

No. R. 221

29 February 2008

LABOUR RELATIONS ACT, 1995**BARGAINING COUNCIL FOR THE BUILDING INDUSTRY (BLOEMFONTEIN):
EXTENSION OF 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 Bargaining Council for the Building Industry (Bloemfontein) 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 from10 March 2008..... and for the period ending 31 October 2009.

**MMS MDLADLANA
MINISTER OF LABOUR**

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SCHEDULE**BARGAINING COUNCIL FOR THE BUILDING INDUSTRY (BLOEMFONTEIN)****COLLECTIVE AGREEMENT**

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

Master Builders' and Allied Trades Association (Free State) (MBA) (FS)

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

Amalgamated Union of Building Trade Workers of South Africa

Noordelike Bouwerkersvakbond (NBV); and

National Union of Mine Workers (NUM)

(hereinafter referred to as the "employees" or the "trade unions"), of the other part, being parties to the Bargaining Council for the Building Industry (Bloemfontein).

1: SCOPE OF APPLICATION

- (1) The terms and conditions of the Agreement shall be observed-
 - (a) in the Magisterial District of Bloemfontein;
 - (b) by all employers who are members of the employers' organisation and by all employees who are members of the trade union(s);
 - (c) by all employers and employees to whom the Minister of Labour may extend this Agreement;
 - (d) by all employers and employees who are directly or indirectly involved in the Building Industry.
- (2) Notwithstanding the provisions of subclause (1) the terms of this Agreement shall apply to-

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- (a) apprentices only in so far as the terms are not inconsistent with the provisions of the Manpower Training Act, 1981, or any contract entered into or any conditions fixed thereunder;
 - (b) trainees under the Manpower Training Act, 1981 and the Skills Development Act, 1998, in so far as the terms are not inconsistent with the provisions of those Acts or any conditions fixed thereunder;
 - (c) working partners, directors and owners of a building-related business.
- (3) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall not apply to-
- (a) clerical and administrative employees;
 - (b) university students and graduates in Building Science and to construction supervisors, construction surveyors, architects and other persons doing practical work in the completion of their academic training;
 - (c) casual employees as defined in clause 3;
 - (d) non-parties in respect of clause 1 (1) (b) and 2.

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 force until 31 October 2009.

3: DEFINITIONS

Any expressions used in this Agreement which are defined in the Labour Relations Act, 1995, shall have the same meaning as in the Act, and any reference to an Act shall include any amendment of such Act; and unless inconsistent with the context-

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