

No. R. 826

30 July 2008

LABOUR RELATIONS ACT, 1995**NATIONAL BARGAINING COUNCIL FOR THE ELECTRICAL INDUSTRY OF SOUTH AFRICA: EXTENSION OF AMENDMENT OF THE MAIN 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 **National Bargaining Council for the Electrical Industry of South Africa** 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 1 August 2008 and for the period ending 31 January 2011.

MMS MDLADLANA
MINISTER OF LABOUR

SCHEDULE

NATIONAL BARGAINING COUNCIL FOR THE ELECTRICAL INDUSTRY OF SOUTH AFRICA

MAIN COLLECTIVE AMENDING AGREEMENT

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

Electrical Contractors' Association (South Africa)

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

South African Equity Workers' Association,

(hereinafter referred to as the "employees" or the "trade union"), of the other
part, being the parties to the National Bargaining Council for the Electrical
Industry of South Africa.

To amend the agreement published under Government Notice R. 90 of 26
January 2001, as amended and re-enacted by Government Notices R.795 of
14 June 2002, 1245 of 5 September 2003, R. 53 of 23 January 2004, R.280 of
1 April 2005, R 52 of 27 January 2006, R.57 of 2 February 2007 and R.870 of
21 September 2007.

PART 1

1. SCOPE OF APPLICATION

(1) The terms of this Agreement shall be observed in the Electrical Industry :

(a) by all employers and employees who are members of the employers' organisation and trade union, respectively; and

(b) by all employers and employees who are engaged or employed in the Industry in the following areas :

- (i) In the Province of the Transvaal and the Magisterial Districts of Sasolburg and Bloemfontein as they existed at 19 June 1985;
- (ii) in the Magisterial Districts of Barkly West, Gordonia, Hartswater, Kuruman and Postmasburg as they existed at 18 October 1989;
- (iii) in the Province of the Free State (excluding the Magisterial Districts of Sasolburg and Bloemfontein), as it existed at 19 June 1985;
- (iv) in the Magisterial Districts of Aberdeen, Adelaide, Albert, Aliwal North, Barkly East, Bedford, Britstown, Carnarvon, Cathcart, Colesberg, Cradock, De Aar, Elliot, Fort Beaufort, Fraserburg, Graaff-Reinet, Hankey, Hanover, Hofmeyr, Indwe, Jansenville, King William's Town, Kirkwood, Komga, Lady Grey, Maclear, Middelburg (Eastern Cape), Molteno, Murraysburg, Noupoot, Pearston, Philipstown, Prince Albert, Richmond (Northern Cape), Somerset East, Sterkstroom, Steynsburg, Steytlerville, Stutterheim, Tarkastad, Venterstad, Victoria West, Williston, Willowmore and Wodehouse, as they existed at 13 April 1995;

in the Magisterial Districts of Albany, Alexandria, Bathurst, Beaufort West, Calitzdorp, George, Humansdorp, Joubertina, Knysna, Ladismith, Mossel Bay, Oudtshoorn, Port Elizabeth, Queenstown,

- (v) Riversdale, Uitenhage and Uniondale, as they existed at 24 November 1995;
- (vi) in the Magisterial Districts of the Cape, Wynberg (including that portion of the Magisterial District of Somerset West which, prior to 9 March 1973, Government Notice No. 173 of 9 February 1973, fell within the Magisterial District of Wynberg), Simonstown, Goodwood and Bellville; in those portions of the Magisterial Districts of Malmesbury and Stellenbosch which, prior to the publication of Government Notices Nos. 171 of 8 February 1957 and 283 of 2 March 1962, respectively, fell within the Magisterial District of Bellville and in that portion of the Magisterial District of Kuils River which, prior to the publication of Government Notice No. 661 of 19 April 1974, fell within the Magisterial District of Stellenbosch but which, prior to 2 March 1962, fell within the Magisterial District of Bellville and in that portion of the Magisterial District of Kuils River

which, prior to the publication of Government Notice No. 1683 of 7 August 1987, fell within the Magisterial District of Bellville;

(vii) in the Province of KwaZulu-Natal, excluding any portions of that area falling within the former self-governing territory of KwaZulu as it existed prior to the coming into operation of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993);

(viii) in the Magisterial District of East London.

(2) Notwithstanding the provisions of subclause 1(1), the terms of this Agreement shall apply to apprentices and learners only in so far as they are not inconsistent with the provisions of the Manpower Training Act, 1981, or the Skills Development Act, 1998, or any conditions prescribed or any notices served in terms thereof.

(3) For the purposes of this Agreement, the "rate of remuneration" of learners prescribed under the Skills Development Act, 1998, shall be taken to be the weekly wage of such employees, and the "hourly rate" shall be the weekly wage calculated as above, divided by the number of ordinary hours worked in the establishment concerned.

