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**GOVERNMENT NOTICES  
GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF LABOUR  
DEPARTEMENT VAN ARBEID**

**No. R. 710**

**4 July 2008**

**LABOUR RELATIONS ACT, 1995**

**NATIONAL BARGAINING COUNCIL FOR THE ELECTRICAL INDUSTRY OF SOUTH AFRICA: EXTENSION OF AMENDMENT OF NATIONAL PENSION AND PROVIDENT FUNDS COLLECTIVE AGREEMENT TO NON-PARTIES**

I, MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, 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 National Bargaining Council for the Electrical Industry of South Africa 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 15 July 2008 and for the period ending 31 May 2012.

**MMS MDLADLANA  
MINISTER OF LABOUR**

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**SCHEDULE****NATIONAL BARGAINING COUNCIL FOR THE ELECTRICAL INDUSTRY OF SOUTH AFRICA .****NATIONAL PENSION AND PROVIDENT FUNDS COLLECTIVE AGREEMENT.**

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

**Electrical Contractors' Association (South Africa) (SAEWA),**  
(hereinafter referred to as the "employers" or the "employers organisation"), of the one part, and the

**South African Equity Workers' Association,**  
(hereinafter referred to as the "employees" or the "trade unions"), of the other part, being the parties to the National Bargaining Council for the Electrical Industry of South Africa to amend the Agreement published under Government Notice R. 1502 of 17 October 2003 as renewed by Government Notices R. 672 of 27 July 2007.and R/767 of 20 June 2008.

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**1. SCOPE OF APPLICATION**

- (1) The terms of this Agreement shall be observed by -
- (a) all employers and employees in the Electrical Industry who are members of the employers organisation and trade unions, respectively,
  - (b) and who are engaged or employed in the Industry in the following areas:
    - (i) In the Province of the Transvaal and the Magisterial Districts of Sasolburg and Bloemfontein as they existed at 19 June 1985;
    - (ii) in the Magisterial Districts of Barkly West, Gordonia, Hartswater, Kuruman and Postmasburg as they existed at 18 October 1989;
    - (iii) in the Province of the Free State (excluding the Magisterial Districts of Sasolburg and Bloemfontein), as it existed at 19 June 1985;
    - (iv) in the Magisterial Districts of Aberdeen, Adelaide, Albert, Aliwal North, Barkly East, Bedford, Britstown, Carnarvon, Cathcart, Colesberg, Cradock, De Aar, Elliot, Fort Beaufort, Fraserburg, Graaff-Reinet, Hankey, Hanover, Hofmeyr, Indwe, Jansenville, King William's Town, Kirkwood, Komga, Lady Grey, Maclear, Middelburg (Eastern Cape), Molteno, Murraysburg, Noupoort, Pearston, Philipstown, Prince Albert, Richmond (Northern Cape), Somerset East, Sterkstroom, Steynsburg, Steytlerville, Stutterheim, Tarkastad, Venterstad, Victoria West, Williston,

Willowmore and Wodehouse, as they existed at 13 April 1995;

(v) in the Magisterial Districts of Albany, Alexandria, Bathurst, Beaufort West, Calitzdorp, George, Humansdorp, Joubertina, Knysna, Ladismith, Mossel Bay, Oudtshoorn, Port Elizabeth, Queenstown, Riversdale, Uitenhage and Uniondale, as they existed at 24 November 1995;

(vi) in the Magisterial Districts of the Cape, Wynberg (including that portion of the Magisterial District of Somerset West which, prior to 9 March 1973, Government Notice No. 173 of 9 February 1973, fell within the Magisterial District of Wynberg), Simonstown, Goodwood and Bellville; in those portions of the Magisterial Districts of Malmesbury and Stellenbosch which, prior to the publication of Government Notices Nos. 171 of 8 February 1957 and 283 of 2 March 1962, respectively, fell within the Magisterial District of Bellville and in that portion of the Magisterial District of Kuils River which, prior to the publication of Government Notice No. 661 of 19 April 1974, fell within the Magisterial District of Stellenbosch but which, prior to 2 March 1962, fell within the Magisterial District of Bellville and in that portion of the Magisterial District of Kuils River which, prior to the publication of Government Notice No. 1683 of 7 August 1987, fell within the Magisterial District of Bellville;

- (vii) in the Province of KwaZulu-Natal, excluding any portions of that area falling within the former self-governing territory of KwaZulu as it existed prior to the coming into operation of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993);
  - (viii) in the Magisterial District of East London.
- (2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall-
- (a) apply to employees engaged by employers in the categories specified in clause 8, 17 and 24 of this Agreement as may be amended from time to time; and
  - (b) not apply to any employee who at the date of coming into operation of this Agreement is, or thereafter becomes, a participant in or a member of any other fund providing benefits, which fund was in existence on the said date and in which the employer of that employee was on the said date a participant, or to the employer of that employee during such period only as such other fund continues to operate and both employer and employee participate therein, if in the opinion of the Council the benefits of such other fund are, on the whole, not less favourable than the benefits provided by this Fund: and which in respect of the pension/provident funds, provides solely for payment of benefits on death in which case such fund shall not be deemed to be a pension or provident fund for purposes of this agreement.
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- (3) In the event of the expiry of the Main Agreement by the effluxion of time or cessation for any other cause during the currency of this agreement the classes of work and minimum rates of pay prescribed in the said main agreement shall be deemed to be the classes of work and minimum rates of pay for purposes of this Agreement.
- (4) The provisions of clauses 1(1)(a) and 2 of this Agreement shall not apply to employers and employees who are not members of the employers' organisation and trade unions, who entered into this Agreement.

## **2. PERIOD OF OPERATION OF AGREEMENT.**

This Agreement shall come into operation on a date to 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 May 2012.

## **3. CLAUSE 7 PENSION AND PROVIDENT FUNDS (Regions A, A1, A2 and B only)**

- (1). In subclause (5)(b) substitute "38 Stiemens Street, Braamfontein, Johannesburg" for "17 Biccard Street, Braamfontein, Johannesburg".
- (2). In subclause (5)(f) substitute "Sanlam Employee Benefits" for "Investec Employee Benefits".


## **4. CLAUSE 7 (Region C only)**

- (1). In subclause (1) substitute "The Electrical Industry KwaZulu Natal Pension Fund" for "Electrical Industry (Natal) Pension Fund".

- (2). In subclause (4)(c). substitute "320 Smith Street, Durban" for "P.O. Box 722, Durban, 4000".
- (3). In subclause (4)(d), delete (3)(e) and replace it with (3)(a).
4. In subclause (4)(e), substitute "1.75% " for "two per cent"
5. **CLAUSE 9 PENSION AND PROVIDENT FUNDS (Region D only).**
  1. In subclause (4)(a), substitute "31 Cook Street, Parow, Cape Town", for "504 Monte Carlo, Heerengracht, Foreshore, Cape Town, 8001".
  2. In subclause (4)(d), substitute "Absa Consultants and Actuaries" for "Investec Employee Benefits".

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**SIGNED AT JOHANNESBURG, AS AUTHORISED FOR AND ON BEHALF OF  
THE PARTIES TO THE COUNCIL, THIS 3rd DAY OF  
March 2008.**

  
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**D. VAN DEVENTER - COUNCIL DELEGATE**

  
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**S. KHOLA - NATIONAL VICE-CHAIRMAN**

  
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**R.B. HUTCHONS - GENERAL SECRETARY**