

No. R. 826

30 July 2008

LABOUR RELATIONS ACT, 1995**NATIONAL BARGAINING COUNCIL FOR THE ELECTRICAL INDUSTRY OF SOUTH AFRICA: EXTENSION OF AMENDMENT OF THE MAIN COLLECTIVE AGREEMENT TO NON-PARTIES**

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 **National Bargaining Council for the Electrical Industry of South Africa** 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 1 August 2008 and for the period ending 31 January 2011.

MMS MDLADLANA
MINISTER OF LABOUR

SCHEDULE

NATIONAL BARGAINING COUNCIL FOR THE ELECTRICAL INDUSTRY OF SOUTH AFRICA

MAIN COLLECTIVE AMENDING AGREEMENT

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

Electrical Contractors' Association (South Africa)

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

South African Equity Workers' Association,

(hereinafter referred to as the "employees" or the "trade union"), of the other
part, being the parties to the National Bargaining Council for the Electrical
Industry of South Africa.

To amend the agreement published under Government Notice R. 90 of 26
January 2001, as amended and re-enacted by Government Notices R.795 of
14 June 2002, 1245 of 5 September 2003, R. 53 of 23 January 2004, R.280 of
1 April 2005, R 52 of 27 January 2006, R.57 of 2 February 2007 and R.870 of
21 September 2007.

PART 1

1. SCOPE OF APPLICATION

- (1) The terms of this Agreement shall be observed in the Electrical Industry :
- (a) by all employers and employees who are members of the employers' organisation and trade union, respectively; and
 - (b) by all employers and employees who are engaged or employed in the Industry in the following areas :
 - (i) In the Province of the Transvaal and the Magisterial Districts of Sasolburg and Bloemfontein as they existed at 19 June 1985;
 - (ii) in the Magisterial Districts of Barkly West, Gordonia, Hartswater, Kuruman and Postmasburg as they existed at 18 October 1989;
 - (iii) in the Province of the Free State (excluding the Magisterial Districts of Sasolburg and Bloemfontein), as it existed at 19 June 1985;
 - (iv) in the Magisterial Districts of Aberdeen, Adelaide, Albert, Aliwal North, Barkly East, Bedford, Britstown, Carnarvon, Cathcart, Colesberg, Cradock, De Aar, Elliot, Fort Beaufort, Fraserburg, Graaff-Reinet, Hankey, Hanover, Hofmeyr, Indwe, Jansenville, King William's Town, Kirkwood, Komga, Lady Grey, Maclear, Middelburg (Eastern Cape), Molteno, Murraysburg, Noupoot, Pearston, Philipstown, Prince Albert, Richmond (Northern Cape), Somerset East, Sterkstroom, Steynsburg, Steytlerville, Stutterheim, Tarkastad, Venterstad, Victoria West, Williston, Willowmore and Wodehouse, as they existed at 13 April 1995;

in the Magisterial Districts of Albany, Alexandria, Bathurst, Beaufort West, Calitzdorp, George, Humansdorp, Joubertina, Knysna, Ladismith, Mossel Bay, Oudtshoorn, Port Elizabeth, Queenstown,
 - (v) Riversdale, Uitenhage and Uniondale, as they existed at 24 November 1995;
 - (vi) in the Magisterial Districts of the Cape, Wynberg (including that portion of the Magisterial District of Somerset West which, prior to 9 March 1973, Government Notice No. 173 of 9 February 1973, fell within the Magisterial District of Wynberg), Simonstown, Goodwood and Bellville; in those portions of the Magisterial Districts of Malmesbury and Stellenbosch which, prior to the publication of Government Notices Nos. 171 of 8 February 1957 and 283 of 2 March 1962, respectively, fell within the Magisterial District of Bellville and in that portion of the Magisterial District of Kuils River which, prior to the publication of Government Notice No. 661 of 19 April 1974, fell within the Magisterial District of Stellenbosch but which, prior to 2 March 1962, fell within the Magisterial District of Bellville and in that portion of the Magisterial District of Kuils River

which, prior to the publication of Government Notice No. 1683 of 7 August 1987, fell within the Magisterial District of Bellville;

(vii) in the Province of KwaZulu-Natal, excluding any portions of that area falling within the former self-governing territory of KwaZulu as it existed prior to the coming into operation of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993);

(viii) in the Magisterial District of East London.

