

**NOTICE 1369 OF 2008**  
**DEPARTMENT OF LABOUR**  
**LABOUR RELATIONS ACT, 1995**

**APPLICATION FOR VARIATION OF REGISTERED SCOPE OF A BARGAINING  
COUNCIL**

I, Johannes Theodorus Crouse, Registrar of Labour Relations, hereby, in terms of section 58(1) of the Labour Relations Act, 1995, give notice that an application for the variation of its registered scope has been received from the **National Bargaining Council for the Electrical Industry of South Africa**.

Particulars of the application are reflected in the subjoined table.

Any person may object to the application on any or all of the following grounds:

- (a) The applicant has not complied with the provisions of section 29 of the Act, read with the changes required by the context;
- (b) the sector and area in respect of which the application is made is not appropriate; and
- (c) the applicant is not sufficiently representative in the sector and area in respect of which the application is made.

Any person who objects to the application must lodge his/her written objection with me, c/o the Department of Labour, Laboria House, 215 Schoeman Street, PRETORIA, 0002 ( Postal Address: Private Bag X117, PRETORIA, 0001), within 30 days of the date of this notice. A copy of the

objection must be served on the applicant within the said period and I must be satisfied that a copy of the objection has so been served.

The applicant may respond to the objection within 14 days of the expiry of the 30-day period mentioned above and must satisfy me that a copy of the response has been served on the person who objected within the 14-day period.

## **TABLE**

### **Name and address of the applicant bargaining council**

National Bargaining Council for the Electrical Industry of South Africa

Advantage House, 2<sup>nd</sup> Floor, 38 Stiemens Street, Braamfontein, Johannesburg, 2001

or P O Box 31402, Braamfontein, 2017.

Fax No. (011) 403 9583

Tel No. (011) 339 2312

### **Date on which application was lodged**

10 October 2008

### **Reasons for the proposed variation**

The Council applies for a variation of scope to redefine the sector in which it operates and to extend its area of jurisdiction to the whole of the Republic of South Africa, excluding Kimberley.

**Interest and area in respect of which application is made:**

The Electrical Industry, as defined hereunder, in the Republic of South Africa, excluding the Magisterial District of Kimberley, within a radius of 20 kilometers from the General Post Office, Kimberley.

For the purposes hereof "Electrical Industry" or "Industry" means the industry in which employers and employees are associated for any or all of the following –

- (a) the design, preparation, erection, installation, repair and maintenance of all electrical equipment forming an integral and permanent part of buildings and/or structures, including any wiring, cable jointing and laying and electrical overhead line construction, and all other operations incidental thereto, whether the work is performed or the material is prepared on the site of the buildings or structures or elsewhere,
- (b) the design , preparation, erection, installation, repair and maintenance of all electrical equipment incidental to the purpose for which a building and/or structure is used, including any wiring, cable jointing and laying and electrical overhead line construction, and all other operations incidental thereto, whether the work is performed or the material is prepared on the site of the buildings or structures or elsewhere,
- (c) the design, preparation, erection, installation, repair and maintenance of all electrical equipment incidental to the construction, alteration, repair and maintenance of buildings and/or structures, including any wiring, cable jointing and laying and

electrical overhead line construction, and all other operations incidental thereto, whether the work is performed or the material is prepared on the site of the buildings or structures or elsewhere,

- (d) the design, preparation, erection, installation, repair and maintenance of all electrical equipment not covered by (a), (b) or (c) above, including any wiring, cable jointing and laying and electrical overhead line construction, and all other operations incidental thereto, whether the work is performed or the material prepared on the site of the buildings or structures or elsewhere,
- (e) the installation and/or maintenance and/or repair and/or servicing of overhead lines and underground cables associated with domestic and/or industrial and/or commercial installations and/or street lighting: Provided that such installation is beyond the supply authorities point of supply.

For the purposes of this definition-

- (i) electrical equipment includes:
  - (aa) electrical cables and overhead lines, and
  - (ab) generators, motors, converters, switch and control gear (including relays, contactors, electrical instruments and equipment associated therewith), electrical lighting, heating, cooking, refrigeration and cooling equipment, primary and secondary cells and batteries, transformers, furnace equipment, radio sets and allied electrical apparatus, signaling equipment and other

equipment utilising the principles used in the operation of radio or electronic equipment.

