

No. R. 687

26 August 2011

**LABOUR RELATIONS ACT, 1995****MOTOR INDUSTRY BARGAINING COUNCIL - MIBCO: EXTENSION OF  
COLLECTIVE AGREEMENT TO NON-PARTIES**

I, **MILDRED NELISIWE OLIPHANT**, 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 **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 from **5 September 2011** and for the period ending 31 August 2013.

**MN OLIPHANT**  
**MINISTER OF LABOUR**

## **SCHEDULE**

### **MOTOR INDUSTRY BARGAINING COUNCIL - MIBCO**

#### **MAIN 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 the

**Fuel Retailers' Association of South Africa**

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

**National Union of Metalworkers of South Africa,**

and

**MISA**

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

#### **PROVISIONS APPLICABLE TO ALL ESTABLISHMENTS IN THE INDUSTRY**

##### **PREAMBLE**

##### **1. 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 Act, and shall remain in force until 31 August 2013.

## **2. CENTRALIZED BARGAINING**

Bargaining within the Motor Industry, as defined in the Main Collective Agreement, takes place at centralized level. There shall be no two-tier bargaining on any matter of mutual interest, other than in Sector 6 where the Parties may engage in plant level negotiations on actual wages.

## **3. APPLICATION OF THE BASIC CONDITIONS OF EMPLOYMENT ACT (ACT No. 75 OF 1997)**

The Parties agree that whenever any amendments are effective to the Sections identified by Section 49(1) of the Basic Conditions of Employment Act (Act No. 75 of 1997), all corresponding clauses in this Agreement must be amended accordingly.

## **4. PEACE CLAUSE**

- (1) The Parties agree not to embark on and/or participate in any form of industrial action as a result of any dispute on wage and/or salary adjustments and other conditions of employment relating to any sector or chapter in this Agreement: Provided that an employer has implemented the wage and/or salary adjustments and other agreed conditions of employment matters on or before promulgation. Participation in any form of industrial action after the date of the settlement Agreement until 31 August 2013 shall be unprotected.
- (2) Provided further, that Bargaining within the Motor Industry, as defined in the Main Collective Agreement, takes place at centralized level. There shall be no two-tier bargaining on any matter of mutual interest, other than in Sector 6 where the Parties may engage in plant level negotiations on actual wages which negotiations shall be governed by the provisions of the LRA and shall not be conducted under the auspices of MIBCO. In particular, this clause shall not impact on the DRC jurisdiction to entertain disputes referred to it, arising out of such negotiations at plant level in respect of Sector 6 establishments.

## **DIVISION A**

### **CLAUSE 2: SCOPE OF APPLICATION AND DEFINITIONS**

#### **2.1. SCOPE OF APPLICATION**

- (1) The terms of this Agreement shall be observed in the Motor Industry -
  - (a) throughout the Republic of South Africa, excluding that portion of the Magisterial District of Somerset West, occupied by the Cape Explosive Works (Ltd).
  - (b) by the employers and the employees in the Motor Industry who are members of the employers' organisations and the trade unions, respectively.
- (2) Notwithstanding the provisions of subclause (1), the provisions of this Agreement shall apply to -
  - (a) apprentices only in so far as they are not inconsistent with the provisions of or any conditions fixed under the Skills Development Act, 1998, and learners in terms of Chapter IV of the Skills Development Act, Act. No. 97 of 1998; and
  - (b) trainees undergoing training under the Skills Development Act, 1998 only in so far as they are not inconsistent with the provisions of or any conditions fixed under that Act.
- (3) (a) Notwithstanding the provisions of subclauses (1) and (2), the provisions of the Agreement as set out in the Schedule to this subclause shall apply only to employees for as long as their weekly or monthly remuneration, excluding commission on sales, exceeds the rate of -

#### **in Area A -**

from 7 February 2011 to **31 August 2011**

R126 912 per annum

for the period **1 September 2011 to 31 August 2012 -**

R 138 324 per annum

for the period **1 September 2012 to 31 August 2013 -**

R149 736 per annum

**in Other Areas**

from 7 February 2011 to 31 August 2011 –  
R108 884 per annum  
for the period 1 September 2011 to 31 August 2012 –  
R119 568 per annum  
for the period 1 September 2012 to 31 August 2013 –  
R130 252 per annum

**SCHEDULE****ADMINISTRATIVE AGREEMENT**

- |           |   |   |
|-----------|---|---|
| Clause 5  | - | Deductions from Earnings                  |
| Clause 13 | - | Employees' Representatives on the Council |
| Clause 14 | - | Prohibition of Cession of Benefits        |

**MAIN AGREEMENT - DIVISION A**

- |               |   |  |
|---------------|---|--|
| Clause 2.2    | - | Definitions                              |
| Clause 3.8    | - | Payment of Earnings                      |
| Clause 3.10   | - | Piece Work                               |
| Clause 3.11   | - | Commission Work                          |
| Clause 3.13   | - | Travelling Allowances                    |
| Clause 5.1    | - | Annual Leave and Accrued Leave Pay       |
| Clause 5.2    | - | Sick Leave                               |
| Clause 5.3    | - | Maternity Leave                          |
| Clause 7.1    | - | Termination of Service                   |
| Clause 7.3    | - | Retrenchment Pay                         |
| Clause 7.4(1) | - | Desertion                                |
| Clause 7.5    | - | Certificate of Service                   |
| Clause 9.1    | - | Outwork                                  |
| Clause 9.3(2) | - | Damage and/or Loss of Property or Assets |
| Clause 9.6    | - | Public Holidays                          |

- (b) Notwithstanding the provision of subclause (3)(a) of this clause or any other provisions to the contrary, employees earning in excess of-

**in Area A –**

from 7 February 2011 to 31 August 2011 –  
R126 912 per annum  
for the period 1 September 2011 to 31 August 2012 –  
R 138 324 per annum  
for the period 1 September 2012 to 31 August 2013 –  
R149 736 per annum

**In Other Areas -**

from 7 February 2011 to 31 August 2011 –  
R108 884 per annum  
for the period 1 September 2011 to 31 August 2012 –  
R119 568 per annum  
for the period 1 September 2012 to 31 August 2013 –  
R130 252 per annum

excluding commission on sales, shall not be required to work overtime other than on a voluntary basis, free from any form of coercion, intimidation or victimisation.

- (4) Notwithstanding the provisions of subclause (3) of this clause, the provisions of clause 11 of the Administrative Agreement shall apply to employees who are members of the National Union of Metalworkers of South Africa or MISA, regardless of their earnings.
- (5) The provisions of clause 6.1 (1) of this Division shall be applicable to all employees excluding commission on sales receiving up to –

**In Areas A –**

from 7 February 2011 to 31 August 2011 – R10 576,00 per month (R2 440,62 per week)  
from 1 September 2011 to 31 August 2012 – R11 527,00 per month (R2 660,08 per week)  
from 1 September 2012 to 31 August 2013 – R12 478,00 per month (R2 879,54 per week)

**In other areas –**

from 7 February 2011 to 31 August 2011 – R9 073,67 per month  
(R2 093,92 per week)

from 1 September 2011 to 31 August 2012 – R9 964,00 per month (R2 299,38 per week)

from 1 September 2012 to 21 August 2013 – R10 854,33 per month  
(R2 504,85 per week)

- (6) Clause 1.1 of the Preamble and Clause 2.1(1)(b) of Division A, shall not apply to employers and employees who are not members of the employers' organisations and trade unions, respectively.

**2.2. DEFINITIONS**

Any expressions used in this Agreement which are defined in the Labour Relations Act, 1995, shall have the same meaning as in that Act, any reference to an Act shall include any amendments to such Act, and unless the contrary intention appears, words importing the masculine gender shall also include females; further, unless inconsistent with the context -

**“accessory shop”** means any establishment or part of an establishment wherein, whereon, or wherefrom are sold or offered for sale by wholesale or retail, any new and used spares, replacement parts or accessories for the repair of or addition to any motor vehicle;

**“accountant” (Division B)** means an employee who is exclusively responsible for producing, finalising and submitting a full set of annual financial statements for an establishment registered in the Motor Industry;

**“Act”** means the Labour Relations Act, 1995 (Act 66 of 1995);

**“Administrative Agreement”** means the Agreement entered into between the parties published in terms of Government Notice R1034 of 20 October 2006 and any subsequent renewals thereof and/or amendments thereto;

**“apprentice”** means an employee serving under a written contract of apprenticeship registered or deemed to have been registered under the Skills Development Act, 1998, and includes a minor employed on probation in terms of that Act as well as a learner in terms of Chapter IV of the Skills Development Act, 97 of 1999;

**AREAS – EXPLANATORY NOTE:**

- **“Magisterial District”** means a district created in terms of Section 2 of the Magistrates’ Courts Act, 1944 (Act No. 32 of 1944),
- **“Municipal Area”** means a municipal area determined in terms of the Local Government : Municipal Demarcation Act, 1998 (Act No. 27 of 1998)

**“Area A (EC)”** means the **Magisterial District** of East London, the **municipal areas** of Despatch, Port Elizabeth and Uitenhage;

**“Area B (EC)”** means the **Magisterial Districts** of Aberdeen, Adelaide, Albany, Albert, Alexandria, Aliwal North, Barkly East, Bathurst, Bedford, Calitsdorp, Cathcart, Colesberg, Cradock, Elliot, Fort Beaufort, George, Graaff-Reinet, Hankey, Hanover, Hofmeyr, Humansdorp, Indwe, Jansenville, Joubertina, King William’s Town, Kirkwood, Knysna, Komga, Lady Grey, Maclear, Middelburg (C.P.), Molteno, Mosselbay, Murraysburg, Noupoot, Oudtshoorn, Pearston, Port Elizabeth (**excluding the municipal area** of Port Elizabeth), Queenstown, Somerset East, Sterkstroom, Steynsburg, Steytlerville, Stockenström, Stutterheim, Tarkastad Uitenhage (**excluding the municipal area** of Uitenhage), Uniondale, Venterstad, Willowmore and Wodehouse;

**“Area C (EC)”** means the **Magisterial Districts** of Alice, Bhisho, Centane, Cofimvaba, Engcobo, Fort Hare, Gatyana, Gcuwa / Butterworth, Hewu/ Sada, Idutywa, Kalanga Cala, Kwa bhaca / Mount Frere, Libode, Lusikisiki, Mdantsane, Middledrift / Keiskamma Hoek, Mount Fletcher, Mpofu / Seymore, Mquanduli, Ngqeleni, Nqamakwe, Peddie, Qumbu, Siphagenu / Flagstaff, Tabankulu, Tsolo, Tsomo, Umtata, Umzimvubu/ Port St Johns, Victoria East, Whittlesea, Xhora, Zwelitsha, Zwentsha;

**“Area A (KZNL)”** means the **Magisterial Districts** of Chatsworth, Durban, Pietermaritzburg and Pinetown and the **municipal areas** of Ladysmith, Newcastle and Umhlanga Rocks;

**“Area B (KZNL)”** means the districts and areas in the Province of Kwazulu Natal not referred to in Area A (KZNL) or Area C (KZNL), and the **Magisterial District** of Mount Currie, Piet Retief and Pongola;

