

No. R. 265

12 April 2013

"B"

**LABOUR RELATIONS ACT, 1995****BARGAINING COUNCIL FOR THE BUILDING INDUSTRY, BLOEMFONTEIN:  
RENEWAL OF PERIOD OF OPERATION OF THE COLLECTIVE AGREEMENT**

I, **MILDRED NELISIWE OLIPHANT**, Minister of Labour, hereby, in terms of section 32(6)(a)(ii) of the Labour Relations Act, 1995, declare the provisions of Government Notices Nos. R.221 of 29 February 2008, R. 1324 of 12 December 2008, R.1124 of 4 December 2009, R.1164 of 10 December 2010, R.134 of 24 February 2012 and R. 264 of 12 April 2013 to be effective from 1 January 2014 and for the period ending 31 December 2014.

**M N OLIPHANT****MINISTER OF LABOUR**

**SCHEDULE****BARGAINING COUNCIL FOR THE BUILDING INDUSTRY (BLOEMFONTEIN)****AMENDMENT OF COLLECTIVE AGREEMENT**

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

**Master Builders' and Allied Trades Association (Free State) (MBA (FS))**

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

**Amalgamated Union of Building Trade Workers of South Africa (AUBTW)****Noordelike Bouwerkersvakbond (NBV), and****National Union of Mine Workers (NUM)**

(hereinafter referred to as the "employees" or the "trade unions"), of the other part, being parties to the Bargaining Council for the Building Industry (Bloemfontein), to amend the Agreement published under Government Notice No. R. 221 of 29 February 2008 as amended by Government Notice No. R. 1324 of 12 December 2008, R. 1124 and R. 1125 of 04 December 2009, R. 1163 and R. 1164 of 10 December 2010, R. 985 of 2 December 2011 and R.134 of 24 February 2012.

**1: SCOPE OF APPLICATION**

- (1) The terms and conditions of the Agreement shall be observed-
  - (a) in the Magisterial District of Bloemfontein;
  - (b) by all employers who are members of the employers' organisation and by all employees who are members of the trade union(s);
  - (c) by all employers and employees to whom the Minister of Labour may extend this Agreement;
  - (d) by all employers and employees who are directly or indirectly involved in the Building Industry.
- (2) Notwithstanding the provisions of sub-clause (1) the terms of this Agreement shall apply to-

- (a) apprentices only in so far as the terms are not inconsistent with the provisions of the Manpower Training Act, 1981, or any contract entered into or any conditions fixed thereunder;
  - (b) trainees under the Manpower Training Act, 1981 and the Skills Development Act, 1998, in so far as the terms are not inconsistent with the provisions of that Act or any conditions fixed thereunder;
  - (c) working partners, directors and owners of a building-related business.
- (3) Notwithstanding the provisions of sub-clause (1), the terms of this Agreement shall not apply to-
- (a) clerical and administrative employees;
  - (b) university students and graduates in Building Science and to construction supervisors, construction surveyors, architects and other persons doing practical work in the completion of their academic training;
  - (c) casual employees as defined in clause 3;
  - (d) non-parties in respect of clause 1 (1) (b) and 2.

**2: 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 Labour Relations Act, 1995, and shall remain in force until 31 December 2014.

**3. CLAUSE 8: REMUNERATION**

Substitute Clause (1), (2)(a), (b) and (c) for the following:-

- (1) **Wages:** (a) General: No employer shall pay and no employee shall accept wages at rates lower than the following:

	<i>Cents</i>
	<i>per hour</i>
(i) Artisans .....	R34.01

- (ii) General workers ..... R17.00

**Calculation of wages:** The weekly wage of an employee shall be his hourly wage multiplied by 40, in the case of artisans and all other categories of employees.

- (a) The increase for all category workers shall be 10% of the actual wage
- (b) (2) **Supplementary remuneration and contributions:** (a) Except in respect of a casual employee, every employer shall pay each week to the Secretary of the Council in respect of each category of employee, as stipulated below, the total sum prescribed in Column G hereunder: Provided that such sum shall be allocated as set out hereunder:

- (i) Holiday Fund ..... Column A
- (ii) Provident Fund ..... Column B
- (iii) Contributions to Bargaining Council expenses ..... Column C
- (iv) Trade Union subscriptions ..... Column D
- (v) Wage Guarantee Fund ..... Column E
- (vi) Funeral Benefit ..... Column F
- (vii) TOTAL SUM ..... Column G

Employers	Per week						
	A	B	C	D	E	F	G
	R	R	R	R	R	R	R
All employees earning R17.00 up to and including R19.30 ph .....	84.00	136.00	2.40	-	0.45	0.49	223.34
All employees earning R19.31 up to and including R23.60 ph .....	92.00	152.00	2.40	-	0.45	0.49	247.34