- (ii) design, preparation, erection, installation, repair and maintenance does not include-
  - (aa) the manufacture, installation, repair and/or maintenance of lifts and escalators,
  - (ab) the manufacture and/or assembly by the manufacturer of the aforementioned electrical equipment and/or components thereof,
  - (ac) the wiring of or installation in motor vehicles of lighting, heating or other equipment or fixtures, whether permanent or otherwise,
  - (ad) the manufacture, repair and servicing of motor vehicle batteries, the manufacture of lead-acid batteries and the repair, maintenance and installation of such batteries when performed by the manufacturers thereof, and
  - (ae) the sale, and/or repair and/or servicing of manual and/or electrical typewriters and/or electro-mechanical office machines and equipment
  
- (f) the installation and/or maintenance and/or repair and/or servicing of electrical security fences and their ancillary equipment,
  
- (g) the design, installation, repair and maintenance of CCTV, intercom, intruder detection, access control and data cable installations,

The Electrical Industry, as defined above, shall not include the Iron, Steel, Engineering and Metallurgical Industry and the Building Industry as defined hereunder-

**“Iron, Steel, Engineering and Metallurgical Industry”** means the industry concerned with the production of iron and/or steel and/or the processing and/or recovery and/or refining of metals (other than precious metals) and/or alloys from dross and/or scrap and/or residues; the maintenance, fabrication, erection or assembly, construction, alteration, replacement or repair of any machine, vehicle (other than a motor vehicle) or article consisting mainly of metal (other than precious metals) or parts or components thereof and structural metal work, including steel reinforcement work; the manufacture of metal goods principally from such iron and/or steel and/or other metals (other than precious metals) and/or alloys and/or finishing of metal goods; the building and/or alteration and/or repair of boats and/or ships, including the scraping, chipping and/or scaling and/or painting of the hulls of boats and/or ships; and general woodwork undertaken in connection with ship repairs, and includes the Electrical Engineering Industry;

**“Electrical Engineering Industry”** means the industry concerned with –

- (a) the manufacture and/or assembly from component parts of electrical equipment, namely generators, motors, converters, switch and control gear (including relays, contactors, electrical instruments and equipment associated therewith), electrical lighting, heating, cooking, refrigeration and cooling equipment, including monitors and other equipment utilising the principles used in the operation of radio and electronic equipment, the latter equipment includes, but is not limited to, television and incandescent lamps, and electric cables and domestic appliances, and further includes the manufacture of component parts of the aforementioned equipment,

- (b) subject to paragraph (c) below, the installation, maintenance, repair and servicing of the equipment referred to in paragraph (a) above, but does not include the activities of the Electrical Industry,
  
- (c) the installation, maintenance, repair and servicing of television sets and monitors, excluding the installation, maintenance, repair and servicing of monitors primarily intended for use in accounting and/or data processing and/or business procedures;

**“Building Industry”** without in any way limiting the ordinary meaning of the expression, means the industry in which employers and their employees are associated for the purpose of erecting, completing, renovating, repairing, maintaining or altering buildings and structures and/or making articles for use in erecting, completing or altering buildings and structures, whether the work is performed, the material is prepared, or the necessary articles are made on the sites of the buildings or structures or elsewhere, and includes all work executed or carried out by persons who are engaged in the trades, activities or subdivisions in the Building Industry, excluding the Electrical Industry as defined above.

**Interest and area in respect of which registration is held:**

**Region A**

“Electrical Industry” means the industry in which employers and their employees are associated for any or all of the following:

- (a) The design, preparation, erection, installation, repair and maintenance of all electrical

- equipment forming an integral and permanent part of buildings and/or structures, including any wiring, cable jointing and laying, and electrical overhead line construction, and all other operations incidental thereto, whether the work is performed or the material prepared on the site of the building or structures or elsewhere;
- (b) the design, preparation, erection, installation, repair and maintenance of all electrical equipment incidental to the purpose for which a building and/or structure is used, including any wiring, cable jointing and laying, and electrical overhead line construction, and all other operations incidental thereto, whether the work is performed or the material prepared on the site of the buildings or structures or elsewhere;
- (c) the design, preparation, erection, installation, repair and maintenance of all electrical equipment incidental to the construction, alteration, repair and maintenance of buildings and/or structures, including any wiring, cable jointing and laying, and electrical overhead line construction, and all other operations incidental thereto, whether the work is performed or the material prepared on the site of the buildings or structures or elsewhere;
- (d) the design, preparation, erection, installation, repair and maintenance of all electrical equipment not covered by (a), (b) or (c) above, including any wiring, cable jointing, and laying, and electrical overhead line construction, and all other operations incidental thereto, whether the work is performed or the material prepared on the site of the building or structures or elsewhere;



