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IMPORTANT NOTICE

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IMPORTANT ANNOUNCEMENT

Closing times **PRIOR TO PUBLIC HOLIDAYS** for GOVERNMENT NOTICES, GENERAL NOTICES, REGULATION NOTICES AND PROCLAMATIONS

2011

The closing time is **15:00** sharp on the following days:

- ▶ **17 March**, Thursday, for the issue of Friday **25 March 2011**
- ▶ **14 April**, Thursday, for the issue of Thursday **21 April 2011**
- ▶ **19 April**, Tuesday, for the issue of Friday **29 April 2011**
- ▶ **28 April**, Thursday, for the issue of Friday **6 May 2011**
- ▶ **9 June**, Thursday, for the issue of Friday **17 June 2011**
- ▶ **4 August**, Thursday, for the issue of Friday **12 August 2011**
- ▶ **8 December**, Thursday, for the issue of Thursday **15 December 2011**
- ▶ **14 December**, Wednesday, for the issue of Friday **23 December 2011**
- ▶ **20 December**, Tuesday, for the issue of Friday **30 December 2011**
- ▶ **28 December**, Wednesday, for the issue of Friday **6 January 2012**

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

2011

Die sluitingstyd is stiptelik **15:00** op die volgende dae:

- ▶ **17 Maart**, Donderdag, vir die uitgawe van Vrydag **25 Maart 2011**
- ▶ **14 April**, Donderdag, vir die uitgawe van Donderdag **21 April 2011**
- ▶ **19 April**, Dinsdag, vir die uitgawe van Vrydag **29 April 2011**
- ▶ **28 April**, Donderdag, vir die uitgawe van Vrydag **6 Mei 2011**
- ▶ **9 Junie**, Donderdag, vir die uitgawe van Vrydag **17 Junie 2011**
- ▶ **4 Augustus**, Donderdag, vir die uitgawe van Vrydag **12 Augustus 2011**
- ▶ **8 Desember**, Donderdag, vir die uitgawe van Donderdag **15 Desember 2011**
- ▶ **14 Desember**, Woensdag, vir die uitgawe van Vrydag **23 Desember 2011**
- ▶ **20 Desember**, Dinsdag, vir die uitgawe van Vrydag **30 Desember 2011**
- ▶ **28 Desember**, Woensdag, vir die uitgawe van Vrydag **6 Januarie 2012**

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 kopie drie kalenderweke voor publikasie ingedien word

GOVERNMENT NOTICES

GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES DEPARTEMENT VAN LANDBOU, BOSBOU EN VISSERYE

No. R. 355

29 April 2011

FERTILIZERS, FARM FEEDS, AGRICULTURAL REMEDIES AND STOCK REMEDIES ACT, 1947 (ACT NO. 36 OF 1947)

REGULATIONS RELATING TO THE REGISTRATION OF FERTILIZERS, FARM FEEDS, AGRICULTURAL REMEDIES, STOCK REMEDIES, STERILIZING PLANTS AND PEST CONTROL OPERATORS, APPEALS AND IMPORTS: AMENDMENT

The Minister for Agriculture, Forestry and Fisheries, has under Section 23 of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947), made the regulations in the Schedule.

SCHEDULE

Definition

1. In this Schedule "the Regulations" means the regulations published by Government notice No. R. 1449 of 1 July 1983, as amended by government Notices Nos. R. 96 of January 1984, R. 2055 of 14 September 1984, R. 1053 of 3 June 1988, R. 1242 of 9 June 1990, r. 1409 of 6 August 1993, R.1592 of 30 September 1996, r. 1017 of 14 August 1998, R. 216 of 10 March 2000, R. 964 of 5 October 2001, R. 1096 of 30 August 2002, R. 1475 of 17 October 2003, R. 3448 of 15 April 2005, R.1139 of 2 December 2005, R. 225 of 17 March 2006, R935 of 22 September 2006, r. 956 of 29 September 2006, R. 1086 of 3 November 2006, R. 1087 of 3 November 2006, R. 250 of 23 March 2007, R. 483 of 8 June 2007, R.755 of 18 July 2008, R.112 of 13 February 2009 and R.72 of 12 February 2010.