2. PERIOD OF OPERATION.

This Agreement shall come into operation on such date to be determined by the Minister in terms of section 32 of the Labour Relations Act, 1995, and shall remain in force up to and including 31 January 2011

3. EXCLUSIONS.

The provisions of this Agreement shall not apply to non-parties in respect of clauses 1(1)(a), 2 and 3 of Part 1 of this Agreement.

4. SPECIAL PROVISIONS.

The provisions of clauses 20, 25(1)(d), 27(3), 30, 39(12), 50 and 51 of Part 1 of the Agreement published under Government Notice No. R. 90 of 26 January 2001, as re-enacted and amended under Government Notice No. R795 of 14 June 2002; Government Notice No. R. 1245 of 5 September 2003; Government Notice R53 of 23 January 2004; Government Notice No. R. 280 of 1 April 2005; and Government Notice R52 of 27 January 2006 (hereinafter referred to as the "former agreement") shall apply to employers and employees.

5. GENERAL PROVISIONS.

The provisions of clauses 4 to 19, 21 to 25(1)(c), 25(1)(e) to 27(2), 27(4) to 29, 30A, 31 to 39(11), 40 to 49, 52 to 56 of Part 1 and Part II of the Former Agreement (as further extended, amended and re-enacted from time to time), shall apply to all employers and employees.

6. CLAUSE 5 OF THE FORMER AGREEMENT - DEFINITIONS.

Amend the definition of "general worker", under subclause (b)(iii), to read as follows :

- "(aa) the minimum rate of wages from 1 February 2009 shall be increased to not less than 80% (eighty percent) of the prescribed minimum rate of wages specified in this Agreement of an electrical assistant in the area where the general worker is employed; and
- (ab) on 1 February 2010 the general worker minimum rate of wages shall be increased to not less than 90% (ninety percent) of the prescribed minimum rate of wages specified in this Agreement of an electrical assistant in the area where the general worker is employed. Thereafter, from 1 February 2011 the category of general worker will be abolished."

Insert the following new definition after "specified formal training" -

"Storeman" means an employee who is engaged in any or all of the following tasks;

- i) Stacking and storage of materials, tools and equipment;
- ii) Issuing and recording of materials;
- iii) Receiving and recording regular stock counts;
- iv) Recording of materials on site;
- v) Control of materials in the store;
- vii) Checking and ascertaining the correctness of materials received; and,
- viii) Issuing of such materials".

7. CLAUSE 12 OF THE FORMER AGREEMENT – SHORT TIME.

Insert the following new subclause (3);

- "(3) No employee will work short time for a period exceeding three months. In the event of an employer requiring an employee to work short time for a period exceeding three months he/she will be required to first enter into consultation with the employee and/or the employee's trade union. The purpose of the consultation will be to seek alternatives to the continuation of short time. Such alternative shall include, but may not be limited, to retrenchment of the employee".

8. CLAUSE 29 OF THE FORMER AGREEMENT - PENALTIES.

In Clause 29(ii) remove the words "at a rate of 21% per annum".

9. CLAUSE 30B OF THE FORMER AGREEMENT - AGENCY SHOP FEE.

Delete the entire Clause.

10. CLAUSE 34 OF THE FORMER AGREEMENT - REGISTRATION AND TRAINING OF EMPLOYEES.

- (1) In subclause (3) delete the words "former Electrical Contracting Industries Training Board" and substitute "Energy Sector Education Training Authority (ESETA)" therefor.
- (2) Add the following new subclause (4), and re-number the existing subclauses (5) and (6):
- "(5) Elconop Training:
 - i) The training period will not exceeding 20 weeks;
 - ii) The employee on training must be registered with the Council as a Trainee Elconop 2;
 - iii) The employee will be remunerated as an Elconop 1 whilst undertaking training;
 - iv) Upon the completion of the training period, the employee must either be promoted to an Elconop 2, or remain as an Elconop 1 with his duties being limited to those of an Elconop 1".

11. CLAUSE 39(1) OF THE FORMER AGREEMENT – TEMPORARY EMPLOYMENT SERVICES.

In subclause 39(10) delete "30 per cent" and substitute "40 per cent" therefore.

PART II

12. CLAUSE 1(1) OF PART II OF THE FORMER AGREEMENT – ALLOWANCES.

Delete subclauses (1)(e)(ii)(aa) and (bb) and insert R75,00 after the words "a subsistence allowance of".

13. CLAUSE 1 (2) OF PART II OF THE FORMER AGREEMENT – ALLOWANCES.

In subclause (2) delete "R38.12" and substitute "R41,55" therefore.