**“Area C (KZNL)”** means the **Magisterial Districts** of Alfred, Bizana, Embumbulu, Emnambithi, Empumalanga, Emzumbe, Enseleni, Ezingolweni, Hlabisa, Inanda/Durban, Ingwavuma, Inkanyezi, KwaBhaca/Mt. Frere, Kwamapumulu, Mahlabatini, Maluti/Matatiele, Maxesibeni, Msinga, Ndwedwe, Newcastle, Nkandla, Nongoma, Nqutu, Ntuzuma, Okhahlamba, Ongoye, Ubombo, Umzimkulu, Vulamehlo, Vulindlela;”



**“Area A (FS & NC)”** means the Magisterial District of Bloemfontein and the municipal areas of Kimberley and Welkom;

**“Area B (FS & NC)”** means the Province of the Free State, excluding those districts and areas referred to in Area A (FS & NC) and in Area C (FS & NC) and the Magisterial Districts of Barkly West, Bloemhof, Britstown, Christiana, De Aar, Gordonia, Hartswater, Hay, Herbert, Hopetown, Kenhardt, Kimberley, Kuruman, Phillipstown, Postmasburg, Prieska, Schweizer Reneke, Upington, Vryburg and Warrenton [but excluding those municipal areas included in Area A (FS & NC);

**“Area C (FS & NC)”** means the Magisterial Districts of Ganyesa, Taung, Thaba Ntshu and Witsieshoek/Phuthaditjhaba;

**“Area A (Highveld)”** means the Magisterial Districts of Oberholzer, Randfontein and Westonaria, and the municipal areas of, Alberton, Bedfordview, Benoni, Boksburg, Brakpan, Edenvale, Elsburg, Germiston, Heidelberg (Gauteng), Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Meyerton, Midrand, Nigel, Potchefstroom, Randburg, Roodepoort-Maraiburg, Sandton, Sasolburg, Springs, Vanderbijlpark and Vereeniging;

**“Area B (Highveld)”** means the Magisterial Districts of Amersfoort, Amsterdam, Balfour, Bethal, Breyten, Coligny, Davel, Delareyville, Delmas, Ermelo, Fochville, Heidelberg, Lichtenburg, Nigel, Orkney, Ottosdal, Standerton, Stilfontein, Volksrust, Wolmaransstad, Wakkerstroom, and the municipal areas of Amalia, Armadene, Bank, Biesiesvlei, Bosfontein, Claudina, Chrissiesmeer, Dasville, De Deur, Devon, Ebner-on-Vaal, Eendracht, Eikenhof, Eloff, Evander, Evaton, Glenharvie, Gollel, Grasmere, Greylingstad, Grootvlei, Hartebeesfontein, Hekpoort, Holmdene, Kinross, Klipdrift, Kliprivier, Klipvalley, Leeudoringstad, Leslie, Lothair, Magaliesberg, Makokskraal, Makwassie, Migdol, Moolman, Moosrivier, Morgenster, Muldersdrift, Paardekraal, Perdekop, Plat Rand, Redan, Residensia, Rykaartspoor, Sannieshof, Sunda, Sebokeng, Trichardt, Val, Van Wyksrust, Ventersburg, Vermaas, Welbekend, Welverdiend, Walkerville, Zuurbekom, but excluding those Districts and Areas referred to in Area A (Highveld).

**“Area C (Highveld)”** means the Magisterial Districts of Ditsobotla, Molopo/Mafikeng and Setla-kgobi.

**“Area A (Northern Region)”** means the Magisterial Districts of Akasia, Middelburg (Mpumalanga), Nelspruit, Pietersburg, Potgietersrus, Pretoria, Rustenburg, Centurion and Witbank.

**“Area B (Northern Region)”** means the Magisterial Districts of Barberton, Belfast, Brits, Bronkhorstspuit, Carolina, Cullinan, Eerstehoek/Badplaas, Ellisras, Groblersdal, Koster, Letaba (includes Tzaneen), Lydenburg, Marico (includes Zeerust), Messina, Moutse, Phalaborwa, Pilgrims Rest (includes Graskop and Sabie), Sibasa, Soshanguve, Soutpansberg (includes Louis Trichardt), Swartruggens, Thabazimbi, Warmbaths, Waterval Boven, White River and Waterberg (includes Nylstroom), but excluding those Districts and Areas referred to in Area A (Northern Region)

**“Area C (Northern Region)”** means the Magisterial Districts of Bochum, Bolobedu, Dzanani, Ga-Rankuwa, Giyani, Hlanganani, KwaMhlanga, Lulekani, Madikwe, Mankweng, Malamulela, Mapulaneng, Mdibana, Mdujana, Mhala, Mkobola, Mokerong, Moretele, Mutali, Namakgale, Naphuno, Nebo, Nkomazi, Nsikazi, Ritai, Segosese, Sekhukhuneland, Seshego, Temba, Thabamopo, Thoyandou, Vuwani;”

**“Area A (WP)”** means the Magisterial Districts of Bellville, Goodwood, Kuils River, Simon's Town, The Cape and Wynberg, and the municipal areas of Paarl, Somerset West, Stellenbosch and Strand;

**“Area B (WP)”** means the Magisterial Districts of Beaufort West, Bredasdorp, Caledon, Calvinia, Carnarvon, Ceres, Clanwilliam, Fraserburg, Heidelberg (C.P.), Hermanus, Hopefield, Ladismith, Laingsburg, Malmesbury, Montagu, Moorreesburg, Namaqualand, Paarl, Piketberg, Prince Alfred, Riversdale, Robertson, Somerset West, Stellenbosch, Strand, Sutherland, Swellendam, Tulbagh, Vanrhynsdorp, Victoria West, Vredenburg, Vredendal, Wellington, Williston and Worcester, but excluding those municipal areas referred to in Area A (WP);

**“armature winder”** (grade 5 employee) (**Chapter V**) means an employee who is mainly or exclusively engaged on any of the operations involved in the reconditioning or the rewinding of field coils, armatures and/or alternator rotors and stators, other than the final testing of these components or the skimming of commutators (this means the final testing and skimming remain part of a journeyman's work);

**“auto body repair shop”** means an establishment or part of an establishment in which the activities carried out are mainly or exclusively the assembling, erecting, testing, remanufacturing, repairing, adjusting, overhauling, wiring, upholstering, spraying, painting and/or reconditioning of chassis and/or bodies of motor vehicles;

**“auto-electrician's assistant”** (grade 5 employee) (**Chapter I**) means an employee in an auto-electrical shop where at least one journeyman of the type normally employed in this kind of establishment is actively engaged and who, under the supervision of such journeyman, mainly or exclusively removes from and/or replaces electrical components and/or units and/or parts of motor vehicles without making final electrical connections and/or adjustments and/or strips components so removed;

[**Note** - The number of auto-electrician's assistants that may be employed in any one establishment is governed by the ratio provisions of clause 3 of Division C, Chapter I.];

**“automotive engineering establishment”** means an establishment or clearly defined part of an establishment in which the main exclusive activity is automotive engineering including re-machining;

**“Auto valet establishment”** means an establishment associated with filling and/or service stations forming part of the same enterprise within the Motor Industry wherein the undermentioned activities pertaining to motor vehicles in or on the premises of such establishment are carried out:

- (a) Steam cleaning of chassis/or engines;
- (b) Washing and/or polishing of the exterior/body;
- (c) Vacuuming and/or cleaning of upholstery and/or interior;
- (d) Painting and/or polishing of tyres; and
- (e) Driving and/or parking of vehicles on premises of a valet establishment.

**“B/A journeyman”** (grade 7 employee) (**Chapter I**) means an employee over the age of 22 who is able to prove not less than three years' experience in a trade designated for the Motor Industry or, with the approval of the Regional Council concerned, experience in some other trade, and who under the supervision of a journeyman performs work in the designated trade in which he has had the experience or, with the approval of the Regional Council concerned, in some other trade related to the activities covered by the definition of Motor Industry in this Agreement or an employee who is able to prove to the satisfaction of the Regional Council concerned not less than three and a half years' experience as a repair shop assistant, body shop assistant, motor cycle mechanic's assistant, auto electrician's assistant or diesel pump room assistant with any employer in the Motor Industry as defined;

[**Note** - Regarding the proof required of three and a half years' experience a certificate of service shall be issued by the employer in which it is certified that the employee concerned had served either as a repair shop assistant, body shop assistant, motor cycle mechanic's assistant, auto-electrician's assistant or diesel pump room assistant, which certificate in turn shall be verified by the Regional Council concerned and the employee shall submit proof of having attended the proper course at a duly registered group training centre.]

**“battery repairer”** (grade 3 employee) (**Chapter I**) means an employee employed in a battery reconditioning, repairing and/or servicing establishment and who mainly or exclusively diagnoses battery faults and/or repairs, dismantles, replates, reassembles and/or reinsulates batteries;

**“battery reconditioning, repairing and servicing establishment”** means any establishment or part thereof, other than a battery manufacturing establishment, which is engaged in the diagnosing of battery faults, recharging and repairing of storage batteries, and reassembling of storage batteries and/or their component parts;

**“body shop assistant”** (grade 5 employee) (**Chapter I**) means an employee who in any auto body repair shop where at least one journeyman of the type normally employed in this kind of workshop is actively engaged, under the supervision of such journeyman, mainly or exclusively -

(a) removes and/or replaces, without making final electrical connections -

Parts and units from motor vehicles, tractors, agricultural machinery and equipment and/or attachments thereof;  
alternators;  
bodies;  
body badges, boot lids and tailgates;  
body mouldings;  
bonnets;  
brake drums; except where the drum and hub are one complete unit;  
bulbs;  
bumpers;  
cables, excluding electrical cables;  
cable linkages;  
cabs;  
carburettors;  
clutch cylinders;  
clutch plates;  
coil springs;  
cooling systems, excluding air-conditioning;  
cylinder heads, without torquing;

doors, excluding the final adjustments;  
door handles;  
drive shafts, excluding front-wheel drives;  
engine assemblies;  
engine mountings;  
engine mud trays;  
exhaust lines, where no modification is required;  
exhaust systems;  
floor boards;  
floor covers;  
flywheel covers, detachable;  
fuel pipes;  
fuel pumps, excluding injector pumps;  
fuel tanks;  
gearbox assemblies;  
gearbox mountings;  
glass, other than rear lights;  
gravel pans;  
grills;  
handrail brackets;  
headlinings;  
heaters;  
lamps;  
manifolds;  
mudguards;  
non-electrical aerials;  
non-electrical sunroofs;  
oil strainers;  
panels exterior or interior, and fittings other than where welded;  
pressure plates;  
propeller shafts;  
radiators;  
radiator plugs;  
radios and tape recorders, excluding the final electrical connections;  
rear body lights;  
running boards;  
seats;  
self-starters;  
shells;  
shock absorbers;  
springs, leaf, front and rear;  
striker plates;  
valances;  
water hoses;  
window frames;  
window winders, manual;

