

Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Regulation Gazette

No. 9069

Regulasiekoerant

Vol. 526

Pretoria, 17 April 2009

No. 32115

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IMPORTANT ANNOUNCEMENT**Closing times **PRIOR TO PUBLIC HOLIDAYS** for
GOVERNMENT NOTICES, GENERAL NOTICES,
REGULATION NOTICES AND PROCLAMATIONS****2009***The closing time is 15:00 sharp on the following days:*

- ▶ **8 April**, Wednesday, for the issue of Friday **17 April 2009**
- ▶ **22 April**, Wednesday, for the issue of Thursday **30 April 2009**
- ▶ **30 April**, Thursday, for the issue of Friday **8 May 2009**
- ▶ **11 June**, Thursday, for the issue of Friday **19 June 2009**
- ▶ **6 August**, Thursday, for the issue of Friday **14 August 2009**
- ▶ **17 September**, Thursday, for the issue of Friday **25 September 2009**
- ▶ **10 December**, Thursday, for the issue of Friday **18 December 2009**
- ▶ **15 December**, Tuesday, for the issue of Thursday **24 December 2009**
- ▶ **21 December**, Monday, for the issue of Thursday **31 December 2009**
- ▶ **30 December**, Wednesday, for the issue of Friday **8 January 2010**

Late notices will be published in the subsequent issue, if under special circumstances, a late notice is accepted, a double tariff will be charged

The copy for a SEPARATE Government Gazette must be handed in not later than three calendar weeks before date of publication

BELANGRIKE AANKONDIGING**Sluitingstye **VOOR VAKANSIEDAE** vir
GOEWERMENTS-, ALGEMENE- & REGULASIE-
KENNISGEWINGS ASOOK PROKLAMASIES****2009***Die sluitingstyd is stiptelik 15:00 op die volgende dae:*

- ▶ **8 April**, Woensdag, vir die uitgawe van Vrydag **17 April 2009**
- ▶ **22 April**, Woensdag, vir die uitgawe van Donderdag **30 April 2009**
- ▶ **30 April**, Donderdag, vir die uitgawe van Vrydag **8 Mei 2009**
- ▶ **11 Junie**, Donderdag, vir die uitgawe van Vrydag **19 Junie 2009**
- ▶ **6 Augustus**, Donderdag, vir die uitgawe van Vrydag **14 Augustus 2009**
- ▶ **17 September**, Donderdag, vir die uitgawe van Vrydag **25 September 2009**
- ▶ **10 Desember**, Donderdag, vir die uitgawe van Vrydag **18 Desember 2009**
- ▶ **15 Desember**, Dinsdag, vir die uitgawe van Donderdag **24 Desember 2009**
- ▶ **21 Desember**, Maandag, vir die uitgawe van Donderdag **31 Desember 2009**
- ▶ **30 Desember**, Woensdag, vir die uitgawe van Vrydag **8 Januarie 2010**

Laat kennisgewings sal in die daaropvolgende uitgawe geplaas word. Indien 'n laat kennisgewing wel, onder spesiale omstandighede, aanvaar word, sal 'n dubbeltarief gehef word

Wanneer 'n APARTE Staatskoerant verlang word moet die kople drie kalenderweke voor publikasie ingedien word

GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

No. R. 423

17 April 2009

DETERMINATION OF BENEFITS OF MAGISTRATES WHO HAVE TO DISPOSE OF CASES AFTER VACATING THE OFFICE OF MAGISTRATE, IN TERMS OF SECTION 9(7)(a) AND (d) OF THE MAGISTRATES' COURTS ACT, 1944 (ACT NO. 32 OF 1944)

I, Mohamed Enver Surty, Minister of Justice and Constitutional Development, acting under section 9(7)(a) and (d) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), hereby determine the benefits of a magistrate who vacated the office of magistrate and who was not subsequently appointed as a Constitutional Court judge or a judge and still has to dispose of cases at an hourly rate, for the period taken to dispose of such cases, as follows:

Annual basic salary of a magistrate, which is 60% of the total remuneration package, on the salary scale applicable to that magistrate, as determined in terms of section 12(1) of the Magistrates Act, 1993 (Act No.90 of 1993), divided by 260 work days. This daily rate will then be divided by 8 hours per day, to determine an hourly rate.*

Footnote:

*For example at the present salary scales applicable:

Magistrate:

R341 391.60 divided by 260 work days = R1 313.04 per day, divided by 8 hours per day = R164.13 per hour.

