

**DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID**

No. R. 55

1 February 2013

LABOUR RELATIONS ACT, 1995

BARGAINING COUNCIL FOR THE FISHING INDUSTRY :

**EXTENSION TO NON-PARTIES OF THE MAIN COLLECTIVE
AGREEMENT**

I, **NELISIWE MILDRED 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 **Bargaining Council for the Fishing Industry** and is binding in terms of section 31 of the Labour Relations Act, 1995, on the parties which concluded the Agreement, shall be binding on the other employers and employees in that Industry, with effect from 11 February 2013 and for the period ending 30 June 2013.

**M N OLIPHANT
MINISTER OF LABOUR**

SCHEDULE**BARGAINING COUNCIL FOR THE FISHING INDUSTRY****AMENDMENT OF THE MAIN COLLECTIVE AGREEMENT****SECTION 1: GENERAL****PART A: INTRODUCTION****1. CLAUSE 1: PARTIES TO THE AGREEMENT**

In accordance with the provisions of the Labour Relations Act, 1995, this Agreement is made and entered into between the

South African Fishing Industry Employers Organisation (SAFIEO)

(Hereinafter referred to as "the employers" or "the employers' organisation") of the one part

And the

Trawler & Line Fishermen's Union (TALFU)**National Certificated Fishing and Allied Workers Union (NCFAWU)****Food and Allied Workers Union (FAWU)**

(Hereinafter referred to as "the employees" or "the trade unions"), of the other part, being parties to the Bargaining Council for the Fishing Industry (hereinafter referred to as the "Council") to amend the Collective Agreement published under Government Notice No. R.587 of 27 July 2012.

2. CLAUSE 2: PURPOSE OF THE AGREEMENT

This agreement aims to advance economic development and social justice by fulfilling the primary objects by giving effect to, and regulate the right to fair labour practices conferred by section 23 of the Constitution of South Africa 1996, by establishing and enforcing basic conditions of employment in the scope of the Council for employees employed on the vessels at sea, excluded from the Basis Conditions of Employment Act.

PART B: APPLICATION**3. CLAUSE 3: SCOPE OF APPLICATION**

- 3.1.** This agreement applies to all Employers and/or Employees within the Republic of South Africa, who are members of any of the parties to this agreement and who are employed in the:-
- 3.1.1.** Hake Deep-sea Bottom Trawl Sector;
 - 3.1.2.** Hake Inshore Bottom Trawl Sector; and
 - 3.1.3.** Horse Mackerel Mid-Water Trawl Sector.
- 3.2.** On extension of this agreement to non-parties by the Minister, any employer may apply to the Bargaining Council's Executive Committee for exemption from the terms of this collective agreement in terms of clause 37 of the Council's Main Agreement.

4. CLAUSE 4: PERIOD OF OPERATION

The terms and conditions set out herein shall come into operation:

- 4.1. In respect of the parties as agreed and shall remain in force until cancelled by the parties to this Agreement; and
- 4.2. In respect of non-parties to the Agreement as from the date determined by the Minister until 30 June 2013.

SECTION II: CORE RIGHTS**PART D: REMUNERATION****5. CLAUSE 9: MINIMUM REMUNERATION**

- 9.1. It is agreed by the parties that actual Remuneration rates be increased by the percentage indicated in the respective chamber agreements as well as the minimum remuneration rates, as reflected in the new minimum rates scheduled attached:
 - 9.1.1. Annexure "A" – Hake Deep-sea Bottom Trawl Sector
 - 9.1.2. Annexure "B" – Hake Inshore Bottom Trawl Sector
 - 9.1.3. Annexure "C" - Horse Mackerel Mid-Water Trawl Sector
- 9.2. No Employee shall be paid less than the minimum Remuneration prescribed in the respective chamber agreements attached for any Employee's relevant rank after incorporation of the increase referred to in paragraph 9.1 above.
- 9.3. Subject to paragraph 9.2 above, some ranks are excluded from having a prescribed minimum Remuneration and marked "Unprescribed", as the rate of remuneration for such rank normally exceeds an annual income level of one hundred forty nine thousand seven hundred and thirty six rand (R 149 736-00).
- 9.4. The prescribed minimum Remuneration schedule per chamber setting out the minimum rates of pay per Working Day for each rank that shall be effective from the date that this agreement comes into force.
- 9.5. Should the Employer require an Employee to work for five (5) days or more in a rank which has a higher Remuneration as prescribed for the rank that the Employee holds, the Employer shall pay that Employee at the higher Remuneration for the full period the Employee worked in the higher rank: Provided such change in rank is authorised by the Skipper and logged as such.
- 9.6. A temporary Employee shall be paid at the rate for the rank the Employee holds contained in the Remuneration schedule for the specific sector in which the Employee is employed.

