

## GENERAL NOTICES

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### NOTICE 95 OF 2011

#### DEPARTMENT OF LABOUR

#### LABOUR RELATIONS ACT, 1995

#### APPLICATION FOR VARIATION OF REGISTERED SCOPE OF A BARGAINING COUNCIL

I, Johannes Theodorus Crouse, Registrar of Labour Relations, hereby notify, in terms of section 58(1) of the Labour Relations Act, 1995 that an application for variation of scope has been received from the **Building Industry Bargaining Council (Cape of Good Hope)**.

Particulars of the application are reflected in the subjoined table.

Any person may object to the application on any or all of the following grounds:

- (a) The application has not complied with the provisions of section 29 of the Act, read with the changes required by the context.
- (b) The sector and area in respect of which application is made is not appropriate; and
- (c) The applicant is not sufficiently representative in the sector and area in respect of which the application is made.

Any person who objects must lodge a written objection with me, c/o the Department of Labour, Laboria House, 215 Schoeman Street, Pretoria (Postal address: Private Bag x 117, Pretoria, 0001), Fax No. (012) 309-4156, within 30 days of the date of this notice. A copy of the objection must be served on the applicant within the said period and I must be satisfied that a copy of the objection has been served on the applicant.

The applicant may respond to the objection within 14 days of the expiry of the 30 day period mentioned above and must satisfy me that a copy of the response has been served on the person who objected within the 14-day period.

**TABLE****Name of Bargaining Council:**

Building Industry Bargaining Council (Cape of Good Hope).

**Address of applicant:**

133 Voortrekker Road, Bellville, 7530 or P O Box 29, Bellville, 7535, Fax No. (021) 950-7405, Email: bibc@bipc.co.za

**Date on which application was lodged:**

5 October 2010

**Intention of the proposed variation**

The Council applies for variation of scope to include "The Local Municipality of Overstrand" into the jurisdiction of the Council.

**Interest and area in respect of which application is made:**

- (1) The Building Industry, as defined hereunder, excluding all electrical activities undertaken in the Magisterial Districts of Bellville, Goodwood, Kuils River, Malmesbury, Paarl, Simonstown, Somerset West, Stellenbosch, Strand, The Cape, Wellington, Wynberg and the Local Municipality of Overstrand.
- (2) The manufacture and erection of gravestones and cemetery memorials of all types in the Magisterial Districts of Bellville, Goodwood, Kuils River, Malmesbury, Paarl, Simonstown, Somerset West, Stellenbosch, Strand, The Cape, Wellington, Wynberg and the Local Municipality of Overstrand.

**"Building Industry"**, means, subject to the provisions of any demarcation determination made in terms of section 76 of the Labour Relations Act, 1956, and without in any way limiting the ordinary meaning of the expression, the industry in which employers and their employees are associated for the purpose of erecting, completing, renovating, repairing, maintaining or altering buildings or structures and/or making articles for use in the erection, completion or alteration of buildings or structures, whether the work is performed, the material is prepared or the necessary articles are made on the sites of the buildings or structures or elsewhere: Provided that such manufacturing activities shall be limited to the specific manufacturing activities that are mentioned in the following trades or subdivisions thereof, and shall further be limited to the carrying out of such activities by an employer who is associated with his employees for the purpose of erecting,

completing, renovating, repairing, maintaining or altering buildings or structures for use by him in the conducting of building work, and includes all work executed or carried out by persons therein who are engaged in the following trades or subdivisions thereof, including excavations and the preparation of sites for buildings as well as the demolition of buildings, unless such demolitions were not carried out for the purpose of preparing the sites for building operations, but does not include clerical employees and administrative staff, nor the wiring of or installation in buildings of lighting, heating or other permanent electrical fixtures and the installation, maintenance or repair of lifts in buildings:

*asphalting*, which includes covering floors or flat and/or sloping roofs, waterproofing or dampproofing basements or foundations, whether or not with prepared roll roofing or asphalt sheeting having glazed or unglazed surfaces, whether or not using tar, macadam, neuchatel, limmer or any other type of solid or semi-solid asphalt, mastic or emulsified asphalt or bitumens, applied either hot or cold to such roofs, floors, basements or foundations;

