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GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF SOCIAL DEVELOPMENT DEPARTEMENT VAN MAATSKAPLIKE ONTWIKKELING

No. R. 744

25 June 2004

REGULATIONS REGARDING THE ESTABLISHMENT AND CONSTITUTION OF A PROFESSIONAL BOARD FOR PROBATION SERVICES

The Minister of Social Development has, in terms of section 28(1)(gD) of the Social Service Professions Act, 1978 (Act 110 of 1978) and on the recommendation of the South African Council for Social Service Professions, made the regulations in the Schedule hereto.

SCHEDULE

DEFINITIONS

1. In this Schedule the following words or expressions shall bear the meaning assigned to them, and any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless inconsistent with the content –

“assistant probation officer” means an assistant probation officer registered in terms of section 18(A)(1) of the Act;

“community” means all South African citizens;

“member of the council” means a member of the South African Council for Social Service Professions (SACSSP) established in terms of section 2(a) of the Act;

“members” means members of the Professional Board for Probation Services;

“Minister” means the Minister of Social Development;

“PBPS” means the Professional Board for Probation Services established in terms of section 14A(1) of the Act;

“probation officer” means a probation officer registered in terms of section 18(A)(1) of the Act;

“the Act” means the Social Service Professions Act, 1978 (Act 110 of 1978).

ESTABLISHMENT OF BOARD

2. The Professional Board for Probation Services (PBPS) is hereby established.

CONSTITUTION OF THE PBPS

3. The PBPS shall consist of the following members:

(a) Four probation officers nominated and elected by probation officers in the prescribed manner;

(b) Two persons appointed by the Minister from nominations by the community;

(c) One probation officer or a person involved in the education and training of probation officers, elected by probation officers from nominations by the probation services education and training institutions;

(d) One probation officer in the employ of a social development department in the provincial sphere of government, appointed by the Minister;

(e) One person versed in law, appointed by the Minister;

(f) One member of the council, designated by the council in terms of section 5(4) of the Act;

(g) One assistant probation officer, nominated and elected by assistant probation officers.

4. Nominations in terms of regulations 3(a), (b), (c) and (g) shall be as prescribed.

5. Any election in terms of regulations 3(a), (c), and (g) shall be as prescribed.

6. The term of office of the PBPS shall be as prescribed.

COMMENCEMENT

7. These regulations shall come into operation on the date of publication thereof.

No. R. 744

25 Junie 2004

REGULASIES BETREFFENDE DIE INSTELLING EN SAMESTELLING VAN 'N BEROEPSRAAD VIR PROEFDIENSTE

Die Minister van Maatskaplike Ontwikkeling het ingevolge artikel 28(1)(gD) van die Wet op Maatskaplike Diensberoepe, 1978 (Wet 110 van 1978), op aanbeveling van die Suid-Afrikaanse Raad vir Maatskaplike Diensberoepe, die regulasies in die Bylae hiervan uiteengesit, uitgevaardig.

BYLAE

WOORDOMSKRYWING

1. In hierdie regulasies het 'n uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis, en, tensy uit die samehang anders blyk, beteken –

"assistent-proefbeampte" 'n assistent-proefbeampte geregistreer ingevolge artikel 18(A)(1) van die Wet;

"BPD" die Beroepsraad vir Proefdiensle ingesle ingevolge artikel 14A(1) van die Wet;

"die Wet" die Wet op Maatskaplike Diensberoepe, 1978 (Wet 110 van 1978);

"gemeenskap" alle Suid-Afrikaanse burgers;

"lede" lede van die Beroepsraad vir Proefdiensle;

"lid van die raad" 'n lid van die Suid-Afrikaanse Raad vir Maatskaplike Diensberoepe (SARMD) daargestel kragtens artikel 2(a) van die Wet

"Minister" die Minister van Maatskaplike Ontwikkeling; en

"proefbeampte" 'n proefbeampte geregistreer ingevolge artikel 18(A)(1) van die Wet;

INSTELLING VAN BEROEPSRAAD

2. Die Beroepsraad vir Proefdiensle (BPD) word hiermee ingesle.

SAMESTELLING VAN DIE BPD

3. Die BPD bestaan uit die volgende lede:

(a) Vier proefbeamptes genomineer en verkies deur proefbeamptes op die voorgeskrewe wyse;

(b) Twee persone aangestel deur die Minister uit nominasies deur die gemeenskap;

(c) Een proefbeampte of 'n persoon betrokke by die onderrig en opleiding van proefbeamptes, verkies deur proefbeamptes uit nominasies deur onderrig- en opleidingsinrigtings vir proefbeamptes;

