

No. R. 533

18 June 2010

**LABOUR RELATIONS ACT, 1995****METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL: EXTENSION  
TO NON-PARTIES OF PENSION FUND 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 .....28 June 2010..... and for the period ending 30 April 2011.

**MMS MDLADLANA  
MINISTER OF LABOUR**

No. R. 533

18 Junie 2010

**METAAL-EN INGENIEURSNYWERHEDE BEDINGINGSRAAD: UITBREIDING NA  
NIE-PARTYE VAN PENSIOENFONDS KOLLEKTIEWE HERBEKRAGTIGING-  
EN WYSIGINGSOORENKOMS**

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 Bylae hiervan verskyn en wat in die Metaal-en Ingenieursnywerhede Bedingingsraad 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 .....28 Junie 2010....., en vir die tydperk wat op 30 April 2011 eindig.

**MMS MDLADLANA  
MINISTER VAN ARBEID**

**SCHEDULE****METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL****CONSOLIDATED ENGINEERING INDUSTRIES' PENSION FUND AGREEMENT**

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

**Association of Electric Cable Manufacturers of South Africa**

**Cape Engineers' and Founders' Association**

**Consolidated Association of Employers of S.A. (CAESAR)**

**Constructional Engineering Association (South Africa)**

**Covered Conductor Manufacturers' Association**

**Electrical Engineering and Allied Industries' Association**

**Electronics and Telecommunications Industries' Association**

**Federated Employers Organisation of S.A. (FEOSA)**

**Gate and Fence Association**

**Hand Tool Manufacturers' Association (HATMA)**

**KwaZulu Natal Engineering Industries' Association**

**Iron and Steel Producers' Association of South Africa**

**Lift Engineering Association of South Africa**

**Light Engineering Industries' Association of South Africa**

**National Employers Association of S.A.**

**Non-Ferrous Metal Industries' Association of South Africa**

**Plastics Convertors' Association of South Africa**

**Port Elizabeth Engineers' Association**

**Pressure Vessel Manufacturers' Association of South Africa**

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

**Refrigeration and Air-Conditioning Manufacturers' and Suppliers' Association**

**Sheetmetal Industries' Association of South Africa**

**S.A. Electro-Plating Industries' Association**

**S.A. Engineers' and Founders' Association**

**S.A. Fasteners Manufacturers' Association (SAFMA)**

**S.A. Refrigeration and Air-Conditioning Contractors' Association (SARACCA)**

**S.A. Pump Manufacturers' Association**

**S.A. Reinforced Concrete Engineers' Association (SARCEA)**

**S.A. Valve and Actuator Manufacturers' Association (SAVAMA)**

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

**Metal and Electrical Workers' Union of South Africa**

**Solidarity/MWU – Solidariteit/MWU**

**United Association of South Africa (UASA)**

**National Union of Metalworkers' of South Africa (NUMSA)**

**S.A. Equity Workers' Association**

(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 apply to and be observed
  - (a) throughout the Republic of South Africa; and
  - (b) by all employers and employees in the Iron, Steel, Engineering and Metallurgical Industries who are members of the employers' organisations and the trade unions, respectively.
- (2) The terms of this Agreement shall not apply to an employer and his employee who are governed by and fall within the scope of application of the Metal Industries Provident Fund Agreement.
- (3) The terms of this Agreement shall not apply to any employee who on 29 July 1957 was or thereafter became a participant in and member of any fund providing provident and/or pension benefits, which was in existence on the said date (and in which the employer of that employee was on the said date a participant) or to the employer of that employee, during such period only as such fund continues to operate and both employer and employee are participants therein: Provided that a fund which provides solely for payment of benefits on death shall not be deemed to be a pension or provident fund for the purposes of this Agreement.
- (4) Where employers and employees participate in domestic schemes providing provident and/or pension benefits as referred to in subsection (3) above, which at the date of coming into operation of this Agreement do not provide for percentage contributions which, in total, are at least as much as the percentages, in total, specified in section 5 of this Agreement, a period of six weeks shall be allowed to enable compliance with this requirement, subject to any such amendment being retroactive to the date of coming into operation of this Agreement.
- (5) Clauses 1(1) (b) 2 and 3 of this Agreement shall not apply to employers and employees who are not members of the employers' organisations and trade unions, respectively.

## **2. SPECIAL PROVISIONS**

The provisions contained in clause 7 of the Agreement published under Government Notice No. R.652 of 8 May 1998, as extended, re-enacted and amended by Government Notices Nos. R.116 of 11 February 2000, R.362 of 26 April 2001, r.629 of 13 July 2001, R.528 of 3 May 2002, R.171 of 7 February 2003, R.1022 of 21 October 2004 and R.409 of 28 April 2006 (hereinafter referred to as the "former Agreement") shall apply to employers and employees.

## **3. GENERAL PROVISIONS**

The provisions contained in clauses 3 to 6 and 8 to 12 of the Former Agreement shall apply to employers and employees.

## **4. 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 30 April 2011.

## **5. CLAUSE 5: CONTRIBUTIONS**

Substitute the following for subclause 2(c).

"2(c) The Employer shall pay the Fund an amount equal to the deductions made under paragraphs (a) and (b), from which shall be apportioned the costs of death and disability benefits as well as administration costs, as determined by the Board of Trustees in conjunction with the Actuary from time to time. The balance shall be the Employer's contribution to the Fund."

Thus signed at Johannesburg for and on behalf of the parties this 3<sup>rd</sup> day May 2010

**L. Trentini**  
**Member**

**V. Mabho**  
**Member**

**A. Smith**  
**Chief Executive Officer**