ANNEXURE A: DEEP-SEA BOTTOM TRAWL SECTOR CHAMBER

A.1. MINIMUM DEEP-SEA REMUNERATION

1. Actual Remuneration rates shall be increased by at least seven percent (7%) as from 1 July 2012 for the parties to the Agreement and as determined by the Minister in terms of clause 4.2. for non-parties.
2. The following minimum Remuneration schedule sets out the increased minimum rates of pay per Working Day for each rank that shall be effective from the dates indicated

EMPLOYEE RANK TERMINOLOGY OF SECTOR	MINIMUM REMUNERATION PER WORKING DAY	PROTECTIVE CLOTHING (GEAR) ALLOWANCE	STANDARD RANKS DEFINITIONS (SEE CLAUSE 8 OF THE MAIN AGREEMENT)	
Able Seaman	R 146.20	R 1-95	8.1.	
Assistant Factory Manager	R 160.16	R 1-95	8.13	Factory Manager - Assisting
Assistant Marine Engineer	R 150.00	R 1-95	8.28	Marine Engineer-Assisting
Bosun	R 161.61	R 1-95	8.2	
Charge Hand	R 135.74	R 1-95	8.3	
Cook	R 194.29	R 1-95	8.4	
Cook – First	R 228.96	R 1-95	8.5	
Cook – Second	R 161.61	R 1-95	8.6	
Deck Hand	R 135.74	R 1-95	8.9	
Factory Manager	R 213.59	R 1-95	8.12	
Fishmeal Operator	R 176.76	R 1-95	8.18	
Galley Hand	R 123.17	R 1-95	8.23	
Greaser	R 155.85	R 1-95	8.19	
Greaser – M3	R 165.35	R 1-95	8.20	
Greaser – M4	R 160.38	R 1-95	8.21	
Lifeboat man (PISC)	R 135.74	R 1-95	8.25	
Spare Hand	R 123.17	R 1-95	8.35	

A.2. MINIMUM DEEP-SEA REST PERIODS

The Employer shall provide an Employee with at least ten (10) hours of rest per Day of which at least six (6) hours of the ten (10) hours shall be continuous uninterrupted rest when the Employee is employed in the Deep-sea Bottom Trawl Sector.

ANNEXURE B: INSHORE BOTTOM TRAWL SECTOR CHAMBER

B.1. MINIMUM INSHORE REMUNERATION

1. Actual Remuneration rates shall be increased by at least seven percent (7%) as from 1 July 2012 for the parties to the Agreement and as determined by the Minister in terms of clause 4.2. for non-parties.
2. The following minimum Remuneration schedule sets out the increased minimum rates of pay per Working Day for each rank that shall be effective from the dates indicated

EMPLOYEE RANK TERMINOLOGY OF SECTOR	MINIMUM REMUNERATION PER WORKING DAY	PROTECTIVE CLOTHING (GEAR) ALLOWANCE	STANDARD RANKS DEFINITIONS (SEE CLAUSE 8 OF THE MAIN AGREEMENT)	
Able Seaman	R 144.49	R 1-95	8.1	
Assistant Marine Engineer	R 159.75	R 1-95	8.28	Marine Engineer-Assisting
Bosun	R 140.92	R 1-95	8.2	
Chief Engineer	R 244.30	R 1-95	8.27	
Cook	R 121.97	R 1-95	8.4	
Deck Hand	R 140.92	R 1-95	8.9	
Driver	R 140.92	R 1-95	8.10	
Spare Hand	R 112.86	R 1-95	8.35	

ANNEXURE C: MID-WATER TRAWL SECTOR CHAMBER

C. MINIMUM MID-WATER REMUNERATION

1. Actual Remuneration rates shall be increased by at least seven percent (7%) as from 1 August 2012 and a further half percent (0.5%) as from 1 January 2013 for the parties to the Agreement and as determined by the Minister in terms of clause 4.2. for non-parties.