(d) Een proefbeampte in diens van 'n maatskaplike ontwikkelingsdepartement op provinsiale regeringsvlak, aangestel deur die Minister;

(e) Een persoon vertroude met die reg, aangestel deur die Minister;

- (f) Een lid van die Raad, aangewys deur die Raad ingevolge artikel 5(4) van die Wet;
- (g) Een assistant-proefbeampte, genomineer en verkies deur assistant-proefbeampes
- 4. Nominasies ingevolge regulasies 3(a), (b), (c) en (g), word gedoen op die voorgeskrewe wyse.
- 5. Enige verkiesings ingevolge regulasies 3(a), (c) en (g) word gedoen soos voorgeskryf.
- 6. Die ampstermyn van die BPD sal wees soos voorgeskryf.

INWERKINGTREDING

- 7. Hierdie regulasies tree op die datum van publikasie in werking.

**DEPARTMENT OF LABOUR
DEPARTMENT OF ARBEID**

No. R. 740

25 June 2004

LABOUR RELATIONS ACT, 1995

ROAD FREIGHT INDUSTRY: EXTENSION OF MAIN 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 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 28 May 2004, and for the period ending 28 February 2005.

M. M. S. MDLADLANA
Minister of Labour

SCHEDULE

NATIONAL BARGAINING COUNCIL FOR THE ROAD FREIGHT INDUSTRY

MAIN 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

Africa Miners' and Allied Workers' Union

Motor Transport Workers' Union (South Africa)

Professional Transport Workers' Union of South Africa

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, to amend the Agreement published under Government Notice Nos. R. 493 and R. 494 of 30 April 2004.

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 therein, respectively;
 - (b) in the A Area, which consists of 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. R. 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. R. 498 and R. 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. R. 556 and R. 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. R. 1105 and R. 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. R. 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. R. 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. R. 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; and
 - (c) in the B Area, which consists of the rest of the Republic of South Africa, excluding the Magisterial Districts specified in paragraph (b).

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

(3) Notwithstanding the provisions of subclause (2), this Agreement shall not apply to an owner-driver, as defined, who possesses only one motor vehicle and who is the permanent driver of such vehicle, or to the employees employed by him, except insofar as clauses 3 and 5 (4) are applicable.

(4) (a) The provisions of clauses 1 (1) (a) and 1A of this Agreement shall not apply to employers and employees who are not members of the employers' organisation and the trade unions, respectively, who entered into this Agreement, unless the Minister of Labour has declared the Agreement binding on such employers and employees in terms of section 32 (2) of the Labour Relations Act, 1995; and

(b) the provisions of clauses 31, 41, 45 (1), 49 and 50 (3) of this Agreement shall not apply to employers and employees who are not members of the employers' organisation and the trade unions, respectively, who entered into this Agreement.

1A. CLAUSE 2: DEFINITIONS

(1) Substitute the following for the definition of "security officer, grade A":

"**'security officer, I'** means an employee who drives a motor vehicle and is engaged in the guarding of cash and valuables and the guarding and handling of securities and negotiable documents in transit, and who may be required to carry firearms;"

(2) Substitute the following for the definition of "security officer, grade B":

"**'security officer, II'** means an employee who is engaged in the guarding and handling of cash, valuables, securities and negotiable documents in transit, and who may be required to carry firearms;"

(3) Substitute the following for the definition of "security officer, grade C":

"**'security officer, III'** means an employee who receives, issues, moves and controls cash-carrying containers conveyed between security officers I or II and bank officials, and who may be required to carry firearms;"

2. CLAUSE 5: HOURS OF WORK

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

"(1) (c) Regular daily shift commencement times shall be fixed and regulated by individual employers: Provided that no employer shall change any regular shift commencement time of—

- (i) vehicle crew employees and employees excluded by (ii) below, unless he as served the employees with at least 12 hours' prior verbal notice of such change;
- (ii) non-vehicle crew employees who have been in the employ of an employer and on the same shift configuration for 6 months or longer, unless the employer has notified and consulted with the employees or their union representative on the change at least seven days in advance."

