

No. R. 881

4 September 2009

LABOUR RELATIONS ACT, 1995**MOTOR INDUSTRY BARGAINING COUNCIL – MIBCO: EXTENSION TO
NON-PARTIES OF ADMINISTRATIVE COLLECTIVE RE-ENACTING AND
AMENDING AGREEMENT**

I, MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, Minister of 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 7 September 2009and for the period ending 31 August 2010.

M. M. S. MDLADLANA
MINISTER OF LABOUR

SCHEDULE

MOTOR INDUSTRY BARGAINING COUNCIL - MIBCO

ADMINISTRATIVE COLLECTIVE AGREEMENT

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

Retail Motor Industry Organisation – RMI

and the

Fuel Retailers' Association of Southern Africa

(hereinafter referred to as the “employers” or the “employers’ organisations”), of the one part, and the

National Union of Metalworkers of South Africa (NUMSA)

and the

MOTOR INDUSTRY STAFF ASSOCIATION (MISA)

(hereinafter referred to as the “employees” or the “trade unions”), of the other part,

being parties to the Motor Industry Bargaining Council – MIBCO,

1. CLAUSE 1: SCOPE OF APPLICATION

- (1) The terms of this Agreement shall be observed in the Motor Industry -
 - (a) throughout the Republic of South Africa;
 - (b) by the employers and the employees in the Motor Industry who are members of the employers' organisations and the trade unions, respectively.
- (2) Notwithstanding the provisions of subclause (1), the provisions of this Agreement shall apply to -
 - (a) apprentices only in so far as these provisions are not inconsistent with the provisions of or any conditions fixed under the Manpower Training Act, 1981, and learners in terms of Chapter IV of the Skills Development Act, 1998; and
 - (b) trainees undergoing training under the Manpower Training Act, 1981, only in so far as these provisions are not inconsistent with the provisions of or any conditions fixed under that Act.

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 operation for the period ending 31 August 2010.

3. SPECIAL PROVISIONS

The provisions contained in clauses 5 (1) (d), 7, 12 and 13 and 19 of the Agreement published under Government Notice No. R. 1035 of 3 October 2008 (hereinafter referred to as the “Former Agreement”), as further amended, extended, re-enacted from time to time, shall apply to employers and employees who are members of the parties to the collective agreement.

4. GENERAL PROVISIONS

The provisions contained in clauses 3 to 5(1) (c), 5 (1) (e) to 6, 8, to 11, 14 to 18 and 20 to 23 of the Former Agreement (as further amended, renewed extended and re-enacted from time to time), shall apply to employers and employees.