

No. R. 850

15 August 2008

**LABOUR RELATIONS ACT, 1995****BARGAINING COUNCIL FOR THE FURNITURE MANUFACTURING  
INDUSTRY, KWAZULU NATAL: EXTENSION TO NON-PARTIES  
OF MAIN COLLECTIVE AMENDING AGREEMENT FOR THE METRO  
AREAS**

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 Bargaining Council for the Furniture Manufacturing Industry, Kwazulu Natal 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 25 August 2008 and for the period ending 30 June 2010.

**M M S MDLADLANA  
MINISTER OF LABOUR**

No. R. 850

15 Augustus 2008

**WET OP ARBEIDSVERHOUDINGE, 1995****BEDINGINGSRAAD VIR DIE MEUBELNYWERHEID, KWAZULU NATAL:  
UITBREIDING NA NIE-PARTYE VAN HOOF KOLLEKTIEWE  
WYSIGINGSOOREENKOMS VIR DIE METRO GEBIEDE**

Ek, MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, Minister van Arbeid, verklaar hierby, kragtens artikel 32(2) van die Wet op Arbeidsverhoudinge, 1995 dat die kollektiewe ooreenkoms wat in die Bylae hiervan verskyn en wat in die Bedingingsraad vir die Meubelnywerheid, Kwazulu Natal aangegaan is en kragtens artikel 31 van die Wet op Arbeidsverhoudinge, 1995, bindend is op die partye wat die ooreenkoms aangegaan het, bindend is vir die ander werkgewers en werknemers in daardie Nywerheid, met ingang van 25 Augustus 2008 , en vir die tydperk wat op 30 Junie 2010 eindig.

**M M S MDLADLANA**  
**MINISTER VAN ARBEID**

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**SCHEDULE****BARGAINING COUNCIL FOR THE FURNITURE MANUFACTURING  
INDUSTRY, KWAZULU-NATAL: MAIN COLLECTIVE AMENDING  
AGREEMENT FOR THE METRO AREAS**

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

**KwaZulu-Natal Furniture Manufacturers' Association**

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

**National Union of Furniture and  
Allied Workers' of South Africa (NUFAWSA)**

and the

**Chemical Energy Paper Printing Wood  
and Allied Workers' Union (CEPPWAWU)**

(hereinafter referred to as the "employees" or the "trade unions"), of the other  
part, being the parties to the Bargaining Council for the Furniture  
Manufacturing Industry, KwaZulu-Natal, to amend the Main Collective  
Agreement published under Government Notices Nos R. 396 dated 2 April  
2004, R. 1142 dated 8 October 2004, R. 618 dated 1 July 2005, R. 1205  
dated 15 December 2005, R. 1219 dated 8 December 2006, R. 123 dated  
16 February 2007 and R. 1066 dated 16 November 2007.

**1. SCOPE OF APPLICATION OF AGREEMENT**

(1) The terms of this Agreement shall be observed in the Furniture  
Manufacturing Industry, KwaZulu-Natal -

- (a) by all employers who are members of the employers' organisation and by all employees who are members of the trade unions and who are engaged or employed therein;
  - (b) in Area A, which consists of the Magisterial Districts of Camperdown, Chatsworth, Durban, Inanda, Pietermaritzburg, Pinetown and Mount Currie.
- (2) Notwithstanding the provisions of subclause (1), the provisions of this Agreement shall -
- (a) apply only in respect of employees for whom minimum wages are prescribed in this Agreement;
  - (b) apply to learners in so far as the provisions are not inconsistent with the provisions of the Skills Development Act, No. 92 of 1998, or any contracts entered into or any conditions fixed thereunder;
  - (c) not apply to professional, technical, administrative, sales and office staff: Provided that such employees are in receipt of regular remuneration in excess of the maximum rate prescribed in Schedule A of the former Agreement, excluding paragraph (XXI) plus R35,00;
  - (d) not apply to managers, submanagers, foremen and supervisory staff if such employees are in receipt of regular remuneration of not less than R40 920,00 per annum or, where the employer of such staff does not provide or maintain a registered pension or registered provident fund and a registered medical aid fund, R48 140,00 per annum. These limits shall be increased from year to year by the same percentage as the increases granted

to employees earning the highest rate set out in Schedule A of the former Agreement.