*bricklaying*, which includes concreting and fixing glass bricks, concrete blocks, slabs or plates, tiling walls and floors, jointing brickwork, pointing, paving, mosaic work, facing work in slate, in marble and in composition, drainlaying, slating, roof tiling, cement-caulking earthenware pipes, bituminous work, asphalting and sheeting, and the erecting prefabricated concrete structures of garden walls and/or boundary walls with posts or slabs;

*concrete work*, which includes the supervision of concrete being placed in situ and leveling the surfaces thereof;

*french polishing*, which includes polishing with a brush or pad, and spraying within any composition;

*glazing*, which includes the cutting and/or fixing of all kinds of glass or other like products into the rebates formed in wooden, or metal doors, windows, frames or like fixtures, and all operations incidental thereto;

*joinery*, which includes the fixing of all wooden fittings and manufacture of all articles of joinery incidental to such fittings, whether or not the fixing in the building or structure is done by the person making or preparing the article used, including cupboards, kitchen dressers or other kitchen fixtures which accrue to the building as a permanent part thereof;

*light-making*, which includes the manufacture and/or fixing of lead and/or metal lights and display signs, other than electrical lights or signs and glazing relating thereto;

*masonry*, which includes stone cutting and building (also the cutting and building of ornamental and monumental stonework), concreting and fixing or building pre-cast or artificial stone or marble, paving mosaic work, pointing, wall and floor tiling, operating a Mall and Biax or similar type of portable spinner and flexible cutting, finishing and other stone working machinery,

other than stone-polishing machinery, and sharpening mason's tools, whether or not the fixing in the building or structure is done by the person making or preparing the article used;

*metal work*, which includes the fixing of steel ceilings, metal windows, metal doors, builder's smithwork, metal frames and metal stairs and architectural metal work, together with the manufacture and/or fixing of drawn metal and sheet and extruded metal, whether or not the fixing in the building or structure is done by the person making or preparing the article used;

*painting*, which includes decorating, paper-hanging, glazing, distempering, lime and colour washing, staining, varnishing, graining, marbling, spraying, signwriting, wall decoration, applying primer and under-coat, enamelling, gilding, lining, stenciling, wax-polishing and woodwork preservation, and which also includes paint removal, scraping, the washing and cleaning of painted or distempered walls and washing and cleaning woodwork when such removal, scraping, washing and cleaning are preparatory to any of the said processes;

*plastering*, which includes modeling, model-making, facing casts to moulds, making and fixing plaster board ceilings and fibrous plaster or other compositions, granolithic, terrazzo and composition floor-laying, composition wall covering and polishing, operating a Mall and Biax or similar type of portable spinner and flexible cutting and finishing machine, pre-cast or artificial stone work, wall and floor tiling, paving and mosaic work, metal lathing, acoustic spraying and all processes incidental to the completion of ceilings and walls, whether or not the fixing in the building or structure is done by the person making or preparing the article used;

*plumbing*, which includes brazing and welding, lead burning, gas fitting, sanitary and domestic engineering, drain-laying, caulking, ventilating, heating, hot and cold water fitting, fire prevention installation and the manufacture and fitting of all sheet metal work, whether or not the fixing in the building or structure is done by the person making or preparing the article used;

*shop, office and bank fitting*, which includes the manufacture and/or fixing of shop fronts, window enclosures, show-cases, counters, screens and interior fittings and fixtures;

*steel reinforcing*, which includes the making and erecting shuttering and supervising the bending, placing and fixing in position of steel;

*steel construction*, which includes the fixing of metal or steel roof sheeting and/or wall cladding, all classes of steel or other metal columns, girders, steel joints or metal in any other form which forms part of a building or structure: Provided that the on-site assembly, placing and fixing in position and erection of the metal or steel framework (excluding metal or steel roof sheeting and/or wall cladding) that is to form part of a building shall be excluded from this definition when such activities are carried out by the employees of an employer who manufactures such metal or steel framework;

*woodworking*, which includes carpentry and veneer paneling and the polishing and sandpapering of same, woodworking, the manufacture of fixtures to specification for installation in specified building and the manufacture of stocks, machining, turning, carving, fixing corrugated iron or asbestos tile, shingling and other roof covering, sound and acousting material, cork and asbestos insulation, wood-lathing, composition ceiling and wall covering, plugging walls, covering woodwork with metal and covering metal with woodwork, brick and other flooring, including wood, linoleum, rubber compositions, asphalt-based floor covering or cork, and the sandpapering of same, operating a Mall and Biax or similar type of portable spinner and flexible cutting, finishing and polishing machine, shuttering and/or preparing forms of moulds for concrete, cork carpeting and any class or kind of linoleum when fixed in any building or structure, and the application or asphaltic saturated felt or fabrics to floors and/or walls and/or roofs, whether or not the fixing in the building or structure is done by the person making or preparing the article used.