- (e) the installation and/or maintenance and/or repair and/or servicing of overhead lines and underground cables associated with domestic and/or industrial and/or commercial installations and/or street lighting.

For the purpose of the definition –

- (i) “electrical equipment” includes –
  - (aa) electrical cables and overhead lines; and
  - (bb) generators, motors, convertors, switch and control gear (including relays, contactors, electrical instruments and equipment associated therewith), electrical lighting, heating, cooking, refrigeration and cooling equipment, primary and secondary cells and batteries, transformers, furnace equipment, radio sets and allied electrical apparatus, signaling equipment, and other equipment utilising the principles used in the operation of radio or electronic equipment;
- (ii) “design, preparation, erection, installation, repair and maintenance” does not include –
  - (aa) the manufacture, installation, repair and/or maintenance of lifts and escalators;
  - (ab) the manufacture and/or assemble by the manufacturer of the aforementioned electrical equipment and/or components thereof;
  - (ac) the wiring of or installation in motor vehicles of lighting, heating or other equipment of fixtures, whether permanent or otherwise;

- (ad) the manufacture, repair and servicing of motor vehicles batteries, the manufacture of lead-acid batteries and the repair, maintenance and installation of such batteries when performed by the manufacturers thereof; and
- (ae) the sale and/or repair and/or servicing of manually and/or electrically operated typewriters and/or electro-mechanical office machines and equipment:

Provided that the Electrical Industry, as defined above, shall not include the Iron, Steel, Engineering and Metallurgical Industry, the Local Authority Undertaking and the Building Industry.

For the purposes thereof –

- 1(a) “Iron, Steel, Engineering and Metallurgical Industry” means (subject to the provisions of any demarcation determination in terms of section 76 of the Labour Relations Act, 1956) the industry concerned with the production of iron and/or steel and/or alloys, and/or the processing and/or recovery and/or refining of metals (other than precious metals) and/or alloys from dross and/or scrap and/or residues; the maintenance, fabrication, erection or assembly, construction, alteration, replacement or repair of any machine, vehicle (other than a motor vehicle) or article consisting mainly of metal (other than precious metal) or parts or components thereof, and structural metalwork, including steel reinforcement work; the manufacture of metal goods principally from such iron and/or steel and/or other metals (other than precious metals) and/or alloys, and/or the finishing of metal goods; the building

and/or alteration and/or repair of boats and/or ships, including the scraping, chipping and/or scaling and/or painting of the hulls of boats and/or ships, and general woodwork undertaken in connection with ship repairs, and includes the Electrical Engineering Industry, and

- (b) “Electrical Engineering Industry” means the industry concerned with the following:
- (i) The manufacture and/or assembly from component parts of electrical equipment, namely generators, motors, convertors, switch and control gear (including relays, contactors, electrical instruments and equipment associated therewith), electrical lighting, heating, cooking, refrigeration and cooling equipment, transformers, furnace equipment, signaling equipment, radio or electronic equipment, including monitors, and other equipment utilising the principles used in the operation of radio and electronic equipment, the latter equipment to include, but not to be limited to, television, and incandescent lamps and electric cables and domestic electrical appliances, and includes the manufacture of component parts of the aforementioned equipment;
  - (ii) subject to paragraph (iii) below, the installation, maintenance, repair and service of the equipment referred to in subparagraph (i) above, but does not include the Electrical Industry;

