigting van die werk van 'n algemene werknemer of die verlening van bystand aan enige kategorie hoër geskoolde vakman;
- (k) installering van gesistematiseerde elektriese installasies en/of nuwigheidselektriese-installasies soos tweeling- en aardgeleiers, bedradingstuigstelsels, ens., met inbegrip van die aansluiting van die bybehore daarvan: Met dien verstande dat sodanige werknemer nie die verdeelbord mag aansluit nie;
- (l) toesighou oor algemene werknemers;

'elektriese toetser vir enkelfase' 'n werknemer wat ingevolge regulasie 9 van die Wet op Masjinerie en Beroepsveiligheid, 1983 (Wet No. 6 van 1983), as 'n elektriese toetser vir enkelfase geregistreer is en wat deur die hoofinspekteur goedgekeur is vir die verifiëring en sertifisering van die konstruksie, toetsing en inspeksie van elektriese installasies wat deur 'n enkelfase-elektrisiteitstoevoer voorsien word;

(4) Voeg die volgende nuwe omskrywing in na die omskrywing van "ambagsmansassistent":

"'installasie-elektrisiën' 'n werknemer wat ingevolge regulasie 9 van die Wet op Masjinerie en Beroepsveiligheid, 1983 (Wet No. 6 van 1983), as 'n installasie-elektrisiën geregistreer is en wat deur die hoofinspekteur goedgekeur is vir die verifiëring en sertifisering van die konstruksie, toetsing en inspeksie van elektriese installasies, uitgesonderd gespesialiseerde elektriese installasies: Met dien verstande dat hierdie uitsluiting op 1 Julie 1994 van krag geword het;"

(5) Skrap die omskrywing van "leerling".

(6) Voeg die volgende nuwe omskrywing in na die omskrywing van "Bestuurskomitee":

"'meester-installasie-elektrisiën' 'n werknemer wat ingevolge regulasie 9 van die Wet op Masjinerie en Beroepsveiligheid, 1983 (Wet No. 6 van 1983), as 'n meester-installasie-elektrisiën geregistreer is en wat deur die hoofinspekteur goedgekeur is vir die verifiëring en sertifisering van die konstruksie, toetsing en inspeksie van enige elektriese installasie;"

(7) Skrap die omskrywing van "kwekeling" en voeg die volgende nuwe omskrywings in:

"'kwekeling bouwerker vlak B' 'n werknemer behoorlik deur die Raad goedgekeur en ingevolge klousule 25 van Deel I by die Raad geregistreer en wat terrein- en geïnstitutionaliseerde opleiding ontvang ingevolge die Nywerheidsraad en die Opleidingsraad vir die Bou-Industrie se bevoegdheidsgebaseerde modulêre opleidingsprogram, in enige van die agt erkende aangewese ambagte;

'kwekeling bouwerker vlak C' 'n werknemer behoorlik deur die Raad goedgekeur en ingevolge klousule 25 van Deel I by die Raad geregistreer, en wat terrein- en geïnstitutionaliseerde opleiding ontvang ingevolge die Nywerheidsraad en die Opleidingsraad vir die Bou-Industrie se bevoegdheidsgebaseerde modulêre opleidingsprogram, in gespesifiseerde vaardighede, in enige van die agt erkende aangewese ambagte of toepaslike aanvullende ambagte;

'kwekeling bouwerker vlak D' 'n werknemer behoorlik deur die Raad goedgekeur en ingevolge klousule 25 van Deel I by die Raad geregistreer, en wat terrein- en geïnstitutionaliseerde opleiding ontvang ingevolge die Nywerheidsraad en die Opleidingsraad vir die Bou-Industrie se bevoegdheidsgebaseerde modulêre opleidingsprogram, in ten minste vyf basiese modules, soos voorgeskryf deur die Opleidingsraad vir die Bou-Industrie se opleidingsprogram asook een vaardighedsmodule (deur die werkgewer genomineer) vanuit enige een van die agt erkende aangewese ambagte of neergelegde aanvullende ambagte."

(8) Vervang die omskrywing "werkdag" deur die volgende:

"'werkdag' enige dag, uitgesonderd Saterdag, Sondag, enige openbare vakansiedag voorgeskryf in die Wet op Openbare Vakansiedae, 1994 (Wet No. 36 van 1994) en enige ander dag kragtens artikel 2A van die Wet op Openbare Vakansiedae, 1994 tot 'n betaalde openbare vakansiedag verklaar en enige dag uitgesonderd die jaarlikse verloftydperk kragtens klousule 37 van Deel I van hierdie Ooreenkoms, ten opsigte van die gewone werkure by klousule 10 van Deel I van hierdie Ooreenkoms voorgeskryf."

3. KLOUSULE 7 VAN DEEL I: REGISTRASIE VAN WERKNEMERS

(1) Voeg die volgende nuwe paragraaf (v) in na paragraaf (iv) in subklousule (1) (a):

"(v) wat tans werk of kan werk as 'n elektriese ambagsman (ongeliseniseerd) en enige werknemer wie geregistreer is as 'n elektriese toetser vir enkelfase, installasie-elektrisiën, of meester-installasie-elektrisiën ingevolge regulasie 9 van die Wet op Masjinerie en Beroepsveiligheid, 1983 (Wet No. 6 van 1983), en wat goedgekeur is deur die hoofinspekteur."

(2) Vervang subklousule (7) deur die volgende:

"(7) Geen ambagsman, elektriese ambagsman (ongelisensieerd), elektriese toetser vir enkelfase, installasie-elektrisiën of meester-installasie-elektrisiën mag diens in die Bounywerheid aanvaar nie en geen werkgewer mag so 'n werknemer in diens neem nie, tensy hy aan die werkgewer 'n sertifikaat toon wat ingevolge hierdie klousule aan hom uitgereik is: Met dien verstande dat dit nie van toepassing is nie indien hy aan die werkgewer bewys van die Raad voorlê dat hy wel ooreenkomstig hierdie klousule om 'n registrasiesertifikaat aansoek gedoen het, en in so 'n geval mag sodanige werknemer sonder so 'n registrasiesertifikaat nie diens aanvaar en mag die werkgewer hom nie in diens neem vir 'n tydperk van meer as een maand vanaf die datum van sy aansoek by die Raad nie."

4. KLOUSULE 8 VAN DEEL I: LONE

(1) Vervang subklousule (1) (i) tot (xvii) deur die volgende:

"(1) *Minimum loonskale*: Geen lone wat laer is as die volgende, geles met die res van hierdie klousule, mag deur 'n werkgewer betaal en deur 'n werknemer aangeneem word nie:

*Klas werknemers en gebied**Per uur**R*(i) *Algemene werknemers:*

Gebied A	6,35
Gebied B	4,45
Gebied D	3,43
Gebied E	3,63
Gebied F	3,50

(ii) *Halfgeskoolde werknemers:*

Gebied A	7,00
Gebied B	5,10
Gebied D	3,56
Gebied E	4,12
Gebied F	4,55

(iii) *Ambagsmansassistenten:*

Gebied A	9,28
Gebied B	5,60
Gebied D	4,36
Gebied E	4,78
Gebied F	4,95

(iv) *Drywers van meganiese voertuie met 'n loonvrag van—**tot en met 2 722 kg:*

Gebied A	7,00
Gebied B	4,70
Gebied D	3,56

meer as 2 722 kg maar hoogstens 4 536 kg:

Gebied A	7,94
Gebied B	5,60
Gebied D	3,64

meer as 4 536 kg:

Gebied A	9,28
Gebied D	4,36

(v) *Algemene voormanne, voormanne en ambagsmanne in alle ambagte en beroepe:*

Gebied A	15,47
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(vi) *Wagte, per week van ses dae:*

Gebied A	269,17
Gebied B	200,00
Gebied D	175,65

Klas werknemers en gebied

Per uur

R

(vii)	Vakleerlinge: Lone ooreenkomstig die Wet op Mannekragopleiding, 1981, vir vakleerlinge in die Bounywerheid voorgeskryf.	
(viii)	Minderjariges in alle ambagte: Lone soos vir vakleerlinge in die Bounywerheid voorgeskryf.	
(ix)	Kwekelingbouwerkers: Lone soos deur die Raad vasgestel ingevolge klousule 25 van hierdie Ooreenkoms.	
(x)	Ongeskoolde skoonmakers: 70 persent van die loon in subparagraaf (i) vir algemene werknemers voorgeskryf.	
(xi)	Werknemers in alle ander ambagte of beroepe wat nie elders gespesifiseer word nie, uitgesonderd vakleerlinge en kwekelinge:	
	Gebied A	6,35
	Gebied B	4,45
	Gebied D	3,43
	Gebied E	3,63
	Gebied F	3,50
(xii)	Ambagsmanne graad A in die ambagte skilder- en ruitwerk:	
	Gebied B	7,65
	Gebied F	8,10
(xiii)	Ander ambagsmanne in die ambagte skilder- en ruitwerk:	
	Gebied B	7,35
	Gebied D	6,42
	Gebied E	7,22
	Gebied F	7,62
(xiv)	Ambagsmanne graad A in ander ambagte:	
	Gebied B	8,90
	Gebied D	7,92
	Gebied E	7,97
	Gebied F	8,10
(xv)	Ambagsmanne in ander ambagte:	
	Gebied B	7,35
	Gebied D	6,42
	Gebied E	7,22
	Gebied F	7,62
(xvi)	Motorvoertuigdrywers en bedieners van krane en hysers:	
	Gebied F	5,43
(xvii)	Werknemers betrokke by elektriese installering, met inbegrip van elektriese montering en bedrading en werksaamhede wat daarmee gepaardgaan:	

