

No. R. 98

1 February 2008

LABOUR RELATIONS ACT, 1995**MOTOR INDUSTRY BARGAINING COUNCIL – MIBCO: EXTENSION TO
NON-PARTIES OF AUTO WORKERS' PROVIDENT FUND COLLECTIVE
AMENDING AGREEMENT**

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 Motor Industry Bargaining Council, 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 4 February 2008 and for the period ending 31 March 2015.

**M M S MDLADLANA
MINISTER OF LABOUR**

CERTIFIED A TRUE COPY

GENERAL SECRETARY

SCHEDULE

MOTOR INDUSTRY BARGAINING COUNCIL – MIBCO

**AUTO WORKERS' PROVIDENT FUND
COLLECTIVE AGREEMENT**

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

Retail Motor Industry Organisation – (RMI)

and

Fuel Retailers' Association of Southern Africa - (FRA)

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

MISA/SAMU

and

National Union of Metalworkers of South Africa – (NUMSA)

(hereinafter referred to as the "employees" or the "trade unions") of the other part, being the parties to the Motor Industry Bargaining Council - MIBCO,

to amend the Auto Workers' Provident Fund Collective Agreement published under Government Notice No. R. 239 of 24 March 2005.

1. CLAUSE 1 - PERIOD OF OPERATION

The provisions of this Agreement shall come into operation on such date as may be fixed by the Minister in terms of section 32 of the Labour Relations Act, 1995, and shall remain in operation for the period ending 31 March 2015.

2. CLAUSE 2 - SCOPE OF APPLICATION OF AGREEMENT

- (1) Subject to the provisions of subclause (2) of this clause, the terms of this Agreement shall be observed -
 - (a) in the Motor Industry in the Republic of South Africa;
 - (b) by all employees in grades 1 to 6 in the Motor Industry and by their employers in the Motor Industry.
- (2) Notwithstanding the provisions of subclause, the provisions of this Agreement shall not apply to -
 - (a) grades 1 to 6 employees who are members of the Motor Industry Provident Fund until such time as the parties agree that they are transferred to the Auto Workers' Provident Fund.
 - (b) any employee who has been granted a retirement benefit by any fund which provides for such benefits;

- (c) employees in respect of whom their employer contributes, and for as long as their employer so contributes, to a pension fund/provident fund which was in operation on the date of coming into operation of this Agreement and which, in the opinion of the Council, provides benefits not less favourable than those provided by the Fund;
- (d) any fixed term and/or probationary employee for six months from the date on which he begins employment in the Motor Industry; provided that any employer may in his discretion waive this exclusion.

3. CLAUSE 3 : DEFINITIONS

- (1) In the proviso to the definition of “pensionable remuneration”, substitute the amount of “R9 000” for the amount of “R7 500”.

SIGNED AT RANDBURG ON THIS 13th DAY OF NOVEMBER 2007.

.....
B. CELE
PRESIDENT OF THE COUNCIL

.....
B.C. CANNING
REPRESENTATIVE OF THE COUNCIL

.....
W. SCHRÖEDER
GENERAL SECRETARY OF THE COUNCIL