3. CLAUSE 7: WAGES

(1) Substitute the following for subclause 7 (1) (a) and (b):

"(1) For the period until 28 February 2005, the minimum rate at which wages in respect of ordinary working hours shall be paid by an employer to each member of the undermentioned classes of his employees, shall be as follows:

(a) Weekly wages:

Category code	Class	Grade	Patterson grade	Minimum wage	Across-the-board increase p.w.
1	General worker		A Band		
42	General worker—repair shop		A Band		
3	Packer/loader grade I		A Band		
27	Security guard.....	1	A Band	R437,76	8%
5	Motor cycle/motor tricycle driver.....		B1		
6	Light motor vehicle driver		B1		
2	Checker grade I		B1		
22	Loader/operator grade II.....		B1		
24	Mobile hoist operator grade II.....		B1		
46	Packer/loader grade II	2	B1	R488,88	8%
7	Medium motor vehicle driver (articulated)	B2			
8	Medium motor vehicle driver (rigid)		B2		
44	Artisan assistant		B2		
19	Gantry crane operator grade I		B1		

Category code	Class	Grade	Patterson grade	Minimum wage	Across-the-board increase p.w.
23	Mobile hoist operator grade I.....	3	B2	R602,56	8%
47	Checker grade II.....		B2		
21	Loader operator grade I.....		B1		
20	Gantry crane operator grade II.....		B2		
26	Storeman (workshop)		B2		
15	Team leader.....		B2		
10	Heavy motor vehicle driver (articulated)	4	B3	R668,08	8%
11	Heavy motor vehicle driver (rigid).....		B3		
12	Extra-heavy motor vehicle driver (articulated)		B3		
13	Extra-heavy motor vehicle driver (rigid) ...		B3		
18	Despatch clerk.....		B3		
14	Ultra-heavy motor vehicle driver.....	5	B4	R763,84	8%
45	Semi-skilled artisan.....		B4		
49	Storeman (warehouse)		B4		
41	Security Officer, III.....	6	B3	R902,80	R72,22
40	Security Officer, II.....		B3	R988,63	R73,23
39	Security Officer, I.....		B4	R988,63	R73,23

- (b) **Across-the-board increase:** Employees who, prior to the coming into operation of these amendments to this Agreement, were in receipt of a wage equal to or higher than that prescribed for their class in Government Notice Nos. R. 295 and R. 294 of 28 February 2003, shall be awarded the across-the-board wage increases specified in subclause (a) above. However, if an employee, after being awarded the across-the-board increase, receives a wage less than the minimum prescribed for his grade in subclause (a) above, his wage shall be adjusted to the grade minimum.”.

4. CLAUSE 16: SUBSISTENCE ALLOWANCE

- (1) Substitute the following for subclauses (1) (a) and (b):

- “(a) R13,00 for each such period of absence within the borders of the Republic of South Africa;
 (b) R18,00 if such period of absence is outside the borders of the Republic of South Africa; and
 (c) R12,33 for each of the three daily meal intervals due in terms of subclause (2) during such absence.”.

5. CLAUSE 17: NIGHTSHIFT ALLOWANCE

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

- “(1) An employee who works nightshift as defined in clause 2 shall receive R14,00 for each such shift worked, offset against any allowance already paid for such shift, including but not limited to any allowance paid for food and accommodation.”.

6. CLAUSE 18: TEMPORARY EMPLOYMENT SERVICES

- (1) Substitute the following for subclause (15):

- “(15) Holiday Pay Bonus Fund: A temporary employment service may, in lieu of the contributions due in terms of clause 21 (1) (a), pay to each of its temporary employees an amount calculated using the following formula for every ordinary hour of work in each job category:

$$\frac{30,56\%}{100} \times \frac{\text{Total basic wage for week}}{195}.$$

8. CLAUSE 21: HOLIDAY PAY BONUS FUND

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

- “(1) (a) The Holiday Pay Bonus Fund, established by the Council under the provisions of the Agreement published under Government Notice No. R. 41 of 15 January 1971 is hereby continued, and for the purposes of this clause “employee” means an employee categorized in clause 7 (1) (a). Every employer shall pay into the Holiday Pay Bonus Fund by not later than the 20th day of each and every month in respect of each class of employee employed by him during the preceding month, that has completed 21 shifts, an amount as detailed in the following contribution table:

Grade	Class	Contribution
1	General worker, General worker—repair shop, packer/loader grade I, Security guard	R133,80
2	Motor cycle/motor tricycle driver, light motor vehicle driver, Checker grade I, Loader/operator grade II, Mobile hoist operator grade II, Packer/Loader grade II	R149,40
3	Medium motor vehicle driver, Artisan assistant, Gantry crane operator grade I, Mobile hoist operator grade I, Checker grade II, Loader/Operator grade I, Gantry crane operator grade II, Storeman (workshop), Team leader	R184,10
4	Heavy motor vehicle drive, Extra-heavy motor vehicle driver, Despatch clerk.....	R204,10
5	Ultra-heavy motor vehicle driver, Semi-skilled artisan, Storeman (warehouse)	R233,40
6	Security officer, III..... Security officer, II..... Security officer, I.....	R225,70 R302,10 R302,10