Per uur

R

Gebiede

	A	B	D	E	F
(a) Meester-installasie-elektrisiën	17,02	9,79	8,71	8,77	8,91
(b) Installasie-elektrisiën	15,47	8,90	7,92	7,97	8,10
(c) Elektriese toetser vir enkelfase	12,38	7,12	6,34	6,38	6,48
(d) Elektriese ambagsman (ongelicensieerd)	12,38	7,12	6,34	6,38	6,48
(e) Elektriese operateur	9,28	5,34	4,75	4,78	4,86
(f) Elektriese algemene werknemer	6,35	4,45	3,43	3,63	3,50

- (xviii) Ondanks subklousule (1) (xvii), sal geen elektriese ambagsman (ongelicensieerd) wat voorheen by die Raad geregistreer was as 'n ambagsman en betrokke was by elektriese montering en bedrading en werksaamhede wat daarmee gepaard gaan, 'n loon ontvang wat minder is as die wat voorgeskryf word in klousule 8 (1) (v) en (xiv), d.i. R14,53 en R8,20 onderskeidelik, soos gepubliseer by Goewermentskennisgewing No. R. 1549 van 6 Oktober 1995.

Opmerking: Gedurende 1997 sal 'n nuwe arbeidstruktuur in die Bounywerheid ingestel word, wat sal beteken die benamings van die huidige werknemerkategorieë soos volg verander sal word:

Algemene werknemers sal bekend staan as konstruksiewerke vlak E.

Halfgeskoolde werknemers sal bekend staan as konstruksiewerke vlak D.

Ambagsmansassistentie sal bekend staan as konstruksiewerke vlak C.

Drywers van meganiese voertuie met 'n loonvrag van—

tot en met 2 722 kg sal bekend staan as konstruksiewerke vlak D;

meer as 2 722 kg maar hoogstens 4 536 kg sal bekend staan as spesiale kategorieë;

meer as 4 536 kg sal bekend staan as konstruksiewerke vlak C.

Ambagsmanne in alle ambagte sal bekend staan as konstruksiewerke vlak B.

Wagte sal bekend staan as spesiale kategorieë.

Bedieners van krane sal bekend staan as konstruksiewerke vlak C.”

(2) In subklousule (2) (a), vervang die uitdrukking “subklousule (1) (a) en (b)” deur die uitdrukking “subklousule (1)”.

(3) In subklousule (2) (b), vervang die uitdrukking “subklousule (1) (a) (v)” deur die uitdrukking “subklousule (1) (v), (xviii), (xiv), (xv) en (xvii), (a), (b), (c) en (d)”.

(4) Vervang subklousule (8) deur die volgende:

“(8) *Verskaffing van oorpakke:*

(a) Gebied A: Elke werkgever moet aan elkeen van sy werknemers (uitgesonderd wagte) 'n geskikte nuwe oorpak gratis verskaf na die eerste vier weke ononderbroke diens by dieselfde werkgever en daarna aan die begin van elke jaarsiklus diens.

(b) Gebiede B, D, E en F: Elke werkgever moet aan elkeen van sy werknemers (uitgesonderd wagte) 'n geskikte nuwe oorpak gratis verskaf na die eerste 12 maande ononderbroke diens en daarna aan die begin van elke jaarsiklus diens.

(c) Vir die toepassing van hierdie klousule beteken “jaarsiklus diens” 'n tydperk van 12 maande ononderbroke diens by dieselfde werkgever en word dit bereken vanaf die datum van indienstreding by sodanige werkgever.

(d) Werknemers wat ingevolge hierdie klousule van oorpakke voorsien word, moet sodanige oorpakke in 'n skoon toestand hou.

(e) Die werkgever bly die eienaar van 'n oorpak wat hy gratis aan 'n werknemer verskaf het en die werknemer moet sodanige oorpak aan die werkgever terugbesorg indien hy die diens van die werkgever verlaat vir welke rede ook al.”

5. KLOUSULE 10 VAN DEEL I: WERKDAE EN WERKURE

Vervang subklousule (4) deur die volgende:

“(4) Geen werknemer mag werk vra, onderneem of verrig, of sy ambag of 'n ambag of onderafdeling daarvan in die omskrywing van ‘Bounywerheid’ bedoel, hetsy vir vergoeding of nie, buite die ure voorgeskryf in of ingevolge hierdie Ooreenkoms, of op 'n Saterdag, Sondag, enige openbare vakansiedag voorgeskryf in die Wet op Openbare Vakansiedae, 1994 (Wet No. 36 van 1994), en enige ander dag kragtens artikel 2A van die Wet op Openbare Vakansiedae, 1994, tot 'n betaalde openbare vakansiedag verklaar, of, gedurende die jaarlikse verloftydperk, vir of ten behoeve van iemand anders uitoefen nie, tensy die Raad se skriftelike toestemming vooraf verkry is: Met dien verstande dat so 'n werknemer werk net vir homself kan verrig.”

6. KLOUSULE 15 VAN DEEL I: BEWARING EN VERSKAFFING VAN GEREEDSKAP

Vervang subklousule (1) (c) deur die volgende:

“(c) 'n Werkgever moet die gereedskap van 'n werknemer bedoel in klousule 8 (1) (v), (vii), (ix), (xii), (xiii), (xiv), (xv) en (xvii) (a), (b), (c) en (d) in Gebiede A, D, E en F teen verlies weens brand en/of diefstal verseker.”

7. KLOUSULE 23 VAN DEEL I: UITGAWES VAN DIE RAAD

Vervang subparagrafe (i) en (ii) van subklousule (1) (a) deur die volgende:

“(i) 'n Bedrag van R3,80 in Gebied A en 'n bedrag van R3,90 in Gebiede B, D, E en F ten opsigte van elke werknemer wat by hom in diens is en vir wie 'n loon by klousule 8 (1) (iii), (v), (ix), (xiii), (xiv), (xv) en (xvii) (a), (b), (c) en (d) van Deel I van hierdie Ooreenkoms voorgeskryf word. 'n Werkgever kan vir sodanige week 'n bedrag van R1,90 in Gebied A en 'n bedrag van R1,95 in Gebiede B, D, E en F van die loon van elke sodanige werknemer aftrek;

(ii) 'n bedrag van R2,56 in Gebied A en 'n bedrag van R2,36 in Gebiede B, D, E en F ten opsigte van elke werknemer wat by hom in diens is en vir wie 'n loon by klousule 8 (1) (i), (ii), (iv), (x), (xi), (xvi), (xvii) (e) en (f) van Deel I van hierdie Ooreenkoms voorgeskryf word. 'n Werkgever kan vir sodanige week 'n bedrag van R1,08 in Gebied A en 'n bedrag van R1,18 in Gebiede B, D, E en F van die loon van elke sodanige werknemer aftrek.”

8. KLOUSULE 25 VAN DEEL I: INDIENSNEEMING VAN LEERLINGE

Vervang klousule 25 deur die volgende:

"25. INDIENSNEEMING VAN KWEKELINGBOUWERKERS

- (1) Die volgende vereistes geld ten opsigte van kwekelingbouwerkers in diens geneem ingevolge hierdie Ooreenkoms:

- (a) Minimum ouderdom 16 jaar.
- (b) Fisiese fiksheid.
- (c) Minimum opvoedkundige kwalifikasie of ander vereistes—kwekelingbouwerkersvlak B:
 - (i) Standard 5 of voldoening aan minimum voorgeskrewe keuringstandaarde van ORBI;
 - (ii) registrasie as ambagsmansassistent, soos omskryf in klousule 3 van hierdie Ooreenkoms en standard 5 of voldoening aan die minimum voorgeskrewe keuringstandaard van ORBI;
 - (iii) registrasie as ambagsmansassistent met 'n minimum van vier jaar toepaslike praktiese ondervinding as ambagsmansassistent in die Bounywerheid en voldoening aan die voorgeskrewe minimum keuringstandaarde van ORBI.
- (d) Minimum opvoedkundige of ander vereistes vir kwekelingbouwerkersvlak C:
 - (i) Standard 3; of
 - (ii) bewyslewering dat die voorgeskrewe ORBI-toets ten opsigte van opleikbaarheid en funksionele geletterdheid en syferkundigheid geslaag is en 'n minimum van vyf jaar toepaslike praktiese ondervinding in die Bounywerheid; of
 - (iii) registrasie as 'n halfgeskoolde werknemer, soos omskryf in klousule 3 van hierdie Ooreenkoms, en bewyslewering dat die voorgeskrewe ORBI-toets ten opsigte van opleikbaarheid en funksionele geletterdheid en syferkundigheid geslaag is en 'n minimum van drie jaar toepaslike praktiese ondervinding as halfgeskoolde werknemer in die Bounywerheid.
- (e) Minimum opvoedkundige of ander vereistes vir kwekelingbouwerkersvlak D:
 - (i) Standard 1; of
 - (ii) bewyslewering dat die voorgeskrewe ORBI-toets ten opsigte van opleikbaarheid en basiese geletterdheid en syferkundigheid geslaag is en 'n minimum van twee jaar toepaslike praktiese ondervinding in die bounywerheid.