Substitution of Table 1 of the Regulations

2. The Regulations are hereby amended by the substitution for Table 1 of the following table:

Table 1
" FEES PAYABLE"

PURPOSE	AMOUNT PAYABLE PER APPLICATION
1.1.1(i) Application for registration of a farm feed: Kind of farm feeds (Groups and kinds of farm feeds) (a) Importers for own use	
1 <i>Raw material of plant, animal origin and their by-products</i>	R 910,00 per application
(i) Blended raw materials of plant and animal origin and their by products	R 910,00 per application
2 <i>Feed Additives</i>	
(i) Technological additives	R1 820,00 per application
(ii) Sensory additives	R 1 820,00 per application
(iii) Zootechnical additives	R 1 820,00 per application
(iv) Unmixed nutritional additives	R 1 820,00 per application

3	<i>Nutritional additives premixes</i>	R 1 820,00 per application
4	<i>Complete Livestock feeds</i>	R 1 820,00 per application
5	<i>Livestock concentrates</i>	R 1 820,00 per application
6	<i>Livestock supplements</i>	R 1 820,00 per application
7	<i>Pet foods</i>	
(i)	Complete dogs and cat foods	R 1 820,00 per application
(ii)	Complete miscellaneous pet foods	R 1 820,00 per application
(iii)	Complementary pet foods	R 1 820,00 per application
(iv)	Pet-Neutraceuticals	R 1 820,00 per application
(b)	Importers for retail	
1	<i>Raw material of plant, animal origin and their by-products</i>	R 1 660,00 per application
(i)	Blended raw materials of plant and animal origin and their by products	R 1 660,00 per application
2	<i>Feed Additives</i>	
(i)	Technological additives	R3 320,00 per application
(ii)	Sensory additives	R3 320,00 per application
(iii)	Zotechnical additives	R3 320,00 per application
(iv)	Unmixed nutritional additives	R3 320,00 per application
3	<i>Nutritional additives premixes</i>	R3 320,00 per application
4	<i>Complete Livestock feeds</i>	R3 320,00 per application
5	<i>Livestock concentrates</i>	R3 320,00 per application
6	<i>Livestock supplements</i>	R3 320,00 per application
7	<i>Pet foods</i>	
(i)	Complete dogs and	R3 320,00 per application

	<ul style="list-style-type: none"> cat foods (ii) Complete miscellaneous pet foods (iii) Complementary pet foods (iv) Pet-Neutraceuticals 	<ul style="list-style-type: none"> R3 320,00 per application R3 320,00 per application R3 320,00 per application
(c) Local trader / distributors / seller		
1	<i>Raw material of plant, animal origin and their by-products</i>	R 1 660,00 per application
	<ul style="list-style-type: none"> (i) Blended raw materials of plant and animal origin and their by products 	R 1 660,00 per application
2	<i>Feed Additives</i>	
	<ul style="list-style-type: none"> (i) Technological additives (ii) Sensory additives (iii) Zootechnical additives (iv) Unmixed nutritional additives 	<ul style="list-style-type: none"> R 3 320,00 per application R 3 320,00 per application R 3 320,00 per application R 3 320,00 per application
3	<i>Nutritional additives premixes</i>	R 3 320,00 per application
4	<i>Complete Livestock feeds</i>	R 3 320,00 per application
5	<i>Livestock concentrates</i>	R 3 320,00 per application
6	<i>Livestock supplements</i>	R 3 320,00 per application
7	<i>Pet foods</i>	
	<ul style="list-style-type: none"> (i) Complete dogs and cat foods (ii) Complete miscellaneous pet foods (iii) Complementary pet foods (iv) Pet-Neutraceuticals 	<ul style="list-style-type: none"> R 3 320,00 per application R 3 320,00 per application R 3 320,00 per application R 3 320,00 per application
(d) Manufacture for retail		
1	<i>Raw material of plant, animal origin and their by-products</i>	R 1 660,00 per application
	<ul style="list-style-type: none"> (i) Blended raw materials of plant and animal 	R 1 660,00 per application

	origin and their by products	
2	<i>Feed Additives</i>	
	(i) Technological additives	R 3 320,00 per application
	(ii) Sensory additives	R 3 320,00 per application
	(iii) Zootechnical additives	R 3 320,00 per application
	(iv) Unmixed nutritional additives	R 3 320,00 per application
3	<i>Nutritional additives premixes</i>	R 3 320,00 per application
4	<i>Complete Livestock feeds</i>	R 3 320,00 per application
5	<i>Livestock concentrates</i>	R 3 320,00 per application
6	<i>Livestock supplements</i>	R 3 320,00 per application
7	<i>Pet foods</i>	
	(i) Complete dogs and cat foods	R 3 320,00 per application
	(ii) Complete miscellaneous pet foods	R 3 320,00 per application
	(iii) Complementary pet foods	R 3 320,00 per application
	(iv) Pet-Neutraceuticals	R 3 320,00 per application
2.1.1(ii)	Application for registration of a fertilizer or sterilization installation	R 3 120,00 per application
2.1.1(iii)	Application for registration of an agricultural remedy or stock remedy	R 6 390,00 per application
2.1.1(iv)	Application for registration of a pest control operator	R 1 560,00 per application
2.1.2(i)	Application for the renewal of the registration of a farm feed (Groups and kinds of farm feeds)	
	(a) Importers for own use	
1	<i>Raw material of plant, animal origin and their by-product</i>	R 195,00 per application
	(i) Blended raw materials of plant and animal origin	R 195,00 per application

