

DEPARTMENT OF LABOUR

NO. R. 1428

08 NOVEMBER 2019

LABOUR RELATIONS ACT, 1995

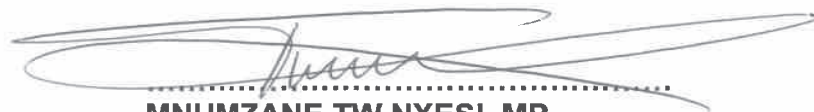
NATIONAL BARGAINING COUNCIL FOR THE CIVIL ENGINEERING INDUSTRY (BCCEI): EXTENSION OF CONDITION OF EMPLOYMENT COLLECTIVE AMENDING AGREEMENT TO NON-PARTIES

I, **THEMBELANI WALTERMADE NXESI**, Minister of Employment and Labour, hereby in terms of section 32(2) of the Labour Relations Act, 1995, declare that the 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 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 2021.

**MR TW NXESI, MP****MINISTER OF EMPLOYMENT AND LABOUR**DATE: 24/10/2019

UMNYANGO WEZEMISEBENZI NEZABASEBENZI**UMTHETHO WOBUDLELWANO KWEZABASEBENZI KA - 1995****UMKHANDLU WOKUXOXISANA PHAKATHI KWABAQASHI NABASEBENZI
EMBONINI YONJINIYELA BEZOKWAKHIWA KWEMIGWAQO NAMABHULOHO:
UKWELULWA KWESIVUMELWANO ESICHIBIYELAYO SEZIMO ZEMISEBENZI,
SELULELWA KULABO ABANGEYONA INGXEYENYE YESIVUMELWANO**

Mina, **THEMBELANI WALTERMADE NXESI**, onguNgqongqoshe Wezemisebenzi nezabasebenzi, ngokwesigaba 32(2) soMthetho Wobudlelwano Kwezabasebenzi, ka - 1995, ngazisa ukuthi isivumelwano sabaqashi nabasebenzi esitholakala kwiSheduli yesiNgisi exhanywe lapha, esenziwa **uMkhandlu Wokuxoxisana phakathi Kwabaqashi Nabasebenzi Embonini Yonjiniyela Bezokwakhiwa Kwemigwago 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 2021.

**MNUMZANE TW NXESI, MP****UNGQONGQOSHE WEZEMISEBENZI NEZABASEBENZI****USUKU:** 24/10/2019

SCHEDULE**BARGAINING COUNCIL FOR THE CIVIL ENGINEERING INDUSTRY
CONDITIONS OF EMPLOYMENT COLLECTIVE AGREEMENT****PREAMBLE**

This collective agreement was concluded between the members of the employer organisations and the members of the trade unions which concluded and signed this agreement in the Bargaining Council.

The Minister of Labour has extended this collective agreement to all the employers and employees in the Industry that are not signatories to this agreement. This has the effect of making the collective agreement applicable to all employers and employees in the Industry.

The following employer organisations and trade unions signed the collective agreement on behalf of their members:

Building, Construction and Allied Workers Union (BCAWU)

Consolidated Employers Organisation (CEO)

National Union of Mineworkers (NUM)

South African Forum of Civil Engineering Contractors (SAFCEC)

(hereinafter referred to as the “employers” or the “trade unions”), of the other part, being the parties to the Bargaining Council for the Civil Engineering Industry), to amend the Agreement published under Government Notice No. R.956 of 14 September 2018.

T.G.M. J.V.¹

1. CHAPTER 1 - APPLICATION AND INTERPRETATION OF AGREEMENT

1.1 Scope of the agreement

1.1.1 This agreement binds:

- (a) All employees in the civil engineering industry that are members of the employers' organisations that are party to this agreement; and
- (b) All employees in the bargaining unit, employed in the industry who are members of the trade unions that are party to this agreement.

1.1.2 This Agreement must be applied in the jurisdiction of the Bargaining Council for the Civil Engineering Industry throughout the Republic of South Africa.

1.1.3 Except as otherwise provided for in this Agreement, this Agreement establishes the terms and conditions of employment for scheduled employees.

1.1.4 This agreement applies to learners, only insofar as it is not inconsistent with the Skills Development Act, 1998.

1.1.5 The provisions of the Basic Conditions of Employment Act, 1997 shall apply in respect of any employer or employee in the Civil Engineering Industry for any matter that is not regulated by this Agreement.

1.1.6 The provisions of clause 2.8, 2.9, 2.10, 2.11 and 2.12 of this agreement shall not apply to employees whose earnings exceed the amount determined by the Minister of Labour in terms of section 6(3) read with section 59(2)(c) of the Basic Conditions of Employment Act, 1997.

2



1.1.7 This agreement is binding in terms of Section 31 of the Labour Relations Act 66 of 1995, on the parties which concluded the Conditions of Employment Collective Agreement and shall become binding on the other employers and employees in the industry upon extension by the Honourable Minister of Labour in terms of Section 32, from a date determined by the Minister.

1.2 Period of operation of agreement

1.2.1 This agreement becomes binding on the employers and employees referred to in sub-clause 1.1.1(a) and (b) once it is extended to non-parties by the Honourable Minister of Labour.

1.2.2 This agreement shall remain in force until 31 August 2021.

CHAPTER 3: REGULATION OF LEAVE

Replace the table in sub-clause 3.3.1 with the following:

Maternity Leave payment, as from the date determined by the minister up to 31 August 2019	Maternity Leave payment as from 01 September 2019	Maternity Leave payment as from 01 September 2020
35%	40%	43%

CHAPTER 6: REMUNERATION AND RECORD KEEPING

Replace the table in sub-clause 6.9.1 with the following:

Sleep Out Allowance as per promulgation date up to 31 August 2019.	Sleep Out Allowance as from 01 September 2019	Sleep Out Allowance from 01 September 2020
R100.00	R110.00	R120.00

T.G.M. - L.V.

CHAPTER 7: GENERAL

Replace sub-clause 7.1.1 and 7.1.2 with the following:

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

7.1.2 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 7.1.3

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

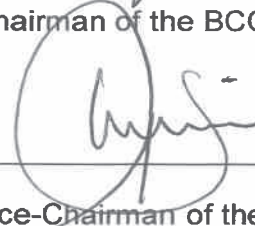
APPENDICES TO AGREEMENT

Remove/Delete "Appendix B" from collective agreement.

SIGNED AT BEDFORDVIEW, for and on behalf of the parties, this day of
15/08/2019 2019.



Chairman of the BCCEI



Vice-Chairman of the BCCEI



General Secretary of the BCCEI