

DEPARTMENT OF HEALTH**No. R. 1124****4 December 2009****LABOUR RELATIONS ACT, 1995****BARGAINING COUNCIL FOR THE BUILDING INDUSTRY (BLOEMFONTEIN):
EXTENSION OF AMENDMENT OF 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 **Bargaining Council for the Building Industry (Bloemfontein)** 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 14 December 2009 and for the period ending 31 December 2010.

MMS MDLADLANA
MINISTER OF LABOUR

SCHEDULE**BARGAINING COUNCIL FOR THE BUILDING INDUSTRY (BLOEMFONTEIN)****AMENDMENT OF COLLECTIVE AGREEMENT**

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

Master Builders' and Allied Trades Association (Free State) MBA (FS)

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

Amalgamated Union of Building Trade Workers of South Africa

Noordelike Bouwerkersvakbond (NBV); and

National Union of Mineworkers (NUM)

(hereinafter referred to as the "employees" or the "trade unions"), of the other part, being parties to the Bargaining Council for the Building Industry (Bloemfontein), to amend the Agreement published under Government Notice No. R. 221 of 29 February 2008 as amended by Government Notice No. R. 1324 of 12 December 2008.

1: SCOPE OF APPLICATION

- (1) The terms and conditions of the Agreement shall be observed -
 - (a) in the Magisterial District of Bloemfontein;
 - (b) by all employers who are members of the employers' organisation and by all employees who are members of the trade unions;
 - (c) by all employers and employees to whom the Minister of Labour may extend this Agreement;
 - (d) by all employers and employees who are directly or indirectly involved in the Building Industry.
- (2) Notwithstanding the provisions of sub-clause (1) the terms of this Agreement shall apply to-

- (a) apprentices only in so far as the terms are not inconsistent with the provisions of the Manpower Training Act, 1981, or any contract entered into or any conditions fixed thereunder;
 - (b) trainees under the Manpower Training Act, 1981 and the Skills Development Act, 1998, in so far as the terms are not inconsistent with the provisions of those Acts or any conditions fixed thereunder;
 - (c) working partners, directors and owners of a building-related business.
- (3) Notwithstanding the provisions of sub-clause (1), the terms of this Agreement shall not apply to-
- (a) clerical and administrative employees;
 - (b) university students and graduates in Building Science and to construction supervisors, construction surveyors, architects and other persons doing practical work in the completion of their academic training;
 - (c) casual employees as defined in clause 3;
 - (d) non-parties in respect of clause 1 (1) (b) and 2.

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 December 2010.

3. CLAUSE 8: REMUNERATION

Substitute sub-clause (1), (2)(a), (b) and (c) with the following:-

- (1) **Wages:** (a) General: No employer shall pay and no employee shall accept wages at rates lower than the following:

	Cents
	per hour
(i) Artisans	26.32
(ii) General workers	12.92

Calculation of wages: The weekly wage of an employee shall be his hourly wage multiplied by 40, in the case of artisans and all other categories of employees.

- (a) The increase for general workers shall be 12% per hour on actual wage. The “across the board” increase for all other categories shall be 9% of the actual wage.

- (2) **Supplementary remuneration and contributions:** (a) Except in respect of a casual employee, every employer shall pay each week to the Secretary of the Council in respect of each category of employee, as stipulated below, the total sum prescribed in Column G hereunder: Provided that such sum shall be allocated as set out hereunder:

(i) Holiday Fund	Column A
(ii) Provident Fund	Column B
(iii) Contributions to Bargaining Council expenses	Column C
(iv) Trade Union subscriptions	Column D
(v) Wage Guarantee Fund	Column E
(vi) Funeral Benefit	Column F
(vii) TOTAL SUM	Column G

Employers	Per week						
	A	B	C	D	E	F	G
	R	R	R	R	R	R	R
All employees earning R12.92 up to and including R14.67 ph	63.60	103.20	2.40	-	0.45	0.49	170.14
All employees earning R14.68 up to and including R17.90 ph	72.00	117.60	2.40	-	0.45	0.49	192.94
All employees earning R17.91 up to and including R21.08 ph	87.60	143.20	2.40	-	0.45	0.49	234.14
All employees earning R21.09 up to and including R26.31 ph	103.20	168.80	2.40	-	0.45	0.49	275.34
All employees earning R26.32 up to and including R29.46 ph	129.20	210.40	2.40	1.75	0.45	0.49	344.69
All employees earning R29.47 and more ph	144.40	236.00	2.40	1.75	0.45	0.49	385.49

(b) Except in respect of a casual employee who works for an employer for less than four weeks, every employer shall deduct each week from the remuneration due to each employee, as stipulated below, the amount prescribed in Column E hereunder: Provided that such sum shall be allocated as set out hereunder:

- (i) Holiday Fund Column A
- (ii) Provident Fund Column B
- (iii) Contributions to Bargaining Council Column C
- (iv) Trade Unions Column D
- (iii) TOTAL SUM Column E

Employers	Per week				
	A	B	C	D	E
	R	R	R	R	R
All employees earning R12.92 up to and including R14.67 ph	63.60	103.20	0.20	-	167.00
All employees earning R14.68 up to and including R17.90 ph	72.00	117.60	0.20	-	189.80
All employees earning R17.91 up to and including R21.08 ph	87.60	143.20	0.20	-	231.00
All employees earning R21.09 up to and including R26.31 ph	103.20	168.80	0.20	-	272.20
All employees earning R26.32 up to and including R29.46 ph	129.20	210.40	0.20	1.75	341.55
All employees earning R29.47 and more ph	144.40	236.00	0.20	1.75	382.35

(c) Every employer shall, in addition to any remuneration to which an employee may be entitled in terms of clause 8 (1), pay such employee the total sum prescribed in Column C hereunder:

- (i) Holiday Fund Column A
- (ii) Provident Fund Contributions Column B
- (iii) TOTAL SUM Column C

Employers	Per hour		
	A	B	C
	C	C	C
All employees earning R12.92 up to and including R14.67 ph	1.59	1.29	2.88
All employees earning R14.68 up to and including R17.90 ph	1.80	1.47	3.27
All employees earning R17.91 up to and including R21.08 ph	2.19	1.79	3.98
All employees earning R21.09 up to and including R26.31 ph	2.58	2.11	4.69
All employees earning R26.32 up to and including R29.46 ph	3.23	2.63	5.86
All employees earning R29.47 and more	3.61	2.95	6.56


4. CLAUSE 12: PROVIDENT FUND

Substitute sub-clause (1)(f) with the following

“(f) The contributions towards the Provident Fund payable by the employer for all category employees amounts to 10% of actual wage. The Provident Fund contributions shall be on a 50% employer and 50% employee basis”.

Thus done and signed at Bloemfontein on this 16th day of September 2009 for and on behalf of the Bargaining Council for the Building Industry (Bloemfontein).


 E T KOJI
 VICE - CHAIRPERSON


 C J BOTHA
 COUNCIL MEMBER


 A C M VAN VUUREN
 SECRETARY