Opmerking: 'n Werknemer met 'n standard 7 of 'n hoër kwalifikasie sal as 'n vakleerling ingeskryf word ingevolge die Wet op Mannekragopleiding, 1981.

- (2) 'n Aansoek om verlof om 'n kwekelingbouwerker op vlak B, C of D in diens te neem, moet binne 14 dae vanaf die datum van die betrokke kwekelingbouwerker se indiensneming by die Raad ingedien word, en die werkgewer moet *inter alia* die volgende besonderhede verskaf:
- (a) die volle naam en ouderdom van die betrokke persoon;
 - (b) die aard van die werk waarin die persoon opleiding moet ontvang;
 - (c) die getal kwekelingbouwerkersvlakke B, C of D, in sy diens wat reeds soortgelyke opleiding ontvang;
 - (d) die getal werknemers in ander kategorieë as kwekelingbouwerkersvlakke B, C of D, wat sodanige werk verrig; en
 - (e) die opvoedkundige kwalifikasie van kwekeling.
- (3) Die Raad is by magte om—
- (a) die vergoeding en ander diensvoorwaardes van kwekelingbouwerker vlak B, C of D voor te skryf deur die kwekelingbouwerker toe te ken aan die toepaslike kategorie werknemer, soos voorgeskryf in klousule 8 (1) en die toepaslike Gebied soos omskryf in klousule 3 van hierdie Ooreenkoms; en
 - (b) die voorwaardes ten opsigte van die kwalifiserende toets voor te skryf wat 'n kwekelingbouwerker vlak B, C of D moet ondergaan alvorens hy as 'n ambagsman kan registreer ingevolge klousule 7.
- (4) Indien 'n kwekelingbouwerker vlak B, C of D gedurende sy leertydperk gewone werkure verloor, word van hom vereis om aan die einde van sy leertydperk die somtotaal van sodanige ure in te werk: Met dien verstande dat van hom nie vereis mag word om enige gewone werkure in te werk wat veroorsaak is deur siekte en/of 'n ongeluk en/of enige oorsaak buite sy beheer wat in 'n bepaalde jaar hoogstens vyftien werkdade in totaal beloop, en/of deur militêre diens nie.
- (5) Ondanks enige van bogenoemde bepalings, kan die Raad te eniger tyd deur middel van skriftelike kennisgewing sy toestemming vir die indiensneming van enige kwekelingbouwerker vlak B, C of D intrek indien daar goeie rede bestaan om dit te doen by ontvangs van sodanige kennisgewing van die Raad moet die werkgewer die dienste van sodanige werknemer binne sewe dae beëindig.
- (6) (a) Die minimum tydperk waarin 'n kwekelingbouwerker vlak B kan kwalifiseer is 24 maande en die maksimum tydperk toegelaat is 30 maande. Indien 'n kwekelingbouwerker vlak B nie in staat is om die voorgeskrewe vaktetoets binne 30 maande na die aanvang van sy kwekelingskap te slaag nie, word sodanige kwekelingskap beëindig, waarna hy nie as 'n ambagsman gereken sal word nie.

- (b) Die minimum tydperk waarin 'n kwekelingbouwerker vlak C kan kwalifiseer, is 12 maande en die maksimum tydperk toegelaat is 18 maande. Indien 'n kwekelingbouwerker vlak C nie in staat is om die voorgeskrewe vakoets binne 18 maande na die aanvang van sy kwekelingskap te slaag nie, word sodanige kwekelingskap beëindig, waarna hy nie na die volgende kwekelingsvlak sal vorder nie.
 - (c) Die minimum tydperk waarin 'n kwekelingbouwerker vlak D kan kwalifiseer, is ses maande en die maksimum tydperk toegelaat is 12 maande. Indien 'n kwekelingbouwerker vlak D nie in staat is om die voorgeskrewe vakoets binne 12 maande te slaag nie, word sodanige kwekelingskap beëindig, waarna die kwekelingbouwerker nie na die volgende kwekelingsvlak sal vorder nie.
- (7) Vir die doel van hierdie klousule beteken ORBI Opleidingsraad vir die Bou-Industrie.”.

9. KLOUSULE 34 VAN DEEL I: BYDRAES TOT VAKVERENIGINGS

In subklousule (2), vervang die uitdrukking “Port Elizabeth Master Builders’ and Allied Trades Association” deur die uitdrukking “Building Industries Association, East Cape”.

10. KLOUSULE 35 VAN DEEL I: DIENSOPGAWEVORMS EN BETALING VAN GEKONSOLIDEERDE SEËLBYDRAES

In subklousule (1), vervang die uitdrukking “klousule 8 (1) (a) (i), (ii), (iii), (iv), (v), (vi), (ix), (xi), (xii), (xiii), (xiv), (xv) en (xvi)” deur die uitdrukking “klousule 8 (1) (i), (ii), (iii), (iv), (v), (vi), (ix), (xi), (xii), (xiii), (xiv), (xv), (xvi) en (xvii) (a), (b) (c), (d), (e) en (f)”.

11. KLOUSULE 37 VAN DEEL I: JAARLIKSE VERLOF, OPENBARE VAKANSIEDAE MET BESOLDIGING, BONUSBETALING EN DIE VAKANSIEFONDS VIR DIE BOUNYWERHEID, OOS-KAAP

(1) Vervang subklousule (1) (a) deur die volgende:

- “(1) (a) Geen werk mag in die Nywerheid deur werkgewers en werknemers gedurende die tydperk hieronder vermeld, gedoen word nie:

Tussen uitskeityd op Vrydag, 13 Desember 1996 en begintyd op Maandag, 13 Januarie 1997, behalwe—

- (i) in die geval van noodwerk, in welke geval die werkgewer binne drie dae nadat sodanige oortyd begin is, die Sekretaris van die Raad skriftelik daarvan in kennis moet stel, asook van die omstandighede wat sodanige oortyd noodsaaklik gemaak het;

- (ii) in die geval waar die skriftelike vrystelling eers vooraf van die Raad verkry is.”.

(2) Vervang subklousule (2) deur die volgende:

- “(2) Alle openbare vakansiedae voorgeskryf in die Wet op Openbare Vakansiedae, 1994 (Wet No. 36 van 1994), of enige dag kragtens artikel 2A van die Wet op Openbare Vakansiedae, 1994, tot 'n betaalde openbare vakansiedag verklaar, is verpligte vakansiedae met besoldiging vir alle werknemers en benewens enige ander besoldiging waarop 'n werknemer ingevolge hierdie Ooreenkoms geregtig is, moet 'n werkgewer 'n werknemer ten opsigte van elkeen van genoemde openbare vakansiedae wat op 'n gewone werkdag val, die besoldiging betaal wat so 'n werknemer op 'n gewone werkdag sou verdien het; sodanige bedrag moet op die eerste betaaldag van die werkgewer na die betrokke openbare vakansiedag betaal word: Met dien verstande dat—

- (i) indien 'n werknemer van sy werk afwesig is op die werkdag onmiddellik voor en/of na die verpligte vakansiedae met besoldiging in hierdie subklousule bedoel, hy nie geregtig is op die betaling in hierdie subklousule bedoel nie: Met dien verstande voorts dat hierdie voorbehoudsbepaling nie van toepassing is nie ten opsigte van 'n werknemer wat in opdrag of op versoek van sy werkgewer van sy werk afwesig is;

- (ii) geen werkgewer enige werknemers onmiddellik voor enige verpligte vakansiedae met besoldiging in hierdie subklousule bedoel, mag verminder ten einde hierdie subklousule te omseil nie.”.

(3) In subklousule (3) (e) (i), vervang die uitdrukking “klousule 8 (1) (i), (ii), (iii), (iv), (x) en (xi)” deur die uitdrukking “klousule 8 (1) (i), (ii), (iii), (iv), (x), (xi) en (xvii) (e) en (f)”.

(4) In subklousule (3) (e) (ii), vervang die uitdrukking “klousule 8 (1) (xii), (xiii), (xiv) en (xv)” deur die uitdrukking “klousule 8 (1) (xii), (xiii), (xiv), (xv) en (xvii) (a), (b), (c) en (d)”.