- (b) removes and/or without the use of hand tools repositions and hand tightens rear axle housing assemblies;
- (c) removes but does not replace:
  - Aerials;
  - complete front axle assemblies;
  - dashboard component parts;
  - doors;
  - exterior panels where welded on;
  - front-wheel suspensions;
  - glass;
  - springs, front coils or wishbone type;
  - steering assemblies;
  - sunroofs;
  - towbars and plug-in wiring units;
- (d) in relation to any vehicle, repairs body leaks by filling, and engine differential and gearbox leaks by tightening;
- (e) balances wheels with any machine made to balance wheels off the vehicle;
- (f) applies body fillers or other materials, welds and grinds metals where necessary, and applies primer of any colour to the exterior or interior of motor vehicles;
- (g) strips springs which have been removed from vehicles;
- (h) drills holes to templets;
- (i) fits safety belts to vehicles where anchor points exist;
- (j) fits loose seat covers when no alteration to them is necessary;
- (k) cuts away damaged body parts by means of impact cutter, hand or air operated, or with hacksaw, under the direction of a journeyman;
- (l) applies by brush, spray gun, aerosol dispenser or other means dye, paints, varnish, lacquer or other protective coatings to engines and/or any components or accessories mounted within the engine compartment, or to floor mats, seat surfaces, luggage compartments or side-kick plates;
- (m) fitting of front and rear windshields;

- (n) removing and/or replacing -
  - alarms;
  - dashboard component parts;
  - electric windows;
  - immobilisers;
  - locks;
  - plug-in wiring units;
  - radios;
  - self-locking units;
  - side glasses;
  - tow bars;

- (o) blends paint colour by means of predetermined formulae;

Provided that the performance of any of the operations enumerated in this definition shall not be construed as permitting the performance of any journeyman's work incidental to such operation;

[**Note** - The number of body shop assistants that may be employed in any one establishment is governed by the ratio provisions of clause 3 of Chapter I, Division C];

**“bookkeeper” (Division B)** means an employee exclusively responsible for preparing and maintaining books of accounts, i.e. cash books, ledgers and journals, and balancing same up to trial balance stage only;

**“brake drum skimmer” (grade 5 employee) (Chapter V)** means an employee who mainly or exclusively machines brake drums and/or discs and/or flywheels and who uses measuring instruments and/or may set and adjust lathes for this purpose;

**“cashier” (grade 2 employee)** means an employee employed at a service station who mainly or exclusively handles cash or card payments or purchases relating to the forecourt, convenient store, car wash attached to the business of a filling station on a regular basis and is solely responsible for the balancing of financial transactions at the end of the shift inclusive of any drop safe activities.

**“casual employee”** means any employee who is temporarily or casually employed by the same employer -

- (a) for not longer than 24 hours, continuous or otherwise, in any one month on any of the duties as defined in the Agreement;
- (b) for not longer than 104 days in the aggregate in any year if such employee is a student;

**“Chapter I establishment”** means an establishment which is not registered under either Chapter II, III, IV or V of Division C of this Agreement;

**“Chapter II establishment”** means a vehicle body building establishment registered as such in terms of Chapter II of Division C of this Agreement;

**“Chapter III establishment”** means a component manufacturing establishment, registered as such in terms of Chapter III of Division C of this Agreement;

**“Chapter IV establishment”** means an automotive engineering establishment, registered as such in terms of Chapter IV of Division C of this Agreement;

**“Chapter V establishment”** means a component reconditioning establishment, registered as such in terms of Chapter V of Division C of this Agreement;

**“char”** (grade 1 employee) **(All Chapters)** means an employee mainly or exclusively employed in any one or more of the following duties:

- Cleaning and/or washing premises, toilets, furniture, utensils or similar articles;
- dusting of vehicles;
- franking of mail, placing of letters in envelopes, collection and delivery of mail and other documentation;
- making and/or serving tea or similar beverages;
- preparing food for staff members and for sale to the public;
- washing, waxing and vacuuming motor vehicles in all establishments, including registered Auto Valet establishments;
- polishing motor vehicles by hand;

**“chopper out”** (grade 3 employee) **(Chapter III)** means an employee mainly or exclusively engaged under the supervision of a cutter in laying out trimming and upholstery materials, copying identification marks and patterns onto such materials, chalking or marking in the outlines of articles from patterns and cutting by hand or machine one or more layers of material according to the outlines so chalked or marked in;

**“clerical/office employee”** **(Division B)** means an employee in an office who is mainly or exclusively engaged in clerical and/or administrative work such as writing and/or typing and/or operating a computer and includes storekeepers, timekeepers and telephone operators;



**“clutch and brake operative”** (grade 6 employee) (**Chapter I**) means an employee mainly or exclusively engaged on -

machining of brake drums and/or discs and/or flywheels and who uses measuring instruments and/or may set and adjust lathes for this purpose; fitting of clutches; and/or assembling of clutch cover assemblies, including final adjustments to specifications and using measuring instruments;

**“clutch cover assembly setter”** (grade 5 employee) (**Chapter V**) means an employee who under the supervision of a journeyman or apprentice or trainee registered in terms of the Skills Development Act is mainly or exclusively engaged in the following duties in an establishment registered in terms of Chapter V of Division C of this Agreement:

Assembly of clutch cover assemblies, including final adjustments to specifications and the use of measuring instruments;

**“coach finished bodies”**, in relation to an operative, Grade DV, means bodies, cabs, trailers or superstructures of vehicles on which filling and/or stopping up and/or rubbing down are done preparatory to the application of finishing coats;

**“Council”** means the Motor Industry Bargaining Council - MIBCO registered in terms of section 29 of the Act;

**“cutter”** (grade 4 employee) (**Chapter III**) means an employee mainly or exclusively engaged in making patterns or templates;

**“diesel pump room assistant”** (grade 5 employee) (**Division C, Chapter I, Clause 3 (4)**) means an employee engaged mainly or exclusively on -

assembling injectors, excluding calibrating;  
lapping nozzles by hand and/or manual machine;  
placing pumps onto test benches and removing them;  
stripping and cleaning fuel pumps, injectors and turbochargers;

[**Note** - The number of diesel pump room assistants that may be employed in any one establishment is governed by the ratio provisions of clause 3 of Chapters I and IV of Division C of this Agreement];

**“driver motorcycle and/or scooter”** (Grade 2 employee) (**All Chapters**) means an employee who mainly or exclusively drives motorcycles and/or scooters;

**“driver light vehicle”** (Grade 3 employee) **(All Chapters)** means an employee who mainly or exclusively drives motor vehicles with a gross vehicle mass of up to 3 500 kg, including forklifts and tractors;

**“driver heavy vehicle”** (Grade 5 employee) **(All Chapters)** means an employee who mainly or exclusively drives motor vehicles with a gross vehicle mass of over 3 500 kg;

**“earnings”** means any payment made or owing to any employee (including all allowances and/or commission) that arises in any manner whatsoever out of his employment;

**“emergency work”** means work -

- (a) connected with the recovery of broken-down vehicles or vehicles involved in accidents;
- (b) necessary -
  - (i) to enable a motorist en route whose vehicle has broken down, to resume his journey;
  - (ii) to enable a motorist to commence a journey which, because of unforeseen circumstances, cannot be delayed;
  - (iii) to permit the rendering of essential services such as sanitation services, public transportation services, maintenance or repair of factory machinery and/or agricultural motor vehicles, the supply or distribution of perishable foodstuffs, travelling by medical practitioners for the performance of their work, or services of a similar nature;

**“establishment”** means any premises or part thereof wherein or whereon the Industry, or any part thereof, as defined in this Agreement, is carried on;

**“Exemption Board”** means the Board established by the Council in terms of section 32 of the Act, to consider appeals from non-parties against a refusal of a non-party's application for exemption from the provisions of this Agreement and the withdrawal of such an exemption by the Council;

**“exempted journeyman”** (grade 7 employee) **(Chapter II)** means an employee who is employed in a registered vehicle body building establishment and who is engaged mainly or exclusively on aspects of journeyman's work under licence of exemption;

**“experiential student”** means an employee employed by a workshop in order to provide him with experiential learning; provided –

- (a) records are kept by the employer;
- (b) first year apprentice wages are paid;
- (c) student must submit proof of registration at an educational institution;
- (d) employer has MERSETA accreditation; and
- (e) employment will be limited to a twelve month period provided it is related to the individual's studies or curriculum;

**“filling and/or service station”** means an establishment or that part of an establishment used mainly or exclusively for the retail sale of fuel and/or oil and/or for the lubricating and/or washing and/or polishing of motor vehicles including ancillary activities forming part of a filling station linked to the convenience store environment inclusive of the preparing, serving and selling of food/beverages to customers but excluding activities of separately registered establishments whose sole activities relates to the restaurant, tea room and catering environment;

**“forecourt attendant”** (grade 1 employee) (**Chapter I**) means an employee who in a filling and/or service station mainly or exclusively performs any of the following duties:

Attending to the parking of vehicles;  
checking for oil leaks, but only during the process of oiling and greasing;  
compiling oil sheets for vehicles which are to be lubricated;  
connecting and disconnecting batteries;  
draining oil sumps;  
dusting vehicles;  
filling batteries in connection with charging operations, bottles or other containers for stock;  
differentials, fuel tanks, gear boxes, master cylinders, oil sumps, radiators and steering boxes;  
filling in, by brush, with ready mixed paint small chip marks or scratches on vehicle bodies;  
fitting, removing and/or replacing batteries, grease nipples, tyres, tubes, rims and road wheels;  
handling money;  
inflating tyres and tubes;  
issuing parking tickets;  
lowering and/or raising motor vehicles by jack or hoist;  
maintaining oil stock records at grease hoists;  
making and serving tea or similar beverages;  
oiling and greasing of motor vehicles or parts thereof;  
operating credit card machines for the sale of petrol, lubricants and fuels;  
painting battery cradles, rims, tyres and road wheels;

- polishing motor vehicles;
- receiving money from customers and giving change;
- removing air, fuel and oil filters of the screw-on-screw-off types;
- repairing punctures, including the fitting and reseating of tyre or inner tube valves;
- selling anthracite, braai wood, charcoal, oil, fuel, beverages, food and/or LP gas in sealed containers;
- tightening bolts and studs on differentials, sumps and transmissions when necessary, but only during the process of oiling and greasing;
- washing motor vehicles;
- waxing of motor vehicles, vacuum cleaning vehicles on the forecourt and general cleaning duties on the forecourt such as washing, cleaning and scrubbing driveways, toilets, pump islands, petrol pumps and other equipment;

**“general operative”** (grade 2 employee) (**Chapter II**) means, in relation to a vehicle body building establishment, an employee who may in addition to the duties enumerated in the definition of “General Worker” also perform any of the following duties:

- Applying and/or wiping on metals and/or materials;
- applying ready mixed paint to equipment, fixtures or plant which is not for sale;
- assembling articles and/or components where no fitting is required;
- assisting a journeyman or an apprentice of not less than one year's experience in the installation and/or stapling into position of electric cables for interior lighting or fittings, or assisting with the fixing of self-aligning dies in the setting of machines;
- baring wires and fixing cable ends;
- cutting fibreglass parts to patterns or templets;
- cutting or shearing metal or other materials with a hack or circular saw or friction cutter to stops or jigs or to markings on materials made by a journeyman, apprentice with not more than four years to serve, or an operative, grade CV;
- bending and/or forming with special-purpose machines, jigs or templets - by hand or machine - but not setting up of machine;
- dipping in enamels and/or paint;
- drilling, other than precision work;
- fitting glass by means of self-sealing sections;
- inserting and/or tightening and/or loosening body-holding-down bolts and/or seat-fixing bolts;
- making parts from pre-mixed plastic materials and fibreglass in preformed moulds;
- marking off;
- pressing and/or notching to stops, jigs, dies or templets - by hand or machine - but excluding the setting of jigs or dies;
- punching by hand or machine to pre-set stops, marks, jigs or to templets under the supervision of a journeyman or an apprentice of not less than

one year's experience;  
rivet striking;  
rough cutting of materials with any power or hand-operated cutting device, excluding a power guillotine, after the materials have been marked out by a journeyman, apprentice with not more than four years to serve, or an operative, grade CV;  
screwing and/or tapping by means of screwing or tapping machines or attachments;  
spot or resistance welding on subassembly work with components in special-purpose jigs or fixtures;  
threading of bolts or tapping of holes or nuts by hand;  
using pre-set oxy-acetylene for rough cutting;

