

## GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

## DEPARTMENT OF LABOUR

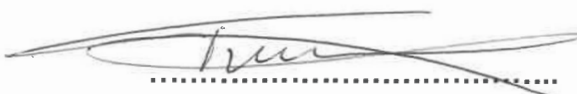
NO. R. 1482

15 NOVEMBER 2019

## LABOUR RELATIONS ACT, 1995

**BARGAINING COUNCIL FOR THE CIVIL ENGINEERING INDUSTRY (BCCEI):  
EXTENSION OF ADMINISTRATION EXPENSES AND REGISTRATION  
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 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: 31/10/2019

**UMNYANGO WEZEMISEBENZI NEZABASEBENZI**

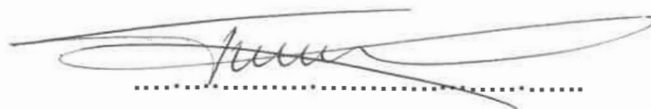
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**UMTHETHO WOBUDLELWANO KWEZABASEBENZI KA - 1995**

**UMKHANDLU WOKUXOXISANA PHAKATHI KWABAQASHI NABASEBENZI EMBONINI YONJINIYELA BEZOKWAKHIWA KWEMIGWAQO NAMABHULOHO: UKWELULWA KWESIVUMELWANO SOKUBHALISA NEZINDLEKO ZOKUPHATHA UMSEBENZI ESICHIBIYELAYO, SELULELWA KULABO ABANGEYONA INGXYENYE 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.


**MNUMZANE TW NXESI, MP****UNGGONGQOSHE WEZEMISEBENZI NEZABASEBENZI**

USUKU: 31/10/2019

**SCHEDULE****BARGAINING COUNCIL FOR THE CIVIL ENGINEERING INDUSTRY  
REGISTRATION AND ADMINISTRATION EXPENSES 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 of 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.1106 of 19 October 2018.

T. G. M. J. V.<sup>1</sup>

**PART I:  
SCOPE AND APPLICATION OF THE AGREEMENT**

**1. Application of Agreement**

- 1.1. This Agreement binds:
- (i) All employers in the civil engineering sector that are members of the employers' organisations that are party to this agreement; and
  - (ii) All employees in the bargaining unit, employed in the civil engineering sector who are members of the trade unions that are party to this Agreement
- 1.2. This Agreement must be applied in the Bargaining Council for the Civil Engineering Industry throughout the Republic of South Africa.
- 1.3. This agreement applies to learners, only insofar as it is not inconsistent with the Skills Development Act, 1998.
- 1.4. 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.

**2. Scope of the Civil Engineering Industry**

2.1 'Industry' means the Civil Engineering Industry in which employers (other than local authorities) and employees are associated for the purpose of carrying out work of a civil engineering character normally associated with the civil engineering sector and includes such work in connection with any one or more of the following activities:

- a. The construction of aerodrome runways or aprons; aqueducts; bins or bunkers; bridges; cable ducts; caissons; rafts or other marine structures; canals; cooling, water or other towers; dams; docks; harbours; quays or wharves; earthworks; encasements; housing or supports for plant, machinery or equipment; factory or works chimneys; filter beds; land or sea defence works; mine headgear/s; pipelines; piers; railways; reservoirs; river works; roads or streets; sewerage works; sewers; shafts or tunnels; silos; sports fields or grounds; swimming baths; viaducts or water treatment plants; and/or
- b. Excavation and bulk earthworks; bush clearing and de-stumping; topsoil stripping; drilling and blasting; preparation of bench areas, drilling pre-split holes and blasting and/or cast blasting; secondary blasting; loading, hauling and dumping of mineralized and/or waste material to waste dumps or processing plant feed (ROM Pad) stockpiles; production dozing of top soil, inter burden or waste material; pumping and dewatering of storm and/or contaminated water; construction and maintenance of access and haul roads, ramps, waste and processing plant feed (ROM Pad) areas, safety beams, high walls; benches, storm water systems, catch drains, bund walls, surge dams; trimming, scaling or chain dragging of batters, heap-leach pads, tailings dams; dust suppression of loading areas, haul roads and dumping areas; rehabilitation of earth work areas or waste dumps; topsoil spreading, hydro-seeding and watering and/or
- c. Excavation work or the construction of foundations, lift shafts, piling, retaining walls, stairwells, underground parking garages or other underground structures; and/or

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- d. The asphaltting, concreting, gravelling, levelling or paving of parking areas, pavements, roads, streets, aerodrome runways or aprons, premises or sites

and further includes: -

- e. Any work of a similar nature or work incidental to or consequent on any of the aforesaid activities; and/or
- f. The making, repairing, checking or overhauling of tools, vehicles, plant, machinery or equipment in workshops which are conducted by employers engaged in any of the activities referred to in sub - clauses (a) to (f) inclusive;

but excluding: -

- i) Work in connection with any one or more of the activities specified in definition (iii) where such work, when undertaken in connection with the erection of structures having the general character of buildings and irrespective of whether or not such work involves problems of a civil engineering character, is carried out by the employers erecting such structures;
- ii) Work in connection with any one or more of the activities specified in definition (iii) when undertaken as an incidental operation in connection with the erection of structures having the general character of buildings or when undertaken by the employers erecting such structures;
- iii) Any work falling within the scope of any other industry, and
- iv) The Mining Industry which is defined as the industry where employers and employees are associated for the purpose, directly or indirectly, for the winning, extracting, processing and refining of a mineral in, on or under the earth or water or from any residue stockpile or residue deposit.

