

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 5760

17 January 2025

LABOUR RELATIONS ACT, 1995

**BARGAINING COUNCIL FOR THE MOTOR INDUSTRY - MIBCO: EXTENSION TO
NON-PARTIES OF THE AMENDING MAIN COLLECTIVE AGREEMENT**

I, **NOMAKHOSAZANA METH**, 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 **Motor Industry Bargaining Council - MIBCO** 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 2025.

**MS N METH, MP****MINISTER OF EMPLOYMENT AND LABOUR****DATE:** 7 January 2025

SCHEDULE**MOTOR INDUSTRY BARGAINING COUNCIL - MIBCO****MAIN COLLECTIVE AGREEMENT**

in accordance with the provisions of the Labour Relations Act 66 of 1995 as amended, made and entered into by and between the

Fuel Retailers Association - FRA

and the

Retail Motor Industry Organisation - RMI

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

National Union of Metalworkers of South Africa - NUMSA

(hereinafter referred to as the "employees" or the "trade union"), of the other part, being parties to the Motor Industry Bargaining Council - MIBCO

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To amend the Main Collective Agreement published under Government Gazette 48340, Notice No. R.3226 of 31 March 2023.

CLAUSE 1 - SCOPE OF APPLICATION

- (1) The terms of this Agreement shall be observed by all employers and employees in the registered scope of the Council;
- (a) in the Republic of South Africa,
- (i) by the employers and the employees in the Motor Industry who are members of the employers' organisations and/or the trade unions respectively; and
- (ii) by non-parties, to the extent that the Minister has granted an extension of this agreement to non-parties in terms of Section 32 of the LRA;
- (b) excluding those in terms Section 2 of the LRA:
- (i) the National Defence Force;
- (ii) the National Intelligence Agency; and
- (iii) the South African Secret Service.
- (2) Notwithstanding the provisions of sub-clause (1), the provisions of this Agreement shall apply to -
- (a) apprentices only in so far as they are not inconsistent with the provisions of or any conditions fixed under the Skills Development Act, 1998, and learners in terms of Chapter IV of the Skills Development Act. No. 97 of 1998 as amended; and
- (b) trainees undergoing training under the Skills Development Act 97 of 1998 as amended only in so far as they are not inconsistent with the provisions of any conditions fixed under that Act.

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PREAMBLE**1. PERIOD OF OPERATION OF AGREEMENT**

This Agreement shall come into operation on such date as may be fixed by the Minister of Employment and Labour in terms of section 32 of the Act, and shall remain in force until 31 August 2025.

CLAUSE 2: DEFINITIONS

"Areas" means –

"Magisterial District" means a district created in terms of Section 2 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944); and

"Municipal Area" means a municipal area determined in terms of the Local Government Municipal Demarcation Act, 1998 (Act No. 27 of 1998):

(1) **"Area Eastern Cape (EC)"** means the –

(a) **Magisterial Districts** of Aberdeen, Adelaide, Albany, Albert, Alexandria, Alice, Aliwal North, Barkly East, Bathurst, Bedford, Bhisho, Calitzdorp, Cathcart, Centane, Cofimvaba, Colesberg, Cradock, Elliot, Engcobo, Fort Beaufort, Fort Hare, Gatyana, Gcuwa / Butterworth, George, Graaff-Reinet, Hankey, Hanover, Hewu/ Sada, Hofmeyr, Humansdorp, Idutywa, Indwe, Jansenville, Joubertina, Kalanga Cala, Kariega, Kirkwood, Knysna, Komani, Komga, Kwa bhaca / Mount Frere, Lady Grey, Libode, Lusikisiki, Maclear, Middelburg (C.P.), Mdantsane, Middledrift / Keiskamma Hoek, Makhanda, Molteno, Mosselbay, Mount Fletcher, Mpofu / Seymore, Mquanduli, Murraysburg, Ngqeleni, Noupoort, Nqamakwe, Oudtshoorn, Pearston, Peddie, Port Elizabeth, Qonce, Qumbu, Siphagenu / Flagstaff, Somerset East, Sterkstroom, Steynsburg, Steytleville, Stockenström, Stutterheim, Tabankulu, Tarkastad, Tsolo, Tsomo, Umtata, Umzimvubu/ Port St Johns, Uniondale, Venterstad, Willowmore, Whittlesea, Wodehouse Xhosa, Zwelitsha and Zwentsha; or

(b) **Municipal areas** of Despatch, Gqeberha and Kariega.

