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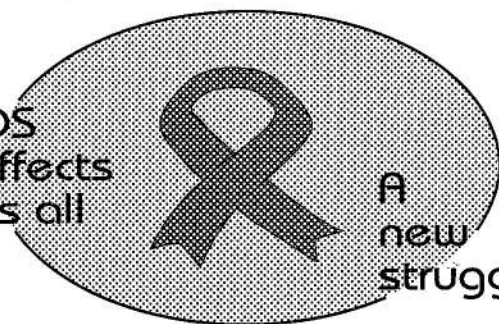
Vol. 418

PRETORIA, 20 APRIL 2000

No. 21110

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DEPARTMENT OF HEALTH

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DEPARTMENT OF LABOUR DEPARTEMENT VAN ARBEID

No. R. 408

20 April 2000

LABOUR RELATIONS ACT, 1995

NATIONAL BARGAINING COUNCIL FOR THE ROAD FREIGHT INDUSTRY: EXTENSION OF PROVIDENT FUND COLLECTIVE AMENDING AGREEMENT TO NON-PARTIES

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby in terms of section 32 (2) of the Labour Relations Act, 1995, declare that the Collective Amending Agreement which appears in the Schedule hereto, which was concluded in the National Bargaining Council for the Road Freight Industry and is binding in terms of section 31 of the Labour Relations Act, 1995, on the parties which concluded the Agreement, shall be binding on the other employers and employees in that Industry, with effect from 1 May 2000 and for the period ending 28 February 2001.

M. M. S. MDLADLANA
Minister of Labour

SCHEDULE

NATIONAL BARGAINING COUNCIL FOR THE ROAD FREIGHT INDUSTRY COLLECTIVE PROVIDENT FUND AGREEMENT

in accordance with the provisions of the Labour Relations Act, 1995, made and entered into by and between the

Road Freight Employers' Association

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

Motor Transport Workers' Union (South Africa)

South African Transport Workers Union

Professional Transport Workers' Union of South Africa

Transport and General Workers' Union

African Miners' and Allied Workers' Union

and the

Transport and Allied Workers' Union

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

being the parties to the National Bargaining Council for the Road Freight Industry,

to amend the Agreement published under Government Notice No. R. 921 of 24 July 1998, as amended and extended by Government Notices Nos. R. 210 of 19 February 1999, R. 317 of 19 March 1999, R. 450 of 16 April 1999, R. 1009 of 27 August 1999, R. 122 of 11 February 2000, R. 143 of 18 February 2000 and R. 299 of 31 March 2000.

1. SCOPE OF APPLICATION

- (1) The terms of this Agreement shall be observed in the Road Freight Industry—
 - (a) by all employers who are members of the employers' organisation and by all employees who are members of the trade unions, and who are engaged and employed in the said Industry, respectively;
 - (b) in the Magisterial Districts of Alberton, Benoni, Boksburg, Brakpan [excluding those portions of the Magisterial Districts of Boksburg and Brakpan which, prior to the publication of Government Notice No. 1779 of 6 November 1964, fell within the Magisterial District of Heidelberg, and excluding those portions of the Magisterial District of Brakpan which, prior to 1 April 1966 and 1 July 1972 (Government Notices Nos. 498 and 871 of 1 April 1966 and 26 May 1972, respectively), fell within the Magisterial District of Nigel], Delmas, Germiston, Johannesburg, Kempton Park [excluding those portions which, prior to 29 March 1956 and 1 November 1970 (Government Notices Nos. 556 and 1618 of 29 March 1956 and 2 October 1970, respectively), fell within the Magisterial District of Pretoria], Krugersdorp [including those portions of the Magisterial Districts of Koster and Brits, which, prior to 26 July 1963 and 1 June 1972, respectively (Government Notices Nos. 1105 and 872 of 26 July 1963 and 26 May 1972, respectively), fell within the Magisterial District of Krugersdorp], Oberholzer (excluding that

portion of the Magisterial District of Oberholzer which, prior to the publication of Government Notice No. 1745 of 1 September 1978, fell within the Magisterial District of Potchefstroom), Randburg (excluding that portion which, prior to the publication of Government Notice No. 2152 of 22 November 1974, fell within the Magisterial District of Pretoria), Randfontein (including that portion of the Magisterial District of Koster which, prior to the publication of Government Notice No. 1105 of 26 July 1963, fell within the Magisterial District of Randfontein, but excluding the farms Moadowns 1, Holfontein 17, Leeuwpan 18, Ireton 19, Pahtiki 20, Bospan 21 and Rietfontein 48), Roodepoort, Springs, Vanderbijlpark, Vereeniging and Westonaria.

(c) In the Republic of South Africa, excluding the magisterial districts detailed in subclause (1) (b) above.

(2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall apply only to employees for whom minimum wages are prescribed in the Main Agreement and to the employers of such employees.