Senior Magistrate:

R375 490.80 divided by 260 work days = R1 444.19 per day, divided by 8 hours per day = R180.52 per hour.

Chief Magistrate:

R455 144.40 divided by 260 work days = R1 750.55 per day, divided by 8 hours per day =
R218.81 per hour.

Special Grade Chief Magistrate:

R512 087.40 divided by 260 work days = R1 969.56 per day, divided by 8 hours per day =
R246.19 per hour.

Regional Magistrate:

R455 144.40 divided by 260 work days = R1 750.55 per day, divided by 8 hours per day =
R218.81 per hour.

Regional Court President:

R512 087.40 divided by 260 work days = R1 969.56 per day, divided by 8 hours per day =
R246.19 per hour.

For purposes of the calculation above the following formula is applicable: 40 hours per week x 52 weeks per year = 2 080 hours per year, divided by 8 hours work per day = 260 work days per year.

MR M E SURTY, MP
MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

No. R. 424

17 April 2009

DETERMINATION OF ADDITIONAL REMUNERATION PAYABLE TO PERMANENT MAGISTRATES ACTING IN ANY OTHER JUDICIAL OFFICE, IN TERMS OF SECTION 12(5)(a) READ WITH SECTION 12(5)(b) OF THE MAGISTRATES ACT, 1993 (ACT NO. 90 OF 1993)

I, Mohamed Enver Surty, Minister of Justice and Constitutional Development, acting under *section 12(5)(a) read with section 12(5)(b)* of the Magistrates Act, 1993 (Act No. 90 of 1993), hereby determine that magistrates appointed in an acting or temporary capacity to any other judicial office, for a continuous period exceeding one day, and where the remuneration attached to that office exceeds the remuneration attached to the office ordinarily held by the magistrate be paid for the duration of such appointment the following additional remuneration:

The total remuneration package, on the salary scale applicable to that magistrate, deducted from the total remuneration package, attached to the other judicial office the magistrate is appointed to, divided by 260 work days.*

Footnote:

*For example, at the present salary scales applicable:

A magistrate appointed in an acting or temporary capacity as a senior magistrate:

R625 818 minus R568 986 = R56 832, divided by 260 work days = R218.58 per day.

A senior magistrate appointed in an acting or temporary capacity as a chief magistrate:

$R758\ 574$ minus $R625\ 818$ = $R132\ 756$, divided by 260 work days = $R510.60$ per day.

A magistrate appointed in an acting or temporary capacity as a regional magistrate:

$R758\ 574$ minus $R568\ 986$ = $R189\ 588$, divided by 260 work days = $R729.18$ per day.

A magistrate appointed in an acting or temporary capacity as a judge:

$R1\ 236\ 266$ minus $R568\ 986$ = $R667\ 280$, divided by 260 work days = $R2\ 566.46$ per day.

A senior magistrate appointed in an acting or temporary capacity as a judge:

$R1\ 236\ 266$ minus $R625\ 818$ = $R610\ 448$, divided by 260 work days = $R2\ 347.87$ per day.

A chief magistrate appointed in an acting or temporary capacity as a judge:

$R1\ 236\ 266$ minus $R758\ 574$ = $R477\ 692$, divided by 260 work days = $R1\ 837.27$ per day.

A regional magistrate appointed in an acting or temporary capacity as a regional court president:

$R853\ 479$ minus $R758\ 574$ = $R94\ 905$, divided by 260 work days = $R365.01$ per day.

A regional magistrate appointed in an acting or temporary capacity as a judge:

$R1\ 236\ 266$ minus $R758\ 574$ = $R477\ 692$, divided by 260 work days = $R1\ 837.27$ per day.

A regional court president appointed in an acting or temporary capacity as a judge:

$R1\ 236\ 266$ minus $R853\ 479$ = $R382\ 787$, divided by 260 work days = $R1\ 472.25$ per day.

For purposes of the calculation above the following formula is applicable: 40 hours per week x 52 weeks per year = 2 080 hours per year, divided by 8 hours work per day = 260 work days per year.