14. CLAUSE 4 OF PART II OF THE FORMER AGREEMENT – SCHEDULE OF WAGES AND EARNINGS.

(1) Substitute the following minimum wage rates for the categories listed below:

AREAS 'A', 'B', 'C', 'D', 'E'

Category	AREA A Rand Per hour	AREA B Rand Per hour	AREA C Rand Per hour	AREA D Rand Per hour	AREA E Rand Per hour
Master installation electrician	56.04	49.27	47.07	35.87	35.05

Installation electrician	51.60	45.39	42.28	33.03	32.24
Electrical tester for single phase	47.09	41.42	39.45	30.13	29.44
Electrician, artisan and DAM	44.81	39.40	36.75	28.71	28.08
Domestic electrical installer	37.53	33.02	30.72	23.96	23.42
Elconop 3	32.65	28.71	26.72	20.84	20.38
Elconop 2	28.07	24.76	22.87	17.89	17.51
Elconop 1	17.91	15.85	14.52	11.72	11.16
Storeman	17.91	15.85	14.52	11.72	11.16
Driver of a vehicle, the unladen mass of which is -					
(a) Up to 3 500 kg	18.76	16.48	15.39	12.02	11.75
(b) from 3 501 kg to 9 000 kg	22.18	19.51	18.17	14.19	13.86
(c) 9 001 kg and over	24.66	21.67	20.18	15.76	15.39
Electrical assistant	15.30	13.45	12.39	9.72	9.52
General worker	10.68	9.42	8.70	6.82	6.66
Apprentice Stage 4	31.37	27.59	25.73	20.10	19.65
Apprentice Stage 3	22.41	19.71	18.38	14.36	14.04
Apprentice Stage 2	20.17	17.73	16.55	12.92	12.63
Apprentice Stage 1	17.03	14.98	13.96	10.91	10.67

AREAS 'F', 'G', 'H'

Category	AREA F	AREA G	AREA H
	Rand Per hour	Rand Per hour	Rand Per hour
Master installation electrician	40.61	35.37	33.64
Installation electrician	37.37	32.55	30.96
Electrical tester for single phase	33.23	29.71	28.25
Electrician, artisan and DAM	33.01	28.30	26.90
Domestic electrical installer	27.60	24.03	24.03
Elconop 3	24.00	20.87	20.87
Elconop 2	21.18	18.44	17.56
Elconop 1	13.89	11.98	11.35
Storeman	13.89	11.98	11.35
Driver of a vehicle, the unladen mass of which is -			

(a) Up to 3 500 kg	13.33	11.63	11.06
(b) from 3 501 kg to 9 000 kg	15.65	13.63	12.95
(c) 9 001 kg and over	17.37	15.13	14.39
Electrical assistant	13.34	11.45	10.90
General worker	9.35	8.03	7.63
Apprentice Stage 4	23.11	19.81	18.84
Apprentice Stage 3	16.50	14.15	13.45
Apprentice Stage 2	14.86	12.73	12.11
Apprentice Stage 1	12.55	10.75	10.22

AREAS 'I, 'J, 'K, 'L

Category	AREA I Rand Per hour	AREA J Rand Per hour	AREA K Rand Per hour	AREA L Rand Per hour
Master installation electrician	52.98	56.04	49.27	43.33
Installation electrician	51.36	51.60	45.39	39.84
Electrical tester for single phase	44.52	47.09	41.42	36.40
Electrician, artisan and DAM	42.41	44.81	39.40	34.63
Domestic electrical installer	-	37.53	33.14	-
Emerging electrical installer	36.19	-	-	-
Elconop 3	31.60	32.65	28.71	25.18
Elconop 2	29.78	28.07	24.76	21.56
Elconop 1	20.44	17.91	15.84	13.71
Storeman	20.44	17.91	15.84	13.71
Domestic appliance repairer		21.05	18.53	
Driver of a vehicle, the unladen mass of which is -				
(a) Up to 3 500 kg	17.99	18.76	16.48	16.79
(b) from 3 501 kg to 9 000 kg	20.40	22.18	19.51	18.79
(c) 9 001 kg and over	22.93	24.66	21.67	24.37
Electrical assistant	16.72	15.30	13.46	11.71
General worker	11.72	10.68	9.42	8.19
Apprentice Stage 4	29.69	31.37	27.59	24.24
Apprentice Stage 3	21.20	22.41	19.71	17.32
Apprentice Stage 2	19.09	20.17	17.73	15.59
Apprentice Stage 1	16.12	17.03	14.98	13.16

(2) Prescribed minimum wage rates

To ensure that all employees earning the prescribed minimum wage rate for their respective category receive the 9% wage increase effective February 2008, the following additional percentage must be added to such increase.

- (a) Employers who granted the increase in February 2008 are not required to make any adjustment. (This includes any employer that granted the increase of at least 9% in January 2008)
- (b) Employers who only granted the increase in March 2008 are required to increase the wage by an additional 0.75%.
- (c) Employers who only granted the increase in April 2008 are required to increase the wage by an additional 1.5%.
- (d) Employers who only granted the increase in May 2008 are required to increase the wage by an additional 2.25%.
- (e) Employers who only granted the increase in June 2008 are required to increase the wage by an additional 3%.
- (f) Employers who only granted the increase in July 2008 are required to increase the wage by an additional 3.75%.
- (g) Employers who only grant the increase in August 2008 are required to increase the wage by an additional 4.5%.