### 3. Definitions and expressions

- 3.1 Any expression used in this Agreement which is defined in the Basic Conditions of Employment Act, 1997, shall have the same meaning as in that Act, and any reference to an Act shall include any amendment to such Act, and unless the contrary intention appears, words importing the masculine gender shall include females; further, unless inconsistent with the context-

**'Act'** means the Labour Relations Act, 1995 (Act No.66 of 1995);

**'Bargaining Unit'** shall mean all the employees falling within the Task Grades 1 to 9 as per Appendix D-Part 1 to the Wage and Task Schedule Agreement.

**'BCCEI'** means the Bargaining Council for the Civil Engineering Industry

**'Cross border work'** means work performed outside the borders of the Republic of South Africa.

**'Employee'** means –

- (i) Any person, excluding an independent contractor, who works for another person and who receives, or is entitled to receive, any remuneration; and

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T.G.M. L.V.

- (ii) Any other person who in any manner assists in carrying on or conducting the business of an employer.

**'Employer'** means any person whosoever, including a temporary employment service as defined in clause 198(1) of the Act, who employs or provides work for any person and remunerates or expressly or tacitly undertakes to remunerate him or who permits any person whosoever in any manner to assist him in the carrying on or conducting of his business;

**'Hourly-rated employee'** means an employee whose remuneration is calculated on an hourly basis notwithstanding the frequency of the payment thereof, and who is not a salaried employee;

**'Law'** includes the common law;

**'Limited duration contracts of employment'** means an employer may employ an employee for a specified, limited contract period in terms of an activity or duration.

**'Local Authority'** means a 'Municipality' as defined in the Local Government: Municipal Systems Act; 2000;

**'Overtime'** means the time that an employee works during a day, or a week, in excess of the ordinary hours of work prescribed for such employee in Clause (2), Chapter I of the 'BCCEI Conditions of Employment Agreement', but does not include work performed on a Sunday or a paid public holiday;

**'Paid public holiday'** means any day that is a public holiday in terms of the Public Holiday Act, 1994 (Act No. 36 of 1994);

**'Pay'** means payment of remuneration in cash, electronic transfer, by cheque or by other means;

**'Permanent employee'** means any employee who is not an employee employed in terms of a limited duration contract;

**'Piece-work'** means any system under which an employee's remuneration is based on the quantity of work done;

**'Public holiday'** means New Year's Day, Human Rights Day, Good Friday, Family Day, Freedom Day, Workers' Day, Youth Day, National Women's Day, Heritage Day, Day of Reconciliation, Christmas Day and Day of Goodwill, as specified in Schedule 1 of the Public Holidays Act, 1994 (Act 36 of 1994): Provided that whenever any public holiday falls on a Sunday, the following Monday shall be a public holiday;

**'Salaried employee'** means an employee whose remuneration is calculated on a monthly basis notwithstanding the number of hours or days actually worked, who performs work generally understood to be that of a salaried employee, and who is not a "hourly-rated employee";

**'Short-time'** means a temporary reduction in the number of ordinary hours of work owing to vagaries of the weather, a slackness of trade, a shortage of materials, a breakdown of plant or machinery or a breakdown or threatened breakdown of structures, or any unforeseen contingencies and/or circumstances beyond the control of the employer or a temporary reduction in the number of ordinary hours of work owing to riots, unrest or acts of terrorism or disorder, which directly affect the employer's ability to provide work;

**'Wage'** means the amount of money payable to an employee in respect of the ordinary hours of work. Provided that -

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- (i) if an employer regularly pays an employee in respect of such ordinary hours of work an amount higher than that prescribed in Clause (1) found in Chapter V of the BCCEI 'Conditions of Employment Agreement', it means such higher amount;
- (ii) the first proviso shall not be so construed as to refer to or include any remuneration which an employee who is employed on any basis provided for in Clause (3) in Chapter V of the BCCEI 'Conditions of Employment', receives over and above the amount which the employee would have received had he or she not been employed on such a basis

### 3. Period of operation of the 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**.

### 4. Objective

The objective of this Agreement is to provide for the expenses of the Council which shall be vested in and administered by the Council, and for the registration of all employers engaged in the industry.

## **PART IV: CLAUSE AMENDMENTS**

Amend clause 3.1, 3.2 and 3.3 as follows: -

### 3. Exemptions

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

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

3.3 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**

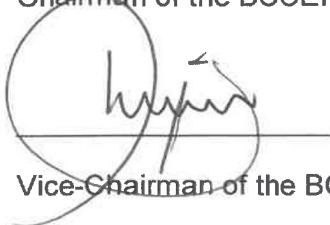
Remove/Delete "Appendix A" from collective agreement

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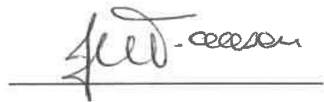
SIGNED AT BEDFORDVIEW....., for and on behalf of the parties, this day of 15/08/.....  
2019.



Chairman of the BCCEI



Vice-Chairman of the BCCEI



General Secretary of the BCCEI