MR M E SURTY, MP
MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

**DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID**

No. R. 415

17 April 2009

**LABOUR RELATIONS ACT, 1995
CANCELLATION OF GOVERNMENT NOTICES
METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL: THE
REGISTRATION AND ADMINISTRATION EXPENSES COLLECTIVE
AGREEMENT**

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby, in terms of section 32(7) of the Labour Relations Act, 1995, cancel Government Notice No 370 of 4 April 2008 with effect from 27 April 2009.

**M M S MDLADLANA
MINISTER OF LABOUR**

No. R. 415

17 April 2009

**DEPARTEMENT VAN ARBEID
WET OP ARBEIDSVERHOUDINGE, 1995****INTREKKING VAN GOEWERMENSKENNISGEWINGS
METAAL-EN INGENIEURSNYWERHEDE BEDINGINGSRAAD:
REGISTRASIE EN ADMINISTRASIEFONDS KOLLEKTIEWE
OOREENKOMS**

EK, Membathisi Mphumzi Shepherd Mdladlana, Minister van Arbeid, trek hierby, kragtens artikel 32(7) van die wet op Arbeidsverhoudinge, 1995, Goewermenskennisgewing No 370 van 4 April 2008 in, met ingang van 27 April 2009.

**M M S MDLADLANA
MINISTER VAN ARBEID**

No. R. 416

17 April 2009

LABOUR RELATIONS ACT, 1995**METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL:
EXTENSION TO NON-PARTIES OF THE REGISTRATION AND
ADMINISTRATION EXPENSES 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 Metal and Engineering Industries Bargaining Council, 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 27 April 2009 and for the period ending 31 March 2010.

**M M S MDLADLANA
MINISTER OF LABOUR**

No. R. 416

17 April 2009

WET OP ARBEIDSVERHOUDINGE, 1995**METAAL-EN INGENIEURSNYWERHEDE BEDINGINGSRAAD:
UITBREIDING NA NIE-PARTYE VAN REGISTRASIE EN
ADMINISTRASIEFONDS KOLLEKTIEWE HERBEKRAGTIGINGS –EN
WYSIGINGSOORENKOMS**

Ek, MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, Minister van Arbeid, verklaar hierby, kragtens artikel 32(2) van die Wet op Arbeidsverhoudinge, 1995 dat die kollektiewe ooreenkoms wat in die Bylae hiervan verskyn en wat in die Metaal-en Ingenieursnywerhede Bedingindsraad aangegaan is en kragtens artikel 31 van die Wet op Arbeidsverhoudinge, 1995, bindend is op die partye wat die ooreenkoms aangegaan het, bindend is vir die ander werkgewers en werknemers in daardie Nywerheid, met ingang van 27 April 2009 en vir die tydperk wat op 31 March 2010 eindig.

**M M S MDLADLANA
MINISTER VAN ARBEID**

SCHEDULE**METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL RE-ENACTING AND
AMENDING REGISTRATION AND ADMINISTRATION EXPENSES AGREEMENT**

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

Association of Electric Cable Manufacturers' of South Africa

Bright Bar Association

Cape Engineers' and Founders' Association

Consolidated Association of Employers of S.A. (CAESAR)

Constructional Engineering Association (South Africa)

Covered Conductor Manufacturers' Association

Electrical Engineering and Allied Industries' Association

Electronics and Telecommunications Industries' Association

Federated Employers Organisation of S.A. (FEOSA)

Ferro Alloy Producers' Association

Gate and Fence Association

Hand Tool Manufacturers' Association (HATMA)

Iron and Steel Producers' Association of South Africa

Kwa-Zulu Natal Engineering Industries' Association

Lift Engineering Association of South Africa

Light Engineering industries' Association of South Africa

National Employers Association of S.A. (NEASA)

Non-Ferrous Metal Industries' Association of South Africa

Plastics Convertors' Association of S.A.

Plumbers, and Engineers, Brassware Manufacturers' Association

Port Elizabeth Engineers' Association

Pressure Vessel Manufacturers' Association of South Africa

Radio, Appliance and Television Association of South Africa (RATA)

Refrigeration and Air-Conditioning Manufacturers' and Suppliers' Association

Sheetmetal Industries' Association of South Africa

S.A. Electro-Plating Industries' Association

S.A. Engineers and Founders' Association

S.A. Fasteners Manufacturers' Association (SAFMA)

S.A. Refrigeration and Air-Conditioning Contractors' Association (SARACCA)

S.A. Pump Manufacturers' Association

S.A. Reinforced Concrete Engineers' Association (SARCEA)

S.A. Valve and Actuator Manufacturers' Association (SAVAMA)

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

Metal and Electrical Workers Union of S.A.

