


No. R. 565

3 July 2015

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 periods fixed in Government Notices No R.587 of 27 July 2012, R.55 of 1 February 2013, R.445 of 28 June 2013, R.935 and R.936 of 6 December 2013, R.479 of 20 June 2014, R.995 of 12 December 2014, R.245 of 27 March 2015 and R.564 of ...3 July 2015..., by a further period ending 30 September 2015.


MINISTER OF LABOUR
19/06/2015

SCHEDULE**BARGAINING COUNCIL FOR THE FISHING INDUSTRY****AMENDMENT OF THE MAIN COLLECTIVE AGREEMENT****SECTION 1: GENERAL****PART A: INTRODUCTION****1. CLAUSE 1: PARTIES TO THE AGREEMENT**

In accordance with the provisions of the Labour Relations Act, 1995, this Agreement is made and entered into 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 unions"), of the other part, being parties to the Bargaining Council for the Fishing Industry (hereinafter referred to as the "Council") to amend the Collective Agreement published under Government Notice No. R.587 of 27 July 2012, Notice No R.55 of 01 February 2013, R.445 of 28 June 2013, R.935 of 06 December 2013, R.479 of 20 June 2014, R.995 of 12 December 2014 and R.245 of 27 March 2015.

2. CLAUSE 2: PURPOSE OF THE AGREEMENT

This 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 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 Basis Conditions of Employment Act.

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

- 1.1. This agreement applies to all Employers and/or Employees within the Republic of South Africa, who are members of any of the parties to this agreement and who are employed in the:-
 - 1.1.1. Hake Deep-sea Bottom Trawl Sector;
 - 1.1.2. Hake Inshore Bottom Trawl Sector; and
 - 1.1.3. Horse Mackerel Mid-Water Trawl Sector.
- 1.2. On extension of this 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.

4. CLAUSE 4: PERIOD OF OPERATION

The terms and conditions set out herein shall come into operation:

- 4.1. In respect of the parties as agreed and shall remain in force until cancelled by the parties to this Agreement; and
- 4.2. In respect of non-parties to the Agreement as from the date determined by the Minister until 30 September 2015.

PART D: REMUNERATION

5. MINIMUM REMUNERATION

- 9.1. It is agreed by the parties that actual Remuneration rates 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.

6. CLAUSE 37 : EXEMPTION AND APPEAL CRITERIA:

6.1"Substitute the wording in clause 37.2 with the following:

The Executive Committee whom shall consider such application and make a decision within 30 days to: "

- 37.2.1. Grant the exemption unconditionally;
- 37.2.2. Grant the exemption on any such conditions as they deem appropriate, where necessary;
- 37.2.3. Refuse the exemption;
- 37.2.4. Request further information and/or representations from the applicant or any other interested person or party in the matter: Provided that the applicant shall be granted an opportunity to deal with any information or representations made, before a decision is made in terms of clauses 37.2.1 to 37.2.3 above.

6.2. Add a new sub-clause 37.4 to read as follows;

" The Independent appeals Board must finalise the application process within 30 Days"

ANNEXURE A: MINIMUM DEEP-SEA REMUNERATION**ANNEXURE A: DEEP-SEA BOTTOM TRAWL SECTOR CHAMBER****A.1. MINIMUM DEEP-SEA REMUNERATION**

