

GOVERNMENT NOTICES

DEPARTMENT OF LABOUR**No. R. 1035****3 October 2008****LABOUR RELATIONS ACT, 1995****MOTOR INDUSTRY BARGAINING COUNCIL – MIBCO: EXTENSION TO
NON-PARTIES OF ADMINISTRATIVE COLLECTIVE RE-ENACTING AND
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 – MIBCO 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 6 October 2008 and for the period ending 31 August 2010.

**M M S MDLADLANA
MINISTER OF LABOUR**

SCHEDULE

MOTOR INDUSTRY BARGAINING COUNCIL - MIBCO

ADMINISTRATIVE 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 the

Fuel Retailers' Association of Southern Africa

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

National Union of Metalworkers of South Africa (NUMSA)

and

MISA/SAMU

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

1. CLAUSE 1: SCOPE OF APPLICATION

(1) The terms of this Agreement shall be observed in the Motor Industry -

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- (a) throughout the Republic of South Africa, excluding that portion of the Magisterial District of Somerset West, occupied by the Cape Explosives Works (Ltd.).
- (b) by the employers and the employees in the Motor Industry who are members of the employers' organisations and the trade unions, respectively.
- (2) Notwithstanding the provisions of subclause (1), the provisions of this Agreement shall apply to -
- (a) apprentices only in so far as these provisions are not inconsistent with the provisions of or any conditions fixed under the Manpower Training Act, 1981, and learners in terms of Chapter IV of the Skills Development Act, Act No. 97 of 1998; and
- (b) trainees undergoing training under the Manpower Training Act, 1981, only in so far as these provisions are not inconsistent with the provisions of or any conditions fixed under that Act.
- (3) Clauses 1(1)(b) 2 and 3 of this Agreement shall not apply to non-parties to the Agreement.

2. PERIOD OF OPERATION OF 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 operation for the period ending 31 August 2010.

3. SPECIAL PROVISIONS

The provisions contained in clauses 5 (1) (d), 7, 12, 13 and 19 of the Agreement published under Government Notice No. R. 1034 of 20 October 2006, as amended, renewed and extended by Government Notices Nos. R. 487 of 8 June 2007, R. 800 of 31 August 2007 and R. 1029 of 2 November 2007 and R. 1208 of 21 December 2007 (hereinafter referred to as the "Former Agreement"), as further amended, extended, re-enacted from time to time, shall apply to employers and employees who are members of the parties to the collective agreement.

4. GENERAL PROVISIONS

The provisions contained in clauses 3 to 5 (1) (c), 5 (1) (e) to 6, 8 to 11, 14 to 18 and 20 to 23 of the Former Agreement (as further amended, extended and re-enacted from time to time), shall apply to employers and employees.

5. CLAUSE 3 OF THE FORMER AGREEMENT: DEFINITIONS

- (1) Insert the following new definition (5) and renumber definitions (5) & (6) to read (6) & (7):

"(5) '**Area C (EC)**' means the Magisterial Districts of Alice, Bhisho, Centane, Cofimvaba, Engcobo, Fort Hare, Gatyana, Gcuwa/Butterworth, Hewu/Sada, Idutywa, Kalanga Cala,

KwaBhaca/Mount Frere, Libode, Lusikisiki, Mdantsane, Middledrift/Keiskammahoek, Mount Fletcher, Mpofo/Seymore, Mqanduli, Ngqeleni, Ngqamakhwe, Peddie, Qumbu, Siphaxeni/Flagstaff, Tabankulu, Tsolo, Tsomo, Umthatha, Umzimvubo/Port St Johns, Victoria East, Whittlesea, Xhorha, Zwelitsha, Zwentsha;".

- (2) Amend definition (6) "**Area B (KZN)**" to read as follows:

"(7) '**Area B (KZN)**' means the districts and areas in the Province of KwaZulu-Natal not referred to in Area A (KZN) or Area C (KZN), and the Magisterial Districts of Mount Currie, Piet Retief and Pongola;".

- (3) Insert the following new definition (8) and renumber all subsequent subclauses accordingly.

"(8) '**Area C (KZN)**' means the Magisterial Districts of Alfred, Bizana, Emburnbulu, Emnambithi, Empumalanga, Emzumbeni, Enseleni, Ezingolweni, Hlabisa, Inanda/Durban, Ingwavuma, Inkanyezi, KwaBhaca/Mount Frere, Kwamaphumulo, Mahlabathini, Maluti/Matatiele, Maxesibeni, Msinga, Ndwedwe, Newcastle, Nkandla, Nongoma, Nqutu, Ntuzuma, Okhahlamba, Ongoye, Ubombo, Umzimkhulu, Vulamehlo, Vulindlela;".

- (4) In the definition of "**Area A (FS & NC)**" delete the expression "Sasolburg".