Solidariteit / MWU – Solidarity / MWU

United Association of S.A. (UASA)

National Union of Metalworkers of South Africa (NUMSA)

S.A. Equity Workers' Association

(hereinafter referred to as the "employees" or the "trade unions"), of the other part, being the parties to the Metal and Engineering Industries Bargaining Council.

PART I: GENERAL

1. SCOPE OF APPLICATION OF AGREEMENT

- (1) The terms of this Agreement shall be observed:-
 - (a) throughout the Republic of South Africa; and
 - (b) by all the employers and employees in the iron, Steel, Engineering and Metallurgical Industries who are members of the employers' organisations and the trade unions, respectively.
 - (c) for purposes of subclause 5(3)(c) and item (vi) of the definition of "employee" in terms of clause 3, the employers and employees therein referred to.

- (2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall not apply to-
- (a) the manufacture, for sale, of standard high-speed cutting tools made from high-speed steel by means of plant and/or equipment and/or methods specifically adapted and/or designed for production by repetitive processes, in the Magisterial Districts of Johannesburg, Boksburg, Vereeniging and Pietermaritzburg;
 - (b) the installation, maintenance and repair of electrical equipment referred to in paragraph (b) of the definition of 'Electrical Engineering Industry' in clause 3 of Part I of the Main Agreement published under Government Notice No. R. 404 of 31 March 1998, in the Provinces of the Cape of Good Hope and the Orange Free State;
 - (c) assembling, servicing, installation, maintenance and/or repair of appliances, equipment, machines, devices and apparatus, whether utilising manual, photographic, mechanical, electrical, electrostatic or electronic principles, or any combination of such principles, which are primarily intended for use in accounting and/or business and/or calculating and/or office and/or educational procedures;
 - (d) the Venetian Blind and Allied Products' Manufacturing Industry in the Province of the Transvaal;
 - (e) the installation and/or repair of burglar and/or other similar alarm systems in the Provinces of the Cape of Good Hope and the Orange Free State;
 - (f) the Locksmithing Trade in the Magisterial Districts of Benoni, Boksburg, Durban, Germiston, Johannesburg, Krugersdorp, Lower Umfolozi, Pinetown, Port Elizabeth, Pretoria, Randburg, Roodepoort, Springs and The Cape;
 - (g) the production, for sale, of welding electrodes by means of plant and/or equipment and/or methods specifically adapted and/or designed for production by repetitive processes, in the Magisterial Districts of Brits, Germiston, Kempton Park and Pretoria;
 - (h) the installation and/or repair and/or servicing of radios and/or refrigerators and/or domestic electrical appliances in the Provinces of the Cape of Good Hope and the Orange Free State;

- (i) the manufacture from tinsplate of a gauge not exceeding 0,416 mm of trunks and other containers designed to hold personal effects, sporting kit, tools and documents, and other lines manufactured principally from such tinsplate.
- (3) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall apply to-
 - (a) apprentices only in so far as they are not inconsistent with the provisions of the Manpower Training Act, 1981, or any contract entered into or any conditions fixed thereunder; and
 - (b) trainees under training in terms of section 30 of the Manpower Training Act, 1981, only in so far as they are not inconsistent with the provisions of that Act or any conditions fixed thereunder.
- (4) Clauses 1(1) (b) 2 and 3 of this Agreement shall not apply to employers and employees who are not members of the employer's organisations and trade unions, respectively.

2. SPECIAL PROVISIONS

The provisions contained in clause 8 of the Agreement published under Government Notice No. R.370 of 4 April 2008, (hereinafter referred to as the "Former Agreement") shall apply to employers and employees.

3. GENERAL PROVISIONS

The provisions contained in clauses 3 to 7 and 9 to 10 of Parts I to IV of the Former Agreement shall apply to employers and employees.