12. KLOUSULE 39 VAN DEEL I: PENSIOENFONDS

(1) Vervang subklousules (1), (2) en (3) deur die volgende:

- “(1) Elke werkgewer op wie Deel I en Deel II van hierdie Ooreenkoms van toepassing is, moet ten opsigte van elkeen van ondergenoemde werknemers in sy diens in Gebied B en wat die gewone werkure op drie werkdade gedurende 'n week gewerk het, ooreenkomstig die prosedure voorgeskryf by subklousule (3) (c) van hierdie klousule die volgende bedrae aan die Raad betaal:

DEEL I

Klas werknemer

Per week

R

(a)	Algemene werknemers.....	24,03
(b)	Halfgeskoolde werknemers	27,54
(c)	Ambagsmansassistente	31,50
(d)	Drywers van meganiese voertuie met 'n loonvrag van—	
	tot en met 2 722 kg	25,38
	meer as 2 722 kg maar hoogstens 4 536 kg.....	30,24
(e)	Wagte, per week van ses dae	24,00
(f)	Werknemers in alle ander ambagte of beroepe wat nie elders gespesifiseer word nie, uitgesonderd vakleerlinge en kwekelinge.....	24,03
(g)	Ambagsmanne Graad A in die ambagte skilder- en ruitwerk.....	43,03
(h)	Ander ambagsmanne in die ambagte skilder- en ruitwerk.....	41,34
(i)	Ambagsmanne graad A in ander ambagte.....	50,06
(j)	Ambagsmanne in ander ambagte	41,34
(k)	Werknemers betrokke by elektriese installering, met inbegrip van elektriese montering en bedrading en werksaamhede wat daartmee gepaardgaan:	
	(i) Meester-installasie-elektrisiën	55,07
	(ii) Installasie-elektrisiën	50,06
	(iii) Elektriese toetser vir enkelfase	40,05
	(iv) Elektriese ambagsman (ongelisensieerd)	40,05
	(v) Elektriese operateur	28,84
	(vi) Elektriese algemene werknemer	24,03

DEEL II

Klas werknemer

Per week

R

(l)	Algemene werknemers.....	24,03
(m)	Halfgeskoolde werknemers	27,54
(n)	Drywers van meganiese voertuie met 'n loonvrag van—	
	tot en met 2 722 kg	25,38
	meer as 2 722 kg maar hoogstens 4 536 kg.....	30,24
(o)	Ambagsmansassistente	31,50
(p)	Masjienoppassers en saers.....	31,91
(q)	Drywers van meganiese hanteeruitrusting	31,91
(r)	Wagte per week van ses dae	24,00
(s)	Werknemers in alle ander ambagte of beroepe wat nie elders gespesifiseer word nie, uitgesonderd vakleerlinge en kwekelinge.....	24,03
(t)	Skrynerkers graad A, masjienwerkers, saagherstellers, onderhoudswerktuigkundiges, toesighouers, voormanne, algemene voormanne en ambagsmanne in alle ander ambagte	50,06
(u)	Ander skrynerkers, masjienwerkers, saagherstellers, onderhoudswerktuigkundiges, toesighouers, voormanne, algemene voormanne en ambagsmanne in alle ander ambagte	41,34
(v)	Glaswerkers graad A in skrynerkerwinkel	43,03
(w)	Ander glaswerkers in skrynerkerwinkel.....	41,34

- (2) Benewens enige ander besoldiging betaalbaar ingevolge Deel I en Deel II van hierdie Ooreenkoms, moet elke werkgewer in Gebied B op wie hierdie Ooreenkoms van toepassing is, ten opsigte van ondergenoemde werknemers in sy diens 'n toelae soos hieronder uiteengesit betaal ten opsigte van elke uur in 'n week gewerk (uitgesonderd oortydwerk): Met dien verstande dat genoemde toelae betaal moet word vir hoogstens 45 uur in een enkele week.

DEEL I

Klas werknemer

Per uur

R

werknemers	(a)	Algemene
	0,32	
	(b) Halfgeskoolde werknemers	0,37
	(c) Ambagsmansassistenten	0,42
	(d) Drywers van meganiese voertuie met 'n loonvrag van—	
	tot en met 2 722 kg	0,34
	meer as 2 722 kg maar hoogstens 4 536 kg	0,40
	(e) Wagte, per week van ses dae	0,32
	(f) Werknemers in alle ander ambagte of beroepe wat nie elders gespesifiseer word nie, uitgesonderd vakleerlinge en kwekelinge	0,32
	(g) Ambagsmanne graad A in die ambagte skilder- en ruitwerk	0,57
	(h) Ander ambagsmanne in die ambagte skilder- en ruitwerk	0,55
	(i) Ambagsmanne graad A in ander ambagte	0,67
	(j) Ambagsmanne in ander ambagte	0,55
	(k) Werknemers betrokke by elektriese installering, met inbegrip van elektriese montering en bedrading en werksaamhede wat daarmee gepaardgaan:	
	(i) Meester-installasie-elektrisiën	0,73
	(ii) Installasie-elektrisiën	0,67
	(iii) Elektriese toetser vir enkelfase	0,53
	(iv) Elektriese ambagsman (ongelisensieerd)	0,53
	(v) Elektriese operateur	0,38
	(vi) Elektriese algemene werknemer	0,32

DEEL II

Klas werknemer

Per uur

R

werknemers	(l)	Algemene
	0,32	
	(m) Halfgeskoolde werknemers	0,37
	(n) Drywers van meganiese voertuie met 'n loonvrag van—	
	tot en met 2 722 kg	0,34
	meer as 2 722 kg maar hoogstens 4 536 kg	0,40
	(o) Ambagsmansassistenten	0,42
	(p) Masjienoppassers en saers	0,43
	(q) Drywers van meganiese hanteeruitrusting	0,43
	(r) Wagte, per week van ses dae	0,32
	(s) Werknemers in alle ander ambagte of beroepe wat nie elders gespesifiseer word nie, uitgesonderd vakleerlinge en kwekelinge	0,32
	(t) Skrynwerkers graad A, masjienwerkers, saagherstellers, onderhoudswerktuigkundiges, toesighouers, voormanne en ambagsmanne in alle ander ambagte	0,67
	(u) Ander skrynwerkers, masjienwerkers, saagherstellers, onderhoudswerktuigkundiges, toesighouers, voormanne, algemene voormanne en ambagsmanne in alle ander ambagte	0,55
	(v) Glaswerkers graad A in skrynwerkwinkel	0,57
	(w) Ander glaswerkers in skrynwerkwinkel	0,55

- (3) Benewens die besoldiging betaalbaar ingevolge klousule 8 van Deel I en klousule 4 van Deel II van hierdie Ooreenkoms, moet elke werkgewer in Gebiede A, D, E en F die volgende betaal:

- (a) Aan elke klas werknemer in sy diens, moet die werkgewer ten opsigte van die gewone werkure wat elke sodanige werknemer in sy diens gewerk het, 'n pensioenfondstoelae betaal, bereken volgens ondergenoemde formules gebaseer op die loonskale voorgeskryf by klousule 8 van Deel I en klousule 4 van Deel II van hierdie Ooreenkoms, of die maksimum skaal van die loongroepe deur die Raad van tyd tot tyd bepaal:

FORMULES:

WR X PPC X H = totale weeklikse pensioenbydrae

$\frac{TWC \times 60\%}{100}$ (persent) = uurlikse pensioentoelae

Opmerkings:

1. 'WR' beteken die loonskaal voorgeskryf by klousule 8 van Deel I en klousule 4 van Deel II van hierdie Ooreenkoms of die maksimum skaal van die loongroep deur die Raad van tyd tot tyd bepaal.
2. 'PPC' beteken die persentasie pensioenbydrae van die werknemer se loon deur die Raad van tyd tot tyd bepaal.
3. 'H' beteken die ure per week voorgeskryf by klousule 10 (1) (a) vir alle ander werknemers, uitgesonderd die ure van halfgeskoolde werknemers, algemene werknemers, ongeskoolde skoonmakers en drywers van meganiese voertuie in Gebied A en die ure per week voorgeskryf by klousule 10 (c) in Gebiede D, E en F.
4. 'TWC' beteken die totale weeklikse pensioenbydrae.

(b) 'n Werkgewer op wie die bepalings van Deel I en Deel II van hierdie Ooreenkoms van toepassing is, moet ten opsigte van elkeen van die werknemers in sy diens wat die gewone werkure op drie werkdag gedurende 'n week gewerk het, die totale weeklikse pensioenbydrae bereken ingevolge die bepalings van paragraaf (a) hiervan, ooreenkomstig die prosedure voorgeskryf by paragraaf (c), aan die Raad betaal.

