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GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF LABOUR DEPARTEMENT VAN ARBEID

No. R. 367**14 March 2003**

LABOUR RELATIONS ACT, 1995

**NATIONAL BARGAINING COUNCIL FOR THE ROAD FREIGHT INDUSTRY:
PROVIDENT FUND COLLECTIVE AGREEMENT****CANCELLATION OF GOVERNMENT NOTICES**

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby, in terms of section 32 (7) of the Labour Relations Act, 1995, cancel Government Notices Nos. R. 1031 of 27 October 2000, R. 206 of 1 March 2001, R. 814 of 31 August 2001, R. 254 of 1 March 2002, R. 536 of 3 May 2002 and R. 332 of 28 February 2003, with effect from 14 March 2003.

M.M.S. MDLADLANA

Minister of Labour

No. R. 367**14 Maart 2003**

WET OP ARBEIDSVERHOUDINGE, 1995

**NASIONALE BEDINGINGSRAAD VIR DIE PADVRAGNYWERHEID:
KOLLEKTIEWE VOORSORGFONDSOOREENKOMS****INTREKKING VAN GOEWERMENTSKENNISGEWINGS**

Ek, Membathisi Mphumzi Shepherd Mdladlana, Minister van Arbeid, trek hierby, kragtens artikel 32 (7) van die Wet op Arbeidsverhoudinge, 1995, Goewermentskennisgewings Nos. R. 1031 van 27 Oktober 2000, R. 206 van 1 Maart 2001, R. 814 van 31 Augustus 2001, R. 254 van 1 Maart 2002, R. 536 van 3 Mei 2002 en R. 332 van 28 Februarie 2003, in met ingang van 14 Maart 2003.

M.M.S. MDLADLANA

Minister van Arbeid

No. R. 368**14 March 2003**

LABOUR RELATIONS ACT, 1995

**ROAD FREIGHT INDUSTRY: EXTENSION OF PROVIDENT FUND COLLECTIVE RE-ENACTING
AND 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 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 14 March 2003, and for the period ending 29 February 2004.

M. M. S. MDLADLANA

Minister of Labour

SCHEDULE**NATIONAL BARGAINING COUNCIL FOR THE ROAD FREIGHT INDUSTRY
PROVIDENT FUND COLLECTIVE 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

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

and

Transport and Allied Workers' Union

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

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

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 employer's 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 to the 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) the owner of only one vehicle who is the permanent driver of his/her own vehicle and the employees employed by such owner, except in so far as clause 10 (6) of the "A" Agreement and clause 6 (5) of the "B" Agreement is applicable;
 - (b) 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, has 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;
 - (c) 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;
 - (d) 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, has an existing pension or provident fund registered within the Registrar of Pension Funds covering employees for whom minimum wages are prescribed in the Main Agreement, and the employees of such an employer;

- (e) 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 clause 1 (1) (a) and 2 of this Agreement shall not apply to employers and employees who are not members of the employers' organisation of trade unions that entered into this Agreement.
- (5) The exclusions contained in subclause (3) above shall not apply in respect of subclause 7 (8).

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 29 February 2004.

3. SPECIAL PROVISIONS

The provisions of clause 12 of the Agreement published under Government Notice No. R. 210 of 19 February 1999 as amended, extended and re-enacted by Government Notices Nos. 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, R. 299 of 31 March 2000, R. 408 of 20 April 2000, R. 641 of 30 June 2000, R. 1031 of 27 October 2000, R. 206 of 1 March 2001, R. 814 of 31 August 2001, R. 253 of 1 March 2002 and R. 536 of 3 May 2002, (hereinafter referred to as the "Former Agreement") as further extended, renewed, amended and re-enacted from time to time, shall apply to employers and employees.

4. GENERAL PROVISIONS

The provisions of clauses 3 to 11 and 13 to 20 of the Former Agreement (as further extended, renewed, amended and re-enacted from time to time), shall apply to employers and employees.

PROVIDENT FUND AGREEMENT

5. ANNEXURE A

- (1) Substitute the following for Annexure A:

"ANNEXURE A

Employees for whom wages are prescribed in the Main Agreement	A Weekly deducting from employee's wage	B Employer's weekly contribution
A-Agreement	7,5% of ordinary wage	7,5% of ordinary wage
B-Agreement	7,5% of ordinary wage	7,5% of ordinary wage"

Signed at Johannesburg, for and on behalf of the parties to the Council the 18th day of December 2002.