- (3) Notwithstanding the provisions of subclauses (1) and (2), employers who carry on not more than one business within the scope of application of this Collective Agreement and who employ less than five employees at all times in or in connection with such business, will be entitled to the following phasing-in concessions: Provided that their employees consent to such phasing-in:

**PHASE ONE:      First two years of registration**

During this period the employer shall be exempt from the provisions of Schedule A and clause 38B.

Any pro-rata holiday pay benefits accrued by employees during the first two years of registration with the Council shall be paid by the employer in terms of the Basic Conditions of Employment Act, 1997, when due.

**PHASE TWO:      Third year of registration**

During this period employees shall be remunerated at not less than 60% of the rate of pay prescribed in Schedule A and clause 38B.

Any pro-rata holiday pay benefits accrued by employees during the third year of registration with the Council shall be paid by the employer in terms of the Basic Conditions of Employment Act, 1997, when due.

**PHASE THREE:      Fourth year of registration**

During this period employees shall be remunerated at not less than 75% of the rate of pay prescribed in Schedule A and clause 38B.

In addition, the following contributions shall come into effect:

Clause 13 - Holidays and Holiday Fund.

**PHASE FOUR: Fifth year of registration**

During this period employees shall be remunerated at not less than 90% of the rate of pay prescribed in Schedule A and clause 38B.

In addition, the following contributions shall come into effect:

- (a) Clause 13 - Holidays and Holiday Fund.
- (b) Provident Fund and Mortality Benefit contributions prescribed in that Collective Agreement, as amended and extended from time to time.

**PHASE FIVE: From sixth year onwards**

All provisions of the Main Collective and Provident Fund, and the Mortality Benefit Association Collective Agreements and Schedule A, as amended and extended from time to time, shall apply.

- (4) The provisions of subclause (3) shall not apply where an employer has more than four employees in his or her employ at the date of the coming into operation of this Collective Agreement, and subsequently reduces this number of employees to fewer than five.
- (5) The terms of this Agreement shall not apply to non-parties in respect of clauses 1(1)(a) and 2.

**2. PERIOD OF OPERATION**

This Collective Agreement shall be binding on the parties to this Agreement as from 1 July 2008 and shall come into operation in respect of non-parties on such date as the Minister of Labour extends the Collective Agreement to non-parties and shall remain in force until 30 June 2010.

**3. CLAUSE 9: SHORT TIME**

Add the following new sub-clause after the existing sub-clause 4:

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"(5) In the event that a dispute about short time is referred to the Council, the Council shall arbitrate the dispute.

The Secretary of the Council shall have the authority to appoint such arbitrator.

If the arbitrator, in concluding the matter, makes an award against the employer, the employer shall be responsible for all costs incurred relating to the arbitration, and the Council shall be entitled to recover such costs from the employer."

#### **4. CLAUSE 26: WAGES**

Insert the following new sub clauses 26 (2) and 26 (3):

Wage increases for the period 1 July 2008 to 30 June 2009:

(2) Party Shops:

A wage increase of 8% per week calculated on the actual wages paid within Party Shop establishments as from 1 July 2008.

(b) Non-party shops:

A wage increase of 8% per week calculated on the actual wages paid within non-party shop establishments effective from such date as the Minister of Labour extends the Collective Agreement to non-parties.

Signed at **Durban** this **2nd** day of **June 2008**

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**S. GOVENDER**  
**CHAIRPERSON**

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**A. KHAN**  
**VICE-CHAIRPERSON**

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**G.J.P. BLIGNAUT**  
**SECRETARY OF THE COUNCIL**