**“general worker”** (grade 2 employee) (**Chapters I, III, IV & V**) means:

- (a) in relation to all establishments, an employee who is mainly or exclusively engaged on any of the following duties:

Accepting written orders in return for goods delivered outside the employer's premises;  
accompanying a traveller on his journey and assisting in driving and in packing, unpacking and displaying of samples;  
affixing printed or ready addressed labels on to bottles, boxes, bales or other packages;  
applying adhesives, belt dressing, deadener materials or anti-corrosive coatings (excluding primer, surfaces and finishing coats), putty, sealing compounds for purposes of dust-proofing and/or water-proofing;  
applying and removing sash clamps, G-clamps, toggle clamps and battery hold-down clamps;  
assembling and/or repairing motor-assisted pedal cycles and pedal-assisted motor cycles;  
assembling, packing and mass-measuring goods in accordance with instructions and/or packing slips;  
assisting on delivery vans;  
attending to boilers;  
attending to the parking of vehicles;  
carrying goods;  
cementing tyres;  
checking and/or recording identification marks on goods;  
cleaning and placing diesel pumps on workbenches for repair;  
cleaning by hand, brush, machine or pickling, or degreasing;  
cleaning moulds;  
closing or opening bales, boxes or other packages;  
collecting spares on employer's requisition;  
compounding in connection with the painting of motor vehicles;  
conveying on foot, by bicycle, tricycle, or hand-propelled vehicle, goods, letters or messages;

cooking of rations;  
counting and recording the result;  
cutting tyres;  
digging and/or removing the soil for foundations, drains and trenches;  
dismantling scrap motor vehicles, other than the stripping of engines;  
emptying containers;  
extracting battery cells for inspection;  
filing of body filling, solder, welding and old paint from parts under repair and adjacent parts, solder or welding on new parts and of sheet metal which has been panel beaten;  
filing and sorting of standard printed forms into alphabetical, numerical, date, colour or commodity order;  
firing and loading ovens and furnaces and removing refuse from furnaces;  
fitting and/or removing curing tubes and/or sectional bags to and from tyres and placing tyres in moulds thereafter;  
fitting and/or removing registration number plates to and from vehicles;  
franking mail matter;  
gardening;  
greasing and oiling machinery, including lathes and overhead shafting, while stationary;  
handling moneys;  
holding parts, materials and/or tools and placing parts and materials into position under the supervision of an employee in a higher wage group;  
issuing materials previously recorded by storekeepers;;  
issuing and/or receiving tools and/or equipment to and from tool room and maintaining a record thereof;  
issuing goods from workshop store to workshop personnel and recording same;  
issuing parking tickets;  
loading and unloading vehicles;  
making crates;  
marking and/or stencilling packages and/or parts with brush or spraygun or rubber stamps;  
masking;  
mass-measuring and recording the result;  
mixing, by hand or machine, materials, including concrete and mortar, but excluding colour blending and fibre glass constituents;  
moving and/or stacking and/or unpacking goods;  
operating goods lifts and letter copying or duplicating machines;  
operating a passenger lift;  
painting buildings, fences, plant and equipment for maintenance purposes only;

painting, by brush and/or gun, axles, brake drums, brake shoes, chassis and undersides of vehicle bodies and of trailers;  
painting by brush front and rear bumpers, wheels of commercial vehicles or bus chassis;  
polishing vehicles;  
receiving money from customers and giving change;  
rough water-proofing paint on canvas;  
rough stuff to inside of vehicle bodies;  
painting pallets;  
polishing by hand or machine in connection with the painting of motor vehicles;  
polishing moulds;  
preparing food for cooking;  
pre-treating metal by chemical process in panel-beating establishments;  
recording and/or checking identification marks on goods and registration numbers of vehicles;  
recording on bin cards;  
recording items on a pre-printed check list to workshop;  
removing clip-on body mouldings;  
removing pitch from batteries;  
repairing curing tubes and sectional bags;  
repairing pallets;  
rough cutting;  
rubbing down of filling, primer and putty;  
sand or shot blasting;  
sandpapering;  
screwing down moulds;  
sealing batteries;  
selecting and placing goods into bins;  
smelting of shavings into ingot forms;  
sorting goods and recording the result;  
stirring materials;  
stripping tyres;  
teasing coir and horsehair;  
trimming tyres;  
truing spoked wheels;  
washing and polishing motor vehicles;  
waxing moulds;  
wrapping of goods;  
writing of addresses copied from invoices or packing slips;  
removing but not replacing -  
    alternators;  
    body badges;  
    body mouldings;  
    bonnets;  
    bulbs;  
    bumpers;

cables - excluding electrical cable levers;  
doors;  
door handles;  
engine mud trays;  
generators;  
damaged glass;  
gravel pans;  
grills;  
lamps;  
oil filters or strainers and the cleaning thereof;  
rear body lights;  
running boards;  
seats;  
self starters;  
shock absorbers, excluding struts;  
striker plates;  
sump nuts and bolts;  
valve covers;

applying protective coating to engines, components or accessories mounted within the engine compartment and to floor mats, seat surfaces, luggage compartments or side-kick plates;  
fitting loose seat covers when no alteration is required to them;  
removing paint and preparing surface for repainting, excluding the application of lead filler;  
mixing by hand or machine, materials, including concrete, mortar and fibre glass constituents, but excluding colour blending;  
fitting, removing and/or replacing batteries, grease nipples, tyres, tubes, rims and road wheels;  
inflating tyres and tubes;  
lowering and/or raising motor vehicles by jack or hoist;  
repairing punctures, including the fitting and reseating of tyre or inner tube valves;

- (b) subject to the provisions of clause 9.2(2) of Division A which fixes the minimum weekly wage for driving vehicles, an employee who, in addition to performing any of the duties enumerated in paragraph (a) of this definition, may also drive vehicles;
- (c) in relation to an establishment engaged exclusively in the business of motor graveyards and/or motor scrapyards, an employee who, in addition to performing any of the duties enumerated in paragraph (a) of this definition, may also strip engines other than for repair;



**“grade 1 employee”** means an employee who is employed in one or more of the following categories:

- char
- forecourt attendant;
- parking garage attendant

**“grade 2 employee”** means an employee employed in one or more of the following categories:

- Cashier
- driver of motorcycle and scooter;
- general operative;
- general worker;
- grade D employee;
- vulcaniser's operative, without wheelbalancing;

**“grade 3 employee”** means an employee who is employed in one or more of the following categories:

- Battery repairer;
- chopper out;
- driver of motor vehicles with a gross vehicle mass of up to 3 500 kg, including forklifts and tractors;
- new motor vehicle, motorcycle and tricycle assembler;
- operative gearbox dismantler;
- operative, grade 1;
- operative, grade C;
- scooter worker;

**“grade 4 employee”** means an employee who is employed in one or more of the following categories:

- Cutter;
- operative exhaust fitter;
- operative, grade 2;
- operative, grade 3;
- operative, grade AR;
- operative, grade B;
- operative, grade BR;
- operative sunroof fitter;
- operative upholsterer;
- operative wheelbalancer;
- pattern cutter maker;
- supervisor, grade 3;
- vulcaniser's operative with wheelbalancing;

**“grade 5 employee”** means an employee employed in one or more of the following categories:

- Armature winder;
- auto electrician's assistant;
- body shop assistant;
- brake drum skimmer;
- clutch cover assembly setter;
- diesel pumproom assistant;
- driver of motor vehicles with a gross vehicle mass of over 3 500 kg;
- motorcycle mechanic's assistant;
- operative airconditioner fitter;
- operative, grade 4;
- operative, grade 5;
- operative, grade BV;
- operative, grade CR;
- operative, grade CV;
- operative, grade DV;
- operative radio/alarm fitter;
- operative supervisor;
- quality controller;
- radiator repairer;
- repair shop assistant;
- seaming machinist;
- supervisor;
- supervisor, grade 4;
- towbar fitter (excluding electrical wiring)

**“grade 6 employee”** means an employee who is employed in one or more of the following categories:

- clutch and brake operative;
- machine setter;
- operative, grade A;
- senior quality controller;
- supervisor, grade 5;
- wheel alignment worker;

**“grade 7 employee”** means an employee who is employed in one or more of the following categories:

- B/A journeyman;
- exempted journeyman;
- operative engine assembler;
- suspension fitter
- > towbar fitter (including electrical wiring)

**“grade 8 employee”** means an employee who is employed in one or more of the following categories:

Journeyman;  
service supply salesman

**“grade D employee”** (grade 2 employee) (**Chapter IV**) means an employee employed in a registered automotive engineering establishment who in addition to any of the duties enumerated in the definition of “General Worker” in clause 2(2) of Division A is permitted to perform the following:

Lapping of valves by hand after the valve and seat have been machined by a journeyman or an operative grade A, B or C or by an apprentice or a trainee registered in terms of the Skills Development Act 1998;  
painting of engines with protective paint;  
mounting by securing and bolting engines and removing engines to and from dynamometers under supervision;

**“hourly wage”** means an employee’s weekly wage divided by 45 in the case of employees other than part-time employees and by the number of ordinary hours worked in any one week in the case of part-time employees;

**“journeyman”** (**All Chapters**) means a person who performs journeyman’s work and who-

- (a) has served an apprenticeship in a designated trade in accordance with the requirements of the Skills Development Act, 1998, or in accordance with a written contract approved by any Regional Council; or
- (b) is in possession of a Grade A membership card issued by MISA or the National Union of Metalworkers of South Africa; or
- (c) is in possession of a certificate issued to him in terms of the Skills Development Act, 1998; or
- (d) is in possession of an identity card issued by the Regional Council;

**“journeyman's work”** means work in any designated trade (in terms of the Skills Development Act, 1998), in connection with the activities covered by the definition of ‘Motor Industry’ and as used in Clause 3.9(1), means any of the operations carried on in motor vehicle, engine or components repairing or servicing establishments, or in vehicle body building establishments, or in motor vehicle component, manufacturing or reconditioning establishments, and which are not permitted in terms of this Agreement to be performed by any class of employee other than a journeyman;

**“machine-setter”** (grade 6 employee) (**Chapters II, III & V**) means an employee who adjusts and/or sets machine tools and presses, and who in addition sharpen and form grind tools;

**“manufacturing establishment”** means an establishment or clearly defined part of an establishment in which motor vehicle parts and/or spares and/or accessories and/or components are fabricated;

**“marking off”** means the operation of marking any material from a pattern or template;

**“motor cycle mechanic's assistant”** (grade 5 employee) (**Chapter I**) means an employee who in any establishment where at least one journeyman of the type normally employed in this kind of workshop is actively engaged, under the supervision of such journeyman, mainly or exclusively -