G. F. VAN NIEKERK

Chairman of the Council

J. J. DUBE

Vice-Chairman of the Council

B. S. E. GRATZ

Secretary of the Council

No. R. 368

14 Maart 2003

WET OP ARBEIDSVERHOUDINGE, 1995

PADVRAGNYWERHEID: UITBREIDING VAN VOORSORGFONDS KOLLEKTIEWE HERBEKRAKTIGINGS- EN 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 Ooreenkoms wat in die Bylae hierby verskyn en wat in die Nasionale Bedingingsraad 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 wernemers in daardie Nywerheid, met ingang van 14 Maart 2003, en vir die tydperk wat op 29 Februarie 2004 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

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

en

Transport and Allied Workers' Union (TAWU)

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

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

1. TOEPASSINGSBESTEK

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

- (a) deur alle werkgewers wat lede van die werkgewersorganisasie is en deur alle werknemers wat lede van die vakbonde is, en wat onderskeidelik in genoemde Nywerheid betrokke en daarin werksaam is;
- (b) in die landdrosdistrikte Alberton, Benoni, Boksburg, Brakpan [uitgesonderd die gedeeltes van die landdrosdistrikte van 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 (Goewermentskennisgewings Nos. R. 498 en R. 871 van onderskeidelik 1 April 1996 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. R. 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. R. 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. R. 1745 van 1 September 1978, binne die landdrosdistrik Potchefstroom geval het), Randburg (uitgesonderd die gedeelte wat voor die publikasie van Goewermentskennisgewing No. R. 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. R. 1105 van 26 Julie 1963, binne die landdrosdistrik Randfontein geval het, maar uitgesonderd die plase Moadowns 1, Holfontein 17, Leeuwpan 18, Ireton 19, Pahtiki 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 Hoof-ooreenkoms voorgeskryf word en op die werkgewers van sodanige werknemers.

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

- (a) 'n eienaar van slegs een voertuig wat die permanente drywer is van sy/haar eie voertuig en die werknemers wat deur sodanige eienaar in diens geneem is, uitgesonderd tot die mate waar klousule 10 (6) van die "A" Ooreenkoms en klousule 6 (5) van die "B" Ooreenkoms van toepassing is;
- (b) '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 Hoof-ooreenkoms voorgeskryf word, en op die werknemers van sodanige werkgewer;

- (c) 'n werkgewer wie se bedryfsinrigting binne die landdrosdistrikte val, soos in subklousule (1) (b) hierbo uiteengesit, wat voor 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 Hoofooreenkoms 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 Hoofooreenkoms gedek word;
- (d) '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 Hoofooreenkoms voorgeskryf word, en op die werknemers van so 'n werkgewer;
- (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, 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 Hoofooreenkoms 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 Hoofooreenkoms gedek word.
- (4) Die bepalings van klousules 1 (1) (a) en 2 van hierdie Ooreenkoms is nie van toepassing nie op werkgewers en werknemers wat nie lede is van die werkgewersorganisasie in die vakbonde wat die Ooreenkoms aangegaan het nie.
- (5) Die uitsluitings vervat in subklousules (3) hierbo is nie van toepassing ten opsigte van subklousule 7 (8) nie.

2. GELDIGHEDSDUUR VAN OOREENKOMS

Hierdie Ooreenkoms tree in werking op die datum wat die Minister van Arbeid kragtens artikel 32 van die Wet op Arbeidsverhoudinge, 1995, vasstel, en bly van krag vir die tydperk eindigende 29 Februarie 2004.

3. SPESIALE BEPALINGS

Die bepalings van klousule 12 van die Ooreenkoms gepubliseer by Goewermentskennisgewing No. R. 210 van 19 Februarie 1999, soos gewysig, verleng en herbekragtig by Goewermentskennisgewings Nos. 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, R. 299 van 31 Maart 2000, R. 408 van 20 April 2000, R. 641 van 30 Junie 2000, R. 814 van 31 Augustus 2001, R. 253 van 1 Maart 2002 en R. 536 van 3 Mei 2002 (hierna genoem die "Vorige Ooreenkoms") soos verder herbekragtig, verleng en gewysig van tyd tot tyd, is van toepassing op werkgewers en werknemers.

4. ALGEMENE BEPALINGS

Die bepalings van klousules 3 tot 11 en 13 tot 20 van die Vorige Ooreenkoms (soos verder verleng, gewysig en herbekragtig van tyd tot tyd) is van toepassing op werkgewers en werknemers.

VOORSORGFONDS OOREENKOMS

5. AANHANGSEL A

- (1) Vervang Aanhangel A met die volgende:

"AANHANGSEL A

Werknemers vir wie lone in die Hoofooreenkoms voorgeskryf word	A Werkgewer se weeklikse werknemer se loon	B bydrae
A-Ooreenkoms	7,5% van gewone loon	7,5% van gewone loon
B-Ooreenkoms	7,5% van gewone loon	7,5% van gewone loon"

Vir en namens die partye by die Raad, op hede die 18de dag van Desember 2002 te Johannesburg onderteken.

G. F. VAN NIEKERK

Voorsitter van die Raad

J. J. DUBE

Ondervoorsitter van die Raad

B. S. E. GRATZ

Sekretaris van die Raad

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