Provided that in February 2009 such employees will revert to the prescribed minimum wage rates as published in this agreement, plus the new wage increase applicable in terms of clause 4.2.

(3) Insert the following as new subclauses (3) and (4) –

“(3) With effect from 1 February 2009 the above wage rates will be increased by the percentage as reflected by the July 2008 year on year consumer price index (CPIX) plus an additional 1% (one percent) : Provided that if the July 2008 year on year price index (CPIX) is in excess of 10% or below 6% the parties to the Council will renegotiate wages only for the period 1 February 2009 to 31 January 2010

(4) With effect from 1 February 2010 the wage rates established on the 1 February 2009 will be increased by the percentage as reflected by the July 2009 year on year consumer price index (CPIX) plus an additional 1% (one percent) : Provided that if the July 2009 year on year price index (CPIX) is in excess of 10% or below 6% the parties to the Council will renegotiate wages only for the period 1 February 2010 to 31 January 2011. “

4. CLAUSE 5 OF THE FORMER AGREEMENT: GUARANTEED MINIMUM INCREASES AND OFF-SET .

(1) Guaranteed across the board increases for employees earning in excess of the prescribed minimum wage rates

To ensure that all employees earning above the prescribed minimum wage rates for their respective category receive the 8.6% wage increase effective February 2008, the following additional percentage must be added to such increase.

- (a) Employers who granted the increase in February 2008 are not required to make any adjustment. (This includes any employer that granted the increase of at least 8.6% in January 2008)
- (b) Employers who only granted the increase in March 2008 are required to increase the wage by an additional 0.7%.
- (c) Employers who only granted the increase in April 2008 are required to increase the wage by an additional 1.4%.
- (d) Employers who only granted the increase in May 2008 are required to increase the wage by an additional 2.1%.
- (e) Employers who only granted the increase in June 2008 are required to increase the wage by an additional 2.9%.
- (f) Employers who only granted the increase in July 2008 are required to increase the wage by an additional 3.6%.
- (g) Employers who only grant the increase in August 2008 are required to increase the wage by an additional 4.3%.

Provided that in February 2009 all employees who were earning in excess of the prescribed minimum wage rates prior to February 2008, will revert to the wage they would have been earning had the 8.6% increase been applied in February 2008, plus the new wage increase applicable in terms of clause 4 (2).

Provided further that any adjustments to any allowances, benefit funds or levies that are linked to the percentage wage increases, will be increased by 9% and 8,6%, respectively, on the coming into operation of this Agreement.

- (2) "The guaranteed minimum increase referred to in subclause (1) above shall be subject to the provision that any increase granted on or after 1 January 2008 may be off-set by the employer when calculating the guaranteed minimum increase".

5. CLAUSE 6 (1) OF PART II OF THE FORMER AGREEMENT – LEAVE BONUS.

In Areas 'F', 'G' and 'H' substitute the following new table in respect of the leave bonus -

<u>CATEGORY</u>	<u>AREAS F,G & H</u>
Master Installation Electrician	10 working days
Installation Electrician	10 working days
Electrical Tester for single-phase	10 working days
Electrician Artisan and DAM	10 working days
Domestic Electrical Installer	8 working days
Elconop 3	8 working days
Elconop 2	8 working days
Elconop 1	8 working days
Storeman	8 working days
Driver of a vehicle, the unladen mass of which is :	
a) Up to 3 500 kg	8 working days
b) From 3 500 kg to 9 000 kg	8 working days
c) From 9 0001 kg and over	8 working days
Electrical Assistant	8 working days
General worker	8 working days
Apprentice : First year's leave Qualification	8 working days
Apprentice : subsequent years' leave qualification	8 working days

SIGNED AT **BRAAMFONTEIN** AS AUTHORISED FOR AND ON BEHALF
OF THE PARTIES TO THE COUNCIL, THIS **22nd DAY OF JULY 2008.**

D. VAN DEVENTER

ASSISTANT GENERAL SECRETARY - SAEWA

M. MFIKOE

CHAIRMAN - ECA NATIONAL LABOUR COMMITTEE

R.B. HUTCHONS

NATIONAL GENERAL SECRETARY

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001

Publications: Tel: (012) 334-4508, 334-4509, 334-4510

Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504

Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737

Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001

Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510

Advertensies: Tel: (012) 334-4673, 334-4674, 334-4504

Subskripsies: Tel: (012) 334-4735, 334-4736, 334-4737

Kaapstad-tak: Tel: (021) 465-7531