(c) 'n Werkgewer is daarop geregtig om elke week die bydraes wat ingevolge subklousule (1) voorgeskryf is en die totale weeklikse pensioenbydrae bereken volgens die formule voorgeskryf ingevolge subklousule (3) (a), van die besoldiging van 'n werknemer af te trek: Met dien verstande dat waar 'n werknemer gedurende dieselfde week by twee of meer werkgevers in diens is, die bedrag afgetrek mag word slegs deur die werkgever by wie hy die eerste gedurende die week vir minstens die gewone werkure op drie werkdag lank in diens geneem is."

(2) In subklousule (14) vervang die uitdrukking "subklousule (1)" deur die uitdrukking "subklousules (1) en (3)".

13. KLOUSULE 39(bis) VAN DEEL 1: SIEKTEBYSTANDSFONDS

(1) In subklousule (3) (a), vervang die uitdrukking "klousule 8 (1) (i), (ii), (iv), (v), (vi), (ix) and (xvii)" deur die uitdrukking "klousule 8 (1) (i), (ii), (iii), (iv), (v), (vi), (ix) en (xvii)".

(2) Vervang subklousule (3) (b) deur die volgende:

"(b) Lidmaatskap van die Fonds is verpligtend in Gebied B vir alle werknemers vir wie lone by klousule 8 (1) (i), (ii), (iii), (iv), (v), (vi), (ix), (xi), (xii), (xiii), (xiv), (xv), (xvi) en (xvii) van Deel I van hierdie Ooreenkoms voorgeskryf word. 'n Werknemer vir wie lidmaatskap van die Fonds ingevolge hierdie paragraaf verpligtend is, is geregtig op bystand vir siekteverlof en/of menslikheidsverlof van net drie dae: Met dien verstande dat die drie dae siekteverlof benewens die siekteverlof is wat by artikel 13 van die Wet op Basiese Diensvoorwaardes, 1983 (Wet No. 3 van 1983), voorgeskryf word."

(3) In subklousule (4) (a), vervang die uitdrukking "klousule 8 (1) (v), (ix), (xii), (xiii), (xiv) en (xv)" en "klousule 8 (1) (i), (ii), (iii), (iv), (v), (xi) en (xvi)" deur onderskeidelik die uitdrukking "klousule 8 (1) (v), (ix), (xii), (xiii), (xiv), (xv) en (xvii) (a), (b), (c) en (d)" en "klousule 8 (1) (i), (ii), (iii), (iv), (v), (xi), (xvi) en (xvii) (e) en (f)".

(4) In subklousule (5) (a), vervang die uitdrukking "klousule 8 (1) (v), (ix), (xii), (xiii), (xiv) en (xv)" en "klousule 8 (1) (i), (ii), (iii), (iv), (v), (xi) and (xvi)" deur onderskeidelik die uitdrukking "klousule 8 (1) (v), (ix), (xii), (xiii), (xiv), (xv) en (xvii) (a), (b), (c) en (d)" en "klousule 8 (1) (i), (ii), (iii), (iv), (v), (xi), (xvi) en (xvii) (e) en (f)".

14. KLOUSULE 39(ter) VAN DEEL I: MEDIESE HULPFONDS

(1) In subklousule (3) (a), vervang die uitdrukking "klousule 8 (1) (a) (v)" deur die uitdrukking "klousule 8 (1) (v) en (xvii) (a) (b) (c) en (d)".

(2) Vervang subklousule (4) (a) deur die volgende:

"(4) *Toelae:* (a) Benewens enige ander besoldiging waarop 'n werknemer in klousule 8 (1) (v) en (xvii) (a), (b), (c) en (d) van Deel I en klousule 4 (1) (vii) en (viii) van Deel II bedoel, geregtig is, moet elke werkgever aan elke sodanige werknemer in sy diens in Gebied A 'n toelae van 69½ sent per uur betaal vir al die gewone werkure, voorgeskryf in klousule 10 (1) (a), wat sodanige werknemer gedurende 'n week gewerk het."

(3) Vervang subklousule (5) (a) deur die volgende:

"(5) *Bydraes:* (a) Elke werkgever moet behoudens paragrafe (b) en (c) hiervan, 'n bedrag van R55,60 per week tot die Fonds bydrae vir elkeen van sy werknemers vir wie lone in klousule 8 (1) (v) en (xvii) (a), (b), (c) en (d) van Deel I en klousule 4 (1) (vii) en (viii) van Deel II voorgeskryf word en wat werkzaam is in Gebied A. 'n Werkgever is daarop geregtig om die bedrag wat aan die werknemer betaal is ingevolge subklousule (4) (a) af te trek van die besoldiging van die werknemer ten opsigte van wie die betaling gedoen is."

15. KLOUSULE 45 VAN DEEL I: ONTWIKKELINGS- EN OPLEIDINGSFONDS VIR DIE ELEKTROTEGNIESE AANNEMINGSNYWERHEID

Skrap hierdie klousule in sy geheel.

DEEL II

SPEZIALE BEPALINGS WAT OP DIE HOUTNYWERHEID IN DIE BOUNYWERHEID VAN TOEPASSING IS

1. TOEPASSINGSBESTEK

Deel II van hierdie Ooreenkoms moet in die Houtnywerheid in die Bounywerheid nagekom word—

- (a) deur alle werkgewers en werknemers wat lede is van onderskeidelik die werkgewersorganisasies en die vakverenigings;
- (b) in die landdrosdistrikte Alexandria, Bathurst, Beaufort-Wes, Calitzdorp, George, Humansdorp, Joubertina, Knysna, Ladismith, Mosselbaai, Oudtshoorn, Port Elizabeth, maar uitgesonderd die gedeelte van die landdrosdistrik Port Elizabeth wat voor die publikasie van Goewermenskennisgewing No. 1974 van 26 September 1980 binne die landdrosdistrik Hankey geval het, Riversdal, Uitenhage en Uniondale, en in die gedeelte van die landdrosdistrik Hankey wat voor 1 November 1963 binne die landdrosdistrik Port Elizabeth geval het.

2. KLOUSULE 3 VAN DEEL II: WOORDOMSKRYWING

Vervang die omskrywing "werkdag" deur die volgende:

"'werkdag' enige dag, uitgesonderd Saterdag, Sondag, enige openbare vakansiedag voorgeskryf in die Wet op Openbare Vakansiedae, 1994 (Wet No. 36 van 1994), en enige ander dag kragtens artikel 2A van die Wet op Openbare Vakansiedae, 1994, tot 'n betaalde openbare vakansiedag verklaar, en enige dag uitgesonderd die jaarlikse verloftydperk kragtens klousule 10 van Deel II van hierdie Ooreenkoms, ten opsigte van die gewone werkure by klousule 6 van Deel II van hierdie Ooreenkoms voorgeskryf."

3. KLOUSULE 4 VAN DEEL II: LONE

Vervang die volgende vir subklousule (1) (i) tot (xvii):

"(1) *Minimum loonskale*: Geen lone wat laer is as die volgende, gelees met die res van hierdie klousule, mag deur 'n werkgever betaal en deur 'n werknemer aangeneem word nie:

Klas werknemer en gebied *Per uur*

R

(i) Algemene werknemers:

Gebied A	6,35
Gebied B	4,45
Gebied D	3,43

(ii) Halfgeskoolde werknemers:

Gebied A	7,00
Gebied B	5,10
Gebied D	3,56

(iii) Drywers van meganiese voertuie met 'n loonvrag van—

tot en met 2 722 kg:

Gebied A	7,00
Gebied B	4,70
Gebied D	3,56

meer as 2 722 kg maar hoogstens 4 536 kg:

Gebied A	7,94
Gebied B	5,60
Gebied D	3,64

meer as 4 536 kg:

Gebied A	9,28
Gebied D	4,36

(iv) Ambagsmansassistentente:

Gebied A	9,28
Gebied B	5,60
Gebied D	4,36

Klas werknemer en gebied

Per uur

R

(v) Masjienoppassers en saers:

Gebied A	8,71
Gebied B	5,91
Gebied D	4,36

(vi) Drywers van meganiiese hanteeruitrusting:

Gebied A	8,71
Gebied B	5,91
Gebied D	4,36

(vii) Skrynerwerkers, masjienwerkers, saagherstellers, onderhoudswerktuigkundiges, toesighouers, voormanne en ambagsmanne in alle ander ambagte:

Gebied A	15,47
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(viii) Glaswerkers in skrynerwerkwinkel:

Gebied A	15,15
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(ix) Wagte, per week van ses dae:

Gebied A	269,17
Gebied B	200,00
Gebied D	175,65

(x) Vakleerlinge: Lone soos voorgeskryf vir vakleerlinge in die Bounywerheid kragtens die Wet op Mannekragopleiding, 1981.

(xi) Kwekelingbouwerkers: Lone soos deur die Raad vasgestel ingevolge klousule 25 van die vorige Ooreenkoms.

(xii) Minderjariges in alle ambagte: Lone soos van tyd tot tyd vir vakleerlinge in die Bounywerheid voorgeskryf.