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

- (a) an owner who drives his own vehicle and the employees employed in connection with such a vehicle;
- (b) an employer who operates one vehicle with one driver and the employees employed by such employer;
- (c) an employer whose establishment falls within the magisterial districts detailed in subclause (1) (b) above and who, at the time of publication of Government Notice No. R. 3146 of 20 December 1991, had an existing pension or provident fund registered with the Registrar of Pension Funds, covering employees for whom minimum wages are prescribed in the Main Agreement and the employees of such an employer;
- (d) an employer whose establishment falls within the magisterial districts detailed in subclause (1) (b) above, who, prior to the publication of Government Notice No. R. 3146 of 20 December 1991, did not have an existing pension or provident fund registered with the Registrar of Pension Funds covering employees for whom minimum wages are prescribed in the Main Agreement, but who, before 1 January 1991, commenced negotiations for the establishment of a pension or provident fund for employees covered by the Main Agreement;
- (e) an employer whose establishment falls within the magisterial districts detailed in subclause (1) (c) above and who, at the time of publication of Government Notice No. R. 450 of 16 April 1999, had an existing pension or provident fund registered with the Registrar of Pension Funds covering employees for whom minimum wages are prescribed in the Main Agreement, and the employees of such an employer;
- (f) an employer whose establishment falls within the magisterial districts detailed in subclause (1) (c) above and who, prior to the publication of Government Notice No. R. 450 of 16 April 1999, did not have an existing pension or provident fund registered with the Registrar of Pension Funds covering employees for whom minimum wages are prescribed in the Main Agreement, but who, before 1 March 1999, commenced negotiations for the establishment of a pension or provident fund for employees covered by the Main Agreement.

(4) The provisions of clauses 1 (1) (a) and 2 of this Agreement shall not apply to employers and employees who are not members of the employers' organisation or trade unions that entered into this Agreement.

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 32 of the Labour Relations Act, 1995, and shall remain in force until 28 February 2001.

PROVIDENT FUND AGREEMENT

1. ANNEXURE A

(1) Substitute the following for Annexure A:

"ANNEXURE A

Employees for whom wages are prescribed in the Main Agreement	A Weekly deduction from employee's wage	B Employer's weekly contribution
A-Agreement	6% of ordinary wage	6% of ordinary wage
B-Agreement	6% of ordinary wage	6% of ordinary wage".

Signed at Johannesburg, for and on behalf of the parties to the Council, this day of 2000.

J. J. DUBE

Chairman of the Council

G. F. VAN NIEKERK

Vice-Chairman of the Council

B. S. E. GRATZ

Secretary of the Council

No. R. 408

20 April 2000

WET OP ARBEIDSVERHOUDINGE, 1995

NASIONALE BEDINGINGSRAAD VIR DIE PADVRAGNYWERHEID: UITBREIDING VAN VOORSORGFONDS KOLLEKTIEWE WYSIGINGSOOREENKOMS NA NIE-PARTYE

Ek, Membathisi Mphumzi Shepherd Mdladlana, Minister van Arbeid, verklaar hierby, kragtens artikel 32 (2) van die Wet op Arbeidsverhoudinge, 1995, dat die Kollektiewe Wysigingsooreenkoms wat in die Bylae hiervan verskyn en wat in die Nasionale Bedingsraad vir die Padvragnywerheid aangegaan is en kragtens artikel 31 van die Wet op Arbeidsverhoudinge, 1995, bindend is op die partye wat die Ooreenkoms aangegaan het, bindend is vir die ander werkgewers en werknemers in daardie Nywerheid, met ingang van 1 Mei 2000, en vir die tydperk wat op 28 Februarie 2001 eindig.

M. M. S. MDLADLANA

Minister van Arbeid

BYLAE**NASIONALE BEDINGINGSRAAD VIR DIE PADVRAGNYWERHEID
KOLLEKTIEWE VOORSORGFONDSOOREENKOMS**

ooreenkomstig die Wet op Arbeidsverhoudinge, No. 66 van 1995, gesluit deur en aangegaan tussen die

Road Freight Employers' Association

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

Motor Transport Workers' Union (South Africa)**South African Transport Workers Union****Professional Transport Workers' Union of South Africa****Transport and General Workers' Union****African Miners' and Allied Workers' Union**

en die

Transport and Allied Workers' Union

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

wat die partye is by die Nasionale Bedingsraad vir die Padvragnywerheid,

tot wysiging van die Ooreenkoms gepubliseer by Goewermentskennisgewing No. R. 921 van 24 Julie 1998, soos gewysig en verleng by Goewermentskennisgewings Nos. R. 210 van 19 Februarie 1999, R. 317 van 19 Maart 1999, R. 450 van 16 April 1999, R. 1009 van 27 Augustus 1999, R. 122 van 11 Februarie 2000, R. 143 van 18 Februarie 2000 en R. 299 van 31 Maart 2000.