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

“(i) A temporary employment service may, in lieu of the contributions due in terms of paragraph (a), pay to each of its temporary employees an amount calculated using the following formula for every ordinary hour worked in each job category:

$$\frac{30,56\% \times \text{Total basic wage for week}}{100 \quad 195”}$$

9. CLAUSE 50: LEVELS OF BARGAINING IN THE INDUSTRY

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

“(2) Non-substantive conditions of employment, operational procedures, bonuses or incentive schemes that are directly related to profit or productivity, or both, shall not be negotiated at the Council, but at such other level as the parties to such negotiations may agree. Bonus and incentive schemes shall be negotiated with employee representatives or representative trade unions at Company level and not at Council level in terms of clause 5.1.3 of the Council's Constitution, and the Council shall give effect to this through its law enforcement mechanisms and dispute resolution procedures.”.

9. CLAUSE 51: RETRENCHMENT PROCEDURE

(1) Insert the following new subclauses (4) and (5):

“(4) In the event of an employer contemplating a retrenchment falling within the terms of section 189A of the Act, the Council shall appoint a facilitator in terms of any regulations made under subsection 189A (b) to assist the parties engaged in consultations if—

- (a) the employer has in its notice in terms of section 189A (3) requested facilitation; or
- (b) consulting parties representing the majority of employees whom the employer contemplates dismissing have requested facilitation and have notified the Council within 15 days of the notice.

(5) Should Council be requested to provide a facilitator, all other provisions of section 189A of the Act shall apply”.

Signed at Johannesburg, for and on behalf of the parties to the Council, this 31st day of March 2004.

Z. MANKGE

Chairman of the Council

G.F. VAN NIEKERK

Vice-Chairman of the Council

B.S.E. GRATZ

Secretary of the Council

No. R. 740

25 Junie 2004

WET OP ARBEIDSVARHOUDINGE, 1995

PADVRAGNYWERHEID: UITBREIDING VAN HOOF KOLLEKTIEWE WYSIGINGSOORENKOMS 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 werknemers in daardie Nywerheid, met ingang van 28 Mei 2004 en vir die tydperk wat op 28 Februarie 2005 eindig.

M. M. S. MDLADLANA
Minister van Arbeid

BYLAE**NASIONALE BEDINGINGSRAAD VIR DIE PADVRAGNYWERHEID****HOOF KOLLEKTIEWE OORENKOMS**

Ooreenkomstig die Wet op Arbeidsverhoudinge, 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**Motor Transport Workers' Union (South Africa)****Professional Transport Workers' Union of South Africa****South African Transport and Allied Workers' Union**

en

Transport and Allied Workers' Union

(hierna die "werknemers" of die "vakbonde" genoem), aan die ander kant, wat die partye is by die Nasionale Bedingingsraad vir die Padvragnywerheid tot wysiging van die Ooreenkoms gepubliseer by Goewermentskennisgewing Nos. R. 493 en R. 494 van 30 April 2004.

1. TOEPASSINGSBESTEK

(1) Die bepalings van 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 daarin betrokke en werksaam is;
- (b) in die A-Gebied, wat bestaan uit die landdrosdistrikte Alberton, Benoni, Boksburg, Brakpan [uitgesonderd daardie gedeeltes van die landdrosdistrikte Boksburg en Brakpan wat voor die publikasie van Goewermentskennisgewing No. R. 1779 van 6 November 1964 binne die landdrosdistrik Heidelberg geval het en uitgesonderd daardie 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 1966 en 26 Mei 1972) binne die landdrosdistrik Nigel geval het], Delmas, Germiston, Johannesburg, Kempton Park [uitgesonderd daardie gedeeltes wat voor 29 Maart 1956 en 1 November 1970 (Goewermentskennisgewings Nos. R. 556 en R. 1618 van onderskeidelik 29 Maart 1956 en 2 Oktober 1970) binne die landdrosdistrik Pretoria geval het], Krugersdorp [met inbegrip van daardie Gedeeltes van die landdrosdistrikte Koster en Brits wat voor onderskeidelik 26 Julie 1963 en 1 Junie 1972 (Goewermentskennisgewings Nos. R. 1105 en R. 872 van onderskeidelik 26 Julie 1963 en 26 Mei 1972) binne die landdrosdistrik Krugersdorp geval het], Oberholzer [uitgesonderd daardie 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 daardie gedeelte wat voor die publikasie van Goewermentskennisgewing No. R. 2152 van 22 November 1974 binne die landdrosdistrik Pretoria geval het], Randfontein (met inbegrip van daardie gedeelte van die landdrosdistrik 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, Leeuwpans 18, Ireton 19, Pahtiki 20, Bospan 21 en Rietfontein 48), Roodepoort, Springs, Vanderbijlpark, Vereeniging en Westonaria; en
- (c) in die B-Gebied, wat bestaan uit die res van die Republiek van Suid-Afrika, uitgesonderd die landdrosdistrikte in paragraaf (b) vermeld.

