

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF LABOUR

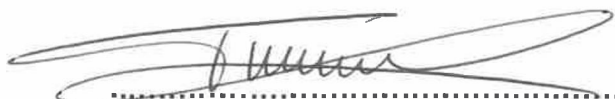
NO. R. 1412

01 NOVEMBER 2019

LABOUR RELATIONS ACT, 1995

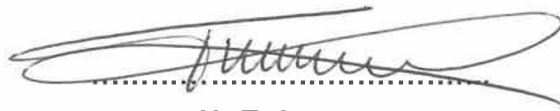
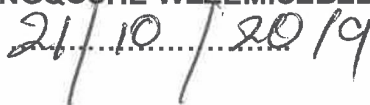
**BARGAINING COUNCIL FOR THE CIVIL ENGINEERING INDUSTRY
(BCCEI): EXTENSION OF CONSTRUCTION INDUSTRY AND RETIREMENT
BENEFIT FUND AMENDING COLLECTIVE AGREEMENT TO NON-PARTIES**

I, **THEMBELANI WALTERMADE NXESI**, Minister of Employment and Labour hereby in terms of section 32(2) of the Labour Relations Act, 1995, declare that Collective Agreement which appears in the Schedule hereto, which was concluded in the **Bargaining Council for the Civil Engineering Industry (BCCEI)** and is binding in terms of section 31 of the Labour Relations Act, 1995, on the parties which concluded the Collective 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 August 2023.

**MR TW NXESI, MP****MINISTER OF EMPLOYMENT AND LABOUR**DATE: 21/10/2019

UMNYANGO WEZEMISEBENZI NEZABASEBENZI**UMTHETHO WOBUDLELWANO KWEZABASEBENZI KA - 1995****UMKHANDLU WOKUXOXISANA PHAKATHI KWABAQASHI NABASEBENZI EMBONINI
YONJINIYELA BEZOKWAKHIWA KWEMIGWAQO NAMABHULOHO: UKWELULWA
KWESIVUMELWANO ESICHIBIYELAYO SESIKHWAMA SOMHLALAPHANSI
SELULELWA KILABO ABANGEYONA INGXENYE YESIVUMELWANO**

Mina, **THEMBELANI WALTERMADE NXESI**, onguNgqongqoshe Wezemisebenzi nezabasebenzi, ngokwesigaba 32(2) soMthetho Wobudlelwano Kwezabasebenzi, ka - 1995, ngazisa ukuthi isivumelwano sabaqashi nabasebenzi esitholakala kwiSheduli yesiNgisi exhunywe lapha, esenziwa **uMkhandlu Wokuxoxisana phakathi Kwabaqashi Nabasebenzi Embonini Yonjiniyela Bezokwaxhiwa Kwemigwaqo Namabhuloho**, futhi ngokwesigaba 31 soMthetho Wobudlelwano Kwezabasebenzi, ka - 1995 esibopha labo abasenzayo, sizobopha bonke abanye abaqashi nabasebenzi kUleyomboni, kusukela ngomSombuluko wesibili emva kokushicilelwa kwalesisaziso kuze kube mhlaka 31 kuNcwaba 2023.

**MR TW NXESI, MP****UNGQONGQOSHE WEZEMISEBENZI NEZABASEBENZI****USUKU:**

SCHEDULE
BARGAINING COUNCIL FOR THE CIVIL ENGINEERING INDUSTRY
CONSTRUCTION INDUSTRY AND RETIREMENT BENEFIT FUND COLLECTIVE
AGREEMENT

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

Employers' Organisations

Consolidated Employers Organisation (CEO)

South African Forum of Civil Engineering Contractors (SAFCEC)

(Hereinafter referred to as the "employer" or the "employers' organisation") of the one party and the-

Trade Unions

Building, Construction and Allied Workers Union (BCAWU)

National Union of Mineworkers (NUM)

(Hereinafter referred to as the "employees" or the "trade unions") of the other party, being the parties to the Bargaining Council for the Civil Engineering Industry), to amend the Agreement published under Government Notice No. R.1107 of 19 October 2018.

1. SCOPE OF APPLICATION OF AGREEMENT

1.1 The terms of this Agreement shall apply to and be observed-

- (a) throughout the Republic of South Africa and
- (b) by all employers and employees in the Civil Engineering Industry who are members of the employers' organisations and the trade unions, respectively.

1.2. All the employers who do not have a retirement benefit fund in favour of their employees in place, shall by publication of this agreement join the Construction Industry Retirement Benefit Fund.

1.3. The rules of the retirement benefit fund referred to in this Agreement shall require that employers and employees contribute equally in respect of each employee's membership of the retirement benefit fund. Provided that a fund which provides solely for payment of benefits on death and disability shall not be deemed to be a pension or provident fund for the purposes of this Agreement.

1.4. Notwithstanding the above, clause 1.2 will not apply to employers contributing to an existing Retirement Benefit Fund, registered in terms of the Pension Fund Act of 1956, which was fully operational before the publication of this agreement.

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- 1.5. This agreement becomes binding on the employers and employees referred to in sub-clause 1.1 to 1.4 once it is extended to non-parties by the Honourable Minister of Labour.

2. PERIOD OF OPERATION OF AGREEMENT

This Agreement shall come into operation on such date as may be fixed by the Minister of Labour in terms of section 32 of the Labour Relations Act, 1995, and shall remain in force until 31 August 2023.

CLAUSE 3: DEFINITIONS

Amend the two definitions as stated below with the following:

"Eligible Employee" shall mean an employee who: –

- (i) Is employed as a Permanent Employee of the Employer;
- (ii) Is employed on a Limited duration contract of employment with an Employer for longer than 3 months;
- (iii) Is under the age of 60; and
- (iv) Is not a member of a fund providing retirement benefits which was set up in terms of an agreement under the Labour Relations Act, 66 of 1995, or in terms of a collective agreement concluded in the civil engineering bargaining council in terms of the Labour Relations Act, 66 of 1995.

"Permanent Employee" means any employee who is appointed by an Employer on a permanent basis.

CLAUSE 9: EXEMPTIONS

9.1 Any person bound by this Agreement may apply to the BCCEI for an exemption from any provision of this agreement.

9.2 Any person affected by the BCCEI decision on the application may lodge an appeal against the decision to the Independent Appeal Board.

Insert new sub-clause 9.3

9.3 Applications for Exemptions and/or Appeals must be dealt with in terms of the guidelines set out in the Exemptions Collective Agreement.

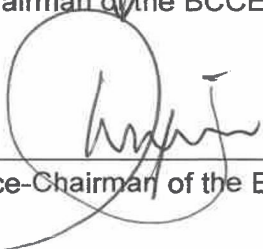
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REMOVAL OF "APPENDIX A" FROM AGREEMENT

Appendix A to be removed from collective agreement.

SIGNED AT BEAUFORT, for and on behalf of the parties, this 15 day of
August 2019.



Chairman of the BCCEI

Vice-Chairman of the BCCEI

General Secretary of the BCCEI