1. TOEPASSINGSBESTEK

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

- (a) deur alle werkgewers wat lede van die werkgewersorganisasie is en deur all werknemers wat lede van die vakbonde is, en wat onderskeidelik by genoemde Nywerheid betrokke en daarin werksaam is;
- (b) in die landdrosdistrikte Alberton, Benoni, Boksburg, Brakpan [uitgesonderd die gedeeltes van die landdrosdistrikte Boksburg en Brakpan wat voor die publikasie van Goewermentskennisgewing No. 1779 van 6 November 1964 binne die landdrosdistrik Heidelberg geval het, en uitgesonderd die gedeeltes van die landdrosdistrik Brakpan wat voor 1 April 1966 en 1 Julie 1972 (Goewermentskennisgewing Nos. 498 en 871 van onderskeidelik 1 April 1966 en 26 Mei 1972) binne die landdrosdistrik Nigel geval het], Delmas, Germiston, Johannesburg, Kempton Park [uitgesonderd die gedeeltes wat voor 29 Maart 1956 en 1 November 1970 (Goewermentskennisgewings Nos. 556 en 1618 van onderskeidelik 29 Maart 1956 en 2 Oktober 1970) binne die landdrosdistrik Pretoria geval het], Krugersdorp [met inbegrip van die gedeeltes van die landdrosdistrikte Koster en Brits wat onderskeidelik voor 26 Julie 1963 en 1 Junie 1972 (Goewermentskennisgewings Nos. 1105 van 26 Julie 1963 en 872 van 26 Mei 1972) binne die landdrosdistrik Krugersdorp geval het], Oberholzer [uitgesonderd die gedeelte van die landdrosdistrik Oberholzer wat voor die publikasie van Goewermentskennisgewing No. 1745 van 1 September 1978 binne die landdrosdistrik Potchefstroom geval het], Randburg [uitgesonderd die gedeelte wat voor die publikasie van Goewermentskennisgewing No. 2152 van 22 November 1974 binne die landdrosdistrik Pretoria geval het], Randfontein (met inbegrip van die landdrosdistrik Randfontein Koster wat voor die publikasie van Goewermentskennisgewing No. 1105 van 26 Julie 1963 binne die landdrosdistrik Randfontein geval het, maar uitgesonderd die plase Moadowns 1, Holfontein 17, Leeuwpan 18, Ireton 19, Pantiki 20, Bospan 21 en Rietfontein 48), Roodepoort, Springs, Vanderbijlpark, Vereeniging en Westonaria.
- (c) In die Republiek van Suid-Afrika, uitgesonderd die landdrosdistrikte soos vervat in subklousule 1 (b) hierbo.

(2) Ondanks subklousule (1) is hierdie Ooreenkoms van toepassing slegs op werknemers vir wie minimum lone in die Hofooreenkoms voorgeskryf word en op die werkgewers van sodanige werknemers.

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

- (a) 'n eienaar wat sy eie voertuig dryf en die werknemers wat in verband met so 'n voertuig in diens is;
- (b) 'n werkgewer wat een voertuig met een drywer bedryf en die werknemers in diens van sodanige werkgewer;
- (c) 'n werkgewer wie se bedryfsinrigting binne die landdrosdistrikte val, soos in subklousule (1) (b) hierbo uiteengesit en wat, ten tyde van die afkondiging van Goewermentskennisgewing No. R. 3146 van 20 Desember 1991, oor 'n bestaande pensioen- of voorsorgfonds beskik het wat by die Registrateur van Pensioenfondse geregistreer is en werknemers dek vir wie minimum lone in die Hofooreenkoms voorgeskryf word, en op die werknemers van so 'n werkgewer;
- (d) 'n werkgewer wie se bedryfsinrigting binne die landdrosdistrikte val, soos in subklousule (1) (b) hierbo uiteengesit, wat, met die afkondiging van Goewermentskennisgewing No. R. 3146 van 20 Desember 1991, nie oor 'n bestaande pensioen- of voorsorgfonds beskik het nie wat by die Registrateur van Pensioenfondse geregistreer is en werknemers dek vir wie minimum lone in die Hofooreenkoms voorgeskryf word, maar welke werkgewer voor 1 Januarie 1991 begin het met onderhandelings vir die instelling van 'n pensioen- of voorsorgfonds vir werknemers wat deur die Hofooreenkoms gedek word;
- (e) 'n werkgewer wie se bedryfsinrigting binne die landdrosdistrikte val, soos in subklousule (1) (c) hierbo uiteengesit, wat met die afkondiging van Goewermentskennisgewing No. R. 450 gedateer 16 April 1999, oor 'n bestaande pensioen- of voorsorgfonds beskik het wat by die Registrateur van Pensioenfondse geregistreer is en werknemers dek vir wie minimum lone in die Hofooreenkoms voorgeskryf word, en op die werknemers van so 'n werkgewer;
- (f) 'n werkgewer wie se bedryfsinrigting binne die landdrosdistrikte val, soos in subklousule (1) (c) hierbo uiteengesit en wat, voor die afkondiging van Goewermentskennisgewing No. R. 450 gedateer 16 April 1999, nie oor 'n bestaande pensioen- of voorsorgfonds beskik het nie wat by die Registrateur van Pensioenfondse geregistreer is en wat werknemers dek vir wie minimum lone in die Hofooreenkoms voorgeskryf word, maar welke werkgewer voor 1 Maart 1999 begin het met onderhandelings vir die instelling van 'n pensioen- of voorsorgfonds vir werknemers wat deur die Hofooreenkoms gedek word.