(xiii) Werknemers in alle ander ambagte of beroepe wat nie elders gespesifiseer word nie, uitgesonderd vakleerlinge en kwekelinge:

Gebied A	6,35
Gebied B	4,45
Gebied D	3,43

(xiv) Skrynerwerkers graad A, masjienwerkers, saagherstellers, onderhoudswerktuigkundiges, toesighouers, voormanne en ambagsmanne in alle ander ambagte:

Gebied B	8,90
Gebied D	8,10

(xv) Ander skrynerwerkers, masjienwerkers, saagherstellers, onderhoudswerktuigkundiges, toesighouers, voormanne, algemene voormanne en ambagsmanne in alle ander ambagte:

Gebied B	7,35
Gebied D	6,42

(xvi) Glaswerkers graad A in skrynerwerkwinkel:

Gebied B	7,65
Gebied D	7,53

(xvii) Ander glaswerkers in skrynerwerkwinkel:

Gebied B	7,35
Gebied D	6,42."

4. KLOUSULE 6 VAN DEEL II: WERKURE

Vervang subklousule (2) deur die volgende:

- "(2) Geen werknemer mag werk vra, onderneem of verrig, of sy ambag of 'n ambag of onderafdeling daarvan in die omskrywing van 'Bounywerheid' bedoel, hetsy vir vergoeding of nie, buite die ure voorgeskryf in of ingevolge hierdie Ooreenkoms, of op 'n Saterdag, Sondag, enige openbare vakansiedag voorgeskryf in die Wet op Openbare Vakansiedae, 1994 (Wet No. 36 van 1994), en enige dag kragtens artikel 2A van die Wet op Openbare Vakansiedae, 1994, tot 'n betaalde openbare vakansiedag verklaar, of gedurende die jaarlikse verloftydperk, vir of ten behoeve van iemand anders uitoefen nie, tensy die Raad se skriftelike toestemming vooraf verkry is: Met dien verstande dat so 'n werknemer werk net vir homself kan verrig."

5. KLOUSULE 10 VAN DEEL II: JAARLIKSE VERLOF EN OPENBARE VAKANSIEDAE MET BESOLDIGING

(1) Vervang subklousule (1) (a) deur die volgende:

"(1) (a) Geen werk mag in die Nywerheid deur werkgewers en werknemers gedurende die tydperk hieronder vermeld, gedoen word nie:

Tussen uitskeityd op Vrydag, 13 Desember 1996 en begintyd op Maandag, 13 Januarie 1997, behalwe—

- (i) in die geval van noodwerk, in welke geval die werkgewer binne drie dae nadat sodanige oortyd begin is, die Sekretaris van die Raad skriftelik daarvan in kennis moet stel, asook van die omstandighede wat sodanige oortyd noodsaaklik gemaak het;
- (ii) in die geval waar die skriftelike vrystelling eers vooraf van die Raad verkry is."

(2) Vervang subklousule (2) deur die volgende:

"(2) *Betaling vir openbare vakansiedae*: Alle openbare vakansiedae voorgeskryf in die Wet op Openbare Vakansiedae, 1994 (Wet No. 36 van 1994), en enige ander dag kragtens artikel 2A van die Wet op Openbare Vakansiedae, 1994, tot 'n betaalde openbare vakansiedag verklaar, is openbare vakansiedae met besoldiging vir alle werknemers, en hulle moet minstens hulle gewone besoldiging betaal word."

6. KLOUSULE 11 VAN DEEL II: UITGAWES VAN DIE RAAD

(1) In subklousule (1) (a), vervang die uitdrukkings "R3,00", "R3,10", "R1,50" en "R1,55" deur onderskeidelik die uitdrukkings "R3,80", "R3,90", "R1,90" en "R1,95".

(2) In subklousule (1) (b), vervang die uitdrukkings "R1,76", "R1,56", "68c" en "78c", deur onderskeidelik die uitdrukkings "R2,56", "R2,36", "R1,08" en "R1,18".

7. ALGEMEEN

Skrap die uitdrukking "Gebied C" waar dit ookal verskyn in 'n bepaalde klousule in Deel I en Deel II van hierdie Ooreenkoms.

Namens die partye op hede die 1ste dag van Oktober 1996 te Port Elizabeth onderteken.

J. N. D. MHLABA

Voorsitter van die Raad

J. GEDDES

Vise-Voorsitter van die Raad

V. H. LE ROUX

Hoofsekretaris van die Raad

No. R. 2064

13 December 1996

LABOUR RELATIONS ACT, 1956

HAIRDRESSING TRADE, PRETORIA: AMENDMENT OF 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 the second Monday after the date of publication of this notice and for the period ending 5 February 1997, upon the employers' organisation and the trade union which entered into the said 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 said Amending 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 5 February 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**INDUSTRIAL COUNCIL FOR THE HAIRDRESSING AND COSMETOLOGY TRADE (PRETORIA)****AGREEMENT**

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

S.A. Hairdressers' and Cosmetologists' Association (Northern Gauteng Division)

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

S.A. Hairdressers' Employees' Industrial Union (Northern Gauteng Branch)

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

being the parties to the Industrial Council for the Hairdressing and Cosmetology Trade (Pretoria) to amend the Agreement published under Government Notice No. R. 1684 of 18 October 1996.

1. SCOPE OF APPLICATION OF AGREEMENT

- (1) The terms of this Agreement shall be observed in the Hairdressing and Cosmetology Trade—
 - (a) by all employers who are members of the employers' organisation and by all employees who are members of the trade union;
 - (b) in the Magisterial Districts of Pretoria and Wonderboom.
- (2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall—
 - (a) apply only to employers for whom wages are prescribed in this Agreement and to the employers of such employees;
 - (b) apply to 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 condition fixed thereunder.

2. PERIOD OF OPERATION OF AGREEMENT

This Agreement shall come into operation on such date as may be fixed by the Minister of Labour in terms of section 48 of the Act, and shall remain in force for a period of three years or for such period as may be determined by him.

3. CLAUSE 3: DEFINITIONS

Substitute the following for clause 3:

"Any terms used in this Agreement which are defined in the Act shall have the same meaning as in the Act; any reference to an Act or Ordinance shall include any amendment to such Act or Ordinance and, unless the contrary intention appears, words importing the masculine gender shall include females; further, unless inconsistent with the context—

"**Act**" means the Labour Relations Act, 1956 (Act No. 28 of 1956);

"**agreement**" means an agreement published and, as amended, made binding upon employers and employees in the Hairdressing and Cosmetology Trade in accordance with the provisions of the Act;

"**apprentice**" means an employee serving under a written contract of apprenticeship, registered or deemed to be registered by the HCSIETB or its successors in name and title under the Training Act, 1981, and includes a minor employed on probation in terms of the said Act;

"**Hairdressing and Cosmetology Trade**" means the trade in which employers and their employees are associated for the purpose of rendering salon services in any establishment;

"**HCSIETB**" means the Hairdressing and Cosmetology Services Industry Education and Training Board;

"**hourly paid employee**" means an employee employed by an employer in the Hairdressing and Cosmetology Trade in any capacity, excluding an apprentice, as defined above, employed for a period not exceeding 20 hours in any week in any one establishment. The hours of work to be agreed upon by the employer and employee will be remunerated at the prescribed hourly rate. Hourly paid employment may not be considered as an option during Retrenchment Negotiations;

"**part-time employee**" means an employee employed for not more than eight ordinary working hours per day and not more than 25 ordinary working hours per week;

"**Clerical employee, receptionist and/or telephonist**" means an employee engaged mainly for the purpose of receiving clients or booking appointments by telephone or otherwise and/or keeping accounts and records or any other form of clerical work in addition to handling cash and effecting counter sales;

"**Council**" means the Industrial Council for the Hairdressing and Cosmetology Trade (Pretoria) registered in terms of section 19 of the Act;

"**employee**" means any person who is employed by or working for any employer and who is receiving or entitled to receive any remuneration, and any other person who in any manner assists in the carrying on or conducting of the business of any employer; and "employ" and "employment" have corresponding meanings;

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

"**establishment**" means any premises on which or in connection with which salon services are rendered;

"manicurist/nail technician" means an employee engaged in the manicuring, structuring or extension of nails and is not limited to the following operations:

Manicure, pedicure, nail technology, or the application of artificial nails or nail extensions, whatever the substance used including acrylic, fibre glass or gel;

whether or not any apparatus, appliance, heat preparation or substance is used in any of these operations;

"beauty therapist" means an employee engaged in the massage or stimulative treatment of the face, scalp or neck, and in eyebrow plucking and waxing, and includes but is not limited to the following operations:

- (a) Eyebrow shaping and plucking including the application of false or artificial eyebrows and eyelashes;
- (b) cosmetic and camouflage make-up of the face and its features, whether by permanent, semi-permanent or temporary means;
- (c) facial skin care;
- (d) removal of unwanted or superfluous hair from the head or face by whatever means, including waxing, chemical depilatories, electrical or mechanical means, but excluding shaving;
- (e) any beauty treatment or beauty therapy;
- (f) massage or stimulative treatment or exercise of the face, scalp or neck;

whether or not any apparatus, appliance, heat, preparation or substance is used in any of these operations;