2. The following minimum Remuneration schedule sets out the increased minimum rates of pay per Working Day for each rank that shall be effective from the dates indicated

EMPLOYEE RANK TERMINOLOGY OF SECTOR	MINIMUM REMUNERATION PER WORKING DAY	PROTECTIVE CLOTHING (GEAR) ALLOWANCE	JANUARY 2013	STANDARD RANKS DEFINITIONS (SEE CLAUSE 8 OF THE MAIN AGREEMENT)	
Deck Category 2 Seaman	R 173.80	R 1-95	R 174.67	8.1	Able Seaman
Factory Manager - Assisting	R 210.62	R 1-95	R 211.67	8.13	
Marine Engineer Second	R 1,503.35	R 1-95	R 1,510.87	8.28	Marine Engineer-Assisting
Cook Chief	R 669.82	R 1-95	R 673.17	8.4	Cook
Cook – Second	R 601.34	R 1-95	R 604.34	8.6	
Cook- Relief Second Cook	R 210.79	R 1-95	R 211.84	8.8	Cook-Relief
Cook – Third	R 157.79	R 1-95	R 158.58	8.7	
Deck Cadet	R 210.79	R 1-95	R 211.84	8.9	Deck Hand
Factory Production Supervisor	R 173.80	R 1-95	R 174.67	8.3	Charge Hand
Housekeeping- Laundress	R 157.79	R 1-95	R 158.58	8.24	
Catering Chief Stewardess	R 157.79	R 1-95	R 158.58	8.26	Housekeeping-Chief Stewardess
Catering Steward	R 157.79	R 1-95	R 158.58	8.23	Housekeeping-Galley Hand
Factory Hand	R 162.75	R 1-95	R 163.56	8.11	
Factory Manager	R 267.02	R 1-95	R 268.36	8.12	
Fishmeal Operator	R 210.79	R 1-95	R 211.84	8.19	Greaser
Trainee Motorman	R 290.24	R 1-95	R 291.69	8.22	Greaser-Trainee
Factory Motorman	R 410.00	R 1-95	R 412.05	8.19	Greaser
Factory Holdman	R 164.47	R 1-95	R 165.29	8.16	FishHold Hand
Factory Senior Holdman	R 149.17	R 1-95	R 149.92	8.17	FishHold Hand-Senior
Engineer Factory Mechanic	R 217.99	R 1-95	R 219.08	8.29	Marine Engineer-Mechanic
Trainee Factory Hand	R 125.69	R 1-95	R 126.32	8.35	Spare Hand

SECTION IV: CONSENSUS

Through application of signature hereof the parties to the respective chambers of the Bargaining Council for the Fishing Industry (in alphabetical order), confirm their acceptance of the terms and conditions contained herein:

43. DEEP- SEA TRAWL CHAMBER:

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 5 DAY OF NOVEMBER 2012

GERT CHRISTIE
 DULY AUTHORISED THERETO FOR AND
 ON BEHALF OF THE TALFU

G. Christie
 SIGNATURE:

WITNESS: [Signature]

WITNESS: J. Salomons

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 07th DAY OF NOVEMBER 2012.

[Signature] ADANIELS
 DULY AUTHORISED THERETO FOR AND
 ON BEHALF OF THE FAWU

[Signature]
 SIGNATURE:

WITNESS:

WITNESS:

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 06 DAY OF NOVEMBER 2012.

NDANELE TULELA
 DULY AUTHORISED THERETO FOR AND
 ON BEHALF OF THE NCFWU

N. Tulela
 SIGNATURE:

WITNESS:

WITNESS:

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 07th DAY OF NOVEMBER 2012.

LINDA NGAUZELE
DULY AUTHORISED THERETO FOR AND
ON BEHALF OF SAFIO

[Signature]
SIGNATURE:

WITNESS: [Signature] WITNESS:

44. INSHORE BOTTOM TRAWL CHAMBER:

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 5th DAY OF NOVEMBER 2012.

GERT S. CHRISTIE
DULY AUTHORISED THERETO FOR AND
ON BEHALF OF THE TALFU

[Signature]
SIGNATURE:

WITNESS: [Signature] WITNESS: J. Salomons

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 07th DAY OF NOVEMBER 2012.

LINDA NGAUZELE
DULY AUTHORISED THERETO FOR AND
ON BEHALF OF SAFIO

[Signature]
SIGNATURE:

WITNESS: WITNESS:

45. MID-WATER BOTTOM TRAWL CHAMBER:

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 06... DAY OF NOVEMBER... 2012

NDANELE TLELA.....
DULY AUTHORISED THERETO FOR AND
ON BEHALF OF THE NCAFWU

.....
SIGNATURE:

WITNESS: WITNESS:

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 07th DAY OF NOVEMBER 2012.

LINDA NGCAWJELE.....
DULY AUTHORISED THERETO FOR AND
ON BEHALF OF SAFIEO

.....
SIGNATURE:

WITNESS WITNESS

FOR DEEP-SEA, INSHORE AND MID-WATER CHAMBERS

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 07th DAY OF NOVEMBER 2012.

VICTORIA HANMER.....
DULY AUTHORISED THERETO FOR AND
ON BEHALF OF THE BARGAINING COUNCIL

.....
SECRETARY

WITNESS: WITNESS: