

NOTICE 1169 OF 2009**DEPARTMENT OF LABOUR****VARIATION OF SCOPE OF THE METAL AND ENGINEERING
INDUSTRIES BARGAINING COUNCIL**

I, Johannes Theodorus Crouse, Registrar of Labour Relations, hereby, give notice in terms of section 109 that, the scope of the above-mentioned Council, has been varied as contained in the Annexure hereto.

J T CROUSE

REGISTRAR OF LABOUR RELATIONS

ANNEXURE

The scope of registration of the abovenamed Bargaining Council has in terms of section 58 read with section 62(12) of the Labour Relations Act, of 1995, been varied.

With effect from 14 May 2009 the Council is registered in respect of-

the Iron, Steel, Engineering and Metallurgical Industries (as defined hereunder) in the Republic of South Africa.

“Iron, Steel, Engineering and Metallurgical Industries” means

- (a) The production of iron and/or steel;
- (b) The production of 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;

- (c) The general engineering and manufacturing engineering and metallurgical industries;
- (d) The building and/or alteration and/or repair of boats and/or ships including the scraping, chipping or scaling and/or painting of their hulls and general woodwork undertaken in connection with ship repairs;
- (e) The electrical engineering industry;
- (f) The lift and escalator industry;
- (g) The plastics industry and
- (h) The iron, steel and metallurgical industry as defined in paragraph (a) to (g) above shall include the activities of Temporary Employment Service as defined in the section 198(1) of the Labour Relations Act, 66 of 1995 as amended ("the LRA"), who for reward procure for or provide to a client whose undertaking falls within the registered scope of the Metal and Engineering Industries Bargaining Council any persons (employees as defined in section 198 (2) of the LRA) to render services or to perform work in such undertaking.

For the purpose hereof-

- (a) "General Engineering and Manufacturing Engineering and Metallurgical Industries" means the industries concerned with 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 metal work, including steel reinforcement work, and the manufacture of metal goods principally from iron and/or steel and/or other metals (other than precious metals) and/or alloys and

the finishing of metal goods, but does not include the Motor Industry.

“Precious Metals” means the precious metals gold, silver, platinum and/or palladium and/or any alloy containing the said precious metals or any of these in such proportion with any other metals to be the greater part in value of such alloy.

(b) “Electrical Engineering Industry” shall consist of –

- (i) The manufacture and/or assembly from component parts of electrical equipment in the Republic of South Africa, 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, signalling 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 further, incandescent lamps and electric cables and domestic electrical appliances, and shall also include the manufacture of component parts of the aforementioned equipment.
- (ii) Subject to clause (iii) hereunder, the installation, maintenance, repair and service of the equipment referred to in paragraph (i) above in the Province of Transvaal and Natal but does not include the activities of electrical contracting industry;
- (iii) The installation, maintenance, repair and service of television sets and monitors within the Republic of South Africa, excluding the installation, maintenance, repair and service in the Province of the Cape of Good Hope, and

excluding in respect of the whole of the Republic of South Africa, the installation, maintenance, repair and service of monitors primarily intended for use in accounting and/or data processing and/or business procedures.

- (c) “Electrical Contracting Industry” means the design, preparation (other than manufacture for sale) and erection of electrical installations forming an integral and permanent portion of buildings and the repair and/or maintenance of such installations including any cable jointing and electrical wiring associated therewith;
- (d) “Lift and Escalator Industry” means the manufacture and/or assembly and/or installation and/or repair of electrical lifts and escalators;
- (e) “Plastics Industry” means the industry concerned with the conversion of thermoplastic and/or thermosetting polymers, including the compounding or recycling thereof, or the manufacture of articles or parts wholly or mainly made of such polymers into rigid, semi-rigid or flexible form, whether blown, moulded, extruded, cast, injected, formed, calendered, coated, compression moulded or rotational moulded, including in-house printing on such plastics by the manufacturers, and all operations incidental to these activities;
- (f) “Plastics” means any one of the group of materials which consist of or contains as an essential ingredient an organic substance of a large molecular mass and which, while solid in the finished state, at some stage in its manufacture has been or can be forced, i.e. cast, calendered, extruded or moulded into various shape by flow, usually through the application, singly or together, of heat and pressure including the recycling or compounding thereof, but only where such compounding and or recycling is as a result of the conversion for manufacture by the same employer, but shall

exclude all extrusions into mono-and multi-filament fibres and other activities falling under the scope of the National Textile Bargaining Council;