4. CLAUSE 2: 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 March 2010.

PART II**5. CLAUSE 4: CONTRIBUTIONS**

- (1) The provisions of this clause shall apply in respect of all employees (as defined in clause 3 of the Agreement), except for purposes of subclause (3)(a) and (b) below, apprentices, pre-apprentices and learners shall be excluded.
- (2) Contributions shall be made by employers in the manner specified hereunder.
- (3)
 - (a) From the earnings of every employee to whom this Agreement applies the employer shall, each week, including weeks on which the employee is absent on paid leave, deduct an amount of R1,50. The equivalent monthly payment is R6,50 per employee.
 - (b) To the amount deducted in terms of paragraph (a) hereof, the employer shall add an equal amount and forward the total sum to the Council each month.
 - (c) An amount of 53 cents shall be deducted from both employee and employer per week (including the employers and employees referred to in item (vi) of the definition of employee in clause 3, "definitions") in respect of a dispute resolution levy. The monthly equivalent is R2,29 per employee per month, with the employer contributing an equal amount.
- (4) In any establishment in which the total amount payable to the Council in terms of subclause (3)(a) and (b) hereof amounts to less than R150 per month, the employer shall make up the amount to R150 and forward the amount to the Council each month.
- (5)
 - (a) Every employer in regions A,B,C,D,E, and F shall forward the amounts payable each month in terms of subclause (3) hereof, subject to the minimum amount payable as specified in subclause (4), together with a statement in such form as may be specified from time to time, to reach the Metal Industries Benefit Fund Administrators (MIBFA), Central Funds Collection Office, 2nd Floor, Metal Industries House, 42 Anderson Street, Johannesburg, 2001, by no later than close of business on the 7TH day of the subsequent month.
 - (b) The employer uses the postal services, courier services or any other means of delivery or transfer at his own risk. The relevant postal address is P O Box 61474, Marshalltown,

2107. A facility for direct bank-to-bank transfer of funds is also available. Enquiries to be directed to the Financial Manager at the above address or (011) 870-2000.

- (6) Regardless of whether any amount is payable to the Council in terms of this clause, every employer shall, not later than the 7TH day of each month, forward to the Council in respect of the preceding month and in the manner indicated therein, the statement referred to in subclause (5) hereof, and shall record thereon the number of employees employed on Limited Duration Contracts of employment during the month to which the statement applies.
- (7) (a) For the purposes of this subclause ‘the Act’ means the Usury Act, 1968.
- (b) If any amount that falls due in terms of this clause is not received in full by the Council by the 7th day of the month following the month for which the amount is payable, then the employer shall be liable to pay interest in accordance with the following provisions.
- (i) The interest payable shall accrue on the balance of the amount outstanding from time to time from the 7TH day until the full amount is received by the Council.
- (ii) The interest shall accrue at the same effective rate as the applicable maximum annual finance charge rates as if the amount outstanding were a “credit transaction” for the purposes of the Act. For purposes of calculating the interest, the provisions of section 2(2) of the Act shall, *mutatis mutandis*, apply.
- (iii) The council shall, in its absolute discretion, be entitled to waive payment by the employer of any interest that accrues in terms of this subclause.
- (iv) In the event of the Council’s incurring any costs or becoming obliged to pay any collection commission by reason of the failure of the employer to make any payment on or before the due date, the employer shall then be liable to pay forthwith all such costs of whatever nature as between attorney and client and all such collection commission.
- (v) In addition to the provisions of section 2(2) of the Act, all the other provisions of the Act that are relevant for the purposes of calculating any interest payable by the employer in terms of this subsection shall, *mutatis mutandis*, apply for these purposes.”

Thus signed at Johannesburg, for and on behalf of the parties, this 13 March 2009

L. TRENTINI
Member

L DE WELZIM
Member

N. FAASEN
Operations Manager

No. R. 417

17 April 2009

LABOUR RELATIONS ACT, 1995
CANCELLATION OF GOVERNMENT NOTICES
METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL: THE
DISPUTE RESOLUTION COLLECTIVE AGREEMENT

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby, in terms of section 32(7) of the Labour Relations Act, 1995, cancel Government Notice No 836 of 18 August 2006 with effect from 27 April 2009.