- (a) removes parts or units from motor cycles and scooters with two or more wheels;
- (b) replaces without making final electrical connections:
  - Bulbs;
  - cables, other than electrical cables, and without final adjustment;
  - commercial-type carriers, boxes and bodies;
  - control levers, without final adjustment;
  - crash bars;
  - cylinder heads, two-cycle engines only;
  - drive chains and sprockets, without final adjustment;
  - engine assemblies;
  - engine guard plates;
  - exhaust systems;
  - external covers -detachable;
  - footrests, front and rear;
  - fenders, front and rear, including mounting stays;
  - fuel tanks and pipes thereto;
  - front shock absorbers - detachable;
  - head lamp internal shells;
  - hooters;
  - lamps;

licence holders;  
oil coolers and pipes thereto;  
oil filters and strainers and the cleaning thereof;  
oil tanks and pipes thereto;  
rear shock absorbers;  
stands;  
sump nuts and bolts;  
switch assemblies;

(c) replaces -

front fork assemblies;  
frames;  
commercial-type side-car assemblies;

(d) applies protective coatings to engines and exhaust systems;

(e) sets clocks to correct time;

(f) balances wheels with any machine to balance wheels off the vehicle;

(g) checks and reports on the operation of all electrical consumer points, direction indicators, locks and keys, windscreen wipers and washers;

(h) assembles and/or strips units, other than engines, electrical fittings, telescopic forks, hydraulic shock absorbers and controls:

Provided that the performance of any of the operations enumerated in this definition shall not be construed as permitting the performance of any journeyman's work incidental to such operations or the use of a torque wrench;

**[Note** - The number of motor cycle mechanic's assistants that may be employed in any one establishment is governed by the ratio provisions of clause 3 of Chapter I, Division C];

**"motor graveyard and/or motor scrapyards"** means an establishment wherein motor vehicles are broken up and used spare parts obtained there from and wherein, whereon and wherefrom such used spare parts are sold either alone or in conjunction with new spare parts and/or accessories;

**"Motor Industry"** or **"Industry"**, without in any way limiting the ordinary meaning of the expression and subject to the provisions of any demarcation determination made in terms of section 62 of the Labour Relations Act, 1995, includes –

- (a) assembling, erecting, testing, remanufacturing, repairing, installing, adjusting, overhauling, wiring, re-wiring, upholstering, spraying, painting and/or reconditioning carried on in connection with -
  - (i) chassis and/or bodies of motor vehicles;
  - (ii) internal combustion engines and transmission components of motor vehicles;
  - (iii) all electrical and electronic equipment and/or devices mainly or exclusively connected with motor vehicles;
- (b) automotive engineering;
- (c) auto valet establishments;
- (d) repairing, vulcanising and/or retreading tyres;
- (e) repairing, servicing and/or reconditioning batteries for motor vehicles;
- (f) the business of parking and/or storing motor vehicles;
- (g) the business conducted by filling and/or service stations including ancillary activities forming part of a filling station linked to the convenience store environment inclusive of the preparing, serving and selling of food/beverages to customers but excluding activities of separately registered establishments whose sole activities relates to the restaurant, tea room and catering environment.
- (h) the business carried on mainly or exclusively for the sale of motor vehicles or motor vehicle parts and/or spares and/or accessories (whether new or used) pertaining thereto, whether or not such sale is conducted from premises which are attached to a portion of an establishment wherein is conducted the assembly of or repairs to motor vehicles;
- (i) the business of motor graveyards;
- (j) the business of manufacturing establishments wherein are fabricated motor vehicle parts and/or spares and/or accessories and/or components thereof;
- (k) vehicle body building;
- (l) the sale of tractors, agricultural and irrigation equipment (not connected with the manufacture thereof) in the Republic of South Africa, but excluding the Magisterial District of Kimberley, in respect of the sale of:

- (i) agricultural and irrigation equipment; and
- (ii) tractors, except when undertaken by establishments substantially engaged in the sale and/or repair of other motor vehicles.

For the purposes of this definition -

**“automotive engineering”** means the reconditioning of internal combustion engines or parts thereof for use in motor vehicles in establishments mainly or exclusively so engaged, whether such establishment is engaged in the dismantling and repair of motor vehicles or not; and

**“Auto valet establishment”** means an establishment associated with filling and/or service stations forming part of the same enterprise within the Motor Industry wherein the undermentioned activities pertaining to motor vehicles in or on the premises of such establishment are carried out:

- (a) Steam cleaning of chassis/or engines;
- (b) Washing and/or polishing of the exterior/body;
- (c) Vacuuming and/or cleaning of upholstery and/or interior;
- (d) Painting and/or polishing of tyres; and
- (e) Driving and/or parking of vehicles on premises of a valet establishment.

**“motor vehicle”** means any wheeled conveyance propelled by mechanical power (other than steam) or electrically and designed for haulage and/or for the transportation of persons and/or goods and/or loads and includes trailers and caravans but does not include any equipment designed to run on fixed tracks, trailers designed to transport loads of 27 273 kg or over, or aircraft; and

**“vehicle body building”** means any or all of the following activities carried on in a vehicle body building establishment, but does not include vehicle body building done by assembly establishments incidental to the assembling of motor vehicles:

- (a) The construction, repair or renovation of cabs and/or bodies and/or any superstructure for any type of vehicle;
- (b) the manufacture or repair of component parts for cabs and/or bodies and/or any superstructure and the assembling, adjusting and installation of parts in cabs, bodies or on the superstructure of vehicles;
- (c) fixing cabs and/or bodies and/or any superstructure to the chassis of any type of vehicle;

- (d) coating and/or decorating cabs and/or bodies and/or any superstructure with any preservative or decorative substance;
- (e) equipping, furnishing and finishing off the interior of cabs and/or bodies and/or superstructure;
- (f) building of trailers, but not including the manufacture of wheels or axles therefor;
- (g) all operations incidental to or consequent upon the activities referred to in paragraphs (a), (b), (c), (d), (e) and (f).

For the purposes of this definition, 'vehicle' does not include an aircraft and 'Motor Industry' as defined above does not include the following:

- (a) The manufacture of motor vehicle parts and/or accessories and/or spares and/or components in establishments laid out for and normally producing metal and/or plastic goods of a different character on a substantial scale, or the sale of motor spare parts and accessories by assembly establishments from such establishments;
- (b) the assembling, erecting, testing, repairing, adjusting, overhauling, wiring, spraying, painting and/or reconditioning of agricultural tractors, except where carried on in establishments rendering similar service in respect of motor cars, motor lorries or motor trucks
- (c) the manufacturing and/or maintenance and/or repair of -
  - (i) civil and mechanical engineering equipment, and/or parts thereof, whether or not mounted on wheels;
  - (ii) agricultural equipment or parts thereof; or
  - (iii) equipment designed for use in factories and/or workshops:

Provided that for the purposes of (i), (ii) and (iii), 'equipment' shall not be taken to mean motor cars, motor lorries and/or motor trucks;

- (iv) motor vehicle or other vehicle bodies and/or superstructures and/or parts or components thereof made of steel plate of 3,175 mm thickness or thicker when carried on in establishments laid out for and normally engaged in the manufacture and/or maintenance and/or repair of civil and/or mechanical engineering equipment on a substantial scale;



- (d) assembly establishments which shall mean establishments wherein motor vehicles are assembled from new components on an assembly line and includes the manufacture and/or fabricating of any motor vehicle parts or includes the manufacture and/or fabricating of any motor vehicle parts or components when carried on in such establishments, but shall not include vehicle body building, except in so far as it is carried on incidental to the assembly of motor vehicles, other than caravans and trailers.

**“motor vehicle sales person” (Division B)** means an employee mainly or exclusively engaged in the selling of motor vehicles who, in addition to a wage as defined in this Agreement, is paid a commission on such sales;

**“new motor vehicle, motor cycle and tricycle assembler” (grade 3 employee) (Chapter I)** means an employee in any establishment who, in connection with the assembly of -

- (a) new motor vehicles, mainly or exclusively fits springs, bumpers, footboards, running boards, fenders, valances, exterior lamps, engine bonnets, axles, radiators, cabs, bodies, grills, seats, engine mud trays and steering box assemblies; and
- (b) new motor cycles and/or tricycles, mainly or exclusively fits handlebars to forks, light units, clutch and throttle controls to handlebars, exhaust systems to frames and engines, saddles, footrests, kick-starters, gear and brake levers, sealed beam lights, connects electric wire by means of pushclips, fits front wheels and mudguards, but excluding the final adjustments and testing;

**“office, stores, sales and clerical employees” (Division B)** means employees for whom wages are prescribed in Division B of this Agreement;

**“operative air-conditioner fitter” (grade 5 employee) (Chapter I)** means an employee who is employed only in workshops engaged mainly or exclusively in the installation, servicing and maintenance of air-conditioners and who installs, services and maintains air-conditioners;

**“operative engine assembler” (grade 7 employee) (Chapter IV)** means an employee in a registered automotive engineering establishment, who under the supervision of a journeyman is engaged mainly or exclusively on the undermentioned activities relative to the complete assembly of internal combustion engines complete for installation:

Assembles engines;  
dismantles and assembles fuel pumps;  
dismantles and assembles oil pumps;  
replaces bearings;

checks bearing fit, spread, crush and nip;  
checks camshafts visually for wear;  
in connection with connecting rods –  
checks clearances with gauges;  
assembles piston to conrod to crankshaft;  
assembles main conrod bearings and bushes;  
uses engine prelubricator;  
aligns rods and pistons;  
cleans and inspects pistons, including ring groove inspection;  
fits rings, oil and compression, on pistons;  
in connection with crankshafts –  
removes conrods, pistons, crankshafts and main bearing caps;  
cleans, inspects and checks:  
end play;  
thrust washers;  
flange bearings;  
timing cover and rear main oil seal journal surface;  
surfaces;  
starter ring gears;  
removes and replaces starter ring gears and/or flywheels;  
removes from and replaces complete engines in motor vehicles and/or  
carries out repairs to engines only in motor vehicles including all final  
connections and/or adjustments and/or settings;

**“operative exhaust fitter”** (grade 4 employee) (**Chapter I**) means an employee mainly or exclusively engaged in –

removing all corroded or faulty exhaust parts by undoing exhaust pipe  
flanges securing bolts;  
cutting tubing with a chain cutter or gas flame and welding brackets by  
gas and arc welding;  
bending pipes by using the old part as a sample;  
positioning new parts, sealing joints with exhaust sealer, then clamping  
tight;  
retightening pipe flange securing bolts and tightening all hanger brackets;

[**Note** – An operative exhaust fitter may be employed only in workshops engaged mainly or exclusively in the removing and replacing of exhaust lines.];

**“operative gearbox dismantler”** (grade 3 employee) (**Chapter I**) means an employee who in any gearbox reconditioning establishment is engaged mainly or exclusively in dismantling motor vehicle gearboxes and/or transmissions and who in addition paints such units with protective paint by brush or spray gun;

[**Note** – An operative gearbox dismantler may not remove and/or replace complete gearboxes and/or transmissions from motor vehicles.];

**“operative, grade 1”** (grade 3 employee) **Chapter III)** means an employee who is mainly or exclusively engaged on any of the following duties:

Arnealing and tempering where controlled ovens and tanks are used;  
assembling and fitting centre bolts and clips to springs;  
assembling where no fitting is required;  
baking armatures and field coils in oven;  
baring wires and dipping in solder;  
bending and/or forming by hand operation in special-purpose jigs or formers;  
bonding brake shoes and clutch plates;  
checking parts with go-no-go gauges and/or testing devices and/or plug gauges;  
cutting and/or punching of materials by hand or machine to stops or to jigs or to patterns or to templets or to markings or to lengths;  
dipping in varnish, enamels or paints;  
dispensing wire from bulk supplies onto small coils for sale;  
drilling holes or drilling with special-purpose drilling jigs, excluding setting or marking;  
dressing or grinding by hand or power tool: Provided that in all cases of precision dressing the machines concerned shall be preset by a journeyman or apprentice or machine setter;  
feeding of asbestos teasing machine;  
feeding and/or loading and/or starting and/or unloading and/or operating automatic machines;  
fitting of seatcovers in manufacture of seats;  
fitting of hessian strips to spring seat assemblies;  
filing of metals, other than precision work;  
fly and/or treadle and/or manual and/or power pressing and/or notching where the work is done with pre-set jigs or dies, excluding the setting of jigs or dies;  
forming of insulation and fitting thereof to armatures and field coils;  
heating and blackening moulds for battery jumpers;  
heating lead;  
inspecting visually;  
marking off from patterns or templets by hand;  
operating special-purpose splitting machines;  
operating centreless grinders;  
packing component parts into sets under supervision of an operative supervisor;  
preparation for buffing;  
pressing of asbestos dough (hot or cold);  
pre-treatment of materials by chemical process;  
proof-testing bonded brake shoes and clutch plates;  
rough grinding where the machine or work is held by hand;  
screwing by hand with the die heads and/or taps and/or screwing

machines;  
spot and/or tack welding;  
straightening and/or flattening of metal strips;  
striking metal, including rivet striking; rivet heating; riveting;  
stringing and/or threading inner coils and/or spring mats;  
stripping parts and components by hand or machines normally used by this class of operative;  
stripping of dismantled springs;  
application by spraygun or brush of paint, adhesives or recognised bitumastic and fire-resisting or rust-preventing substances (coatings), other than metal spraying, to parts or components;  
taping coils;  
testing fuel tanks and radiator units;  
threading gills to tubes;  
threading of bolts;  
turning eyes on spring main blades to jigs;  
winding or dispensing wire by hand or machine from bulk supplies onto spools, reels, coils, etc, but excluding field coils;  
wiring up articles for electroplating;

and who may, provided he is paid the prescribed setting bonus, set and adjust the machines he operates;

**“operative, grade 2”** (grade 4 employee) (**Chapter III**) means an employee mainly or exclusively engaged on –

soldering, tinning, sweating, continuous wire welding, welding of a repetitive nature, spot and/or tack and/or butt welding, including the removal and replacement of welding tips and the cleaning of welding tips with abrasive materials or by hand filing;  
sharpening but not re-shaping welding tips;  
placing welding tips in position;  
metal spinning with formers;  
operating but not setting machines designed or permanently adapted for a single-tool operation where manual operations are limited to loading, starting, stopping and unloading;  
placing of winding coils into armature slots and closing slots with wedges;  
undercutting of commutators;  
shaping of coils;  
forming of wire into coils by hand or machine;  
connecting previously tested and marked leads to commutators;  
buffing of metals;  
attending to electroplating bath, stripping and/or pickling tank;  
making filler necks for tanks by means of jigs;

pressing core section into frames by means of clamps;  
cutting fibreglass parts to patterns or templates;  
making parts from pre-mixed plastic materials and fibreglass in preformed moulds;

and who may, provided he is paid the prescribed setting bonus, set and adjust the machines he operates;

**“operative, grade 3”** (grade 4 employee) (**Chapter III**) means an employee mainly or exclusively engaged in –

the repetitive operation of or attending to, but not setting, semi-automatic machines where the work cycle is power-driven and the end point is controlled by automatic operating stops and/or marks, including capstan and turret type lathes where all operations are limited by fixed stops; and who may, provided he is paid the prescribed setting bonus, set and adjust the machines he operates;

**“operative, grade 4”** (grade 5 employee) (**Chapter III**) means an employee mainly or exclusively engaged on -

welding with electric welding equipment and/or cutting with profile cutting machine, and setting and regulating of the heating and cutting gas mixtures of the welding or cutting equipment at the torch;  
welding and/or brazing to jigs and/or to parts so formed and/or located as to obviate the need for a jig: Provided that any free-hand arc or gas welding performed by this operative, Grade 4, must be restricted to welds which are –

- (a) down-hand;
- (b) of components of which the completed mass does not exceed 15,0 kg;
- (c) in runs of not less than 50 identical items in the same place, with each item taking not more than 10 minutes floor to floor time; and
- (d) not in excess of 40,0 cm total length of one welding seam;

[**Note** - This employee may use tapes, rules and squares in the course of his duties and may, provided he is paid the prescribed setting bonus, set and adjust any machines he operates];

**“operative, grade 5”** (grade 5 employee) (**Chapter III**) means an employee mainly or exclusively engaged on -

mixing fibreglass solutions and/or resins, and/or mixing in relation to solutions and/or resins;  
determining quantities from formula charts provided for the purpose; and  
also  
measuring these quantities by means of graduated vessels;

**“operative, grade A”** (grade 6 employee) (**Chapter IV**) means an employee employed in a registered automotive engineering establishment and who is engaged mainly or exclusively in the operation of any two single-purpose machines;

**“operative, grade AR”** (grade 4 employee) (**Chapter V**) means an employee mainly or exclusively engaged on the following duties:

Application by spray gun or brush or paint, adhesives, recognised bitumastic and fire-resisting or rust-preventing substances (coatings) to components and units other than metal spraying to parts and components;  
assembling where no fitting is required;  
bending and/or forming by hand operation in special-purpose jigs or formers;  
bonding of steel inserts to hydraulic cylinders;  
bonding brake shoes, bands and clutch plates;  
buffing metals;  
checking parts with go-no-go gauges and/or testing devices and/or plug gauges;  
cutting friction material to standard templates;  
cutting and grinding of clutch liners to pre-determined size or templates;  
dipping in varnish, enamels or paint;  
dismantling of brake (including air and hydraulic brakes) and/or clutch components for reconditioning;  
dressing or grinding by hand or power tool: Provided that in all cases of precision dressing the machine concerned shall be pre-set by a journeyman or machine-setter;  
drilling and countersinking of liners;  
drilling holes previously marked out by a journeyman or machine setter or an apprentice or a trainee registered in terms of the Skills Development Act, or machine drilling with special-purpose drilling jigs;  
drilling with portable drill not capable of taking drills larger than 13 mm in diameter to templates or patterns;  
feeding and/or loading and/or starting and/or unloading and/or operating automatic machines;  
filing of metals other than precision work;  
fly and/or treadle and/or manual and/or power pressing and/or

notching where the work is done with pre-set jigs or dies, excluding the setting of jigs and/or dies;  
grinding pressure plates with appropriate surface grinding machine;  
heating lead;  
inspecting visually;  
making up brake pipes by bending and/or forming by hand operation or in special-purpose jig;  
marking off from patterns or templates by hand;  
mounting of components into test jigs and observing the testing of components;  
operating centreless grinders;  
operating but not setting machines designed or permanently adapted for a single-tool operation and where manual operations are limited to loading, starting, stopping and unloading, but excluding any operations connected with the machining of brake drums, brake discs or flywheels;  
operating power press/presses, excluding setting;  
packing of component parts into sets under supervision of an operative supervisor;  
placing of welding tips in position;  
preparation for buffing;  
pre-treatment of metals by chemical process;  
proof-testing components;  
riveting;  
rough grinding where the machine or work is held by hand;  
screwing by hand with die-heads and/or taps and/or screwing machines;  
sharpening but not replacing welding tips;  
soldering, tinning, sweating, continuous wire welding, spot and/or tack and/or butt welding, including the removing and replacing of welding tips and the cleaning of welding tips with abrasive materials or by hand filing;  
straightening and/or flattening of metal strips;  
striking metal, including rivet striking; rivet heating;  
stripping parts and components by hand or machines normally used by this class of operative;  
threading of bolts;

and who may set and adjust the machines he operates, provided he is paid the prescribed setting bonus;

**“operative, grade B”** (grade 4 employee) (**Chapter IV**) means an employee employed in a registered automotive engineering establishment and who mainly or exclusively performs all work relating to the operating of any two machines, excluding a crankshaft grinder, a reborer/honer, a line borer or a diesel pump test bench and the assembling of engines;

**“operative, grade BR”** (grade 4 employee) **Chapter V** means an employee mainly or exclusively engaged in the repetitive operation of or attending to, but not setting, semi-automatic machines where the work cycle is power-driven and the end point is controlled by automatic operating stops, including capstan and turret type lathes where all operations are limited to fixed stops:

Provided that this operative may not perform any operation related to the machining of brake drums, brake discs or flywheels but may set and adjust the machines he operates, provided he is paid the prescribed setting bonus;

**“operative, grade BV”** (grade 5 employee) **(Chapter II)** means an employee engaged mainly or exclusively on a repetitive basis in welding or brazing plates, sheets and sections to jigs, and/or welding or brazing parts so formed and/or located as to obviate the need for a jig, and/or cutting with a profile cutting machine;

**“operative, grade C”** (grade 3 employee) **(Chapter IV, Clause 3 (4))** means an employee who is employed in any registered automotive engineering establishment and is engaged mainly or exclusively on -

- dismantling internal combustion engines;
- removing and fitting finished cylinder liners (wet/dry);
- all cylinder head work, excluding surface grinding and manufacturing of inserts;
- polishing crankshafts;
- crack and porosity detecting;

**[Note -** The number of operatives grade A, B or C that may be employed in any one establishment is governed by the ratio provisions of clause 3 of Chapter IV of Division C].

**“operative, grade CR”** (grade 5 employee) **(Chapter V)** means an employee mainly or exclusively engaged on -

- welding with electric welding equipment and/or cutting with profile cutting machine and setting and regulating the heating and cutting gas mixtures of the welding or cutting equipment at the torch;
- welding and/or brazing to jigs and/or parts so formed as to obviate the need for a jig: Provided that any freehand arc or gas welding performed by this operative must be restricted to welds which are -

- (a) downhand;
- (b) of components of which the completed mass does not exceed 15,0 kg;
- (c) not in excess of 40,0 cm total length of one welding seam;

and who may set and adjust any machine he operates, provided he is paid the prescribed setting bonus;



**“operative, grade CV”** (grade 5 employee) (**Chapter II**) means an employee mainly or exclusively engaged under the supervision of a journeyman or apprentice with not more than four years to serve on:

assembling by drilling of relevant materials where necessary, by bolting and/or riveting and/or screwing and/or tack-welding parts together;  
positioning of lamps, including lengthening or shortening flex as necessary from a temporary position or a position rendered unsuitable through the fitting of a body;  
from cabless commercial vehicles chassis received for bodying, removing for safe-keeping instrument panels, including electrical connections, switchboards, surge tanks and pipes, heat and oil gauges and temporary drive seats, and disconnecting all electrical wiring on such chassis from starter motors, generators, regulators and auxiliary circuits;  
installing and fastening cables to new motor chassis, to new trailer chassis or to new trailer caravans by means of clips or bolts;  
connecting cables to light points or fittings already in position;  
sewing or tacking seat and squab covers by hand or machine;  
padding and closing flutes and bolsters by hand;  
machining timber to pre-set lengths or thicknesses;  
machining timber components on wood-working machines to jigs or stops;  
cutting materials to pre-set dimensions;  
marking off and cutting, bending, forming and/or blanking all material from patterns or templates by hand or pre-set machine under the supervision of a journeyman or apprentice including, where necessary, the fastening of special-purpose clamps on the machines concerned;  
in relation to the mixing of fibreglass solutions and/or resins, determining from formula charts provided for the purpose the quantities of constituent materials required, measuring these materials by means of graduated vessels or mixing;  
using simple linear measuring devices and/or combination squares;  
operating a fibreglass chopper gun;

and who may, provided he is paid the prescribed setting bonus, set and adjust the machines he operates;

**“operative, grade DV”** (grade 5 employee) (**Chapter II**) means an employee mainly or exclusively engaged in:

Applying by brush and/or spray gun any primer or paint to the interior or exterior of motor vehicles, other than the final exterior coats to coach finished bodies, excluding colour matching but including paint mixing in accordance with prescribed formula;

and mixing and/or testing of chemicals to a pre-determined formula for pre-treatment of metals in chemical baths;

and who may, provided he is paid the prescribed setting bonus, set and adjust any machines he operates.