- (g) “Machine” means any appliance irrespective of the material of which it is made, but does not include an agricultural tractor;
- (h) “Metal Goods” does not include agricultural tractor;
- (i) “Motor Industry” means –
 - (aa) Assembling, erecting, testing, remanufacturing, repairing, adjusting, overhauling, wiring, upholstering, spraying, painting and/or reconditioning carried on in connection with –
 - (i) chassis and/or bodies of motor vehicles;
 - (ii) internal combustion engines and transmission components of motor vehicles;
 - (iii) the electrical equipment connected with motor vehicles, including radios;
 - (ab) automotive engineering;
 - (ac) repairing, vulcanising and/or retreading tyres;
 - (ad) repairing, servicing and reconditioning batteries for motor vehicles;
 - (ae) the business of parking and/or storing motor vehicles;
 - (af) the business conducted by filling and/or service stations;

- (ag) the business carried on mainly or exclusively for the sale of motor vehicles or motor vehicle parts and/or spares and/or accessories (whether new or used) pertaining thereto whether or not such sale is conducted from premises which are attached to a portion of an establishment wherein is conducted the assembly of or repairs to motor vehicles;
- (ah) the business of motor graveyards;
- (ai) the business of assembly establishments;
- (aj) the business of manufacturing establishments wherein are fabricated motor vehicle parts and/or spares and/or accessories and/or components thereof.
- (ak) vehicle body building;

For the purpose of this definition;

“Automotive engineering” means the reconditioning of internal combustion engines or parts thereof for use in motor vehicles in establishments mainly or exclusively so engaged whether such establishment is engaged in the dismantling and repair of motor vehicles or not;

“motor vehicle” means any wheeled conveyance propelled by electrical or mechanical power (other than steam) and designed for haulage and/or for the transportation of persons and/or goods and/or loads, including trailers and caravans, but shall not include any equipment designed to run on fixed tracks, trailers designed to transport loads of 20 tons or over or aircraft;

“vehicle body building” means any or all of the following activities carried on in a Vehicle Body Building establishment –

- (i) the construction, repair or renovation of cabs and/or bodies and/or any superstructure, for any type of vehicle;
- (ii) the manufacture or repair of component parts for cabs and/or bodies and/or any superstructure and the assembling, adjusting and installation of parts in cabs, bodies or on the superstructure of vehicles;
- (iii) fixing cabs and/or bodies and/or any superstructure to the chassis of any type of vehicle;
- (iv) coating and/or decorating cabs and/or bodies and/or any superstructure with any preservative or decorative substance;
- (v) equipping, furnishing and finishing off the interior of cabs and/or bodies and/or superstructures;
- (vi) building of trailers, but not including the manufacture of wheels or axles therefor;
- (vii) all operations incidental to or consequent upon the activities referred to in paragraphs (i), (ii), (iii), (iv), (v) and (vi).

For the purpose of this definition “vehicle” does not include an aircraft, and “Motor Industry” as defined above shall not include the following –

- (i) the manufacture of motor vehicle parts and/or accessories and/or spares and/or components in establishment laid out for and normally producing metal and/or plastic goods of a different character on a substantial scale;
- (ii) the assembling, erecting, testing, repairing, adjusting, overhauling, wiring, spraying, painting and/or reconditioning of agricultural tractors except where carried on in establishments rendering similar service in respect of motor cars, motor lorries or motor trucks;

- (iii) the manufacture and/or maintenance and/or repair of –
- (aa) civil and mechanical engineering equipment and/or parts thereof whether or not mounted on wheels;
 - (bb) agricultural equipment or parts thereof; or
 - (cc) equipment designed for use in factories and/or workshops.

Provided that for the purpose of (aa), (bb) and (cc) above, “equipment” shall not be taken to mean motor cars, motor lorries and/or motor trucks; and

- (dd) motor vehicle or other vehicle bodies and/or superstructures and/or parts or components thereof made of steel plate of 3,175 mm thickness, when carried on in establishments laid out for and normally engaged in the manufacture and/or maintenance and/or repair of civil and/or mechanical engineering equipment on a substantial scale.

The above mentioned interests shall not include the undertakings, industries, trades or occupations in respect of which the Transnet Bargaining Council has been registered on 2 October 1991. The latter Council has been registered in respect of the undertakings, industries, trades or occupations of Transnet Limited known as Spoornet, South African Airways, Autonet, Portnet, Transtel, Transwerk, Promat, Protekon or any other business, undertaking, industry, trade, occupation, unit, department or section of Transnet Limited in the Republic of South Africa, as these undertakings, industries, trades or occupations were constituted on 2 October 1991.

Date: 14 MAY 2009

J T CROUSE
REGISTRAR OF LABOUR RELATIONS

NOTE: Paragraph O issued on 14 May 2009 is hereby replaced by the above Paragraph O.