M M S MDLADLANA
MINISTER OF LABOUR

No. R. 417

17 April 2009

WET OP ARBEIDSVERHOUDINGE, 1995
INTREKKING VAN GOEWERMENSKENNISGEWINGS
METAAL-EN INGENIEURSNYWERHEDE BEDINGINGSRAAD:
GESKILBESLEGTIGINGS KOLLEKTIEWE OOREENKOMS

EK, Membathisi Mphumzi Shepherd Mdladlana, Minister van Arbeid, trek hierby, kragtens artikel 32(7) van die wet op Arbeidsverhoudinge, 1995, Goewermenskennisgewings No 836 van 18 Augustus 2006 in, met ingang van 27 April 2009.

M M S MDLADLANA
MINISTER VAN ARBEID

No. R. 418

17 April 2009

LABOUR RELATIONS ACT, 1995**METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL:
EXTENSION TO NON-PARTIES OF THE DISPUTE RESOLUTION
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 Metal and Engineering Industries Bargaining Council, 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 27 April 2009 and for the period ending 31 March 2010.

**M M S MDLADLANA
MINISTER OF LABOUR**

No. R. 418

17 April 2009

WET OP ARBEIDSVERHOUDINGE, 1995**METAAL-EN INGENIEURSNYWERHEDE BEDINGINGSRAAD:
UITBREIDING NA NIE-PARTYE VAN GESKILBESLEGTIGINGS
KOLLEKTIEWE HERBEKRAGTIGINGS-EN WYSIGINGSOORENKOMS**

Ek, MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, Minister van Arbeid, verklaar hierby, kragtens artikel 32(2) van die Wet op Arbeidsverhoudinge, 1995 dat die kollektiewe ooreenkoms wat in die Bylae hiervan verskyn en wat in die Metaal-en Ingenieursnywerhede Bedingindsraad aangegaan is en kragtens artikel 31 van die Wet op Arbeidsverhoudinge, 1995, bindend is op die partye wat die ooreenkoms aangegaan het, bindend is vir die ander werkgewers en werknemers in daardie Nywerheid, met ingang van 27 April 2009 en vir die tydperk wat op 31 March 2010 eindig.

**M M S MDLADLANA
MINISTER VAN ARBEID**

SCHEDULE**METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL
DISPUTE RESOLUTION AGREEMENT**

in accordance with the provisions of the Labour Relations Act, No. 66 of 1995, made and entered into by and between the –

Association of Electric Cable Manufacturers of South Africa

Association of Metal Service Centres of South Africa

Bright Bar Association

Cape Engineers' and Founders' Association

Consolidated Association of Employers of South Africa (CAESAR)

Constructional Engineering Association (South Africa)

Covered Conductor Manufacturers' Association

Electrical Engineering and Allied Industries' Association

Electrical Manufacturers Association of South Africa (EMASA)

Electronics and Telecommunication Industries' Association

Federated Employers' Organisation of South Africa (FEOSA)

Ferro Alloy Producers' Association

Gate and Fence Association

Hand Tool Manufacturers' Association (HATMA)

Iron and Steel Producers' Association of South Africa (ISPA)

KwaZulu Natal Engineering Industries Association

Lift Engineering Association of South Africa

Light Engineering Industries' Association of South Africa

National Employers' Association of S.A. (NEASA)

Non-Ferrous Metal Industries' Association of South Africa

Plastics Convertors Association of South Africa

Plumbers and Engineers Brassware Manufacturers' Association

Port Elizabeth Engineers' Association

Pressure Vessel Manufacturers' Association of South Africa

Radio, Appliance and Television Association of South Africa (RATA)

Refrigeration and Airconditioning Manufacturers' and Suppliers' Association (RAMSA)

Sheetmetal Industries' Association of South Africa

S.A. Electro-Plating Industries' Association

S.A. Engineers' and Founders' Association

S.A. Fasteners' Manufacturers' Association

S.A. Industrial Refrigeration and Airconditioning Contractors' Association (SARACCA)

S.A. Post Tensioning Association (SAPTA)

S.A. Pump Manufacturers' Association

S.A. Reinforced Concrete Engineers' Association (SARCEA)

S.A. Valve and Actuators Manufacturers' Association (SAVAMA)

S.A. Wire and Wire Rope Manufacturers' Association

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

Chemical, Energy, Paper, Printing, Wood and Allied Workers' Union (CEPPWAWU)

Metal and Electrical Workers' Union of South Africa

Solidarity

United Association of S.A. (UASA)

National Union of Metalworkers of South Africa (NUMSA)

S.A. Equity Workers' Association (SAEWA)

(hereinafter referred to as the "employees" or the "trade unions") of the other part being the parties to the Metal and Engineering Industries Bargaining Council.

