

GENERAL NOTICE ALGEMENE KENNISGEWING

NOTICE 920 OF 2012

DEPARTMENT OF LABOUR

LABOUR RELATIONS ACT, 1995

APPLICATION FOR VARIATION OF REGISTERED SCOPE OF A BARGAINING COUNCIL

I, Johannes Theodorus Crouse, Registrar of Labour Relations, hereby, in terms of section 58(1) of the Labour Relations Act, 1995, give notice that an application for the variation of its registered scope has been received from the **Motor Industry Bargaining Council-MIBCO**.

Particulars of the application are reflected in the subjoined table.

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

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

Any person who objects must lodge his/her written objection with me, c/o the Department of Labour, Laboria House, 215 Schoeman Street, Pretoria (Postal address: Private Bag X117, Pretoria, 0001), within 30 days of the date of this notice. A copy of the objection must be

served on the applicant within the said period and I must be satisfied that a copy of the objection has been served on the applicant.

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

TABLE

Name and address of the applicant bargaining council:

Motor Industry Bargaining Council-MIBCO

275 Kent Road	P O Box 2578
Ferndale	RANDBURG
RANDBURG	2125
2194	

Fax No.: (011) 369 7755

Date on which application was lodged:

18 October 2012

Intention of application:

To amend the definition of “Motor Industry” –

- “(a) Motor vehicle” to include “tankers” after the term “trailers” and exclude “trailers designed to transport loads of 27 273 kg or over”
- “(b) to amend all references to “vehicle” and/or “vehicle body building” to “motor vehicle” and/or “motor vehicle body building” in the definition.

Sector and area in respect of which application is made

Motor Industry as defined hereunder, in the Republic of South Africa, excluding that portion of the Magisterial District of Somerset West, occupied by the Cape Explosives Works (Ltd.).

"Motor Industry" means, without in any way limiting the ordinary meaning of the expression –

- (a) assembling, erecting, testing, re-manufacturing, repairing, installing, adjusting, overhauling, 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; and
 - (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 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 that are attached to a portion of an establishment wherein is conducted the assembly of or repair of motor vehicles is carried out;
- (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) motor vehicle body building;
- (l) the sale of tractors, agricultural and irrigational equipment (not connected with the manufacture thereof) in the Republic of South Africa, but excluding the Magisterial District of Kimberly, in respect of the sale of –
 - (i) agricultural and irrigational 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 establishments are engaged in the dismantling and repair of motor vehicles or not.

“Auto valet establishments” means an establishment associated with filling and/or service stations forming part of the same enterprise within the Motor Industry wherein the under-mentioned 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 motor 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, tankers and caravans, and shall not include any equipment designed to run on fixed tracks, or aircraft.

"motor vehicle body building" means any or all of the following activities carried on in a motor vehicle body building establishment, but shall not include motor vehicle body building done by assembly establishments incidentally 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 motor 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 or bodies or on the superstructure of motor vehicles;
- (c) fixing cabs and/or bodies and/or any superstructure to the chassis of any type of motor vehicle;
- (d) coating and/or decoration of 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 any superstructures;

- (f) building of trailers, but not including the manufacture of wheels or axles therefor; and
- (g) all operations incidental to or consequent upon the activities referred to in paragraphs (a), (b), (c), (d), (e) and (f) above.

For the purposes of this definition “**motor vehicle**” does not include an aircraft.

Exclusions

“**Industry**” as defined above shall 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 subparagraphs (a), (b) and (c) above,

“equipment” shall not be taken to mean motor cars, motor lorries and/or motor trucks;

- (iv) motor vehicle or other motor vehicle bodies 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; and
- (d) Assembly establishment 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 components when carried on in such establishments, but shall not include motor vehicle body building, except in so far as it is carried on incidentally to the assembly of motor vehicles other than caravans and trailers.

Interest and area in respect of which application is held:

Motor Industry as defined hereunder, in the Republic of South Africa, excluding that portion of the Magisterial District of Somerset West, occupied by the Cape Explosives Works (Ltd.).

"Motor Industry" means, without in any way limiting the ordinary meaning of the expression –

- (a) assembling, erecting, testing, re-manufacturing, repairing, adjusting, overhauling, 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; and
 - (iii) electrical equipment connected with motor vehicles, including radios.

- (b) automotive engineering;
- (c) auto valet establishments;
- (d) repairing, vulcanising and/or retreading tyres;
- (e) repairing, servicing and 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;
- (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 that are attached to a portion of an establishment wherein is conducted the assembly of or repair of motor vehicles is carried out;
- (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 irrigational equipment (not connected with the manufacture thereof) in the Republic of South Africa, but excluding the Magisterial District of Kimberly, in respect of the sale of –
 - (i) agricultural and irrigational 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 establishments are engaged in the dismantling and repair of motor vehicles or not.

"Auto valet establishments" means an establishment associated with filling and/or service stations forming part of the same enterprise within the Motor Industry wherein the under-mentioned 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, and shall not include any equipment designed to run on fixed tracks, trailers designed to transport loads of 27 273 kg or over, or aircraft.

"vehicle body building" means any or all of the following activities carried on in a vehicle body building establishment, but shall not include vehicle body building done by assembly establishments incidentally 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 or 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 decoration of 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 any superstructures;
- (f) building of trailers, but not including the manufacture of wheels or axles therefor; and
- (g) all operations incidental to or consequent upon the activities referred to in paragraphs (a), (b), (c), (d), (e) and (f) above.

For the purposes of this definition “vehicle” does not include an aircraft.

Exclusions

“**Industry**” as defined above shall 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 subparagraphs (a), (b) and (c) above, “equipment” shall not be taken to mean motor cars, motor lorries and/or motor trucks;

(iv) motor vehicle or other vehicle bodies 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; and

(d) Assembly establishment 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 components when carried on in such establishments, but shall not include vehicle body building, except in so far as it is carried on incidentally to the assembly of motor vehicles other than caravans and trailers.

Representativeness of the Council in respect of the additional activities:

Total number of employees falling within the new scope of the Council and who belong to the trade unions which are party to the Council:	4 077
Total number of employers falling within the new scope of the Council and who belong to the employers' organisations which are party to the Council:	101
Total number of employees employed within the new scope of the Council by the employers who belong to the employers' organisations which are party to the Council:	6 257
Total number of the employers within the new scope of the Council:	299
Total number of the employees employed within the new scope of the Council:	11 460

J.I. CROUSE**REGISTRAR OF LABOUR RELATIONS**

DATE:30 October 2012.....