"premium" without in any way limiting the ordinary meaning of the term, means any consideration of whatever nature given in return for the training of any person in salon services;

"qualified hairdresser" means an employee, other than an apprentice, who performs any one or more of the operations as defined under "salon services" in this Agreement and who—

- (a) has served an apprenticeship in terms of the Training Act; and
- (b) has passed a qualifying trade test under or holds a certificate of proficiency issued in terms of section 28 of the said Training Act; or
- (c) holds a certificate of competency issued by the Industrial Council for the Hairdressing and Cosmetology Trade;

and includes but is not limited to the following operations:

- (a) Any service to the scalp or the hair of the head or face, including the following:
 - (i) Shampooing and cleansing, and conditioning and treating;
 - (ii) chemical reformation of the hair including permanent waving, relaxing and straightening of the hair;
 - (iii) hair colouring, including tinting, dyeing and colouring by means of permanent, semi-permanent or temporary means, and including the use of colour rinses, shampoos, gels or mousses; and lightening by means of tints, bleaches, highlights or high lifting tints or toners;
 - (iv) hair cutting and shaping;
 - (v) barbering services including shaving and singeing of hair;
 - (vi) hair styling and arranging, including design, curling, waving (whatever means are used including water, the Marcel method, or heat), blow drying and blow waving and styling, tonging, pressing and silking;
- (b) massage or stimulative treatment or exercise of the face, scalp or neck;
- (c) the adding to hair of natural and artificial hair and hair extensions, board work, postiche, wigmaking or the performing of any operation referred to in (a) on any wig or hairpiece to be worn by any person;
- (d) trichology and trichological treatment including the treatment of abnormalities and disorders of the hair;
- (e) shampooing, preparing client for highlighting or frosting, applying rinses and colour shampoos, giving scalp and hair treatments, applying perm lotion, neutralising perms, removing veils, pins, rollers, clips and any other setting aids, placing clients under driers and taking clients out from under driers and mixing and applying tints;

"operator" means an employee, other than an apprentice or qualified hairdresser, engaged in salon services;

and includes but is not limited to any service to the scalp or the hair of the head or face, including the following:

- (a) shampooing and cleansing, and conditioning and treating;
- (b) hair colouring, including tinting, dyeing and colouring by means of permanent, semi-permanent or temporary means, including the use of colour rinses, shampoos, gels or mousses; and lightening by means of tints, bleaches, highlights or high-lifting tints or toners;
- (c) cleaning and sweeping premises, running errands, washing cups and salon requisites, preparing and serving liquid refreshments, shampooing, preparing clients for highlighting or frosting, applying rinses and colour shampoos, giving scalp and hair treatments, applying perm lotion, neutralising perms, removing veils, pins, rollers, clips and any other setting aids, placing clients under driers and taking clients out from under driers, and mixing and applying tints;

"toilet services" means any one or more of a combination of the operations generally and usually performed by and known as the profession of beauty culturists or cosmeticians or cosmetologists or hairdressers, and includes but is not to be limited to the following operations:

- (a) arranging, dressing, cutting, highlighting, shaving, curling, cleaning, singeing, shampooing, bleaching, dyeing, colouring, tinting, straightening, styling, waving (permanent, Marcel or water) hair, or any other treatment of the hair of the head or the face;
- (b) massage or stimulative treatment or exercise of the face, scalp or neck;
- (c) manicuring nails, plucking eyebrows, board work, trichological treatment or beauty culture; or
- (d) performing any operation referred to in (a) on any wig or hairpiece to be worn by any person;

whether or not any apparatus, appliance, preparation or substance is used in any of these operations;

"Training Act" means the Manpower Training Act, 1981;

"wage" means the amount of money payable to an employee in terms of clause 5 (1) in respect of ordinary hours of work: Provided that, if an employer regularly pays an employee in respect of such ordinary hours of work an amount higher than that prescribed in clause 5 (1), it means such higher amount;

"working employer" means an employer or any partner in partnership, or a director of a company, or a member of a close corporation who himself performs work similar to that carried out by any of his employees.

Signed at Pretoria, for and on behalf of the parties, this 29th day of October 1996.

D. S. CLUTTON

Chairman of the Council

J. WEINTRAUD

Vice-Chairman of the Council

J. P. FORBES

Secretary of the Council

No. R. 2064

13 Desember 1996

WET OP ARBEIDSVARHOUDINGE, 1956

HAARKAPPERNYWERHEID, PRETORIA: WYSIGING VAN OOREENKOMS

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 die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 5 Februarie 1997 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; en

(b) kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van genoemde Wysigingsooreenkoms, uitgesonderd dié vervat in klousule 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 5 Februarie 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 Wysigings-ooreenkoms gespesifiseer.

T. T. MBOWENI

Minister van Arbeid

BYLAE

NYWERHEIDSRAAD VIR DIE HAARKAPPERS- EN KOSMETOLOGIEBEDRYF (PRETORIA)

OOREENKOMS

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

S.A. Hairdressers' and Cosmetologists' Association (Northern Gauteng Division)

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

S.A. Hairdressers' Employees' Industrial Union (Northern Gauteng Branch)

(hierna die "werknemers" of die "vakvereniging" genoem), aan die ander kant, wat die partye is by die Nywerheidsraad vir die Haarkappers- en Kosmetologiebedryf (Pretoria), ter wysiging van Ooreenkoms gepubliseer by Goewermentskennisgewing No. R. 1684 van 18 Oktober 1996.

1. TOEPASSINGSBESTEK VAN OOREENKOMS

- (1) Hierdie Ooreenkoms moet in die Haarkappers- en Kosmetologiebedryf nagekom word—
 - (a) deur alle werknemers wat lede van die werkgewersorganisasie is en deur alle werknemers wat lede van die vakvereniging is;
 - (b) in die landdrosdistrikte Pretoria en Wonderboom.
- (2) Ondanks subklousule (1) is hierdie Ooreenkoms—
 - (a) van toepassing slegs op werknemers vir wie lone in hierdie Ooreenkoms voorgeskryf word en op die werkgewers van sodanige werknemers;
 - (b) van toepassing op vakleerlinge slegs vir sover dit nie onbestaanbaar is nie met die Wet op Mannekragopleiding, 1981, soos gewysig, of 'n kontrak wat daarkragtens aangegaan of 'n voorwaarde wat daarkragtens vasgestel is.

2. GELDIGHEIDSDUUR VAN OOREENKOMS

Hierdie Ooreenkoms tree in werking op dié datum wat deur die Minister van Arbeid ingevolge artikel 48 van die Wet vasgestel word, en bly drie jaar lank van krag of vir sodanige tydperk as wat hy bepaal.

3. KLOUSULE 3: WOORDOMSKRYWING

Vervang klousule 3 deur die volgende:

"Alle uitdrukkings wat in hierdie Ooreenkoms gebesig en in die Wet omskryf word, het dieselfde betekenis as in die Wet, waar daar van 'n Wet of Ordonnansie melding gemaak word, sluit dit alle wysigings van dié Wet of Ordonnansie in en, tensy die teenoorgestelde bedoeling blyk, omvat woorde wat die manlike geslag aandui, ook die vroulike, voorts, tensy dit onbestaanbaar is met die samehang, beteken—

"Wet" die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956);

"ooreenkoms" 'n ooreenkoms wat ingevolge die Wet gepubliseer en, soos gewysig, bindend gemaak is vir werkgewers en werknemers in die Haarkappers- en Kosmetologiebedryf;

"vakleerling" 'n werknemer wat in diens is ingevolge 'n skriftelike kontrak van vakleerlingskap wat deur OOHKD of sy opvolgers in naam en titel, geregistreer is of geag word daarkragtens geregistreer te wees, ingevolge die Wet op Mannekragopleiding, 1981, soos gewysig, en sluit dit minderjariges in wat ingevolge genoemde Wet op proef aangestel is;

"Haarkappers- en Kosmetologiebedryf" die Bedryf waarin werkgewers en werknemers met mekaar geassosieer is met die doel om salondienste in 'n bedryfsinrigting te lewer;

"OOHKD" die Opvoedings- en Opleidingsraad vir Haarversorg- en Kosmetiekdienste;

"uurliks betaalde werknemer" 'n werknemer in enige hoedanigheid in diens van 'n werkgewer in die Haarkappers- en Kosmetologiebedryf, met die uitsondering van 'n vakleerling soos hierbo omskryf, in diens vir 'n tydperk van hoogstens 20 uur in 'n week in 'n bepaalde bedryfsinrigting. Die aantal werksure per week waarvoor die werkgewer en werknemer moet ooreenkom, moet besoldig word teen die voorgeskrewe uurloon. Uurliks betaalde indiensneming mag nie as 'n alternatief gebruik word gedurende die onderhandelinge om die vermindering van personeel nie.