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

(3) Ondanks die bepalings van subklousule (2), is hierdie Ooreenkoms nie van toepassing nie op 'n eienaardrywer, soos omskryf, wat slegs een motorvoertuig besit en wat die permanente drywer is van sodanige voertuig, of op die werknemers in sy diens, behalwe vir sover klousules 3 en 5 (4) van toepassing is.

(4) (a) Die bepalings van klousules 1 (1) (a) en 1A van hierdie Ooreenkoms is nie van toepassing op werkgewers en werknemers wat nie lede is van onderskeidelik die werkgewersorganisasie en die vakbonde wat hierdie Ooreenkoms aangegaan het nie, tensy die Minister van Arbeid die Ooreenkoms ingevolge artikel 32 (2) van die Wet op Arbeidsverhoudinge, 1995, op sodanige werkgewers en werknemers bindend verklaar het; en

(b) die bepalings van klousules 31, 41, 45 (1), 49 en 50 (3) van hierdie Ooreenkoms is nie van toepassing op werkgewers en werknemers wat nie lede is van onderskeidelik die werkgewersorganisasie en die vakbonde wat hierdie Ooreenkoms aangegaan het nie.

1A. KLOUSULE 2: WOORDOMSKRYWING

(1) Vervang die omskrywing van "veiligheidsbeampte graad A" deur die volgende:

"**'veiligheidsbeampte, I'** 'n werknemer wat 'n motorvoertuig bestuur en betrokke is by die bewaking van kontant en kosbaarhede en die bewaking en hantering van waardepapiere en verhandelbare dokumente in transito en van wie vereis kan word om vuurwapens te dra;"

(2) Vervang die omskrywing van "veiligheidsbeampte graad B" deur die volgende:

"**'veiligheidsbeampte, II'** 'n werknemer wat betrokke is by die bewaking en hantering van kontant, kosbaarhede, waardepapiere en verhandelbare dokumente in transito, en van wie vereis kan word om vuurwapens te dra;"

(3) Vervang die omskrywing van "veiligheidsbeampte graad C" deur die volgende:

"**'veiligheidsbeampte, III'** 'n werknemer wat betrokke is by die ontvangs, uitgee, verskuiwing en beheer van kontanhouers wat tussen veiligheidsbeamptes, I en II, en of bankbeamptes vervoer word en van wie vereis kan word om vuurwapens te dra;"

2. KLOUSULE 5: WERKURE

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

"(c) Gereelde daaglikse skof-aanvangstye moet deur individuele werkgewers vasgestel en gereël word: Met dien verstande dat geen werkgewer enige gereelde skof-aanvangstyd mag verander in die geval van die volgende persone nie:

- (i) Bemanning op 'n voertuig en werknemers uitgesluit deur (ii) hieronder, tensy daar nie minstens 12 uur vooraf mondelinge kennis van sodanige verandering aan sy werknemers gegee word nie;
- (ii) werknemers wat nie deel uitmaak van 'n voertuigbemanning nie en wat in diens is van 'n werkgewer, en wat dieselfde skof tye vir 6 maande of langer het, tensy die werkgewer die werknemers of hulle vakbondverteenvoerder in kennis gestel en met hulle of hulle vakverteenvoerder oorleg gepleeg het m.b.t. die verandering en sodanige oorlegpleging plaasvind minstens sewe dae voor enige verandering in werking tree."

