

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING**

No. R. 585

9 July 2010

LABOUR RELATIONS ACT, 1995**NATIONAL BARGAINING COUNCIL FOR THE ROAD FREIGHT INDUSTRY: EXTENSION
TO NON –PARTIES OF THE EXEMPTIONS AND DISPUTE RESOLUTION COLLECTIVE
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 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.....9 July 2010..... and for the period ending 28 February 2012.

M M S MDLADLANA
MINISTER OF LABOUR

No. R. 585

9 Julie 2010

WET OP ARBEIDSVERHOUDINGE, 1995**NASIONALE BEDINGINGSRAAD VIR DIE PADVRAGNYWERHEID: UITBREIDING NA NIE-
PARTYE VAN VRYSTELLINGS- EN GESKILBESLEGTINGS KOLLEKTIEWE
WYSIGINGOOREENKOMS**

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 van9 Julie 2010..... en vir die tydperk wat op 28 Februarie 2012 eindig.

M M S MDLADLANA
MINISTER VAN ARBEID

SCHEDULE**NATIONAL BARGAINING COUNCIL FOR THE ROAD FREIGHT INDUSTRY****EXEMPTIONS AND DISPUTE RESOLUTION 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"), of 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**

and

Transport and Allied Workers' Union of South Africa

(hereinafter referred to as the "employees" or the "trade unions"), of the other part, being the parties to the National Bargaining Council for the Road Freight Industry to amend the agreement published under Government Notice No. R.919 of 24 July 1998, as amended and extended by Government Notices No. 1688 of 24 December 1998, R.212 of 19 February 1999, R.286 of 12 March 1999, R.318 of 19 March 1999, R.1279 of 29 October 1999, R.121 of 11 February 2000, R.142 of 18 February 2000, R.296 of 31 March 2000, R.540 of 2 June 2000, R.207 of 1 March 2001, R.815 of 31 August 2001, R.255 of 1 March 2002, R.333 of 28 February 2003, R.254 of 27 February 2004, R.640 of 28 May 2004, R.171 of 25 February 2005, R.497 of 27 May 2005, R.466 of 19 May 2006, R.153 of 23 February 2007 and R.1143 dated 7 December 2007.

1. SCOPE OF APPLICATION

- (1) The whole of the Republic of South Africa.
- (2) Notwithstanding the provisions of sub-clause (1), the terms of this Agreement shall apply:
 - (a) to employees for whom minimum wages are prescribed in the Main Agreement, as renewed and amended from time to time and to the employers of such employees in respect of clauses 4 and 5(1); and
 - (b) to employees as provided for in Council's Certificate of Registration.
- (3) The terms of this Agreement shall be observed in the Road Freight Industry –
 - (a) by all employers who are members of the employers' association/s and their employees; and
 - (b) by all employees who are members of the party trade unions and their employers; and
 - (c) all non-party employers and employees, subject to this Agreement being extended to non-parties by the Minister of Labour.

2. 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 2012.

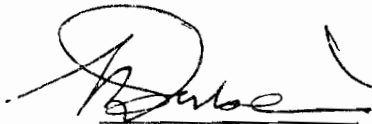
3. CLAUSE 4: EXEMPTIONS

Substitute sub-clause (1) with the following:

- “(1) The Council hereby establishes an exemption body, constituted of persons independent of the Council, to consider all applications for exemption from the provisions of the Council's Collective

Agreements. In terms of section 32(3)(e) of the Act, the Council establishes an Independent Body to hear and decide as soon as possible any appeals brought against the Exemptions Body's refusal of an application for exemption from the provisions of a collective agreement or the withdrawal of an exemption by the Exemptions Body or the Council."

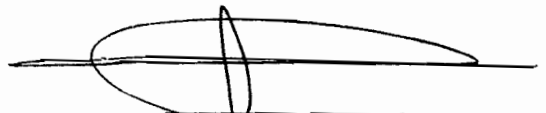
Signed at Johannesburg for and on behalf of the parties to the Council on this
02 day of March 2010.



J.J. DUBE
Chairperson of the
Council



T.C. SHORT
Vice-Chairperson
of the Council



J. LETSWALO
Secretary of the
Council

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