**“operative radio/alarm fitter”** (grade 5 employee) (**Chapter I**) means an employee who is employed only in workshops engaged mainly or exclusively in the installation, servicing, repairing and maintenance of radios and/or alarms, who installs, services, repairs and maintains radios and/or alarms and/or immobilisers and/or cruise controls;

**“operative sunroof fitter”** (grade 4 employee) means an employee mainly or exclusively engaged in the fitting of sunroofs to motor vehicles;

**“operative supervisor”**(grade 5 employee) (**Chapter III & V**) means an employee mainly or exclusively engaged in supervising the work of any operative classes of workers and general workers;

**“operative upholsterer”** (grade 4 employee) (**Chapter I**) means an employee mainly or exclusively engaged in -

stripping and fitting vinyl tops to motor vehicles;  
sewing or tacking seat and/or squab covers, padding and/or lining by hand and/or machine;  
stripping and/or repairing of seats, mats, hoodlinings and/or upholstery of motor vehicles;

**“operative wheel balancer”** (grade 4 employee) (**Chapter I**) means an employee who is permitted to balance wheels by using any machine designed to balance wheels on or off a motor vehicle;

**“parking and/or storing motor vehicles - business of”** means any business carried on for profit wherein cars are received for storage, whether for short or long periods and whether or not the establishment or such business is open 24 hours per day or less;

**“parking garage attendant”** (grade 1 employee) (**Chapter I**) means an employee who mainly or exclusively attends to the issuing of parking tickets and handling of moneys in a parking garage.;

**“parts salesperson”** (**Division B**) means an employee who is mainly or exclusively engaged in interpreting/soliciting and/or taking orders for the sale and supply of motor vehicle spares and accessories;

**“part-time employee” (Division B)** means a clerical employee who is employed by the same employer for not more than five hours in the aggregate on any one day;

**“pattern cutter maker” (grade 4 employee) (Chapter III)** means an employee mainly or exclusively engaged in the bending of a cutting blade to a pattern or template and inserting it into a supporting base or back;

**“piece-work”** means any system by which earnings are based solely on quantity or output of work done;

**“qualified”** in relation to employees set out in the Schedule hereunder, means employees who have had not less than the periods of experience set out in the Schedule:

#### SCHEDULE

- (a) Shop assistant, sales person and/or clerical employee: three years;
- (b) motor vehicle sales person and/or traveller: One year;
- (c) supply sales person: Three years;

**“quality controller” (grade 5 employee) (Chapter III)** means an employee who is mainly or exclusively engaged in checking by means of a tape, rule, or instrument other than a micrometer, any manufactured or semi-manufactured components to ensure that they fall within indicated size limits, and whose action consequent upon such checking, is limited to reporting to a superior: Provided that a quality controller who is paid the prescribed micrometer bonus may use a micrometer in the course of his duties;

**“radiator repairer” (grade 5 employee) (Chapters I & V)** means an employee mainly or exclusively engaged in one or more of the following operations:

Operating pre-set crimping or forming machines;  
cutting waterway and fin metal strips to set lengths;  
manipulating return-folding machines;  
framing core sections by means of press into required sizes;  
cleaning and tinning;  
dipping cores into acid baths and solder vats;  
sweating water vessels to cores;  
sweating side walls to cores;  
sweating tubes and tube plates;

making filler necks to jigs;  
dismantling radiators;  
soldering, silver soldering, brazing and gas welding;

**“reconditioning establishment”** means an establishment registered as such by the Council in terms of Chapter V of Division C of this Agreement;

**“Region EC”** means those areas defined as ‘Area A (EC)’, ‘Area B (EC)’ and ‘Area C (EC)’;

**“Region KZNL”** means the areas defined as ‘Area A(KZNL)’, ‘Area B (KZNL)’ and ‘Area C (KZNL)’;

**“Region FS & NC”** means those areas defined as ‘Area A (FS & NC)’, ‘Area B (FS & NC)’ and ‘Area C (FS & NC)’;

**“Region Highveld”** means those areas defined as ‘Area A (Highveld)’, ‘Area B (Highveld)’ and ‘Area C (Highveld)’;

**“Region Northern”** means those areas defined as ‘Area A (Northern Region)’, ‘Area B (Northern Region)’ and ‘Area C (Northern)’;

**“Region WP”** means those areas defined as ‘Area A (WP)’ and ‘Areas B (WP)’;

**“Regional Council”** means a committee appointed as such by the Council in terms of its Constitution;

**“relief employee”** means an employee who is temporarily employed -

- (a) for a period of not more than 42 calendar days in any period of six months for the purposes of carrying out the duties of an employee who is absent from work, or to provide additional labour during peak holiday seasons; or
- (b) for a period of not more than six months in any year for the purposes of carrying out the duties of an employee who is on maternity leave, extended sick leave, educational leave or skills development courses or, with consent obtained administratively from the Council, is absent with the permission of the employer;

**“repair shop assistant” (grade 5 employee) (Chapter I)** means an employee in any establishment in the workshop of which at least one journeyman is actively engaged on journeyman's work who, under the supervision of such journeyman, mainly or exclusively –

- (a) removes parts or units from motor vehicles, tractors, agricultural machinery and equipment and ancillary equipment and/or attachments thereof;

- (b) replaces, without making final electrical connections except where these are the clip-on or plug-in type:

Alternators;  
bodies;  
body mouldings;  
bonnets;  
brake drums, except where the drum and hub are one complete unit;  
bulbs;  
bumpers;  
cables, excluding electrical cables;  
cable levers;  
cable linkages;  
carburettors;  
cabs;  
clutch cylinders;  
coil springs;  
cooling systems, excluding air-conditioning;  
cylinder heads, without torquing;  
doors;  
door handles;  
drive shafts, excluding front-wheel drive;  
engine assemblies;  
engine mountings;  
engine mud trays;  
exhaust systems;  
floor boards;  
floor covers;  
flywheel covers, detachable;  
fuel pipes;  
fuel pumps, excluding injection pumps;  
fuel tanks;  
gearbox assemblies;  
gearbox mountings;  
generators;  
glass;  
gravel pans;  
grills;  
handrail brackets;  
heaters;  
lamps;  
manifolds;  
mudguards;

oil filters or strainers and the cleaning thereof;  
panels - exterior or interior, and fittings, other than where welded;  
clutch and pressure plates;  
propeller shafts;  
radiators;  
radiator plugs;  
radios, CD players and tape recorders, excluding the final electrical connections;  
rear body lights;  
running boards;  
seats;  
seat covers;  
self-starters;  
shells;  
shock absorbers;  
springs, leaf, front and rear;  
striker plates;  
sump nuts and bolts;  
valances;  
valve covers;  
water hoses;  
window frames;  
window winders - manual;

- (c) removes and/or, without the use of hand tools, repositions and hand tightens rear axle housing assemblies;
- (d) sets clocks to correct time;
- (e) fits safety belts to vehicles where anchor points exist;
- (f) fits and adjusts fan belts where no measuring devices or instruments are necessary;
- (g) in relation to any vehicle, repairs body leaks by filling, and engine differential and gearbox leaks by tightening;
- (h) balances wheels with any machine made to balance wheels;
- (i) in relation to any vehicle -
  - (i) checks and reports on the operation of:  
All electrical consumer points;  
front seat adjusters;  
direction indicators;  
clocks;  
door and window handles;

doors, locks and keys;  
windscreen wipers and washers:

Provided that any defects reported by a repair shop assistant shall not be rectified by an employee, other than a journeyman, B/A journeyman or apprentice;

- (ii) checks, adjusts and, if necessary, replaces:

Choke, bonnet, starter, hand throttle and heater, vent and cooling system cables;  
hose connections for water leaks;  
all electrical connections for tightness;  
clocks;  
direction indicators, door and window handles;  
doors, door rubbers, locks and keys;  
generator and alternator belts for correct tension;  
windscreen wipers and washers;

- (j) drills holes to templates;

- (k) in a workshop engaged exclusively in motor cycle and/or scooter repairs, assembles and/or strips units, other than engines, electrical fittings, telescopic forks, hydraulic shock absorbers and controls;

- (l) dismantles or strips down components, but shall exclude:

Differentials, gearboxes, complete engines, power steerings, components controlled by computerisation, control devices on front-wheel drives (trans-axes):

Provided that the performance of any of the operations enumerated in this definition shall not be construed as permitting the performance of any journeyman's work incidental to such operations;

[**Note** - The number of repair shop assistants that may be employed in any one establishment is governed by the ratio provisions of clause 3 of Chapter I, Division C.];

**“repetition work”** means work performed by an employee constantly engaged on one or more repetitive processes;

**“scooter worker”** (grade 3 employee) (**Chapter I**) means an employee mainly or exclusively engaged, under the supervision of a journeyman, motor or motor cycle mechanic, in the assembling and/or stripping of scooters, other than the assembling or stripping of the engines, electrical fittings, transmissions, telescopic forks, hydraulic shock absorbers and controls;

[**Note** - The number of scooter workers that may be employed in any one establishment is governed by the ratio provisions of clause 3 of Chapter I, Division C];

**“seaming machinist”** (grade 5 employee) (**Chapter III**) means an employee mainly or exclusively engaged in sewing by hand or machine;

**“Sector 1”** means **manufacturing & vehicle body building establishments (Chapter II & III)**, i.e. vehicle body builders; trailers and caravan manufacturers and warranty repairs; vehicle components and accessories; fibreglass component manufacturers, repairs and sales;

**“Sector 2”** means **remanufacturing (production) establishments (Chapter V)**, i.e. component remanufacturers; brake, clutch and radiator remanufacturers; drive-train remanufacturers; and steering remanufacturers;

**“Sector 3”** means **reconditioning establishments (Chapter IV)**, i.e. automotive engineers; fuel injection/diesel pumps; gearbox/transmission; turbochargers; and springsmiths;

