

No. R. 936

6 December 2013

LABOUR RELATIONS ACT, 1995**BARGAINING COUNCIL FOR THE FISHING INDUSTRY:
EXTENSION OF PERIOD OF OPERATION OF MAIN COLLECTIVE AGREEMENT**

I, **MILDRED NELISIWE OLIPHANT**, Minister of Labour, hereby, in terms of section 32(6) (a) (i) of the Labour Relations Act, 1995, extend the period fixed in Government Notices No R.587 of 27 July 2012, No. R.55 of 1 February 2013, No R445 of 28 June 2013 and R.935 of 6 December 2013 by a further period from 1 January 2014 and ending 30 June 2014.

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**

In accordance with the provisions of the Labour Relations Act, 1995, made and entered into by and 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 union" of the other part,

being parties to the Bargaining Council for the Fishing Industry (hereinafter referred to as the "Council" to amend the agreement published under Government Notice R.587 of 27 July 2012 as amended and extended by Government Notices R.55 of 1 February 2013 and R.445 of 28 June 2013.

1. CLAUSE 2: PURPOSE OF THE AGREEMENT

The 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 the Republic 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 Basic Conditions of Employment Act, 1997.

PART B: APPLICATION**2. CLAUSE 3: SCOPE OF APPLICATION**

3.1. The terms of this agreement shall be observed in the Fishing Industry;

By all employers and employees who are engaged or employed in the following sectors:

- (i) Hake Deep-sea Bottom Trawl
- (ii) Hake Inshore Bottom Trawl
- (iii) Horse Mackerel Mid-water Trawl

3.2. On extension of the 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.

3. CLAUSE 4: PERIOD OF OPERATION

4.1 This agreement shall come into operation –

(a) In respect of the parties as reflected in the minimum wage rates schedules attached.

(b) In respect of non-parties, on such date as determined by the Minister.

4.2 This Agreement shall remain in force until 30 June 2014.

SECTION II: CORE RIGHTS

PART D: REMUNERATION

1. CLAUSE 9: MINIMUM REMUNERATION

Substitute the following for clause 9

"9. MINIMUM REMUNERATION

9.1. The actual remuneration rates are to 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 eight percent (8%) as from 1 July 2013 for the parties to the Agreement and from the date 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 157.90	R 1-95	8.1.	
Assistant Factory Manager	R 172.97	R 1-95	8.13	Factory Manager - Assisting
Assistant Marine Engineer	R 162.00	R 1-95	8.28	Marine Engineer-Assisting
Bosun	R 174.53	R 1-95	8.2	
Charge Hand	R 146.60	R 1-95	8.3	
Cook	R209.83	R 1-95	8.4	
Cook – First	R 247.28	R 1-95	8.5	
Cook – Second	R 174.53	R 1-95	8.6	
Deck Hand	R 146.60	R 1-95	8.9	
Factory Manager	R 230.68	R 1-95	8.12	
Fishmeal Operator	R 190.90	R 1-95	8.18	
Galley Hand	R 133.02	R 1-95	8.23	
Greaser	R 168.31	R 1-95	8.19	
Greaser – M3	R 178.58	R 1-95	8.20	
Greaser – M4	R 173.21	R 1-95	8.21	
Lifeboat man (PISC)	R 146.60	R 1-95	8.25	
Spare Hand	R 133.02	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 six percent (6%) as from 1 July 2013 for the parties to the Agreement and from the date 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 153.16	R 1-95	8.1	
Assistant Marine Engineer	R 169.33	R 1-95	8.28	Marine Engineer-Assisting
Bosun	R 149.38	R 1-95	8.2	
Chief Engineer	R 258.96	R 1-95	8.27	
Cook	R 129.29	R 1-95	8.4	
Deck Hand	R 149.38	R 1-95	8.9	
Driver	R 149.38	R 1-95	8.10	
Spare Hand	R 119.63	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 eight percent (8%) as from 1 August 2013 for the parties to the Agreement and from the date as determined by the Minister in terms of clause 4.2. for the 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)	
Deck Category 2 Seaman	R 187.70	R 1-95	8.1	Able Seaman
Factory Manager - Assisting	R 227.47	R 1-95	8.13	
Marine Engineer Second	R 1,623.61	R 1-95	8.28	Marine Engineer-Assisting
Cook Chief	R 723.40	R 1-95	8.4	Cook
Cook – Second	R 649.44	R 1-95	8.6	
Cook- Relief Second Cook	R 227.65	R 1-95	8.8	Cook-Relief
Cook – Third	R 170.41	R 1-95	8.7	
Deck Cadet	R 227.65	R 1-95	8.9	Deck Hand
Factory Production Supervisor	R 187.70	R 1-95	8.3	Charge Hand
Housekeeping- Laundress	R 170.41	R 1-95	8.24	
Catering Chief Stewardess	R 170.41	R 1-95	8.26	Housekeeping-Chief Stewardess
Catering Steward	R 170.41	R 1-95	8.23	Housekeeping-Galley Hand
Factory Hand	R 175.77	R 1-95	8.11	
Factory Manager	R 288.38	R 1-95	8.12	
Fishmeal Operator	R 227.65	R 1-95	8.19	Greaser
Trainee Motorman	R 313.46	R 1-95	8.22	Greaser-Trainee
Factory Motorman	R 442.80	R 1-95	8.19	Greaser
Factory Holdman	R 177.62	R 1-95	8.16	FishHold Hand
Factory Senior Holdman	R 161.10	R 1-95	8.17	FishHold Hand-Senior
Engineer Factory Mechanic	R 235.42	R 1-95	8.29	Marine Engineer-Mechanic
Trainee Factory Hand	R 135.74	R 1-95	8.35	Spare Hand

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 18 DAY OF November 2013.

JONATHAN KEITH CARTER
DULY AUTHORISED THERETO FOR AND
ON BEHALF OF SAFIEO

SIGNATURE:

13/11/2013

WITNESS:

WITNESS:

44. INSHORE BOTTOM TRAWL CHAMBER:

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 18 DAY OF November 2013.

Renard D. O'Leary
DULY AUTHORISED THERETO FOR AND
ON BEHALF OF THE TALFU

SIGNATURE:

WITNESS:

WITNESS:

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 18 DAY OF November 2013.

DEON DEKES
DULY AUTHORISED THERETO FOR AND
ON BEHALF OF SAFIEO

SIGNATURE:


WITNESS:

WITNESS:


45. MID-WATER BOTTOM TRAWL CHAMBER:

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 18 DAY OF Nov 2013

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

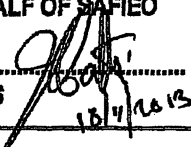
WITNESS: 


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SIGNATURE:


WITNESS: 

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 20 DAY OF November 2013.

ZANE BLAAUW
DULY AUTHORISED THERETO FOR AND
ON BEHALF OF SAFEO

WITNESS: 
18/11/2013



SIGNATURE:

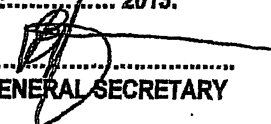
WITNESS: 

FOR DEEP-SEA, INSHORE AND MID-WATER CHAMBERS

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 18 DAY OF NOVEMBER 2013.

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

WITNESS: 


GENERAL SECRETARY