1. SCOPE OF APPLICATION OF AGREEMENT

- (1) The terms of this Agreement shall be observed in the Iron, Steel, Engineering and Metallurgical Industry
 - (a) by all employers who are members of the employers' organisations and by all employees who are members of the trade unions;
 - (b) throughout the Republic of South Africa.
- (2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall apply to-
 - (a) apprentices or learners only to the extent to which they are not inconsistent with the provisions of the Manpower Training Act, 1981, or the Skills Development Act, No.97 of 1998, or any contract entered into or any conditions fixed thereunder and;
 - (b) trainees under training in terms of section 30 of the Manpower Training Act, 1981 or Section 19 of the Skills Development Act, No.97 of 1998, only in so far as they are not inconsistent with the provisions of the Act or any conditions fixed thereunder.
- (3) Notwithstanding the provisions of subclause 1(1)(a) and 2 this agreement shall not apply to employers and employees who are not members of the employers' organisations and trade unions respectively.

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 March 2010.

3. SPECIAL PROVISIONS

The provisions contained in clause 2 of the Agreement published under Government Notice No. R. 836 of 18 August 2006 (hereinafter referred to as the "Former Agreement") as further amended and re-enacted from time to time, shall apply to employers and employees.

4. GENERAL PROVISIONS

The provisions contained in clauses 3 to 6 of the Agreement published under Government Notice No. R. 836 of 18 August 2006 (as further amended and re-enacted from time to time), shall apply to employers and employees.

5. ANNEXURE A:

RULES FOR CONCILIATING AND ARBITRATING DISPUTES IN THE METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL

PART H: GENERAL

(a) Insert the following new item 33:

"33. TARIFF OF ARBITRATION FEE FOR COMPLIANCE ARBITRATIONS

AN ARBITRATOR MAY MAKE AN ORDER FOR PAYMENT OF AN ARBITRATION FEE BY USING THE FOLLOWING TARIFF:

UNOPPOSED TARIFF

Item	Description	Tariff of fees
1	Referral of Dispute	R75.00
2	Unopposed Arbitration Fee	R400.00
3	Unopposed Award Fee	R100.00

OPPOSED TARIFF

1	Referral of Dispute	R75.00
2	Arbitration Fee	R600.00
3	Award Fee	R250.00

(b) Re-number the existing item 33 to read:

"34. What words mean in these rules".

Signed for and on behalf of the parties at Johannesburg on 27 February 2009

L Trentini
Member

L De Welzim
Member

N Faasen
Operations Manager

No. R. 419

17 April 2009

LABOUR RELATIONS ACT, 1995**HAIRDRESSING TRADE, CAPE PENINSULA : EXTENSION TO NON-PARTIES OF MAIN COLLECTIVE 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 Bargaining Council for the Hairdressing Trade, Cape Peninsula, 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 20 April 2009, and for the period ending 31 December 2010.

M M S MDLADLANA

MINISTER OF LABOUR

No. R. 419

17 April 2009

WET OP ARBEIDSVERHOUDINGE, 1995**HAARKAPPERSBEDRYF, KAAPSE SKIEREILAND : UITBREIDING NA NIE-PARTYE VAN HOOF KOLLEKTIEWE WYSIGINGSOOREENKOMS**

Ek, MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, Minister van Arbeid, verklaar hierby, kragtens artikel 32(2) van die Wet op Arbeidsverhoudinge, 1995, dat die kolletiewe ooreenkoms wat in die Bylae hiervan verskyn en wat in die Bedingingingsraad vir die Haarkappersbedryf, Kaapse Skiereiland aangegaan is en kragtens artikel 31 van die Wet op Arbeidsverhoudinge, 1995, bindend is op die partye wat die ooreenkoms aangegaan het, bindend is vir die ander werkgewers en werknemers in daardie nywerheid met ingang van 20 April 2009, en vir die tydperk wat op 31 Desember 2010 eindig.