(2) **"Areas Free State & Northern Cape (FS & NC)"** means –

(a) **Magisterial Districts** of Barkly West, Bloemfontein, Bloemhof, Britstown, Christiana, De Aar, Ganyesa, Gordonia, Hartswater, Hay, Herbert, Hopetown, Kenhardt, Kimberley, Kuruman, Ntshu, Phillipstown, Postmasburg, Prieska, Schweizer Reneke, Taung, Thaba, Upington, Vryburg and Warrenton, Witsieshoek/Phuthaditjhaba; or

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- (b) Municipal areas of Kimberley and Welkom.
- (3) "Area KwaZulu-Natal (KZN)" means means –
- (a) **Magisterial Districts** of Amajuba District; eThekweni Metropolitan; Harry Gwala District; iLembe District; King Cetshwayo District; Ugu District; uMgungundlovu District; uMkhanyakude District; uMzinyathi District; uThukela District; Zululand District, and
- (b) Municipal areas of AbaQulusi, Alfred Duma, Big 5 Hlabisa, City of uMhlathuze, Dannhauser, Dr Nkosazana Dlamini Zuma, eDumbe, eMadlangeni, Endumeni, eThekweni, Greater Kokstad, Impendle, Inkosi Langalibalele, Jozini, KwaDukuza, Mandeni, Maphumulo, Mkhambathini, Mpofana, Msunduzi, Mthonjaneni, Mtubatuba, Ndwedwe Local, Newcastle, Nkandla, Nongoma, Nquthu, Okhahlamba, Ray Nkonyeni, Richmond, Ubuhlebezwe, Ufundi, Umdoni, uMfolozi, uMhlabuyalingana, uMlalazi, uMshwathi, uMngeni, uMsinga, Umuziwabantu, Umvoti, Umzimkhulu, Umzumbe, uPhongolo.
- (4) "Area Highveld (HVL)" means –
- (a) **Magisterial Districts** of Amersfoort, Amsterdam, Balfour, Bethal, Breyten, Coligny, Davel, Delareyville, Delmas, Ditsobotla, Ermelo, Fochville, Heidelberg, Lichtenburg, Nigel, Orkney, Ottosdal, Piet Retief, Standerton, Stilfontein, Volksrust, Wolmaransstad, Wakkerstroom, and the municipal areas of Amalia, Armadene, Bank, Biesiesvlei, Bosfontein, Claudina, Chrissiesmeer, Dasville, De Deur, Devon, Ebner-on-Vaal, Eendracht, Eikenhof, Eloff, Evander, Evaton, Glenharvie, Gollei, Grasmere, Greylingstad, Grootvlei, Hartebeesfontein, Hekpoort, Holmdene, Kinross, Klipdrift, Kliprivier, Klipvalley, Leeudoringstad, Leslie, Lothair, Magaliesberg, Makokskraal, Makwassie, Migdol, Molopo/Mahikeng, Moolman, Moosrivier, Morgenzon, Muldersdrift, Oberholzer, Paardekraal, Perdekop, Plat Rand, Randfontein, Redan, Residensia, Rykaartspas, Sannieshof, Setla-kgobi, Sundra, Sebokeng, Trichardt, Val, Van Wyksrust, Venterspost, Vermaas, Walkerville, Welbekend, Welverdiend, Westonaria, Zuurbekom; or
- (b) Municipal areas of, Alberton, Bedfordview, Benoni, Boksburg, Brakpan, Edenvale, Elsburg, Germiston, Heidelberg (Gauteng), Johannesburg, Kempton Park, Klerksdorp, Krugersdorp, Meyerton, Midrand, Nigel, Potchefstroom, Randburg, Roodepoort-Maraiburg, Sandton, Sasolburg, Springs, Vanderbijlpark and Vereeniging.

