

No. R. 48

31 January 2014

LABOUR RELATIONS ACT, 1995**NATIONAL BARGAINING COUNCIL FOR THE ROAD FREIGHT AND
LOGISTICS INDUSTRY: EXTENSION TO NON-PARTIES OF THE MAIN
COLLECTIVE AMENDING AGREEMENT**

I, **MILDRED NELISIWE OLIPHANT**, Minister of Labour, hereby in terms of section 32(2) read with section 32(5) of the Labour Relations Act, 1995, declare that the collective agreement which appears in the Schedule hereto, which was concluded in the National Bargaining Council for the Road Freight and Logistics 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 10 February 2014 and for the period ending 29 February 2016.

M N OLIPHANT**MINISTER OF LABOUR**

Schedule

National Bargaining Council for the Road Freight & Logistics Industry

Amendment to the Main Collective Agreement

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

Road Freight Association (RFA)

(referred to in this Agreement as the "employers" or the "employers' organisation")
on the one part, and the

South African Transport and Allied Workers Union (SATAWU)

Motor Transport Workers Union of South Africa (MTWU)

Transport and Allied Workers Union of South Africa (TAWU)

Professional Transport and Allied Workers Union of South Africa (PTAWU)

(Acting jointly in terms of Clause 6.14 of the NBCRFLI Constitution)

(referred to in this Agreement as the "employees" or the "trade unions"),
on the other part,

being the parties to the National Bargaining Council for the Road Freight and Logistics Industry to amend the Agreement published under Government Notice No. R.4 of 6 January 2012 as amended and extended by Government Notice No. R.31 of 25 January 2013.

1. Scope of Application

(1) The terms of this Agreement shall be observed in the Road Freight and Logistics Industry:

- (a) by all the employers who are members of the employers' organisation and by all employees who are members of the trade unions, and who are engaged and employed therein, respectively;

- (b) In the Republic of South Africa.
- (2) Notwithstanding the provisions of sub-clause (1), this Agreement shall apply to:
- (a) employees for whom minimum wages are prescribed in this Agreement and to the employers of such employees;
 - (b) other categories of employees, for whom minimum wages are not prescribed, but qualify for the across the board increases and to the employers of such employees; and
 - (c) owner-drivers and their employees only insofar hours of work and limitations on hours of work and registration with the Council is concerned.
- (3) The provisions of clause 1 (1) (a) and 1.A of this Agreement shall not apply to employers and employees who are not members of the employers' organisation and the trade unions, respectively, who entered into this Agreement.

1.A. Period of Operation of the Agreement

This Agreement shall come into operation on such date as determined by the Minister of Labour in terms of Section 32 of the Labour Relations Act, 1995, and shall remain in force until 29 February 2016.

2. Clause 26 : General provisions on the administration of benefit funds

- (1) Substitute the following for sub-clause (4):
- “(4) Any contribution paid to a benefit fund, which is not claimed or otherwise legally disposed off within five years of receipt of that contribution will be forfeited to the reserve funds of the benefit fund concerned.”

3. Clause 54 : Trade union subscriptions

- (1) Substitute the following for sub-clauses (2) (b) and (3) and insert a new sub-clause (4):
- "(b) remit the total amount deducted to the trade union concerned by no later than the 7th day of the month following the date each deduction was made. With each monthly remittance the employer must give the trade union concerned a list of surnames, initials, ID numbers, job categories, computer numbers, weekly wages and branch address of each trade union member –
- (i) from whose wages the employer has made the deductions that are included in the remittance;
 - (ii) details of the amounts deducted and remitted and the period to which the deductions relate; and
 - (iii) a copy of every new membership application form as well as any membership resignation forms received from employees in his employ.
- (3) (a) The trade union is required to submit the following information to Council in respect of each employer who has failed to effect payment to the trade union concerned in full for a specific month, in respect of that month:
- (i) employer levy number;
 - (ii) full name of employer
 - (iii) period involved (specific month);
 - (iv) total amount of contributions not received for that specific month.
- (b) The information referred to in (3) (a) above must be submitted to Council by the trade union concerned within 14 days from the last day (7th) on which the subscriptions related were due and payable to the trade union.
- (c) In the event that the trade union(s) are not able to submit within the proposed period as stated in (b) above, the Council shall not be held

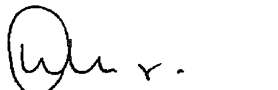
liable for the late enforcement of non-payment of trade union subscriptions.

- (4) The trade union shall on an annual basis, at least 30 days before Council submits the LRA Form 3.20 or LRA Form 3.20A to the Registrar of Labour Relations, provide Council with the following information in order to enable Council to verify its (Council's) records:
- (i) the surnames, initials, ID numbers and job categories of members covered by the collective agreement as well as particulars of their respective employers; including the employer's levy number with the Council; and
 - (ii) the surnames, initials, ID numbers and job categories of employees who were covered by the collective agreement during the preceding year and who are no longer members of the trade union at the time of certification.

Signed at Johannesburg for and on behalf of the parties to the Council on this 13TH day of DECEMBER 2013.



J Dube
Chairperson of
the Council



F Meier
Vice-Chairperson of
the Council



T Ströh
Acting National
Secretary of the Council