

No. R. 368

4 April 2008

LABOUR RELATIONS ACT, 1995**METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL: RE
ENACTMENT, AMENDMENT AND EXTENSION OF THE COLLECTIVE
BARGAINING LEVY COLLECTIVE 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 Metal and Engineering Industries 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 14 April 2008 and for the period ending 31 December 2012.

**MMS MDLADLANA
MINISTER OF LABOUR**

SCHEDULE**METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL****CONSOLIDATED COLLECTIVE BARGAINING LEVY COLLECTIVE AGREEMENT**

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

Association of Electrical Cable Manufacturers of South Africa

Association of Metal Service Centres of South Africa

Babelegi Metal Industries Association

Border Industrial Employers' Association

Bright Bar Association

Cape Engineers' and Founders' Association

Consolidated Association of Employers of South Africa (CAESAR)

Constructional Engineering Association (South Africa)

Covered Conductor Manufacturers' Association

Electrical Engineering and Allied Industries' Association

Electrical Manufacturers' Association of South Africa (EMASA)

Electronics and Telecommunications Industries' Association

Federated Employers' Organisation of South Africa (FEOSA)

Gate and Fence Association

Hand Tool Manufacturers' Association (HATMA)

KwaZulu-Natal Engineering Industries' Association

Lift Engineering Association of South Africa

Light Engineering Industries' Association of South Africa

National Employers Association of S.A. (NEASA)

Non-ferrous Metal Industries' Association of South Africa

Plastics Convertors' Association of South Africa

Port Elizabeth Engineers' Association

Pressure Vessel Manufacturers' Association of South Africa

Radio, Appliance and Television Association of South Africa (RATA)

Refrigeration and Air Conditioning Manufacturers' and Suppliers' Association

Sheetmetal Industries' Association of South Africa

S.A. Electro-Plating Industries' Association

S.A. Engineers' and Founders' Association

S.A. Fastener Manufacturers' Association (SAFMA)

S.A. Refrigeration and Air Conditioning Contractors' Association (SARACCA)

S.A. Post Tensioning Association (SAPTA)

S.A. Pump Manufacturers' Association

S.A. Reinforced Concrete Engineers' Association (SARCEA)

S.A. Valve and Actuator Manufacturers' Association (SAVAMA)

S.A. Wire and Wire Rope Manufacturers' Association

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

Chemical, Energy, Paper, Printing, Wood and Allied Workers' Union (CEPPWAWU)

Metal and Electrical Workers' Union of South Africa

Solidariteit /MWU – Solidarity/MWU

United Association of S.A. (UASA)

National Union of Metalworkers' of South Africa (NUMSA)

S.A. Equity Workers' Association

(hereinafter referred to as the "employees" or the "trade unions"), of the other part, being the parties to the Metal and Engineering Industries Bargaining Council.

1. SCOPE OF APPLICATION OF AGREEMENT

- (1) The terms of this Agreement shall be observed:-
- (a) throughout the Republic of South Africa; and
 - (b) by all the employers and employees in the Iron, Steel, Engineering and Metallurgical Industries who are members of the employers' organisations and the trade unions, respectively.
- (2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall not apply to-
- (a) the production of iron and/or steel and/or ferro-alloys;
 - (b) the manufacture, for sale, of standard high-speed cutting tools made from high-speed steel by means of plant and/or equipment and/or methods specifically adapted and/or designed for production by repetitive processes, in the Magisterial Districts of Johannesburg, Boksburg, Vereeniging and Pietermaritzburg;
 - (c) the installation, maintenance and repair of electrical equipment referred to in paragraph (b) of the definition of 'Electrical Engineering Industry' in clause 3 of Part I of the Main Agreement published under Government Notice No. R. 404 of 31 March 1998, in the Provinces of the Cape of Good Hope and the Orange Free State;
 - (d) assembling, servicing, installation, maintenance and/or repair of appliances, equipment, machines, devices and apparatus, whether utilising manual, photographic, mechanical, electrical, electrostatic or electronic principles, or any combination of such principles, which are primarily intended for use in accounting and/or business and/or calculating and/or office and/or educational procedures;