For the purpose of this definition "structure" means a structure in the nature of, or incidental to, a building.

**Interest and area in respect of which registration is held:**

- (1) The Building Industry, as defined hereunder, excluding all electrical activities undertaken in such industry in the Magisterial Districts of Bellville, Goodwood, Kuils River, Malmesbury, Paarl, Simonstown, Somerset West, Stellenbosch, Strand, The Cape, Wellington and Wynberg.
- (2) The manufacture and erection of gravestones and cemetery memorials of all types in the Magisterial Districts of Bellville, Goodwood, Kuils River, Malmesbury, Paarl, Simonstown, Somerset West, Stellenbosch, Strand, The Cape, Wellington and Wynberg.

**"Building Industry"**, means, subject to the provisions of any demarcation determination made in terms of section 76 of the Labour Relations Act, 1956, and without in any way limiting the ordinary meaning of the expression, the industry in which employers and their employees are associated for the purpose of erecting, completing, renovating, repairing, maintaining or altering buildings or structures and/or making articles for use in the erection, completion or alteration of buildings or structures, whether the work is performed, the material is prepared or the necessary articles are made on the sites of the buildings or structures or elsewhere: Provided that such manufacturing activities shall be limited to the specific manufacturing activities that are mentioned in the following trades or subdivisions thereof, and shall further be limited to the carrying out of such activities by an employer who is associated with his employees for the purpose of erecting, completing, renovating, repairing, maintaining or altering buildings or structures for use by him in the conducting of building work, and includes all work executed or carried out by persons therein who are engaged in the following trades or subdivisions thereof, including excavations and the preparation of sites for buildings as well as the demolition of buildings, unless

such demolitions were not carried out for the purpose of preparing the sites for building operations, but does not include clerical employees and administrative staff, nor the wiring of or installation in buildings of lighting, heating or other permanent electrical fixtures and the installation, maintenance or repair of lifts in buildings:

*asphalting*, which includes covering floors or flat and/or sloping roofs, waterproofing or dampproofing basements or foundations, whether or not with prepared roll roofing or asphalt sheeting having glazed or unglazed surfaces, whether or not using tar, macadam, neuchatel, limmer or any other type of solid or semi-solid asphalt, mastic or emulsified asphalt or bitumens, applied either hot or cold to such roofs, floors, basements or foundations;

*bricklaying*, which includes concreting and fixing glass bricks, concrete blocks, slabs or plates, tiling walls and floors, jointing brickwork, pointing, paving, mosaic work, facing work in slate, in marble and in composition, drainlaying, slating, roof tiling, cement-caulking earthenware pipes, bituminous work, asphalting and sheeting, and the erecting prefabricated concrete structures of garden walls and/or boundary walls with posts or slabs;

*concrete work*, which includes the supervision of concrete being placed in situ and leveling the surfaces thereof;

*french polishing*, which includes polishing with a brush or pad, and spraying within any composition;

*glazing*, which includes the cutting and/or fixing of all kinds of glass or other like products into the rebates formed in wooden, or metal doors, windows, frames or like fixtures, and all operations incidental thereto;

*joinery*, which includes the fixing of all wooden fittings and manufacture of all articles of joinery incidental to such fittings, whether or not the fixing in the building or structure is done by the person making or preparing the article used, including cupboards, kitchen dressers or other kitchen fixtures which accrue to the building as a permanent part thereof;

*light-making*, which includes the manufacture and/or fixing of lead and/or metal lights and display signs, other than electrical lights or signs and glazing relating thereto;