(4) Die bepalings van klousules 1 (1) (a), en 2 van hierdie Ooreenkoms is nie van toepassing op werkgewers en werknemers wat nie lede is van die werkgewersorganisasie of die vakbonde wat die Ooreenkoms aangegaan het nie.

2. GELDIGHEIDSDUUR VAN OOREENKOMS

Hierdie Ooreenkoms tree in werking op die datum wat die Minister van Arbeid ingevolge artikel 32 van die Wet op Arbeidsverhoudinge, 1995, vasstel en bly van krag tot 28 Februarie 2001.

VOORSORGFONDSOOREENKOMS

1. AANHANGSEL A

(1) Vervang Aanhangsel A deur die volgende:

"AANHANGSEL A

Werknemers vir wie lone in die Hofooreenkoms voorgeskryf word	A Weeklikse aftrekking van werknemer se loon	B Werkgewer se weeklikse bydrae
A-Ooreenkoms	6% van die gewone loon	6% van die gewone loon
B-Ooreenkoms	6% van die gewone loon	6% van die gewone loon".

Vir en namens die partye by die Raad, op hede die dag van 2000 te Johannesburg onderteken.

J. J. DUBE

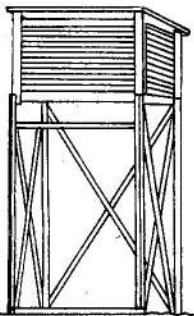
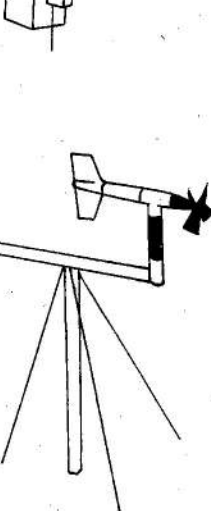
Voorsitter van die Raad

G. F. VAN NIEKERK

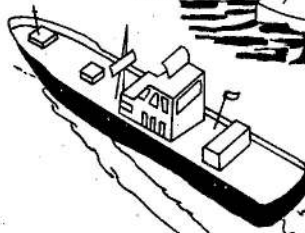
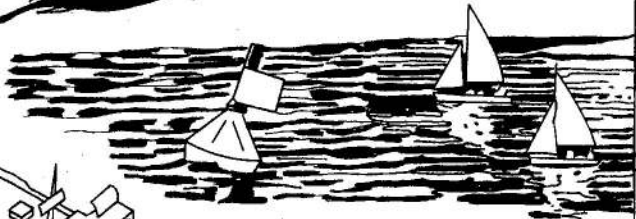
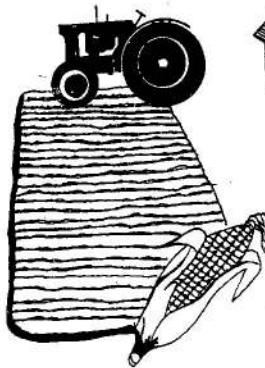
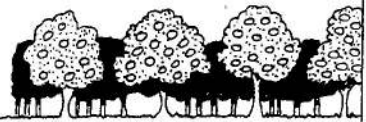
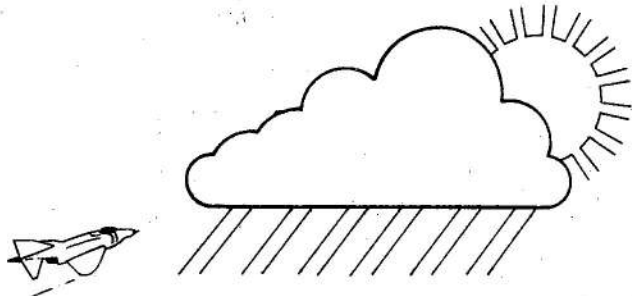
Ondervoorsitter van die Raad

B. S. E. GRATZ

Sekretaris van die Raad

SA WEATHER BUREAU SA WEERBURO

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