3. KLOUSULE 7: LONE

(1) Vervang subklousule 7 (1) (a) en (b) deur die volgende:

"(1) Vir die tydperk tot 28 Februarie 2005, moet die minimum skaal waarteen lone ten opsigte van gewone werkure deur 'n werkgewer aan elkeen van die ondervermelde klasse van sy werknemers betaal word, soos volg wees:

(a) Weeklone:

Kategorie-kode	Klas	Graad	Patterson graad	Minimum loon	Deur-die-bank-verhoging p.w.
1	Algemene werker.....	1	A-Band	R437,76	8%
42	Algemene werker, herstelwinkel.....		A-Band		
3	Verpakker/laaier graad I.....		A-Band		
27	Sekuriteitswag.....		A-Band		
5	Motorfiets-/motordriewieldrywer.....	2	B1	R488,88	8%
6	Ligte motorvoertuigdrywer.....		B1		
2	Nasiener graad I.....		B1		
22	Laaigraafbediener graad II.....		B1		
24	Bediener van 'n mobiele hystoestel graad II.....		B1		
46	Verpakker/laaier graad II.....		B1		

Kategorie-kode	Klas	Graad	Patterson graad	Minimum loon	Deur-die-bank-verhoging p.w.
7	Medium motorvoertuigdrywer (gelede)....	3	B2	R602,56	8%
8	Medium motorvoertuigdrywer (nie-gelede)		B2		
44	Ambagsman-assistent		B2		
19	Bediener van 'n bokkraan graad I		B1		
23	Bediener van 'n mobiele hystoestel graad I		B2		
47	Nasiener graad II		B2		
21	Laaigraafbediener graad I		B1		
20	Bediener van 'n bokkraan graad II		B2		
26	Magasynman (werkwinkel)		B2		
15	Spanleier.....		B2		
10	Swaar motorvoertuigdrywer (gelede) ...	4	B3	R668,08	8%
11	Swaar motorvoertuigdrywer (nie-gelede)		B3		
12	Ekstra swaar motorvoertuigdrywer (gelede).....		B3		
13	Ekstra swaar motorvoertuigdrywer (nie-gelede).....		B3		
18	Versendingsklerk.....		B3		
14	Ultraswaar motorvoertuigdrywer	5	B4	R763,84	8%
45	Halfgeskoolde ambagsman.....		B4		
49	Magasynman (Pakhuis).....		B4		
41	Veiligheidsbeampte, III.....	6	B3	R902,80	R72,22
40	Veiligheidsbeampte, II.....		B3	R988,63	R73,23
39	Veiligheidsbeampte, I.....		B4	R988,63	R73,23

- (b) **Deur-die-bank-verhoging:** Werknemers wat voor die toepassing van hierdie wysigings van die Ooreenkoms 'n loon ontvang het gelyk aan of hoër as die voorgeskryf vir hulle klas in Goewerments-kenningsgewing No's R. 295 en R. 294 van 28 Februarie 2003, met die algemene verhoging soos uiteengesit in subklousule (a) hierbo ontvang. Indien 'n werknemer ná die algemene verhoging 'n loon ontvang wat minder is as die minimum voorgeskrewe loon vir sy graad soos weergegee in subklousule (a) hierbo, moet sy loon aangepas word na die graadminimum.”.

4. KLOUSULE 16: VERBLYFTOELAE

- (1) Vervang subklousules (1) (a) en (b) deur die volgende:
- “(a) R13,00 vir elke sodanige afwesigheid binne die grense van die Republiek van Suid-Afrika;
- (b) R18,00 vir elke sodanige afwesigheid buitekant die grense van die Republiek van Suid-Afrika; en
- (c) R12,33 vir elk van die drie daaglikse etenspouses wat ingevolge subklousule (2) gedurende sodanige afwesigheid toegestaan moet word.”.

5. KLOUSULE 17: NAGSKOFTOELAE

- (1) Vervang subklousule (1) deur die volgende:
- “(1) 'n Werknemer wat 'n nagskof soos in klousule 2 omskryf werk, moet R14,00 ontvang vir elke sodanige skof gewerk, verreken teen enige toelae reeds vir sodanige skof betaal, inbegrepe maar nie beperk nie tot enige toelae vir kos en huisvesting.”.

6. KLOUSULE 18: TYDELIKE WERKVERSKAFFINGSDIENSTE

- (1) Vervang subklousule (15) deur die volgende:
- “(15) Vakansiesoldybonusfonds: 'n Tydelike werkverskaffingsdiens kan, in plaas van die bydraes verskuldig ingevolge klousule 21 (1) (a), aan elkeen van sy tydelike werknemers 'n bedrag betaal bereken volgens die volgende formule vir elke gewone werkuur in elke werkkategorie:

$$\frac{30,56\%}{100} \times \frac{\text{Totale basiese loon vir week}}{195}.$$

8. KLOUSULE 21: VAKANSIESOLDYBONUSFONDS

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

- "(1) (a) Die Vakansiesoldybonus deur die Raad ingestel kragtens die bepalings van die Ooreenkoms gepubliseer by Goewermentskennisgewing No. R. 41 van 15 Januarie 1971, word hierby voortgesit, en vir die doeleindes van hierdie klousule beteken "werknemer" 'n werknemer in klousule 7 (1) (a) gekategoriseer. Elke werkgewer moet teen nie later nie as die 20ste dag van elke maand ten opsigte van elke klas werknemer wat die vorige maand in sy diens was en wat 21 skofte voltooi het, 'n bedrag gelyk aan en soos in die volgende bydraetabel uiteengesit as bydraes tot die Vakansiesoldybonusfonds betaal:

