

DEPARTMENT OF LABOUR


NO. R. 935

07 SEPTEMBER 2018

LABOUR RELATIONS ACT, 1995

**BARGAINING COUNCIL FOR THE FOOD RETAIL, RESTAURANT, CATERING AND
ALLIED TRADES: EXTENSION TO NON-PARTIES OF THE AMENDING MAIN
COLLECTIVE 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 **Bargaining Council for the Food Retail, Restaurant, Catering and Allied Trades**, 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 31 July 2019.

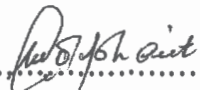
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M N OLIPHANT, MP
MINISTER OF LABOUR
DATE 27/08/2018.....

UMNYANGO WEZABASEBENZI

UMTHETHO WOBUDLELWENO KWEZABASEBENZI KA-1995

**UMKHANDLU WOKUXOXISANA PHAKATHI KWABAQASHI NABASEBENZI
BEZINDAWO ZOKUTHENGISA NGOKUDLA, BEZINDAWO ZOKUDLELA,
BEZOKUHLINZEKA NGOKUDLA KANYE NEMISEBENZI EHLOBENE NALOKHO:
UKWELULELWA KWESIVUMELWANO SABAQASHI NABASEBENZI ESIYINGQIKITHI
NESICHIBIYELAYO SELULELWA KULABO ABANGEYONA INGXEYENYE YASO**

Mina, **MILDRED NELISIWE OLIPHANT**, uNgqongqoshe WezabaSebenzi, ngokwesigaba 32(2) sifundwa nesigaba 32(5) kanye nesigaba 32(8) soMthetho Wobudlelwano KwezabaSebenzi ka-1995, ngazisa ukuthi isiVumelwano sabaqashi nabasebenzi esitholakala kwiSheduli yesiNgisi exhunywe lapha, esenziwa uMkhandlu Wokuxoxisana Kwabaqashi Nabasebenzi Bezokuthengisa Ngokudla, Bezindawo Zokudlela, Bezokuhlinzeka Ngokudla kanye Nemisebenzi Ehlobene Nalokho, futhi ngokwesigaba 31 soMthetho Wobudlelwano kwezabaSebenzi, ka 1995 esibopha labo abasenzayo, sizobopha bonke abanye abaqashi nabasebenzi kuleyomboni, kusukela ngoMsombuluko wesibili emva kosuku lokushicilelwa kwalesiSaziso futhi kuze kube isikhathi esiphela mhlaka 31 kuNtulikazi 2019.

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M N OLIPHANT, MP
UNGQONGQOSHE WEZABASEBENZI
USUKU: 23/08/2018.....

SCHEDULE**BARGAINING COUNCIL FOR THE FOOD RETAIL, RESTAURANT,
CATERING AND ALLIED TRADES****AMENDMENT OF MAIN COLLECTIVE AGREEMENT**

in accordance with the provisions of the Labour Relations Act, No 66 of 1995, made
and entered into by and between the

Proactive Employers' Association of South Africa (PEASA)

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

South African Commercial, Catering and Allied Workers' Union (SACCAWU)

(hereinafter referred to as the "employee" or the "trade union"), of the other part, being
the parties to the Bargaining Council for the Food Retail, Restaurant, Catering and
Allied Trades.

1. SCOPE OF APPLICATION OF AGREEMENT

The terms of this Agreement shall be observed in the Food Retail, Restaurant,
Catering and Allied Trades –

- (1) (a) by all employers and employees who are members of the
employers' organisation and the trade unions, respectively;
- (b) in the Magisterial Districts of Pretoria, Brits, Bronkhorstspuit,
Cullinan, Rustenburg, Warmbaths, Witbank and Wonderboom.

- (2) Clause 1 (1) (a), (2) and 2A. of this Agreement shall not apply to employers and employees who are not members of the employers' organisation and trade unions, respectively.

2. PERIOD OF OPERATION OF AGREEMENT

This Agreement shall come into operation on the date fixed by the Minister of Labour to be the effective date from which the Agreement shall be extended to become binding on non-parties, and the Agreement shall remain in force until 31 July 2019. This agreement to take effect on date of promulgation of this agreement provided that this agreement is extended.

3. CLAUSE 5 (B) : MINIMUM WAGES

- (1) Substitute the following for subclause (1) (a), (b) (c):

- (1) (a) All Employees earning below R20 per hour, shall receive an increase of 7% on their basic salary. Should an Employee after receiving the increase earn below the minimum wage as stipulated in the Minimum Wage Act at the time of promulgation of the said Act, then their salaries would be adjusted accordingly to ensure compliance with the Minimum Wage Act.
- (b) Should the Minimum Wage Act be promulgated before this agreement comes into effect, then wage stipulated in the Minimum Wage Act shall apply to employees earning below the Minimum wage, and the 7% increase as per sub-clause 1 (a) above shall no longer apply.
- (c) All Employees earning above R20 per hour, shall receive an increase of 4.5% on their basic salary.
- (d) Small employer – may reduce the increase by 10%.

**4. CLAUSE 7 : NUMBER OF DAYS AND HOURS OF WORK, ORDINARY
AND OVERTIME, AND PAYMENT FOR OVERTIME**

(1) Insert the following subclause (8) (a) and (b)

(a) Every employee employed after promulgation of this agreement shall, for the duration of this agreement, be entitled to all conditions of employment as stipulated in the Basic Conditions of Employment Act 75 of 1997 (as amended, "BCEA") and the Unemployment Insurance Act, 63 of 2001 (as amended, "UIF") but should not qualify for any additional benefits as per clauses 6(4)(a) and (b), 6(6), 8, 10, 11 and 15B(1)(a) of the Main Agreement.

(b) The first monthly payment to commence on the first month following promulgation of this agreement and to be made on regular intervals of the 1st of every month thereafter for the full duration of this agreement.

Signed at Pretoria this 23rd day of April 2018.

EMPLOYERS' ORGANISATION


A.S. RUDD
PCA


TRADE UNIONS


J.N. MAPONYA
SACCAWU

**BARGAINING COUNCIL FOR THE FOOD RETAIL, RESTAURANT, CATERING
AND ALLIED TRADES**


J.N. MAPONYA
CHAIRMAN


A.S. RUDD
VICE-CHAIRMAN


M. BASILIO
SECRETARY