

DEPARTMENT OF LABOUR

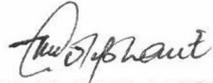
NO. 981

16 OCTOBER 2015

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) and section 32(8) 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 the second Monday after the date of publication of this Notice and for the period ending on 29 February 2016.


MINISTER OF LABOUR
01/10/2015

Schedule

National Bargaining Council for the Road Freight and 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)

National Employers' Association of South Africa (NEASA)

(hereinafter referred to in this Agreement as the "employers" or the "employers' organisations")
of 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 (PTAWU)

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

(hereinafter referred to in this Agreement as the "employees" or the "trade unions"),
of 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.664 of 5 September 2014.

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' organisations and by all employees who are members of the trade unions, and who are engaged and employed in the said Industry, 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 as 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' organisations and the trade unions, respectively, who entered into this Agreement.

2. Clause 1A: Period of Operation of 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.

3. Clause 44: Retrenchment Procedures

- (1) Substitute the following for sub-clause 44(3):
- "44.3 Within 72 hours of notifying an employee or employees that he/she/they have been selected for retrenchment, the employer must notify the Council in writing of the retrenchment. The notification must provide the following details of the affected employee(s):
- (a) Initials and surname;
 - (b) ID number / Passport number;
 - (c) Computer number;
 - (d) Category code; and
 - (e) Anticipated date of retrenchment."

4. Clause 45: Registration of and Particulars to be furnished by Employers

(1) Insert the following new sub-clause 45(1)(o):

- “(o) In the event that an employer transfers his/her business and his/her employee(s), in part or in whole, to another business in the road freight and logistics industry as contemplated in Section 197 of the Act, the employer must notify the Council, in writing, within 30 days of the date of the transfer. The notification must provide the following details of the affected employees:
- (a) Initials and surname;
 - (b) ID number / Passport number;
 - (c) Computer number;
 - (d) Category code;
 - (e) Date of transfer; and
 - (f) Particulars of the company, including its levy number with Council, to which the affected employees were transferred.”

5. Clause 54: Trade Union Subscriptions

(1) Substitute the following for sub-clauses 2(b) and (3) and remove sub-clause (4) in its entirety:

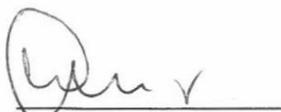
- “(b) transmit the total amount deducted, together with a monthly return (Annexure A4) in the form specified by the Council for this purpose, to the National Secretary of the Council, by no later than the 20th day of each month following that to which it relates.
- (3) The National Secretary of the Council must, by not later than the 10th day of each month, transmit to the trade unions the total union subscriptions received by the Council in terms of sub-clause (2)(b) during the preceding month.”

6. Clause 74: Exemptions by the Council

(1) Substitute the following for clause 74:

- “74(1) Council’s Exemptions Body must consider all exemption applications from non-parties and must comply with the provisions of sub-section 32(dA) of the Act when considering such applications. The Exemption Body must decide an application for an exemption within 30 days of receipt. The Exemptions Body must consider and take into account the requirements prescribed in sub-clauses 4(3) and 4(8) in the Council’s Exemptions and Dispute Resolution Collective Agreement published under Government Notice R.1143 of 7 December 2007 and as amended by Government Notice R. 585 of 19 July 2010.
- (2) The Independent Body established by Council in terms of section 32 of the Act must consider appeals against the refusal by the Council’s Exemption Body to grant exemptions. The Independent Body must comply with the provisions of sub-section 32(3)(e) of the Act in all aspects when dealing with appeals. The Independent Body shall hear and decide and inform the applicant and the Bargaining Council as soon as possible and not later than 30 days after the appeal has been lodged against the decision of the exemptions body. The Independent Body must consider and take into account the requirements prescribed in sub-clauses 4(8) in the Council’s Exemptions and Dispute Resolution Collective Agreement published under Government Notice R.1143 of 7 December 2007 and as amended by Government Notice R. 585 of 19 July 2010.
- (3) The Procedure to be followed to process an exemption or an appeal should be dealt with in terms of clause 4 (Exemptions) in the Council’s Exemptions and Dispute Resolution Collective Agreement published under Government Notice R.1143 of 7 December 2007 and as amended by Government Notice R. 585 of 19 July 2010.”

Signed at Johannesburg for and on behalf of the parties to the Council on this 5 day of JUNE 2015.


F Meier
Chairperson of the
Council


J Dube
Vice-Chairperson of
the Council


M Ndlovu
National Secretary
of the Council