Graad	Klas	Bydrae
1	Algemene werker, Algemene werker — herstelwinkel, Verpakker/laaier graad I, Sekuriteitswag.....	R133,80
2	Motorfiets-/Motordriewieldrywer. Ligte motorvoertuigdrywer, Nasiener graad I, Laaigraafbediener graad II, Bediener van 'n mobiele hystoestel graad II, Verpakker/laaier graad II.....	R149,40
3	Medium motorvoertuigdrywer, Ambagsman-assistent, Bediener van 'n bakkraan graad I, Bediener van 'n mobiele hystoestel graad I, Nasiener graad II, Laaigraafbediener graad I, Bediener van 'n bakkraan graad II, Magasynman (werkwinkel), Spanleier	R184,10
4	Swaar motorvoertuigdrywer, Ekstra swaar motorvoertuigdrywer, Versendingsklerk	R204,10
5	Ultraswaar motorvoertuigdrywer, Halfgeskoolde ambagsman, Magasynman (pakhuis).....	R233,40
6	Veiligheidsbeampte, III	R225,70
	Veiligheidsbeampte, II	R302,10
	Veiligheidsbeampte, I	R302,10

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

- "(i) 'n Tydelike werkverskaffingsdiens kan, in plaas van die bydraes verskuldig ingevolge paragraaf (a), aan elkeen van sy tydelike werknemers 'n bedrag betaal gebaseer op die volgende formule vir elke gewone uur gewerk in elke werkkategorie:

$$\frac{30,56\%}{100} \times \frac{\text{Totale basiese loon vir week}}{195''}$$

9. KLOUSULE 50: VLAKKE VAN BEDINGING IN DIE NYWERHEID

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

- "(2) Nie-substantiewe diensvoorwaardes, operasionele, prosedures, bonusse of aansporingskemas wat direk met wins of produktiwiteit, of beide, verband hou, word nie deur die Bedingsraad onderhandel nie, maar op sodanige ander vlak soos wat die partye by sodanige onderhandelings mag ooreenkom. Bonusse en aansporingskemas moet onderhandel word tussen werknemer verteenwoordigers en vakbonde op firmavlak en ingevolge klousule 5.1.3 van die Raad se Konstitusie nie op Raadsvlak nie en die Raad sal dit ten uitvoer bring d.m.v. die Raad se wetstoepassingsmeganismes en geskilbeslegtingsprosedure."

9. KLOUSULE 51: PROSEDURE BY PERSONEELAFLEGGING

(2) Voeg die volgende nuwe subklousules (4) en (5) by:

- "(4) In die geval waar 'n werkgewer personeel ontslag oorweeg wat val binne die bepalings van artikel 189 (A) van die Wet, moet die Raad 'n fasiliteerder aanstel ingevolge enige regulasies gemaak kragtens subartikel 189A (b) ten einde die partye by te staan met oorlegspleging indien—
- die werkgewer in sy kennisgewing ingevolge artikel 189 "A" (3) fasilitering versoek, of
 - oorlegspleging met partye voer wat die meerderheid van die werknemers verteenwoordig wat deur die werkgewer oorweeg word om afbetaal te word indien fasilitering versoek word en die Raad binne 15 dae vanaf die kennisgewing in kennis gestel word.

- (5) Indien die Raad versoek word om 'n fasiliteerder aan te stel sal alle ander voorwaardes van artikel 189A van die Wet van toepassing wees.”.

