

DEPARTMENT OF LABOUR**No. R. 132****25 February 2011****LABOUR RELATIONS ACT, 1995****MOTOR INDUSTRY BARGAINING COUNCIL – MIBCO: EXTENSION TO NON-PARTIES
OF AUTO WORKERS' PROVIDENT FUND COLLECTIVE AMENDING AGREEMENT**

I, **MILDRED NELISIWE OLIPHANT**, Minister of Labour, hereby in terms of section 32(2) of the Labour Relations Act, 1995, declare that the Auto Workers' Provident Fund Collective Agreement which appears in the Schedule hereto, which was concluded in the **Motor Industry Bargaining Council – MIBCO**, 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 fromand for the period ending 31 March 2015.

**MINISTER OF LABOUR**

SCHEDULE**MOTOR INDUSTRY BARGAINING COUNCIL – MIBCO****AMENDING AUTO WORKERS' PROVIDENT FUND
COLLECTIVE AGREEMENT**

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

Retail Motor Industry Organisation – (RMI)

and

Fuel Retailers' Association of Southern Africa - (FRA)

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

MOTOR INDUSTRY STAFF ASSOCIATION - - MISA

and

National Union of Metalworkers of South Africa – (NUMSA)

(hereinafter referred to as the "employees" or the "trade unions") of the other part, being the parties to the Motor Industry Bargaining Council - MIBCO,

to amend the Auto Workers' Provident Fund Collective Agreement published under Government Notice No. R.239 of 24 March 2005 and amended by Government Notice No. R.98 of 1 February 2008..

1. CLAUSE 1 - PERIOD OF OPERATION

The provisions of this Agreement shall come into operation on such date as may be fixed by the Minister in terms of section 32 of the Labour Relations Act, 1995, and shall remain in operation for the period ending 31 March 2015.

2. CLAUSE 2 - SCOPE OF APPLICATION OF AGREEMENT

- (1) Subject to the provisions of subclause (2) of this clause, the terms of this Agreement shall be observed -
 - (a) in the Motor Industry in the Republic of South Africa;
 - (b) by all employees in grades 1 to 6 in the Motor Industry and by their employers in the Motor Industry.
- (2) Notwithstanding the provisions of subclause (1), the provisions of this Agreement shall not apply to -
 - (a) grades 1 to 6 employees who are members of the Motor Industry Provident Fund until such time as the parties agree that they are transferred to the Auto Workers' Provident Fund.
 - (b) any employee who has been granted a retirement benefit by any fund which provides for such benefits;

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- (c) employees in respect of whom their employer contributes, and for as long as their employer so contributes, to a pension fund/provident fund which was in operation on the date of coming into operation of this Agreement and which, in the opinion of the Council, provides benefits not less favourable than those provided by the Fund;
- (d) any fixed term and/or probationary employee for six months from the date on which he begins employment in the Motor Industry; provided that any employer may in his discretion waive this exclusion.

3. CLAUSE 3 : DEFINITIONS

- (1) Substitute the following for the proviso to the definition of "pensionable remuneration"

"provided, however, that all commission received in excess of -

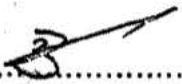
R9 810,00 per month for the period 1 October 2010 to 31 August 2011

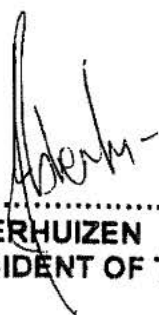
R10 594,80 per month for the period 1 September 2011 to 31 August 2012 and

R11 336,44 per month for the period 1 September 2012 to 31 August 2013

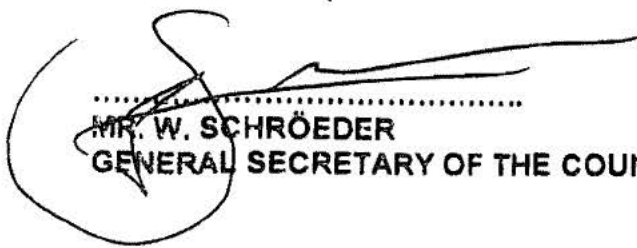
shall be excluded, unless the employer and employee jointly agree that contributions shall be paid on commission earnings in excess of the aforementioned limitation"

SIGNED AT RANDBURG ON THIS 13TH DAY OF OCTOBER 2010.


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MR. B. CELE
PRESIDENT OF THE COUNCIL



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MS J. ESTERHUIZEN
VICE-PRESIDENT OF THE COUNCILL



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MR. W. SCHRÖDER
GENERAL SECRETARY OF THE COUNCIL

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