- (e) the Venetian Blind and Allied Products' Manufacturing Industry in the Province of the Transvaal;
 - (f) the installation and/or repair of burglar and/or other similar alarm systems in the Provinces of the Cape of Good Hope and the Orange Free State;
 - (g) the Locksmithing Trade in the Magisterial Districts of Benoni, Boksburg, Durban, Germiston, Johannesburg, Krugersdorp, Lower Umfolozi, Pinetown, Port Elizabeth, Pretoria, Randburg, Roodepoort, Springs and The Cape;
 - (h) the production, for sale, of welding electrodes by means of plant and/or equipment and/or methods specifically adapted and/or designed for production by repetitive processes, in the Magisterial Districts of Brits, Germiston, Kempton Park and Pretoria;
 - (i) the installation and/or repair and/or servicing of radios and/or refrigerators and/or domestic electrical appliances in the Provinces of the Cape of Good Hope and the Orange Free State;
 - (j) the manufacture from tinplate of a gauge not exceeding 0,416 mm of trunks and other containers designed to hold personal effects, sporting kit, tools and documents, and other lines manufactured principally from such tinplate.
 - (k) the manufacture of aluminium sheet and/or foil, and interrelated operations
 - (l) the manufacture of plumbers' and/or engineers' brassware by means of gravity die-casting and/or pressure die-casting and/or hot pressing and/or machining.
 - (m) the undertaking of Billiton Aluminium S.A. (Pty) Ltd, in the magisterial District of Lower Umfolozi.
- (3) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall apply to-
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- (a) apprentices only in so far as they are not inconsistent with the provisions of the Manpower Training Act, 1981, or learners in accordance with the provisions of the Skills Development Act 97/1998, or any contract entered into or any conditions fixed thereunder; and
 - (b) trainees under training in terms of section 30 of the Manpower Training Act, 1981, only in so far as they are not inconsistent with the provisions of that Act or any conditions fixed thereunder and/or learners in accordance with provisions of the Skills Development Act 97/1998.
- (4) Clauses 1(1) (b) 2 and 3 of this Agreement shall not apply to employers and employees who are not members of the employer's organisations and trade unions, respectively.

2. PERIOD OF OPERATION OF THE 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 31 December 2012.

3. SPECIAL PROVISIONS

The provisions contained in clause 6 of the Agreement published under Government Notice R.340 of 13 April 2006 as extended by Government Notice R.1125 of 30 November 2007 (hereinafter referred to as "the former Agreement") shall apply to employers and employees.

4. GENERAL PROVISIONS

The provisions contained in clauses 3 to 5 of the former Agreement shall apply to employers and employees.

5. CLAUSE 4: COLLECTIVE BARGAINING LEVY

- (1) **Substitute the following for subclause A “Employees”:**

“A. EMPLOYEES

- (1) Subject to provisions of this clause a levy, to be known as a collective bargaining levy shall be deducted by employers from the wages of all employees who are employed in the Industry on scheduled activities covered by the Metal and Engineering Industries Bargaining Council Agreements and who are not members of a trade union which is a party to the Metal and Engineering Industries Bargaining Council.

The object of this Agreement is to ensure that all employees who receive the benefits of collective bargaining contribute towards its costs.

Despite the provisions of any law or contract, an employer may deduct the agreed fee from the wages of an employee without the employee's authorization.

- (2) Any existing agency shop agreement at company level shall be superceded by this agreement.
- (3) The collective bargaining levy shall be equivalent to 1% (one per centum) of the employees weekly wage.
- (4) “(i) Every employer shall complete the collective bargaining levy return form and return it together with the amount payable each month, to reach the Council at its Central Funds Collection Office (CEFCO), 2nd Floor, Metal Industries House, 42 Anderson Street, Johannesburg by no later than close of business on the 7th day of the subsequent month”.
- (ii) The employer uses the postal services, courier service of any other means of delivery or transfer at his own risk. The relevant postal address is P O Box 61474 Marshalltown, 2107. A facility for direct bank-to-bank transfer of funds is

also available – enquiries to be directed to the Financial Manager at the above address or (011) 870-2000.

- (5) The Council shall deposit all monies received in terms of sub-clause (4) into a separate bank count administered by the Council.
- (6) The Secretary of the Council shall, not later than the 10th day of each month, transmit to the trade unions which are party to the Council in proportion to the number of members of each trade union the collective bargaining levies received by the Council during the preceding month and the unions shall, on receipt, pay such amounts into a separate account administered by the respective unions.
- (7) The levy may not be used -
 - (a) To pay an affiliate fee to a political party.
 - (b) To make a contribution in cash or kind to a political party or a person standing for election to any political office, or
 - (c) For any expenditure that does not advance or protect the socio-economic interests of employees.
- (8) A change in the collective bargaining levy shall be implemented by the employer in the pay period following receipt of the notification from the Council and shall not be retrospective.
- (9) The collective bargaining levy shall be deducted by an employer for as long as the party unions represent a majority of the employees covered by this Agreement.
- (10) Employees who are not members of the party trade unions are not required or compelled to become members of those trade unions.
- (11) The provisions of sections 98 and 100(b) and (c) of the Act apply, read with the changes required by the context, to the separate accounts referred to in subsection (5)."

(2) Substitute the following for subclause 4(B) "Employers" (14):

"(14) The amount of the collective bargaining levy is R185,00 (one hundred and eighty five rands) per month".

6. CLAUSE 6: RESOLUTION OF DISPUTES

Substitute the following for the existing clause:

" 6. RESOLUTION OF DISPUTES

Any dispute about the interpretation, application or enforcement of this Agreement shall be referred to the Council and shall be dealt with in accordance with the provisions contained in the Metal and Engineering Industries Bargaining Council Dispute Resolution Collective Agreement published under Government Notice R836 in Government Gazette 29122 dated 18 August 2006".

Thus signed at Johannesburg, for and on behalf of the parties, this 4 FEB 2008.

L. TRENTINI
Member

L. Mthiyane
Member

N Faasen
Operations Manager