

No. R. 586**22 May 2009****LABOUR RELATIONS ACT, 1995****ROAD FREIGHT INDUSTRY: EXTENSION OF AMENDMENT OF PROVIDENT FUND
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 Road Freight Industry 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 01 June 2009 and for the period ending 28 February 2011.

**M M S MDLADLANA
MINISTER OF LABOUR**

SCHEDULE

NATIONAL BARGAINING COUNCIL FOR THE ROAD FREIGHT INDUSTRY

AMENDMENT OF PROVIDENT FUND COLLECTIVE AGREEMENT

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

Road Freight Employers' Association

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

the one part, and the

Motor Transport Workers' Union (South Africa)

Professional Transport Workers' Union of South Africa

South African Transport and Allied Workers' Union

and

Transport and Allied Workers' Union of South Africa

(hereinafter referred to as the "employees" or the "trade unions"), of the other part, being the parties to the National Bargaining Council for the Road Freight Industry, to amend the Agreement published under Government Notice No. R. 612 of 1 July 2005, as amended and renewed by Government Notices Nos. R. 465 of 19 May 2006, R. 155 of 23 February 2007, R.558 of 6 July 2007, R 766 of 24 August 2007 and R.150 of 20 February 2009.

1. SCOPE OF APPLICATION

- (1) With effect from the date upon which Government Notice No. R. 612 of 1 July 2005 became binding, the terms of this Agreement shall be observed in the Road Freight Industry- -
 - (a) by all employers who are members of the employers' organization and by all employees who are members of the trade unions, and who are engaged and employed in the said Industry, respectively.
 - (b) in the Republic of South Africa.
- (2) Notwithstanding the provisions of sub-clause (1), the Mandatory terms of this Agreement shall apply only to employees for whom minimum wages are prescribed in the Main Agreement and to the employers of such employees.
- (3) Notwithstanding the provisions of sub-clause (1), but subject to clause

6(1)(h), the provisions of this Agreement shall not apply to -

- (a) the owner of only one vehicle who is the permanent driver of such vehicle or to the employees employed by such owner;
- (b) an employer, the majority of whose Bargaining Unit Employees –
 - (i) do not belong to a trade union or trade unions,
 - (ii) belong to an Occupational Retirement Fund to which the employer contributes;
 - (iii) were not bound by the provisions of the Provident Fund Collective Agreement as it was worded prior to the coming into operation of this Agreement by virtue of the operation of clause 1(3) of Government Notice No. 921 of 24 July 1998, as amended and extended from time to time.
 - (iv) have not agreed with the employer to be bound by the provisions of this Agreement, for so long as all of these exclusions continue to apply to the employer. If any of these exclusions cease to apply to the employer, the Mandatory terms of this Agreement will apply to the employer and his Bargaining Unit Employees from the date on which the exclusion cease to apply.
- (4) The provisions of clause 1(1)(a) and 2 of this Agreement shall not apply to employers and employees who are not members of the employers' organization and trade unions, respectively, who entered into this Agreement.
- (5) The exclusion contained in sub-clause (3) above shall not apply in respect of clause 7(4).

2. CLAUSE 2: PERIOD OF OPERATION OF AGREEMENT

"This agreement shall be effective from the 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 28th February 2011.

3. ANNEXURE A

Substitute the following for the existing Table:

Employees for whom wages are prescribed in the Main Agreement	A Weekly deductions from employee's wages	B Employer's weekly Contribution
	To commence on the date of coming into operation of this Agreement. 10% of ordinary wage	To commence on the date of coming into operation of this Agreement. 10% of ordinary wage

Signed at Johannesburg, for and on behalf of the parties to the Council,

this 21st day of April 2009.

T.C. SHORT
Chairman of the Council

J.J. DUBE
Vice-Chairman of the Council

J. LETSWALO
Secretary of the Council