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GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF LABOUR DEPARTEMENT VAN ARBEID

No. R. 768**25 June 2004**

LABOUR RELATIONS ACT, 1995

ROAD FREIGHT INDUSTRY: EXTENSION OF MAIN COLLECTIVE AMENDING AGREEMENT TO NON-PARTIES**CANCELLATION OF GOVERNMENT NOTICE**

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby, in terms of section 32 (7) of the Labour Relations Act, 1995, cancel Government Notice No. R. 740 of 25 June 2004 with effect from 25 June 2004.

M. M. S. MDLADLANA

Minister of Labour

No. R. 768**25 June 2004**

WET OP ARBEIDSVERHOUDINGE, 1995

PADVAGNYWERHEID: UITBREIDING VAN HOOF KOLLEKTIEWE WYSIGINGSOOREENKOMS NA NIE-PARTYE**INTREKKING VAN GOEWERMENTSKENNISGEWING**

Ek, Membathisi Mphumzi Shepherd Mdladlana, Minister van Arbeid, trek hierby, kragtens artikel 32 (7) van die Wet op Arbeidsverhoudinge, 1995, Goewermentskennisgewing No. R. 740 van 25 Junie 2004, in met ingang van 25 Junie 2004.

M. M. S. MDLADLANA

Minister van Arbeid

No. R. 769**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 5 July 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****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 No. R. 494 of 30 April 2004 as extended by Government Notice No. R. 641 of 28 May 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 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. PERIOD OF OPERATION OF AGREEMENT

This Agreement shall come into operation on a date to 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 2005.

AGREEMENT**1. CLAUSE 2: DEFINITIONS**

(1) Substitute the following for the definitions of "security officer, grade A"; security officer, grade B; and security officer, grade C":

"**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) "**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) "**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 has 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 on the same shift configuration for 26 weeks 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 subclauses 7 (1) (a) and (b):

- "(1) For the period until 28 February 2005, the minimum rate at which wages in respect of ordinary hours of work 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 42 3 27	General worker General worker—repair shop Packer/loader grade I Security guard.....	1.	A Band A Band A Band A Band	R437,76	8%
5 6 2 22 24 46	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	2.	B1 B1 B1 B1 B1 B1	R488,88	8%
7 8 44 19 23 47 21 20 26 15	Medium motor vehicle driver (articulated) Medium motor vehicle driver (rigid) 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	3.	B2 B2 B2 B1 B2 B2 B1 B2 B2 B2	R602,56	8%
10 11 12 13 18	Heavy motor vehicle driver (articulated) Heavy motor vehicle driver (rigid) Extra-heavy motor vehicle driver (articulated) Extra-heavy motor vehicle driver (rigid) ... Despatch clerk.....	4	B3 B3 B3 B3 B3	R668,08	8%
14 45 49	Ultra-heavy motor vehicle driver..... Semi-skilled artisan Storeman (warehouse)	5	B4 B4 B4	R763,84	8%
41 40 39	Security Officer, III Security Officer, II Security Officer, I	6	B3 B3 B4	R902,80 R988,63 R988,63	R72,22 R73,23 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 Notices Nos. R. 295 and R. 294 of 28 February 2003, shall be awarded the across-the-board wage increases specified in paragraph (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 paragraph (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: NIGHT-SHIFT 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 formula for the formula contained in subclause (15):

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

7. 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 month in respect of each employee employed by him during the preceding month, who has completed 21 shifts, the applicable amount 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 driver, 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.....	R225,70
	Security officer, II.....	R302,10
	Security officer, I.....	R302,10

- (2) Substitute the following formula for the formula contained in subclause (1) (a) (i):

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

- (3) Substitute the following for subclause (4) (a) (i):

- "(4) Accrued or *pro rata* Holiday Pay Bonus Fund payments: (a) (i) An employee who is discharged from, or who leaves his employment in accordance with the provisions of clause 27 before he has qualified for annual leave in terms of clause 19 (2) (a) or 20 (1), as the case may be, shall be entitled to the holiday pay bonus accrued to him in terms of the provisions of subclause (1) (a), reckoned from the date of commencing employment with the employer or from the commencement date of his last annual leave."