- (iii) the installation, maintenance, repair and servicing of television sets and monitors, excluding the installation, maintenance, repair and servicing of monitors primarily intended for use in accounting and/or data processing and/or business procedures.
- (2) “Local Authority Undertaking” means the undertaking in which employers and their employees are associated for the introduction, continuation, or completion of any action, scheme or activity undertaken by a Local Authority: Provided that for the purposes hereof the Electrical Industry as defined above shall not include work performed by a local authority exclusively for local authority purposes, but shall include all work performed on the property of a local authority by a registered electrical contractor or his employees or any other person who is not an employee of a local authority: Provided further that a Local Authority Undertaking shall not include the activities of the Electrical Industry.
- (3) “Building Industry”, without in any way limiting the ordinary meaning of the expression, means the industry in which employers and their employees are associated for the purpose of erecting, completing, renovating, repairing, maintaining or altering buildings and structures and/or the making of articles for use in the erection, completion or alteration of buildings and structures, whether the work is performed, the material is prepared, or the necessary articles are made on the sites of the buildings or structures or elsewhere, and includes all work executed or carried out by persons who are engaged in the trades, activities or subdivisions of the Building Industry, including electrical installation, which means electrical fitting and wiring and operations incidental thereto, and all work incidental to the activities of an employer in connection with the erection of a building, including the demolition of buildings, in the following areas:

- (a) The Province of the Transvaal and the Magisterial Districts of Sasolburg and Bloemfontein as they existed at 19 June 1985;
- (b) the Magisterial Districts of Barkly West, Gordonia, Hartswater, Kuruman and Postmasburg as they existed at 18 October 1989;
- (c) the Province of the Free State, excluding the Magisterial Districts of Sasolburg and Bloemfontein as they existed at 19 June 1985;
- (d) the Magisterial Districts of Aberdeen, Adelaide, Albert, Aliwal North, Barkley East, Bedford, Britstown, Carnavon, Cathcart, Colesburg, 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, Noupoort, Pearston, Philipstown, Prince Albert, Richmond (Northern Cape), Somerset East, Sterkstroom, Steynsburg, Steytlerville, Stutterheim, Tarka, Venterstad, Victoria West, Williston, Willowmore and Wodehouse as they existed at 13 April 1995;
- (e) The Magisterial Districts of Albany, Alexandra, Bathurst, Beaufort West, Calitzdorp, George, Humansdorp, Joubertina, Knysna, Ladismith, Mossel Bay, Oudtshoorn, Port Elizabeth, Queenstown, Riversdale, Uitenhage and Uniondale as they existed at 24 November 1995.

### **Region B**

For the purposes hereof, "Electrical Industry" means the industry in which employers and their employees are associated for any or all of the following:

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- (a) The installation and/or repair of electrical equipment including generators, motors, convertors, switch and control gear (including relays, contactors, electrical instruments and equipment associated therewith), electrical lighting, heating, cooking, refrigeration, and cooling equipment, primary and secondary cells and batteries, transformers, furnace equipment, radio sets and allied electrical apparatus, signaling equipment, and other equipment utilising the principles used in the operation of radio or electronic equipment, including all operations incidental thereto, but excluding –
- (i) the manufacture of the equipment referred to or the installation and/or repair of primary and secondary cells and batteries where those are installed or repaired by a manufacturer of batteries;
  - (ii) the wiring of or installation in motor vehicles of lighting, heating or other equipment or fixtures, whether permanent or otherwise;
- (iii) the installation, repair and/or servicing of typewriting machines and/or other mechanical office appliances where the use of electrical power and the application of the principles used in the operation of radio and electronic equipment are involved;
- (b) the wiring of or installation in buildings or structures of electrical lighting, electrical heating or other permanent fixtures and/or the making of articles for use incidental to the foregoing operations whether the work is performed, the material is prepared or the necessary articles are made on the site of the building or structures or elsewhere, but not including the repair and/or maintenance and/or installation of lifts and escalators in buildings or structures;

in the Magisterial District of East London.

### **Region C**

For the purposes hereof, "Electrical Industry" means the industry in which employers and their employees are associated for any or all of the following:

- (a) The design, preparation, erection, installation, repair and maintenance of all electrical equipment forming an integral and permanent part of buildings and/or structures, including any wiring, cable jointing and laying, and electrical overhead line construction, and all other operations incidental thereto, whether the work is performed or the material prepared on the site of the building or structures or elsewhere;
- (b) the design, preparation, erection, installation, repair and maintenance of all electrical equipment, incidental to the purpose for which a building and/or structure is used, including any wiring, cable jointing and laying, and electrical overhead line construction, and all other operations incidental thereto, whether the work is performed or the material prepared on the site of the building or structures or elsewhere;
- (c) the design, preparation, erection, installation, repair and maintenance of all electrical equipment incidental to the construction, alteration, repair and maintenance of buildings and/or structures, including any wiring, cable jointing and laying, and electrical overhead line construction, and all other operations incidental

thereto, whether the work is performed or the material prepared on the site of the building or structures or elsewhere;