**“Sector 4”** means **service and repair establishments (Chapter I)**, i.e. motor cycle sales and repairers; battery sales and repairers; tyre sales, repairs and wheel alignment, tyre retreaders; exhaust, towbar and shockabsorber fitters; radio, alarms and immobilizer fitters; sun roof fitters; airconditioning fitters; body repairers; upholsterer and motor trimmers, auto electrical repairers; auto valet and steam cleaners; propshafts and CV joints repairers; motor plastic component repairers, glass fitters; carburettor sales and repairers; drive-train fitters and repairers; steering fitters and repairers; motor vehicle, bus, truck and tractor repairers;

**“Sector 5”** means **fuel dealers, service stations and related establishments (Chapter I)**;

**“Sector 6”** means **dealers sales and distribution establishments (Chapter I)**, i.e. used motor vehicle, bus truck and tractor sales and repairers; franchised motor vehicle, bus, truck, tractors and parts sales and repairers; caravan sales and repairers; and agricultural equipment sales and repairers;



**“Sector 7”** means **automotive parts, accessories, equipment and tools establishments (Chapter I)**, i.e. motor parts, accessories, equipment and tools; auto-breakers and used parts dealer establishment;

**“senior managerial employee” (Division B)** means an employee who has the authority to hire and discipline and/or dismiss employees and/or represent the employer internally and externally and/or directs the activities of other employees and/or is responsible for the flow of work in a department and/or branch;

**“senior quality controller”** (grade 6 employee) **(Chapter III)** means an employee employed in a registered manufacturing establishment responsible for the quality acceptance of products during or after the assembly or manufacturing process and who may read detailed drawings and use sophisticated precision measuring instruments in the course of his duties;

**“service supply salesman”** (grade 8 employee) **(Chapter I)** means a journeyman who is mainly or exclusively engaged in oiling, greasing, cleaning and adjusting or repairing implements, machinery, equipment or appliances, who may in addition take orders for the repair and for the sale and/or supply of such implements, machinery, equipment or appliances or accessories or materials for use in connection with such implements, machinery, equipment or appliances and who may deliver such new or repaired goods and collect moneys;

**“shift”** means the number of hours, excluding overtime, which an employer is permitted to work his employees on any day in the normal course of employment;

**“shop assistant/sales person” (Division B)** means an employee who mainly or exclusively performs any of the following duties in or about an accessory shop or motor vehicles sales room and/or showroom and/or any other establishment on or from which motor vehicles are sold:

- (a) Attending to customers;
- (b) displaying goods;
- (c) keeping and controlling stocks
- (d) assembling orders by means of getting out from stock and putting together goods required to fulfil orders, using an order form or an invoice;
- (e) ticket writing;
- (f) despatching goods out of any establishment to departments or for transit;
- (g) selling goods or merchandise;
- (h) selling motor vehicles;

**“short-time”** means a temporary reduction in the number of ordinary hours of work owing to slackness or the exigencies of trade, shortage of material, a general breakdown of plant or machinery caused by accident, or other unforeseen contingency and/or circumstances beyond the employer’s control, stock-taking or stoppage of work granted at the request of a majority of the employees in the establishment or part thereof;

**“storekeeper” (Division B)** means an employee who is mainly or exclusively engaged in the control of stocks or stores;

**“supervisor”** (grade 5 employee) **(Chapter I)** means an employee who is placed by the employer in charge of any establishment or part of an establishment where vulcanising is carried on, for the purpose of allocating work to the employees in such establishment or part of an establishment and supervising such work during its passage through the establishment or part of an establishment, and relates to all operations incidental to vulcanising;

**“supervisor, grade 3”** (grade 4 employee) **(Chapter III)** means an employee employed in a registered manufacturing establishment who supervises the activities of operative, grade 2 employees;

**“supervisor, grade 4”**(grade 5 employee) **(Chapter III)** means an employee employed in a registered manufacturing establishment who supervises the activities of operative, grade 3 employees;

**“supervisor, grade 5”** (grade 6 employee) **(Chapter III)** means an employee employed in a registered manufacturing establishment who supervises the activities of operative, grade 4 employees

**“supply sales person” (Division B)** means an employee who is mainly or exclusively engaged in soliciting and/or taking orders for the repair and sale and/or supply of implements, machinery, equipment or appliances, or accessories or materials for use in connection with such implements, machinery, equipment or appliances, and who may deliver such new or repaired goods and collect moneys, and who, in addition, may oil, grease, and clean such implements, machinery, equipment or appliances and during any period of new vehicle warranty may effect minor adjustments such as -

- changing spark plugs and oil filters;
- changing, fitting and tensioning fan belts;
- fitting new battery cables and globes;
- changing oil in air filters;
- minor adjustments to carburettors and other similar adjustments;

but who may not carry out mechanical repairs;

**“suspension fitter (grade 7)”** means an employee who is certified a “suspension fitter” by a training centre accredited by MERSETA and who mainly or exclusively removed and replaced MacPherson struts and related suspension components in a suspension workshop accredited by the Council;

**“suspension workshop”** means an establishment accredited by the Council in terms of the criteria for “suspension workshops” prescribed in Annexure D to this Agreement;

**“tearoom, restaurant and catering establishment”** means an employer who is associated with his employees for the purpose of preparing, serving or providing meals or refreshments (whether liquid or otherwise) or both such meals and refreshments in or from any establishment or part thereof, whether permanent, temporary, indoors or in the open air, and includes such activities when carried on, in or from one or more classes of premises or parts thereof;

**“timekeeper”** means an employee who is mainly or exclusively engaged in the compilation of job labour costs, pay-roll preparation and clerical work connected with the labour force of any establishment;

**“tow-bar fitter (excluding electrical wiring)”** (grade 5 employee) means an employee mainly or exclusively engaged in the fitting of tow-bars to motor vehicles which function includes the connection of pre-fitted couplings only;

**“tow-bar fitter (including electrical wiring)”** (grade 7 employee) means an employee mainly or exclusively engaged in the fitting of tow-bars to motor vehicles which function includes the connection of pre-fitted couplings inclusive of electrical wiring;

**“traveller” (Division B)** means an employee who, as the travelling representative of an establishment on behalf of such establishment, is mainly or exclusively engaged in inviting, canvassing or soliciting orders from duly licensed traders and/or other persons for -

- (a) the sale and/or supply to them of goods for resale and/or for use or consumption by such traders or other persons; and/or
- (b) the reconditioning, remanufacturing or rebuilding of any motor vehicle component,

and who may in addition collect money on behalf of such establishment.

**“unqualified employees”** means employees who have had less than the periods of experience stipulated for qualified employees of their respective classes;

**“vehicle body building establishment”** means any establishment in, on or from which vehicle body building is carried on;

**“vulcanising establishment”** means any establishment in, on or from which the repairing, vulcanising and/or retreading of tyres is carried on;

**“vulcaniser's operative”(Chapter I)** (grade 4 employee) means a workshop employee, other than a journeyman, supervisor, general worker or apprentice, engaged in vulcanising work in a vulcanising establishment who may balance wheels with any machine made to balance wheels off the vehicle;

**“wage”** means the amount of money payable to an employee in respect of his ordinary hours of work as prescribed in this Agreement:

Provided that -

- (a) if an employer regularly pays an employee in respect of such ordinary hours of work an amount higher than that prescribed in this Agreement for such employee, it shall mean such higher amount;
- (b) the provisions of proviso (a) to this definition shall not be construed so as to refer to or include any remuneration which an employee who is employed on any piece-work or commission basis provided for in clause 3.10 and 3.11 of Division A received over and above the amount which he would have received if he had not been employed on such basis;

**(Note** - The amount of money payable to an employee is prescribed in clause 2 of Division B, Chapters I, II, III, IV and V of Division C, and his ordinary hours of work are prescribed in clause 4.1 of this Division);

**“watchman”** means an employee primarily occupied on -

- (a) guarding the premises and/or goods of the employer; and/or
- (b) controlling the access to and departure from the premises of his employer of persons as indicated by such employer; and/or
- (c) keeping a written log of access and departure as contemplated in subparagraph (b) above; and/or
- (d) on the instructions of his employer, carrying out the physical searching of any person or vehicle entering or leaving his employer's premises;

**“week”** means -

- (a) for the purposes of clause 11 of the Administrative Agreement (Returns to the Council), a period of seven consecutive days commencing at midnight on a Sunday;
- (b) for the purposes of the remaining clauses of this Agreement, a period of seven consecutive days;

**“wheel alignment worker”** (grade 6 employee) (**Chapter I**) means an employee employed at any establishment wherein, whereon or wherefrom the repairing, selling, vulcanising and/or retreading of tyres is carried on who has successfully completed the prescribed training course in wheel alignment at any of the group training centres.

[**Note** - This employee will be required to successfully complete a training course approved by the Council from time to time but will not be permitted to work hours other than as prescribed in clause 4.1 of Division A].

**“workshop administrative staff”** means clerical and/or spares sales employees employed mainly in conjunction with any of the activities specified in paragraphs (a), (b), (c) and (l) of the definition of ‘Motor Industry’;

**“workshop employee”** means any employee, other than a char, general worker or forecourt attendant for whom wages are prescribed in Clause 2 of Chapters I, II, III, IV and V of Division C;

## **CLAUSE 3 – PARTICULARS OF EMPLOYMENT AND REMUNERATION**

### **3.1 PRESUMPTIONS**

An employee shall be deemed to be working in the employ of an employer, in addition to any period during which he is actually so working, during -

- (1) any period during which, in accordance with the requirements of his employer, he is present at or in any establishment;
- (2) any other period during which he is present at or in any such establishment;
- (3) any period during which he is in charge of any vehicle used in the industry, whether or not it is being driven;
- (4) the whole of any interval in his work if he is not free to leave the premises of his employer for the whole of such interval; or

- (5) the whole of any interval in his work if the duration of such interval is not shown in the records required to be kept in terms of clause 10 of Collective Administrative Agreement.

Provided that, if it is proved that any such employee was not working and was free to leave the premises during any part of any period referred to in paragraphs (2), (3), (4) or (5), the presumption established by this clause shall not apply in respect of such employee with reference to that part of such period.

### **3.2. LETTER OF APPOINTMENT**

- (1) Every employer shall, in respect of every employee, upon commencement of employment prepare written particulars of employment by way of either an employment contract or a letter of appointment as prescribed in Section 29 of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997).
- (2) Every employer shall, in respect of every employee who at the time of coming into operation of this Agreement, was not in possession of a letter of appointment, provide such employee with an abridged letter of appointment setting out the existing conditions of employment.

### **3.3. CHANGE IN CONDITIONS OF EMPLOYMENT**

No employer shall, by reason of the introduction of this Agreement, cause or permit the remuneration of any employee who is in receipt of wages higher than those prescribed in this Agreement to be reduced, or dismiss any such employee and re-employ him at a reduced remuneration, or require or permit any employee to pay or repay him the whole or any part of any allowance payable in terms of this Agreement, nor shall he do any act or cause or permit any act to be done as a direct or indirect result of which any employee is deprived of the benefit or any part of the benefit of such allowance.

### **3.4. PROHIBITED EMPLOYMENT**

- (1) Notwithstanding anything to the contrary contained in this Agreement, no employer shall employ any person under the age of 21 years, other than a journeyman, an apprentice in terms of the Skills Development Act, 1998, or a trainee employed in terms of the Skills Development Act, 1998, on any operation which forms part of any trade designated for the Motor Industry in terms of the Skills Development Act, 1998.
- (2) No employer shall knowingly employ any person who is under 15 years of age