All employees earning R23.61 up to and including R27.80 ph .....	112.00	184.00	2.40	-	0.45	0.49	299.34
All employees earning R27.81 up to and including R34.00 ph .....	136.00	216.00	2.40	-	0.45	0.49	355.34
All employees earning R34.01 up to and including R38.10 ph .....	164.00	272.00	2.40	5.00	0.45	0.49	444.34
All employees earning R38.11 and more ph .....	184.00	304.00	2.40	5.00	0.45	0.49	496.34

(b) Except in respect of a casual employee who works for an employer for less than four weeks, every employer shall deduct each week from the remuneration due to each employee, as stipulated below, the amount prescribed in Column E hereunder: Provided that such sum shall be allocated as set out hereunder:

- (i) Holiday Fund ..... Column A
- (ii) Provident Fund ..... Column B
- (iii) Contributions to Bargaining Council ..... Column C
- (iv) Trade Unions ..... Column D
- (iii) TOTAL SUM ..... Column E

Employers	Per week				
	A	B	C	D	E
	R	R	R	R	R
All employees earning R17.00 up to and including R19.30 ph .....	84.00	136.00	0.20	-	220.20
All employees earning R19.31 up to and including R23.60 ph .....	92.00	152.00	0.20	-	244.20

All employees earning R23.61 up to and including R27.80 ph .....	112.00	184.00	0.20	-	296.20
All employees earning R27.81 up to and including R34.00 ph .....	136.00	216.00	0.20	-	352.20
All employees earning R34.01 up to and including R38.10 ph .....	164.00	272.00	0.20	5.00	441.20
All employees earning R38.11 and more ph .....	184.00	304.00	0.20	5.00	493.20

(c) Every employer shall, in addition to any remuneration to which an employee may be entitled in terms of clause 8 (1), pay such employee the total sum prescribed in Column C hereunder:

- (i) Holiday Fund ..... Column A  
(ii) Provident Fund Contributions ..... Column B  
(iii) TOTAL SUM ..... Column C

Employers	Per hour		
	A	B	C
	C	C	C
All employees earning R17.00 up to and including R19.30 ph .....	2.10	1.70	3.80
All employees earning R19.31 up to and including R23.60 ph .....	2.30	1.90	4.20
All employees earning R23.61 up to and including R27.80 ph .....	2.80	2.30	5.10
All employees earning R27.81 up to and including R34.00 ph .....	3.40	2.70	6.10

All employees earning R34.01 up to and including R38.10 ph .....	4.10	3.40	7.50
All employees earning R38.11 and more .....	4.60	3.80	8.40

#### 4. CLAUSE 8 : REMUNERATION

Substitute sub-clause (5)(a) for the following and insert a new sub-clause (5) (b):

5. **Allowances** : (a) An employee who is required to work away from his/her residence and who cannot return home after each working day, shall be paid a living away allowance of R30.00 per day in respect of each night spent away from his residence.

(b) Employees who are unable to work due to inclement weather must be paid for at least two (2) hours per day.

#### 5. CLAUSE 13 : TRADE UNION RIGHTS

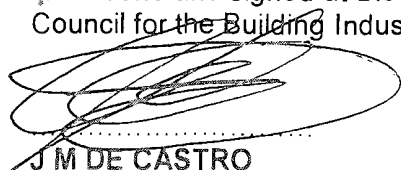
Substitute the following for sub-clause 2:

“(2) **Trade union membership fees:** (a) Each trade union who is a party to the Council shall submit to the Council written proof of membership of each employee who is a member of that trade union, which proof shall include an annual listing of members who are in benefit.

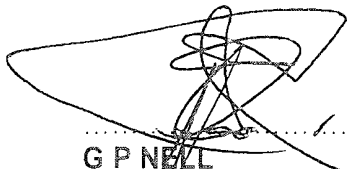
(b) An employer shall deduct an amount of R5.00 per week from the wage of an artisan who qualifies in terms of clause 8 (1)(a)(i), and pay it over to the Council. If contributions have been deducted from an employee's wage who is not a trade union member, such amount shall be refunded to the employee.

(c) The Council shall pay over to the respective trade union(s) all such amounts collected on a monthly basis, less a collection fee of 5%, which shall accrue to the general funds of the Council.”

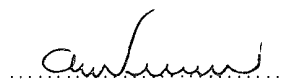
Thus done and signed at Bloemfontein on this 9<sup>th</sup> October 2012 for and on behalf of the Bargaining Council for the Building Industry (Bloemfontein).



J M DE CASTRO  
CHAIR PERSON OF THE COUNCIL



G P NELL  
VICE-CHAIRPERSON OF THE COUNCIL



A C M VAN VUUREN  
SECRETARY