

**DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID**

No. R. 817

7 August 2009

LABOUR RELATIONS ACT, 1995**NATIONAL BARGAINING COUNCIL FOR THE ROAD FREIGHT INDUSTRY: EXTENSION
OF AMENDMENT OF 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 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 17 August 2009 and for the period ending 28 February 2011.

M M S MDLADLANA
MINISTER OF LABOUR

No. R. 817

7 Augustus 2009

WET OP ARBEIDSVERHOUDINGE, 1995**NASIONALE BEDINGINGSRAAD VIR DIE PADVRAGNYWERHEID: UITBREIDING VAN
WYSIGING VAN HOOF KOLLEKTIEWE OOREENKOMS NA NIE-PARTYE**

Ek, MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, Minister van Arbeid, verklaar hierby, kragtens artikel 32(2) van die Wet op Arbeidsverhoudinge, 1995, dat die kollektiewe ooreenkoms wat in die Engelse Bylae hierby verskyn en wat in die Nasionale Bedingingsraad vir die Padvragnywerheid aangegaan is en kragtens artikel 31 van die Wet op Arbeidsverhoudinge, 1995, bindend is op die partye wat die ooreenkoms aangegaan het, bindend is vir die ander werkgewers en werknemers in daardie Nywerheid, met ingang van 17 Augustus 2009 en vir die tydperk wat op 28 Februarie 2011 eindig.

M M S MDLADLANA
MINISTER VAN ARBEID

SCHEDULE**NATIONAL BARGAINING COUNCIL FOR THE ROAD FREIGHT INDUSTRY
AMENDMENT OF THE MAIN 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"), on 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 (SATAWU)**

and

Transport and Allied Workers' Union

(hereinafter referred to as the "employees" or the "trade unions"), on the other part, being the parties to the National Bargaining Council for the Road Freight Industry to amend the Agreement published under Government Notices R.493 and R.494 of 30 April 2004, as extended, amended and renewed by Government Notices R.769 of 25 June 2004, R.173 of 25 February 2005, R.496 of 27 May 2005, R.719 of 22 July 2005, R. 467 of 19 May 2006, R.715 of 28 July 2006, R. 154 of 23 February 2007, R.559 of 6 July 2007, R.560 of 6 July 2007, R.869 of 21 September 2007, R.151 of 20 February 2009, R.584 of 22 May 2009 and R585 of 22 May 2009.

1. SCOPE OF APPLICATION

(1) The terms of this Agreement shall be observed in the Road Freight Industry:-

- (a) by all the employers who are members of the employers' organisation and by all employees who are members of the trade unions, and who are engaged and employed therein, respectively;

- (b) In the A Area, which consists of the Magisterial Districts of Alberton, Benoni, Boksburg, Brakpan [excluding those portions of the Magisterial Districts of Boksburg and Brakpan which, prior to the publication of Government Notice No. R. 1779 of 6 November 1964, fell within the Magisterial District of Heidelberg, and excluding those portions of the Magisterial District of Brakpan which, prior to 1 April 1966 and 1 July 1972 (Government Notices Nos. R. 498 and R. 871 of 1 April 1966 and 26 May 1972, respectively), fell within the Magisterial District of Nigel], Delmas, Germiston, Johannesburg, Kempton Park [excluding those portions which, prior to 29 March 1956 and 1 November 1970 (Government Notices Nos. R. 556 and R.1618 of 29 March 1956 and 2 October 1970, respectively), fell within the Magisterial District of Pretoria], Krugersdorp [including those portions of the Magisterial Districts of Koster and Brits which, prior to 26 July 1963 and 1 June 1972, respectively (Government Notices Nos. R. 1105 and R. 872 of 26 July 1963 and 26 May 1972, respectively), fell within the Magisterial District of Krugersdorp], Oberholzer (excluding that portion of the Magisterial District of Oberholzer which, prior to the publication of Government Notice No. R. 1745 of 1 September 1978, fell within the Magisterial District of Potchefstroom), Randburg (excluding that portion which, prior to the publication of Government Notice No. R. 2152 of 22 November 1974, fell within the Magisterial District of Pretoria), Randfontein (including that portion of the Magisterial District of Koster which, prior to the publication of Government Notice No. R. 1105 of 26 July 1963, fell within the Magisterial District of Randfontein, but excluding the farms Moadowns 1, Holfontein 17, Leeuwpan 18, Ireton 19, Pahtiki 20, Bospan 21 and Rietfontein 48), Roodepoort, Springs, Vanderbijlpark, Vereeniging and Westonaria; and

- (c) In the B Area, which consists of the rest of the Republic of South Africa, excluding the Magisterial Districts specified in paragraph (b) except where otherwise indicated.
- (2) Notwithstanding the provisions of sub-clause (1), this Agreement shall apply only to employees for whom minimum wages are prescribed herein and to the employers of such employees.
- (3) Notwithstanding the provisions of sub-clause (2), this Agreement shall not apply to an owner-driver, as defined, who possesses only one motor vehicle and who is the permanent driver of such vehicle, or to the employees employed by him, except insofar as clauses 3 and 5(4) of the Main Agreement are applicable.
- (4) The provisions of clauses 1(1) (a) and 1A of this Agreement shall not apply to employers and employees who are not members of the employers' organisation and the trade unions, respectively, who entered into this Agreement.

1A. PERIOD OF OPERATION OF THE 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 28 February 2011.

2. CLAUSE 21: HOLIDAY PAY BONUS FUND

- (1) Substitute the following sub clause 21 (12) (a):
 - "(a) For the duration of this Agreement, the Exemptions Committee assisted by a person with financial expertise and who is acceptable to the Executive Committee, as defined in the Council Constitution, shall grant an employer exemption to pay holiday bonuses and leave pay direct to its employees in the event that:."

3. CLAUSE 49: BARGAINING UNIT

- (1) Substitute clause 49 (1) and (2) with the following:


"49(1) The bargaining unit shall mean all employees employed in operations, warehousing, fleet maintenance and administration but excluding management that may take decisions to recruit or discipline employees, however including supervisors and controllers regardless of whether or not they may make decisions to recruit or discipline.


49(2) for statistical purposes only, employers shall reflect on their monthly returns the names and job categories of employees falling within the Road Freight Industry, as defined, for whom no minimum wages are prescribed. Employees covered by clause 1(2) shall be dealt with ordinarily in accordance with the monthly returns submitted to council.

- (2) Insert the following new clause 49(3):

"The bargaining unit shall be dealt with in accordance with the negotiations protocol as approved by council from time to time."

Signed at Johannesburg for and on behalf of the parties to the Council on this
9th day of June 2009.



T.C. SHORT
Chairperson of the
Council

J.J. DUBE
Vice-Chairperson
of the Council

J. LETSWALO
Secretary of the
Council