8. CLAUSE 43: DAILY LOGBOOK

- (1) Insert the following subclause (4):

"(4) An attendance register or the completed original folios of the daily logbook shall be retained by the employer at his registered business address for a period of three years subsequent to the date to which the register or folio refers."

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 with employee representatives or representative trade unions at Company level. In the event of a deadlock in negotiations between the parties relating to the aforementioned issues, the provisions of Council's Exemption and Dispute Resolution Agreement may be invoked."

10. 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 189 (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 19th day of May 2004.

Z. MANKGE

for **A. Ramakgalo**, Chairman of the Council

G. F. VAN NIEKERK

Vice-Chairman of the Council

B. S. E. GRATZ

Secretary of the Council

No. R. 769

25 Junie 2004

WET OP ARBEIDSVERHOUDINGE, 1995

PADVRAGNYWERHEID: UITBREIDING VAN HOOF 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 ooreenkoms wat in die Bylae hierby 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 5 Julie 2004 en vir die tydperk wat op 28 Februarie 2005 eindig.

M. M. S. MDLADLANA

Minister van Arbeid

BYLAE**NASIONALE BEDINGSRaad VIR DIE PADVRAGNYWERHEID****OOREENKOMS**

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 Bedingsraad vir die Padvagnywerheid, tot wysiging van die Ooreenkoms gepubliseer by Goewermentskennisgewing No. R. 493 van 30 April 2004 verleng by Goewermentskennisgewing No. R. 641 van 28 Mei 2004.

1. TOEPASSINGSBESTEK

(1) Die bepalings van hierdie Ooreenkoms moet in die Padvagnywerheid 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, Leeuwpan 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 eienaar-drywer, 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 aangaan 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 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 aangaan het nie.

1A. GELDIGHEDSDUUR VAN OOREENKOMS

Hierdie Ooreenkoms tree in werking op 'n datum wat die Minister van Arbeid ingevolge artikel 32 van die Wet op Arbeidsverhoudinge, 1995, vasstel en bly van krag tot 28 Februarie 2005.

OOREENKOMS

1. KLOUSULE 2: WOORDOMSKRYWINGS

(1) Vervang die omskrywings van "veiligheidsbeampte, graad A"; veiligheidsbeampte, graad B, en veiligheidsbeampte graad C" met 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) "**veiligheidsbeampte, II**", 'n werknemer wat betrokke is by die bewaking en hantering van kontant, kosbaarhede, waardepapiere en verhandelbare dokumente, en van wie vereis kan word om vuurwapens te dra;

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

2. KLOUSULE 5: WERKURE

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

- "(1) (c) Gereelde daaglikse skof-aanvangstye sal 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 die bemanning of die voertuig nie en wat in diens is van 'n werkgewer, en waarvan dieselfde skof aanvangstye vir 26 weke of langer in werking is tensy die werkgewer die werknemers of hulle vakbond in kennis gestel en gekonsulteer het m.b.t. die verandering en sodanige konsultasie plaasvind ten minste 7 dae voor enige verandering in werking tree.

3. KLOUSULE 7: LONE

(1) Vervang subklousule 7 (1) (a) en (b) met 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		
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 die wysigings van die Ooreenkoms 'n loon ontvang het gelykstaande aan of hoër as die voorgeskryf vir hulle klas in Goewermenskennisgewing No's R. 295 en R. 294 van 28 Februarie 2003, met die algemene verhoging soos uiteengesit in paragraaf (a) hierbo ontvang. Indien 'n werknemer se loon na die algemene verhoging toegepas was, 'n loon ontvang wat minder is as die minimum voorgeskrewe loon vir sy graad soos weergegee in paragraaf (a) hierbo, moet sy loon aangepas word na die graad-minimum."