Vir en namens die partye by die Raad, op hede die 31ste dag van Maart 2004 te Johannesburg onderteken

Z. MANKGE

Voorsitter van die Raad

G.F. VAN NIEKERK

Ondervoorsitter van die Raad

B.S.E. GRATZ

Sekretaris van die Raad

No. R. 741

25 June 2004

BASIC CONDITIONS OF EMPLOYMENT ACT, No. 75 OF 1997

INVESTIGATION OF CONDITIONS OF EMPLOYMENT FOR THE CONTRACT CLEANING SECTOR

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, in terms of section 52 (3) of the Basic Conditions of Employment Act, No. 75 of 1997, hereby directs the Director-General to review minimum rates of remuneration and conditions of employment in the Contract Cleaning Sector, South Africa. The terms of reference for the investigations are as follows:

To revise the rates of remuneration and the conditions of employment in the Contract Cleaning Sector, South Africa.

Interested parties are hereby given the opportunity to make written representation to the Employment Conditions Commission. Such representations must be submitted to the following address within 30 days after the publication of this notice:

Executive Manager, Directorate Employment Standards, Department of Labour, Private Bag X117, Pretoria, 0001.

M.M.S. MDLADLANA

Minister of Labour

No. R. 743

25 June 2004

LABOUR RELATIONS ACT, 1995

BARGAINING COUNCIL FOR THE FISHING INDUSTRY: EXTENSION OF PERIOD OF OPERATION OF MAIN COLLECTIVE AGREEMENT

I, Thembinkosi Mkalipi, Executive Manager: Collective Bargaining, duly authorised thereto by the Minister of Labour, hereby, in terms of section 32 (6) (a) (i) of the Labour Relations Act, 1995, extend the period fixed in Government Notice No. R. 217 of 20 February 2004, by a further period ending 30 September 2004.

T. MKALIPI

Executive Manager: Collective Bargaining

No. R. 743

25 Junie 2004

WET OP ARBEIDSVERHOUDINGE, 1995

BEDINGINGSRAAD VIR DIE VISNYWERHEID: VERLENGING VAN TYDPERK VAN HOOF KOLLEKTIEWE OOREENKOMS

Ek, Thembinkosi Mkalipi, Uitvoerende Bestuur: Kollektiewe Bedinging, behoorlik daartoe gemagtig deur die Minister van Arbeid, verleng hierby, kragtens artikel 32 (6) (a) (i) van die Wet op Arbeidsverhoudinge, 1995, die tydperk vasgestel in Goewermenskennisgewing No. R. 217 van 20 Februarie 2004 met 'n verdere tydperk wat op 30 September 2004 eindig.

T. MKALIPI

Uitvoerende Bestuurder: Kollektiewe Bedinging

No. R. 748

25 June 2004

LABOUR RELATIONS ACT, 1995

NATIONAL BARGAINING COUNCIL OF THE LEATHER INDUSTRY OF SOUTH AFRICA: RENEWAL OF TANNING SECTION COLLECTIVE AGREEMENT

I, Thembinkosi Mkalipi, Executive Manager: Collective Bargaining, duly authorised thereto by the Minister of Labour, hereby, in terms of section 32 (6) (a) (ii) of the Labour Relations Act, 1995, declare the provisions of Government Notices Nos. R. 823 of 7 September 2001, R. 1230 of 30 November 2001, R. 693 of 17 May 2002; R. 1531 of 13 December 2002; R. 714 of 6 June 2003 and R. 1357 of 3 October 2003 be effective from 1 July 2004 and for the period ending 30 June 2005.

T. MKALIPI**Executive Manager: Collective Bargaining****UMNYANGO WEZEMISEBENZI**

No. R. 748

25 June 2004

UMTHETHO WOBUDLELWANO KWEZEMISENBENZI, KA 1995

UMKHANDLU WOKUXOXISANA EZIMBONINI ZEZIKHUMBA ENINGIZIMU AFRIKA: UKUVUSELELWA KWESIVUMELWANO SIKA WONKEWONKE SENGXENYE YOKUSHUKWA KWEZIKHUMBA

Mina, Thembinkosi Mkalipi, uMqondisi: ukuXoxisana kukaWonkewonke, okuvunyelwe nguNgqongqoshe wezokuSebenza, ngokwesigaba 32 (6) (a) (ii) soMthetho wobuDlelwano kwezeMisebenzi, ka 1995, ngimemezela imithetho kaHulumeni enguNombolo R. 823 womhlaka 7 Septemba 2001, R. 1230 womhla 30 Novemba 2001, R. 693 womhlaka 17 May 2002; R. 1531 womhlaka 13 Decemba 2002; R. 714 womhlaka 06 Juni 2003; R. 1357 womhlaka 03 Octoba 2003 ukuthi iqale ukusebenza ngomhlaka 1 July 2004 kuze kufike kumhlaka 30 Juni 2005.

T. MKALIPI**Umqondisi: Ukuxoxisana Kukawonkewonke**

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