- Actual Remuneration rates shall be increased by at least eight and a half percent (8.5%) as from 1 July 2014 for the parties to the Agreement and from the date as determined by the Minister in terms of clause 4.2. for non-parties.
- 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 171.32	R 1-95	8.1.
Assistant Factory Manager	R 187.67	R 1-95	8.13 Factory Manager - Assisting
Assistant Marine Engineer	R 175.77	R 1-95	8.28 Marine Engineer-Assisting
Bosun	R 189.37	R 1-95	8.2
Charge Hand	R 159.06	R 1-95	8.3
Cook	R 227.67	R 1-95	8.4
Cook – First	R 268.30	R 1-95	8.5
Cook – Second	R 189.37	R 1-95	8.6
Deck Hand	R 159.06	R 1-95	8.9
Factory Manager	R 250.29	R 1-95	8.12
Fishmeal Operator	R 207.12	R 1-95	8.18
Galley Hand	R 144.32	R 1-95	8.23
Greaser	R 182.61	R 1-95	8.19
Greaser – M3	R 193.76	R 1-95	8.20
Greaser – M4	R 187.93	R 1-95	8.21
Lifeboat man (PISC)	R 159.06	R 1-95	8.25
Spare Hand	R 144.32	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 seven and seventy-five percent (7.75%) as from 1 July 2014 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 165.02	R 1-95	8.1	
Assistant Marine Engineer	R 182.45	R 1-95	8.28	Marine Engineer-Assisting
Bosun	R 160.96	R 1-95	8.2	
Chief Engineer	R 279.02	R 1-95	8.27	
Cook	R 139.30	R 1-95	8.4	
Deck Hand	R 160.96	R 1-95	8.9	
Driver	R 160.96	R 1-95	8.10	
Spare Hand	R 128.90	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

SECTION IV: CONSENSUS

Through application of signature hereof the parties to the respective chambers of the Bargaining Council for the Fishing Industry (in alphabetical order), confirm their acceptance of the terms and conditions contained herein:

43. DEEP-SEA TRAWL CHAMBER:

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 15th DAY OF APRIL 2015.

GERT SUNNYBOY CHRISTIE
DULY AUTHORISED THERETO FOR AND
ON BEHALF OF THE TALFU

[Signature]
SIGNATURE:

WITNESS: WITNESS:

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 15th DAY OF APRIL 2015.

NAANELE TLELA
DULY AUTHORISED THERETO FOR AND
ON BEHALF OF THE FAWU

[Signature]
SIGNATURE:

WITNESS: WITNESS:

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 15th DAY OF APRIL 2015.

LLOWELLYN DOMINGO
DULY AUTHORISED THERETO FOR AND
ON BEHALF OF THE NCFWU

[Signature]
SIGNATURE:

WITNESS: WITNESS:

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 15TH DAY OF APRIL 2015.

LINDA NGCAZOLE

DULY AUTHORISED THERETO FOR AND
ON BEHALF OF SAFIEO

SIGNATURE:

WITNESS:

WITNESS:

44. INSHORE BOTTOM TRAWL CHAMBER:

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 15TH DAY OF APRIL 2015.

GERT SUNNYBOY CHRISTIE

DULY AUTHORISED THERETO FOR AND
ON BEHALF OF THE TALFU

SIGNATURE:

WITNESS:

WITNESS:

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 15TH DAY OF APRIL 2015.

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DULY AUTHORISED THERETO FOR AND
ON BEHALF OF SAFIEO

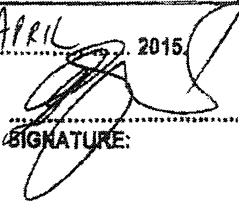
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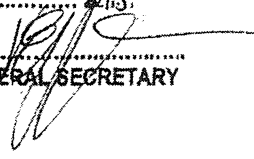
WITNESS:

45. MID-WATER BOTTOM TRAWL CHAMBER:

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 15 th DAY OF APRIL 2015	
NDANELE TLELA DULY AUTHORISED THERETO FOR AND ON BEHALF OF THE FAWU	D. ZORRA SIGNATURE:
WITNESS:	WITNESS:

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 15 th DAY OF APRIL 2015	
ZANE BLAAUW DULY AUTHORISED THERETO FOR AND ON BEHALF OF SAFEO	 SIGNATURE:
WITNESS	WITNESS

FOR DEEP-SEA, INSHORE AND MID-WATER CHAMBERS

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 15 th DAY OF APRIL 2015	
VICTORIA HAMMER DULY AUTHORISED THERETO FOR AND ON BEHALF OF THE BARGAINING COUNCIL	 GENERAL SECRETARY
WITNESS:	