(2) Notwithstanding the provisions of subclause 1(1), the terms of this Agreement shall apply to apprentices and learners only in so far as they are not inconsistent with the provisions of the Manpower Training Act, 1981, or the Skills Development Act, 1998, or any conditions prescribed or any notices served in terms thereof.

(3) For the purposes of this Agreement, the "rate of remuneration" of learners prescribed under the Skills Development Act, 1998, shall be taken to be the weekly wage of such employees, and the "hourly rate" shall be the weekly wage calculated as above, divided by the number of ordinary hours worked in the establishment concerned.

2. PERIOD OF OPERATION.

This Agreement shall come into operation on such date to be determined by the Minister in terms of section 32 of the Labour Relations Act, 1995, and shall remain in force up to and including 31 January 2011

3. EXCLUSIONS.

The provisions of this Agreement shall not apply to non-parties in respect of clauses 1(1)(a), 2 and 3 of Part 1 of this Agreement.

4. SPECIAL PROVISIONS.

The provisions of clauses 20, 25(1)(d), 27(3), 30, 39(12), 50 and 51 of Part 1 of the Agreement published under Government Notice No. R. 90 of 26 January 2001, as re-enacted and amended under Government Notice No. R795 of 14 June 2002; Government Notice No. R. 1245 of 5 September 2003; Government Notice R53 of 23 January 2004; Government Notice No. R. 280 of 1 April 2005; and Government Notice R52 of 27 January 2006 (hereinafter referred to as the "former agreement") shall apply to employers and employees.

5. GENERAL PROVISIONS.

The provisions of clauses 4 to 19, 21 to 25(1)(c), 25(1)(e) to 27(2), 27(4) to 29, 30A, 31 to 39(11), 40 to 49, 52 to 56 of Part 1 and Part II of the Former Agreement (as further extended, amended and re-enacted from time to time), shall apply to all employers and employees.

6. CLAUSE 5 OF THE FORMER AGREEMENT - DEFINITIONS.

Amend the definition of "general worker", under subclause (b)(iii), to read as follows :

- "(aa) the minimum rate of wages from 1 February 2009 shall be increased to not less than 80% (eighty percent) of the prescribed minimum rate of wages specified in this Agreement of an electrical assistant in the area where the general worker is employed; and
- (ab) on 1 February 2010 the general worker minimum rate of wages shall be increased to not less than 90% (ninety percent) of the prescribed minimum rate of wages specified in this Agreement of an electrical assistant in the area where the general worker is employed. Thereafter, from 1 February 2011 the category of general worker will be abolished."

Insert the following new definition after "specified formal training" -

"Storeman" means an employee who is engaged in any or all of the following tasks;

- i) Stacking and storage of materials, tools and equipment;
- ii) Issuing and recording of materials;
- iii) Receiving and recording regular stock counts;
- iv) Recording of materials on site;
- v) Control of materials in the store;
- vii) Checking and ascertaining the correctness of materials received; and,
- viii) Issuing of such materials".

7. CLAUSE 12 OF THE FORMER AGREEMENT – SHORT TIME.

Insert the following new subclause (3);

- "(3) No employee will work short time for a period exceeding three months. In the event of an employer requiring an employee to work short time for a period exceeding three months he/she will be required to first enter into consultation with the employee and/or the employee's trade union. The purpose of the consultation will be to seek alternatives to the continuation of short time. Such alternative shall include, but may not be limited, to retrenchment of the employee".

8. CLAUSE 29 OF THE FORMER AGREEMENT - PENALTIES.

In Clause 29(ii) remove the words "at a rate of 21% per annum".

9. CLAUSE 30B OF THE FORMER AGREEMENT - AGENCY SHOP FEE.

Delete the entire Clause.