

No. R. 418

17 April 2009

LABOUR RELATIONS ACT, 1995**METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL:
EXTENSION TO NON-PARTIES OF THE DISPUTE RESOLUTION
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 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 27 April 2009 and for the period ending 31 March 2010.

M M S MDLADLANA
MINISTER OF LABOUR

SCHEDULE**METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL
DISPUTE RESOLUTION AGREEMENT**

in accordance with the provisions of the Labour Relations Act, No. 66 of 1995, made and entered into by and between the –

Association of Electric Cable Manufacturers of South Africa

Association of Metal Service Centres of South Africa

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 Telecommunication Industries' Association

Federated Employers' Organisation of South Africa (FEOSA)

Ferro Alloy Producers' Association

Gate and Fence Association

Hand Tool Manufacturers' Association (HATMA)

Iron and Steel Producers' Association of South Africa (ISPA)

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

Plumbers and Engineers Brassware Manufacturers' Association

Port Elizabeth Engineers' Association

Pressure Vessel Manufacturers' Association of South Africa

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

Refrigeration and Airconditioning Manufacturers' and Suppliers' Association (RAMSA)

Sheetmetal Industries' Association of South Africa

S.A. Electro-Plating Industries' Association

S.A. Engineers' and Founders' Association

S.A. Fasteners' Manufacturers' Association

S.A. Industrial Refrigeration and Airconditioning 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 Actuators 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

Solidarity

United Association of S.A. (UASA)

National Union of Metalworkers of South Africa (NUMSA)

S.A. Equity Workers' Association (SAEWA)

(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 in the Iron, Steel, Engineering and Metallurgical Industry
 - (a) by all employers who are members of the employers' organisations and by all employees who are members of the trade unions;
 - (b) throughout the Republic of South Africa.
- (2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall apply to-
 - (a) apprentices or learners only to the extent to which they are not inconsistent with the provisions of the Manpower Training Act, 1981, or the Skills Development Act, No.97 of 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 or Section 19 of the Skills Development Act, No.97 of 1998, only in so far as they are not inconsistent with the provisions of the Act or any conditions fixed thereunder.
- (3) Notwithstanding the provisions of subclause 1(1)(a) and 2 this agreement shall not apply to employers and employees who are not members of the employers' organisations and trade unions respectively.

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 force until 31 March 2010.

3. SPECIAL PROVISIONS

The provisions contained in clause 2 of the Agreement published under Government Notice No. R. 836 of 18 August 2006 (hereinafter referred to as the "Former Agreement") as further amended and re-enacted from time to time, shall apply to employers and employees.

4. GENERAL PROVISIONS

The provisions contained in clauses 3 to 6 of the Agreement published under Government Notice No. R. 836 of 18 August 2006 (as further amended and re-enacted from time to time), shall apply to employers and employees.

5. ANNEXURE A:

**RULES FOR CONCILIATING AND ARBITRATING DISPUTES IN THE METAL AND
ENGINEERING INDUSTRIES BARGAINING COUNCIL**

PART H: GENERAL

(a) Insert the following new item 33:

"33. TARIFF OF ARBITRATION FEE FOR COMPLIANCE ARBITRATIONS

AN ARBITRATOR MAY MAKE AN ORDER FOR PAYMENT OF AN ARBITRATION FEE BY USING THE FOLLOWING TARIFF:

UNOPPOSED TARIFF

Item	Description	Tariff of fees
1	Referral of Dispute	R75.00
2	Unopposed Arbitration Fee	R400.00
3	Unopposed Award Fee	R100.00

OPPOSED TARIFF

1	Referral of Dispute	R75.00
2	Arbitration Fee	R600.00
3	Award Fee	R250.00

“

(b) Re-number the existing item 33 to read:

“34. What words mean in these rules”.

Signed for and on behalf of the parties at Johannesburg on 27 February 2009

L Trentini
Member

L De Welzim
Member

N Faasen
Operations Manager