*masonry*, which includes stone cutting and building (also the cutting and building of ornamental and monumental stonework), concreting and fixing or building pre-cast or artificial stone or marble, paving mosaic work, pointing, wall and floor tiling, operating a Mall and Biax or similar type of portable spinner and flexible cutting, finishing and other stone working machinery, other than stone-polishing machinery, and sharpening mason's tools, whether or not the fixing in the building or structure is done by the person making or preparing the article used;

*metal work*, which includes the fixing of steel ceilings, metal windows, metal doors, builder's smithwork, metal frames and metal stairs and architectural metal work, together with the manufacture and/or fixing of drawn metal and sheet and extruded metal, whether or not the fixing in the building or structure is done by the person making or preparing the article used;

*painting*, which includes decorating, paper-hanging, glazing, distempering, lime and colour washing, staining, varnishing, graining, marbling, spraying, signwriting, wall decoration, applying primer and under-coat, enamelling, gilding, lining, stenciling, wax-polishing and woodwork preservation, and which also includes paint removal, scraping, the washing and cleaning of painted or distempered walls and washing and cleaning woodwork when such removal, scraping, washing and cleaning are preparatory to any of the said processes;

*plastering*, which includes modeling, model-making, facing casts to moulds, making and fixing plaster board ceilings and fibrous plaster or other compositions, granolithic, terrazzo and composition floor-laying, composition wall covering and polishing, operating a Mall and Biax or similar type of portable spinner and flexible cutting and finishing machine, pre-cast or artificial stone work, wall and floor tiling, paving and mosaic work, metal lathing, acoustic spraying and all processes incidental to the completion of ceilings and walls, whether or not the fixing in the building or structure is done by the person making or preparing the article used;

*plumbing*, which includes brazing and welding, lead burning, gas fitting, sanitary and domestic engineering, drain-laying, caulking, ventilating, heating, hot and cold water fitting, fire prevention installation and the manufacture and fitting of all sheet metal work, whether or not the fixing in the building or structure is done by the person making or preparing the article used;

*shop, office and bank fitting*, which includes the manufacture and/or fixing of shop fronts, window enclosures, show-cases, counters, screens and interior fittings and fixtures;

*steel reinforcing*, which includes the making and erecting shuttering and supervising the bending, placing and fixing in position of steel;

*steel construction*, which includes the fixing of metal or steel roof sheeting and/or wall cladding, all classes of steel or other metal columns, girders, steel joints or metal in any other form which forms part of a building or structure: Provided that the on-site assembly, placing and fixing in position and erection of the metal or steel framework (excluding metal or steel roof sheeting and/or wall cladding) that is to form part of a building shall be excluded from this definition when such activities are carried out by the employees of an employer who manufactures such metal or steel framework;

*woodworking*, which includes carpentry and veneer paneling and the polishing and sandpapering of same, woodworking, the manufacture of fixtures to specification for installation in specified building and the manufacture of

stocks, machining, turning, carving, fixing corrugated iron or asbestos tile, shingling and other roof covering, sound and acousting material, cork and asbestos insulation, wood-lathing, composition ceiling and wall covering, plugging walls, covering woodwork with metal and covering metal with woodwork, brick and other flooring, including wood, linoleum, rubber compositions, asphalt-based floor covering or cork, and the sandpapering of same, operating a Mall and Biax or similar type of portable spinner and flexible cutting, finishing and polishing machine, shuttering and/or preparing forms of moulds for concrete, cork carpeting and any class or kind of linoleum when fixed in any building or structure, and the application or asphaltic saturated felt or fabrics to floors and/or walls and/or roofs, whether or not the fixing in the building or structure is done by the person making or preparing the article used.

For the purpose of this definition "structure" means a structure in the nature of, or incidental to, a building.

**Representativeness of the Council:**

Total number of employees falling within the proposed scope of the Council and who belong to the trade union that is a party to the Council:

$$7\,196 + 474 = 7\,670$$

Total number of employers falling within the registered scope of the Council and who belong to the employers' organisations that are parties to the Council:

$$216 + 21 = 237$$

Total number of employees employed within the proposed scope of the Council by the employers who belong to the employers' organisations that are parties to the Council:

$$8\,297 + 225 = 8\,522$$

Total number of employers within the proposed scope of the Council:

$$618 + 21 = 639$$

Total number of employees employed within the proposed scope of the Council:

$$15\,493 + 474 = 15\,967$$