

No. R. 535

18 June 2010

LABOUR RELATIONS ACT, 1995**METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL: EXTENSION
TO NON-PARTIES OF PROVIDENT 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 from28 June 2010..... and for the period ending 30 April 2011.

MMS MDLADLANA
MINISTER OF LABOUR

SCHEDULE
METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL

**~~CONSOLIDATED~~ PROVIDENT FUND COLLECTIVE AGREEMENT FOR THE METAL
INDUSTRIES**

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)
Iron and Steel Producers' Association of South Africa
KwaZulu-Natal Engineering Industries' Association
Lift Engineering Association of South Africa
Light Engineering Industries' Association of South Africa
National Employers Association of S.A. (NEASA)
Non-Ferrous Metal Industries' Association of South Africa
Plastics Convertors' Association of South Africa
Port Elizabeth Engineers' Association
Pressure Vessel Manufacturers' Association
Radio, Appliance and Television Association of South Africa (RATA)
Refrigeration and Air-conditioning Manufacturers' Association of South Africa
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 Engineering Industries' Pension Fund Agreement (formerly the Metal Industries Group Life and Provident Fund Agreement) in force for the time being.
- (3) The terms of this Agreement shall not, subject to subclause (4) below, apply to any employee who on 1 May 1991 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 subclause (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 clause 6 of this Agreement, a period of six weeks shall be allowed to enable compliance with this requirement subject to any amendment being retroactive to the date of coming into operation of this Agreement.
- (5) Clauses 1(1) (b), 2 and 8 of this Agreement shall not apply to employers and employees who are not members of the employers' organisations and trade unions, respectively.

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 30 April 2011.

SPECIAL PROVISIONS

The provisions contained in clause 8 of the Agreement published under Government Notice R.1020 of 21 October 2005 (hereafter referred to as the "former Agreement") shall apply to employers and employees.

GENERAL PROVISIONS

The provisions contained in clauses 3 to 7 and 9 to 12 of the former Agreement shall apply to employers and employees.

6. CLAUSE 6: CONTRIBUTIONS

Amend clause 6 by substituting sub-clause 2(c) with the following:

- "(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 on this the 3 May 2010

L TRENTINI

Member

V MABHO

Member

A SMITH

Chief Executive Officer