- (5) Amend the definition of "**Area B (FS & NC)**" to read as follows:

"(10) '**Area B (FS & NC)**' means the Province of the Free State, excluding those districts and areas referred to in Area A (FS & NC)

and in Area C (FS & NC), and the Magisterial Districts of Barkly West, Bloemhof, Britstown, Christiana, De Aar, Gordonia, Hartswater, Hay, Herbert, Hopetown, Kenhardt, Kimberley, Kuruman, Mafikeng, Philipstown, Postmasburg, Prieska, Schweizer-Reneke, Upington, Vryburg and Warrenton, but excluding those municipal areas included in Area A (FS & NC);".

- (5) Insert the following new definition for "Area C (FS & NC)" between the definitions of "Area B (FS & NC)" and "Area A (Highveld)":

"(11) '**Area C (FS & NC)**' means the Magisterial Districts of Ganyesa, Taung, Thaba Nchu and Witsieshoek/Phuthaditjhaba;".

- (7) In the definition of "Area A (Highveld)" insert the expression "Sasolburg" between the expressions "Sandton" and "Springs".

- (8) In the definition of "Area B (Highveld)" delete the expressions "Bloemhof", "Christiana", "Piet Retief", "Pongola" and "Schweizer-Reneke".

- (9) Insert the following new definition for Area C (Highveld):

"(14) '**Area C (Highveld)**' means the Magisterial Districts of Ditsobotla, Molopo/Mafikeng and Setla-kgobi;".

- (10) In the definition of "Area B (Northern Region)" delete the expression "and areas referred to in Area A (Northern Region) as it existed prior to the proclamation of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993)" at the end of that definition.

- (11) Insert the following new definition for Area C (Northern Region):

(17) **'Area C (Northern Region)'** means the Magisterial Districts of Bochum, Bolobedu, Dzanani, Ga-Rankuwa, Giyani, Hlanganani, KwaMhlanga, Lulekani, Madikwe, Mankweng, Malamulela, Mapulaneng, Mdibana, Mdutjana, Mhala, Mkobola, Mokerong, Moretele, Mpumalanga, Mutali, Namakgale, Naphuno, Nebo, Nkomazi, Nsikazi, Ritavi, Segosese, Sekhukhuneland, Seshego, Temba, Thabamopo, Thoyandou, Vuwani;".

6. CLAUSE 11 OF THE FORMER AGREEMENT: RETURNS TO THE COUNCIL

In subclause (5) substitute the expression "R2,15" for the expression "R1,95".

7. ANNEXURE A OF THE FORMER AGREEMENT

(1) Substitute the following for Annexure A:



Annexure A
Registration as an employer in the Motor Industry
in accordance with clause 8(1) of the MIBCO: Administrative Agreement

Motor Industry Bargaining Council Tel. _____
Region Fax _____
Email address _____
Website address _____

New registration Change of ownership Change of address Change of trading name

Name under which business is conducted _____

Previous trading name, if applicable _____

Name and registration of CC, company Name _____
and/or trust (Please attach copies of the registration documentation) Registration No. _____

Street address (Branch)	Postal address (Branch)	Head Office Address
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Head Office Cell No. _____

Head Office email address _____

Magisterial District _____

Preferred mode of communication (email/fax/post; indicate the fax no., email, etc) _____

Nature of business _____ Date trading commenced _____

Activity code _____ Date of change _____

Chapter _____ Sector _____

Details of Proprietors, Partners, Director, Members of CC or Trustees (Delete whichever is not applicable)

Name and Surname	Residential Address	ID Number*	Occupation

*Please provide certified copies of ID documents

Contact Person: Wage Clerk / Bookkeeper / Manager (Delete whichever is not applicable)

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Particulars of employees

No. of Journeymen <input type="checkbox"/>	No. of general workers <input type="checkbox"/>	No. of apprentices <input type="checkbox"/>
No. of clerical & sales employees <input type="checkbox"/>	No. of RSAs / BSAs <input type="checkbox"/>	No. of other employees <input type="checkbox"/>

Employers' Organisation Member RMI FRA Number _____

Signature of Employer/ Authorised Representative _____ Date _____

With this signature, I declare that I am authorised to confirm that the contents of this document are true and correct.

Office Use	
Memo Number _____	File Prepared _____
Inspection Sheet Amended _____	Area _____
Inspection Sheet Compiled _____	Agent Area/Code _____
Chapter _____	Registered by _____
File No./Employer No. _____	Sector _____

NOTE: In terms of clause 8(2): REGISTRATION OF EMPLOYERS of the Administrative Agreement, it is the responsibility of the employer to notify the relevant MIBCO Regional Council, within one month, of any change in terms of ownership, name, partner/director/member or manager composition, postal and/or physical address and trading status of the registered establishment.

Document Handover Control

Designation	Name	Signature	Date Compiled/ Received	Date Released/ Secured

SIGNED AT RANDBURG ON BEHALF OF THE PARTIES, THIS 29th DAY OF JULY 2008.

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B. CELE
PRESIDENT OF THE COUNCIL

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M. POULTNEY
VICE-PRESIDENT OF THE COUNCIL

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