M M S MDLADLANA
MINISTER VAN ARBEID

SCHEDULE

BARGAINING COUNCIL FOR THE HAIRDRESSING TRADE CAPE PENINSULA

MAIN COLLECTIVE AGREEMENT: AMENDMENT

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

EMPLOYERS' ORGANISATION FOR HAIRDRESSING, COSMETOLOGY AND BEAUTY

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

UNITED ASSOCIATION OF SOUTH AFRICA (UASA) [PERSONAL CARE SECTOR]

(hereinafter referred to as the "employees" or the "trade union"), of the other part, being the parties to the Bargaining Council for the Hairdressing Trade, Cape Peninsula, to amend the Agreement published under Government Notices Nos R. 1532 of 13 December 2002, R. 939 and R. 940 of 13 August 2004, R. 915 and R. 916 of 15 September 2006 and R. 1175 and R. 1176 of 14 December 2007.

1. SCOPE OF APPLICATION

1.1 The terms of this Agreement shall be observed in the Hairdressing Trade –

1.1.1 by all employers who are members of the employers' organisation and by all employees who are members of the trade union;

1.1.2 in the Magisterial Districts of The Cape, Wynberg, Simon's Town, 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, in that portion of the Magisterial District of Kulls River which, prior to the publication of

2. CLAUSE 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 Act and shall remain in force until 31 December 2010.

3. EXCEPTIONS

The provisions of this agreement do not apply to non-parties in respect of clauses 1(1)(a), 2, 6 and 7

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, 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 and in 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.

1.2 Notwithstanding the provisions of clause 1.1, the terms of this Agreement shall –

1.2.1 apply only to employees for whom wages are specified in this Agreement and to the employers of such employees;

1.2.2 apply to learners only in so far as the provisions are not inconsistent with the provisions of the Skills Development Act, 1998, or any contract entered into or any condition fixed thereunder.

4. CLAUSE 4: WAGES

2.1 Substitute the following new clause 4.1 for the existing clause 4.1:

"Subject to the provisions of clause 4.2, every employer shall pay each employee a wage that is not less than the minimum wage specified for that employee's relevant job category and experience.

WAGE SCHEDULE			
	JOB CATEGORY	RAND PER WEEK	RAND PER MONTH
(a)	Hairdresser, qualified, experienced	935,00	4 048,00

(b)	Hairdresser, qualified, first year	657,00	2 847,00
(c)	Hairdresser, non-qualified	582,00	2 519,00
(d)	Operator	639,00	2 759,00
(e)	Cleaner	459,00	1 988,00
(f)	Receptionist, first year	565,00	2 446,00
	Receptionist, experienced	742,00	3 213,00
(g)	Learner	386,00	1 674,00".

5. CLAUSE 25: COUNCIL LEVIES

3.1 Substitute the following for clause 25.1:

"For the purpose of meeting the expenses of the Council, every employer shall deduct per month R39,00 from the wages of each employee and add to the total amount so deducted a like amount."

6. CLAUSE 35: SICK BENEFIT FUND

4.1 Substitute the following for the Sick Benefit Fund Contribution Schedule:

"SICK BENEFIT FUND CONTRIBUTION SCHEDULE		
JOB CATEGORY	EMPLOYEE CONTRIBUTION RAND PER MONTH	EMPLOYER CONTRIBUTION RAND PER MONTH
Qualified hairdresser	200,00	200,00
Non-qualified hairdresser, operator and experienced receptionist	160,00	160,00

Cleaner, first-year receptionist and learner	120,00	120,00".
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7. CLAUSE 36: SICK PAY FUND

5.1 Substitute the following for the Sick Pay Fund Contribution Schedule:

"SICK PAY FUND CONTRIBUTION SCHEDULE		
WAGE BAND	EMPLOYEE CONTRIBUTION RAND PER MONTH	EMPLOYER CONTRIBUTION RAND PER MONTH
0 – 2 000	40,00	40,00
2 001 – 3 000	50,00	50,00
3 001 – 4 000	60,00	60,00
4 001 – 5 000	70,00	70,00
5 001 and more	80,00	80,00".

Signed at Cape Town for and behalf of the parties, this 2nd day of December 2008.

M. ARDIEL ADAMS
Chairperson of the Council

SANDRA DEERS
Vice-Chairperson of the Council

N DAVIDS
Secretary of the Council