"deeltydse werknemer" 'n werknemer wat hoogstens agt gewone werksure per dag en hoogstens vyf-en-twintig gewone werksure per week diens verrig;

"klerk, ontvangsdame en/of telefonis" 'n werknemer wat hoofsaaklik in diens geneem word met die doel om klante te ontvang of afsprake per telefoon of andersins aan te teken en/of boekhouwerk te doen of 'n ander vorm van klerklike werk te verrig, benewens die hantering van kontant en die hantering van toonbankverkope;

"Raad" die Nywerheidsraad vir die Haarkappers- en Kosmetologiebedryf (Pretoria) geregistreer ingevolge artikel 19 van die Wet;

"werknemer" enige persoon wat in diens is of vir 'n werkgewer werk en besoldiging ontvang of daarop geregtig is om besoldiging te ontvang, of 'n ander persoon wat op enige wyse help om die besigheid van 'n werkgewer voort te sit of te bedryf; en "in diens neem" en "werkverskaffing" het ooreenstemmende betekenis;

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

"bedryfsinrigting" 'n perseel waarin of in verband waarmee salondienste gelewer word;

"manikuris/nael tegnikus" 'n werknemer wat manikuurwerk, opbou en/of verlenging van naels uitoefen en insluit, maar word nie beperk tot die volgende werksaamhede nie:

Manikuur, pedikuur, naeltegnologie, of die aanwending van kunsmatige naels of naelverlengings, wat ook al die stof wat gebruik word met inbegrip van akriel, veselglas of jel;

ongeag of daar enige apparaat, toestel, hittepreparaat of middel by enigeen van hierdie werksaamhede gebruik word of nie;

“skoonheidsterapeut” ’n werknemer wat die massering of stimulerende behandeling van die gesig, kopvel of nek, die pluk van wenkbroue en wasopknapping verrig en omvat dit, maar word nie beperk nie tot, dit volgende werksaamhede:

- (a) Die vorming en plukking van wenkbroue en wat die aanwending van vals of kunsmatige wenkbroue en wimpers omvat;
- (b) kosmetiese en kamoefflerende grimering van die gesig en die kenmerke daarvan, hetsy deur middel van permanente, semipermanente of tydelike middels;
- (c) gesigsvelsorg;
- (d) die verwydering van ongewenste of oortollige hare van die kop of gesig deur middel van enige metode met inbegrip van wasopknapping, chemiese ontharingsmiddels, elektriese of meganiese metodes, maar uitgesonderd skeer;
- (e) enige skoonheidsbehandeling of skoonheidsterapie;
- (f) massering of stimulerende behandeling of oefening van die gesig, kopvel of nek;

ongeag of daar enige apparaat, toestel, hitte, preparaas of gebruiksmiddel by enigeen van hierdie werksaamhede gebruik word of nie.

“premie”, sonder om die gewone betekenis van die uitdrukking enigsins te beperk, beteken vergoeding van watter aard ook al wat as teenprestasie vir die opleiding van enige persoon in salondienste gegee word;

“gekwalfiseerde haarkapper” ’n werknemer, uitgesonderd ’n vakleerling, wat een of meer van die werksaamhede verrig wat in hierdie Ooreenkoms onder die beskrywing van “salondienste” voorkom en wat—

- (a) ’n leerlingskap uitgedien het ingevolge die Opleidingswet; en
- (b) geslaag het in ’n kwalifiseerde ambagtoets of in besit is van ’n vaardigheidssertifikaat uitgereik is ingevolge artikel 28 van genoemde Wet; of
- (c) in besit is van ’n bevoegdheidssertifikaat wat uitgereik is deur die Nywerheidsraad vir die Haarkapper en Kosmetologiebedryf;

insluitend, maar word nie beperk tot die volgende werksaamhede nie:

- (a) Enige diens aan die kopvel of die hare van die kop of gesig wat die volgende omvat:
 - (i) sjampoeëring en reiniging, kondisionering en behandeling;
 - (ii) chemiese hervorming van die hare wat permanente golwing, verslapping en versteiling van die hare behels;
 - (iii) hare kleur wat tint en kleur deur middel van permanent, semi-permanent of tydelike middels behels, insluitend die gebruik van kleurspoelmiddels, sjampoe, jel of mousse; en verheldering deur middel van tint, bleiking, streepbleiking of hoogliggende kleur of kleurmiddels;
 - (iv) haarsny en fatsoenering;
 - (v) barbierdienste ingeslote die skeer en skroeiing van hare;
 - (vi) haarstyling en skikking insluitend ontwerp, krulling, golwing (alle middele wat gewoonlik gebruik word wat water, die Marcel metode, of hitte insluit), droogblaas, blaasgolwing en styling, gebruik van ’n tang, pars en versying van hare;
- (b) massering of stimulerende behandeling of oefening van die gesig, kopvel of nek;
- (c) die byvoeging van natuurlike of kunsmatige hare by hare en haarverlengings, bordwerk, postiche, die maak van pruie of die verrigting van enige werksaamheid met verwysing na (a) aan ’n pruik of haarstuk wat deur ’n persoon gedra word;
- (d) trigologie en trigologiese behandelinge wat die behandeling van abnormaliteite en kwale van die hare behels;
- (e) sjampoeëring, klante voorberei vir opkikking of streepbleiking, aanwending van spoelmiddels en kleur-sjampoe, kopvelhaarbehandelings, aanwend van vastegolfmiddel, neutralisering van vaste golwing, sluiers, knippies, ander sethulpmiddels verwyder, klante onder droërs plaas en uithaal en meng en aanwend van kleurmiddel;

“operateur” ’n werknemer uitgesonderd ’n vakleerling of ’n gekwalfiseerde haarkapper wat salondienste verrig;

en omvat maar word nie beperk nie tot enige diens aan die kopvel of die hare van die kop of gesig met inbegrip van die volgende:

- (a) sjampoeëring en reiniging, en kondisionering en behandeling;

- (b) hare kleur, wat tint en kleur deur middel van permanente semipermanente of tydelike middels behels, insluitend die gebruik van kleurspoelmiddels, sjampoe, jel of mousse; en verheldering deur middel van tint, bleiking, streepbleiking of hoogliggende kleur of kleurmiddels;
- (c) persele skoonmaak en vee, boodskappe doen, koppies en salonbenodighede was, verversings voorberei en bedien, sjampoeëring, klante voorberei vir opkikking of streepbleiking, aanwending van spoelmiddels en kleursjampoe, kopvelhaarbehandelings, aanwending van vasgolfmiddel, neutralisering van vasgolwings, sluiers, knippies en ander sethulpmiddels verwyder, klante onder droërs plaas en uithaal, en die meng en aanwend van kleurmiddel;

"toilet dienste" enigeen of meer of 'n kombinasie van die werksaamhede wat oor die algemeen en gewoonlik verrig word deur en bekend staan as die beroep van skoonheidskundiges, of kosmetiste of kosmetoloë of haarkappers, en omvat, maar word nie beperk tot die volgende werksaamhede nie:

- (a) die skik, kap, sny, streepbleiking, skeer, krul, reiniging, skroei, sjampoeëring, bleiking, kleur, tint, versteiling, stilering, golwing (permanent, Marcel of water) of enige ander behandeling van die hare van die kop of gesig;
- (b) massering of ander stimulerende behandeling of oefening van die gesig, kopvel of nek;
- (c) manikuurwerk, wenkbroue pluk, bordwerk, trigologiese of skoonheidskundige behandeling; of
- (d) die uitvoering van enige werksaamheid in hierdie omskrywing bedoel met die betrekking tot 'n pruik of haarstuk wat deur iemand gedra sal word;

ongegag of daar enige apparaat, toestel, preparaat of middel by enigeen van hierdie werksaamhede gebruik word of nie.

"Opleidingswet" die Wet op Mannekragopleiding, 1981;

"loon" die bedrag geld aan 'n werknemer betaalbaar ingevolge klousule 5 (1) ten opsigte van gewone werkure. Met dien verstande dat, as 'n werkgewer 'n werknemer ten opsigte van sodanige gewone werkure gereeld 'n hoër bedrag betaal soos in klousule 5 (1) voorgeskryf, dit dié hoër bedrag beteken;

"werkende werkgewer" 'n werkgewer of vennoot of 'n direkteur van 'n maatskappy, of 'n lid van 'n beslote korporasie wat self werk doen, soortgelyk aan dié wat deur enigeen van sy werknemers gedoen word.

Vir en namens die partye op hede die 29ste dag van Oktober 1996 te Pretoria onderteken.

D. S. CLUTTON

Voorsitter van die Raad

J. WEINTRAUD

Ondervoorsitter van die Raad

J. P. FORBES

Sekretaris van die Raad

Save a drop — and save a million

Water conservation is very important to the community and industry to ensure their survival. So save water!



Spaar 'n druppel — en vul die dam

Indien almal van ons besparingsbewus optree, besnoei ons nie slegs uitgawes nie maar wen ook ten opsigte van ons kosbare water- en elektrisiteitsvoorraad

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