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) met 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 die formule in subklousule (15) deur die volgende formule:

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

7. KLOUSULE 21: VAKANSIESOLDYBONUSFONDS

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

- "(1) (a) Die Vakansiesoldybonus deur die Raad ingestel kragtens die bepalings van die Ooreenkoms gepubliseer by Goewermenskennisgewing 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 werknemer wat die vorige maand in sy diens was en wat die 21 skofte voltooi het, bedrag gelyk aan 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 die fomule in subklousule (1) (a) (i) met die volgende formule:

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

(3) Vervang subklousule (4) (a) (i) met die volgende:

"(4) Opgelope of *pro rata* Vakansiesoldybonusfondsbetalings (a) (i) 'n Werknemer wat ontslaan word, of wat sy diens verlaat, ooreenkomstig die bepalinge van klousule 27 voordat hy vir jaarlikse verlof ingevolge klousule 19 (2) (a) of 20 (1), na gelang van die geval, gekwalifiseer het, is geregtig op opgelope vakansiesoldybonus ooreenkomstig die bepalinge van subklousule (1) (a) gereken vanaf die diensaanvangsdatum by die werkgewer of die aanvangsdatum van sy laaste jaarlikse verlof."

8. KLOUSULE 43: DAAGLIKSE LOGBOEK

(1) Voeg die volgende subklousule (4) by:

"(4) 'n Bywoningsregister of die ingevulde oorspronklike folios van die daaglikse logboek moet deur sodanige werkgewer drie jaar na die datum waarop die register of folio betrekking het, by sy geregistreerde besigheidsadres gehou word."

9. KLOUSULE 50: VLAKKE VAN BEDINGING IN DIE NYWERHEID

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

"(2) Nie-substantiewe diensvoorwaardes, operasionele prosedures, bonusse of aansporingskemas wat direk met wins of produktiwiteit, of beide, verband hou, word nie op die Bedingsraad onderhandel nie, maar met werknemer verteenwoordigers of verteenwoordigende vakbonde op maatskappyvlak. In die geval van waar 'n dooiepunt in die onderhandelings tussen die partye ontstaan m.b.t. die voorafgaande aangeleenthede en die voorwaardes van die Raad se Vrystellings en Geskilbeslegtings Ooreenkoms toegepas word."

10. KLOUSULE 51: PROSEDURE BY PERSONEELAFLEGGING

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

"(4) In die geval waar 'n werkgewer oorweeg om personeel af te lê ingevolge Artikel 189A 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 beraadslaging indien—

(a) die werkgewer in sy kennisgewing ingevolge artikel 189 (3) fasilitering versoek; of

(b) raadpleging 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 19de dag van Mei 2004 te Johannesburg onderteken.

Z. MANKGE

namens A. Ramakgolo, Voorsitter van die Raad

G. F. VAN NIEKERK

Ondervoorsitter van die Raad

B. S. E. GRATZ

Sekretaris van die Raad

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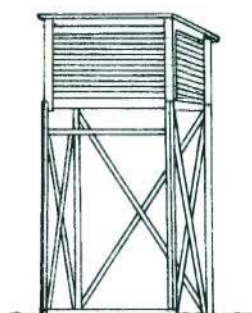
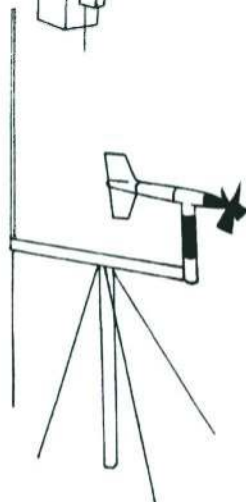
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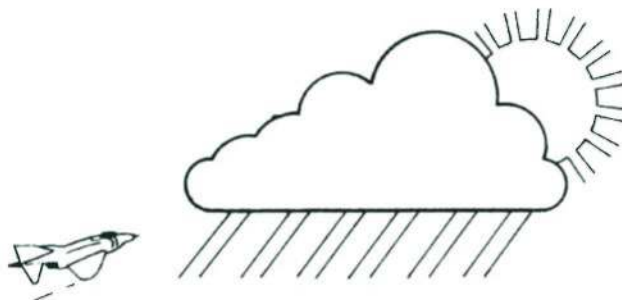
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