- (d) the installation and/or maintenance and/or repair and/or servicing of domestic television sets and/or other domestic electronic appliances and/or equipment, including the erection and/or repair of television antennas;
- (e) the design, preparation, erection, installation, repair and maintenance of all electrical equipment not covered by (a), (b), (c) or (d) above, including any wiring, cable jointing and laying and electrical overhead line construction, and all other operations incidental thereto, whether the work is performed or the material prepared on the site of the building or structures or elsewhere;
- (f) the installation and/or maintenance and/or repair and/or servicing of overhead lines and underground cables associated with domestic and/or industrial and/or commercial installations and/or street lighting.

For the purposes of this definition –

- (i) “electrical equipment” includes -
  - (aa) electrical cables and overhead lines, and
  - (ab) generators, motors, convertors, switch and control gear (including relays, contactors, electrical instruments and equipment associated therewith, but excluding radio sets and allied electrical apparatus, signaling equipment and other equipment utilising the principles used in the operation of radio or



electronic equipment), electrical lighting, heating, cooking and cooling equipment, primary and secondary cells and batteries, transformers and furnace equipment;

(c) "design, preparation, erection, installation, repair and maintenance" does not include –

- (aa) the manufacture, installation, repair and/or maintenance of lifts and escalators;
- (ab) the manufacture by repetitive methods of the aforementioned electrical equipment and/or component parts thereof;
- (ac) the wiring of or installation in motor vehicles of lighting, heating or other equipment or fixtures whether permanent or otherwise;
- (ad) the manufacture and/or fabrication and/or assembly or rebuilding of lead-acid type batteries or component parts thereof;
- (ae) the installation and/or servicing and/or repair of stationary-type lead-acid batteries or component parts thereof when performed by the manufacturer of the battery or component part;
- (af) the installation and/or servicing and/or repair of motor vehicle batteries of the lead-acid type or component parts thereof when performed by the manufacturer of the battery or component part in terms of his manufacturer's guarantee;
- (ag) the sale, repair and/or servicing of typewriting machines and/or other mechanical office appliances;

- (ah) the assembling and/or servicing and/or installation and/or maintenance and/or repair of any one or more of the appliances, equipment, machines, devices or apparatus referred to in (ai) below;
- (ai) the marketing of appliances, equipment, machines, devices and apparatus, whether utilising manual, photographic, mechanical, electrical, electrostatic or electronic principles or any combination of such principles, primarily intended for use in accounting and/or business and/or calculating and/or office procedures, wherever such marketing is carried on in conjunction with any or more of the activities referred to in (ah); or
- (aj) the connection to the wiring of a building or structure of the appliances, equipment, machines, devices and apparatus referred to in (ai), other than by means of socket or similar outlet provided for the purpose;

in the Province of KwaZulu-Natal, excluding any portions of that area falling within the former self-governing territory of KwaZulu.

#### **Representativeness of the Bargaining Council**

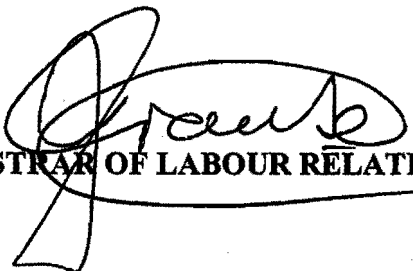
Total number of employees who fall within the new scope of the Bargaining Council and who belong to the trade union that is a party to the Council: **9 207**

Total number of employers who fall within the new scope of the Bargaining Council and who belong to the employers' organisation that is a party to the Council: **1 695**

Total number of employees employed within the new scope of the Bargaining Council by the employers who belong to the employers' organisation that is a party to the Council: **10 942**

Total number of employers within the new scope of the Bargaining Council: **3 409**

Estimated number of employees employed within the new scope of the Council: **15 580**



**REGISTRAR OF LABOUR RELATIONS**