

DEPARTMENT OF LABOUR

NO. R. 280

01 MARCH 2019

LABOUR RELATIONS ACT, 1995

BARGAINING COUNCIL FOR THE FISHING 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 **Bargaining Council for the Fishing 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 and for the period ending 30 June 2020.


.....**M N OLIPHANT, MP****MINISTER OF LABOUR**DATE: *17/02/2019*.....

UMNYANGO WEZABASEBENZI

R.

USUKU:

UMTHETHO WOBUDLELWANO KWEZABASEBENZI KA-1995

**UMKHANDLU WOKUXOXISANA PHAKATHI KWABAQASHI
 NABASEBENZI BEMBONI YOKUDOBA: UKWELULWA
 KWESIVUMELWANO SABAQASHI NABASEBENZI ESIYINGQIKITHI
 ESICHIBIYELAYO SELULELWA KULABO ABANGEYONA INGXYENYE
 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 eMkhandlwini Wokuxoxisana Phakathi Kwabaqashi Nabasebenzi Embonini YokuDoba, futhi ngokwesigaba 31 soMthetho Wobudlelwano kwezabaSebenzi, ka 1995 esibopha labo abasenzayo, sizobopha bonke abanye abaqashi nabasebenzi kuleyoMboni, kusukela ngoMsombuluko wesibili emva kokushicilelwa kwalesiSaziso futhi kuze kube isikhathi esiphela mhlaka 30 kuNhlangulana 2020.

..........

M N OLIPHANT, MP**UNGQONGQOSHE WEZABASEBENZI**USUKU: *17/02/2019*

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)

(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 as further amended, extended and renewed by Government Notices Nos. 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, R. 564 and R. 565 of 3 July 2015, R. 915 of 2 October 2015, R. 707 of 10 June 2016, R. 964 of 26 August 2016, R. 1267 of 14 October 2016, R. 583 of 23 June 2017 and, R. 9 of 05 January 2018.

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 Basic Conditions of Employment Act, 1997.

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

3.1. 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:-

3.1.1. Hake Inshore Bottom Trawl Sector; and

- 3.2. 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 97 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 June 2020.

SECTION II: CORE RIGHTS

PART D: REMUNERATION

5. CLAUSE 9: 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 "B" – Hake Inshore Bottom 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.

ANNEXURE B: INSHORE BOTTOM TRAWL SECTOR CHAMBER**B.1. MINIMUM INSHORE REMUNERATION**

1. Actual Remuneration rates shall be increased by at least seven and a half percent (7.5%) as from 01 July 2018 for the parties to the Agreement and from the date as determined by the Minister in terms of clause 4.2. for non-parties. Year One.
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 220.88	R 1-95	8.1	
Assistant Marine Engineer	R 243.63	R 1-95	8.28	Marine Engineer-Assisting
Bosun	R 214.94	R 1-95	8.2	
Chief Engineer	R 372.80	R 1-95	8.27	
Cook	R 186.00	R 1-95	8.4	
Deck Hand	R 214.94	R 1-95	8.9	
Driver	R 214.94	R 1-95	8.10	
Spare Hand	R 172.13	R 1-95	8.35	

ANNEXURE B: INSHORE BOTTOM TRAWL SECTOR CHAMBER**B.1. MINIMUM INSHORE REMUNERATION**


3. Actual Remuneration rates shall be increased by at least seven percent (7%) as from 01 July 2019 for the parties to the Agreement and from the date as determined by the Minister in terms of clause 4.2. for non-parties. Year Two.
4. 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

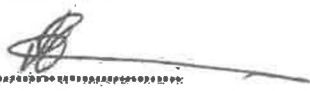
EMPLOYEE RANK TERMINOLOGY OF SECTOR	MINIMUM REMUNERATION PER WORKING DAY	PROTECTIVE CLOTHING (GEAR) ALLOWANCE	STANDARD RANKS DEFINITIONS (SEE CLAUSE 8 OF THE MAIN AGREEMENT)	
Able Seaman	R 235.80	R 1-95	8.1	
Assistant Marine Engineer	R 260.88	R 1-95	8.28	Marine Engineer-Assisting
Bosun	R 229.99	R 1-95	8.2	
Chief Engineer	R 398.68	R 1-95	8.27	
Cook	R 199.02	R 1-95	8.4	
Deck Hand	R 229.99	R 1-95	8.9	
Driver	R 229.99	R 1-95	8.10	
Spare Hand	R 184.18	R 1-95	8.35	

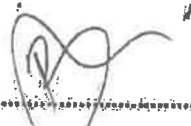
43. INSHORE BOTTOM TRAWL CHAMBER:

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 30TH DAY OF OCT 2018

MARION JOHANN BARNARD
DULY AUTHORISED THERETO FOR AND
ON BEHALF OF THE TALFU


SIGNATURE: 


WITNESS: 


WITNESS: 

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 30 DAY OF October 2018

DEON DERS
DULY AUTHORISED THERETO FOR AND
ON BEHALF OF SAFEO

SIGNATURE: 


WITNESS: 

WITNESS: 

INSHORE CHAMBER

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 30 DAY OF OCTOBER 2018

VICTORIA HANMER
DULY AUTHORISED THERETO FOR AND
ON BEHALF OF THE BARGAINING COUNCIL

SIGNATURE: 

GENERAL SECRETARY

WITNESS: 