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(5) "Area Northern Region (NR)" means –

- (a) Magisterial Districts of Akasia, Barberton, Belfast, Bochum, Bolobedu, Brits, Bronkhorstspuit, Carolina, Centurion, Cullinan, Dzanani, Eerstehoek/Badplaas, Ellisras, Ga-Rankuwa, Giyani, Groblersdal, Hlanganani, Koster, KwaMhlanga, Letaba (includes Tzaneen), Lulekani, Madikwe, Lydenburg, Malamulela, Mankweng, Mapulaneng, Marico (includes Zeerust), Mdbana, Mdujana, Messina, Mhala, Middelburg (Mpumalanga), Mkobola, Mokerong, Moretele, Moutse, Mutali, Namakgale, Naphuno, Nebo, Nelspruit, Nkomazi, Nsikazi, Phalaborwa, Pilgrims Rest (includes Graskop and Sabie), Piet Retief, Polokwane, Pretoria, Ritai, Rustenburg, Segosese, Sekhukhuneland, Seshego, Sibasa, Soshanguve, Soutpansberg (includes Louis Trichardt), Swaruggens, Temba, Thabamopo, Thabazimbi, Thoyandou, Vuwani, Warmbaths, Waterval Boven, Witbank, White River and Waterberg (includes Nyistroom).

(6) "Area Western Cape (WP)" means –

- (a) Magisterial Districts of Beaufort West, Bellville, Bredasdorp, Caledon, Calvinia, Carnarvon, Ceres, Clanwilliam, Fraserburg, Goodwood, Heidelberg (C.P.), Hermanus, Hopefield, Kuils River, Ladismith, Laingsburg, Malmesbury, Montagu, Moorreesburg, Namaqualand, Paarl, Piketberg, Prince Alfred, Riversdale, Robertson, Simon's Town, Somerset West, Stellenbosch, Strand, Sutherland, Swellendam, The Cape and Wynberg, Tulbagh, Vanrhynsdorp, Victoria West, Vredenburg, Vredendal, Wellington, Williston and Worcester; or
- (b) Municipal areas of Paarl, Somerset West, Stellenbosch and Strand.

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AMENDMENTS**Four (4) amendments required:**

1. In Division A, sub-clause 1(3)(a), insert an additional clause reference, namely, Clause 13 –

From:

SCHEDULE		
ADMINISTRATIVE AGREEMENT		
Clause 7	-	Deductions from Earnings
Clause 15	-	Employees' Representatives on the Council
Clause 16	-	Prohibition of Cession of Benefits

To:

SCHEDULE		
ADMINISTRATIVE AGREEMENT		
Clause 7	-	Deductions from Earnings
Clause 13	-	Returns to the Council
Clause 15	-	Employees' Representatives on the Council
Clause 16	-	Prohibition of Cession of Benefits

2. In Division A, sub-clause 1(4), substitute the wording of the provision –

From –

'Notwithstanding the provisions of sub-clause (3) of this clause, the provisions of clause 13 of the Administrative Agreement shall apply to employees who are members of the National Union of Metalworkers of South Africa or MISA, regardless of their earnings'.

To –

'Notwithstanding the provisions of sub-clause (3) of this clause, the provisions of clause 13 of the Administrative Agreement shall apply to employees, regardless of their earnings'.

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3. In Division B , sub-clause 1(2)(a), insert an additional clause reference, namely, **Clause 13 –**

From:

SCHEDULE		
ADMINISTRATIVE AGREEMENT		
Clause 7	-	Deductions from Earnings
Clause 15	-	Employees' Representatives on the Council
Clause 16	-	Prohibition of Cession of Benefits

To:

SCHEDULE		
ADMINISTRATIVE AGREEMENT		
Clause 7	-	Deductions from Earnings
Clause 13	-	Returns to the Council
Clause 15	-	Employees' Representatives on the Council
Clause 16	-	Prohibition of Cession of Benefits

4. In Division B, sub-clause 3, substitute the wording of the provision –

From –

'Notwithstanding the provisions of sub-clause (2) of this Clause, the provisions of clause 13 of the Administrative Agreement shall apply to employees who are members of the MISA or the National Union of Metalworkers of South Africa, regardless of their earnings'.

To –

'Notwithstanding the provisions of sub-clause (2) of this Clause, the provisions of clause 13 of the Administrative Agreement shall apply to employees, regardless of their earnings.'

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SIGNED AT RANDBURG ON BEHALF OF THE PARTIES THIS 15th DAY OF JULY 2024.



..... L. BOUCHIER
PRESIDENT OF THE COUNCIL



..... M. KEYTER
VICE-PRESIDENT OF THE COUNCIL



..... P. MASEMOLA
ACTING GENERAL SECRETARY