and their by products		
2	<i>Feed Additives</i>	
	(i) Technological additives	R 390,00 per application
	(ii) Sensory additives	R 390,00 per application
	(iii) Zootechnical additives	R 390,00 per application
	(iv) Unmixed nutritional additives	R 390,00 per application
3	<i>Nutritional additives premixes</i>	R 390,00 per application
4	<i>Complete Livestock feeds</i>	R 390,00 per application
5	<i>Livestock concentrates</i>	R 390,00 per application
6	<i>Livestock supplements</i>	R 390,00 per application
7	<i>Pet foods</i>	
	(i) Complete dogs and cat foods	R 390,00 per application
	(ii) Complete miscellaneous pet foods	R 390,00 per application
	(iii) Complementary pet foods	R 390,00 per application
	(iv) Pet-Neutraceuticals	R 390,00 per application
(b)	Importers for retail	
	<i>Raw material of plant, animal origin and their by-products</i>	R 1 320,00
	(i) Blended raw materials of plant and animal origin and their by products	R 1 320,00
2	<i>Feed Additives</i>	
	(i) Technological additives	R 2 640,00
	(ii) Sensory additives	R 2 640,00
	(iii) Zootechnical additives	R 2 640,00
	(iv) Unmixed nutritional additives	R 2 640,00
3	<i>Nutritional additives premixes</i>	R 2 640,00
4	<i>Complete Livestock feeds</i>	R 2 640,00

5	<i>Livestock concentrates</i>	R 2 640,00
6	<i>Livestock supplements</i>	R 2 640,00
7	<i>Pet foods</i>	
(i)	Complete dogs and cat foods	R 2 640,00
(ii)	Complete miscellaneous pet foods	R 2 640,00
(iii)	Complementary pet foods	R 2 640,00
(iv)	Pet-Neutraceuticals	R 2 640,00
(c)	Local trader/distributors/seller	
1	<i>Raw material of plant, animal origin and their by products</i>	R 2 640,00
(i)	Blended raw materials of plant and animal origin and their by products	R 2 640,00
2	<i>Feed Additives</i>	
(i)	Technological additives	R 2 640,00
(ii)	Sensory additives	R 2 640,00
(iii)	Zootechnical additives	R 2 640,00
(iv)	Unmixed nutritional additives	R 2 640,00
3	<i>Nutritional additives premixes</i>	R 2 640,00
4	<i>Complete Livestock feeds</i>	R 2 640,00
5	<i>Livestock concentrates</i>	R 2 640,00
6	<i>Livestock supplements</i>	R 2 640,00
7	<i>Pet foods</i>	
(i)	Complete dogs and cat foods	R 2 640,00
(ii)	Complete miscellaneous pet foods	R 2 640,00
(iii)	Complementary pet foods	R 2 640,00

	(iv) Pet-Neutraceuticals	R 2 640,00
	(d) Manufacture for retail	
1	<i>Raw material of plant, animal origin and their by-products</i>	R 2 640,00
	(i) Blended raw materials of plant and animal origin and their by products	R 2 640,00
2	<i>Feed Additives</i>	
	(i) Technological additives	R 2 640,00
	(ii) Sensory additives	R 2 640,00
	(iii) Zootechnical additives	R 2 640,00
	(iv) Unmixed nutritional additives	R 2 640,00
3	<i>Nutritional additives premixes</i>	R 2 640,00
4	<i>Complete Livestock feeds</i>	R 2 640,00
5	<i>Livestock concentrates</i>	R 2 640,00
6	<i>Livestock supplements</i>	R 2 640,00
7	<i>Pet foods</i>	
	(i) Complete dogs and cat foods	R 2 640,00
	(ii) Complete miscellaneous pet foods	R 2 640,00
	(iii) Complementary pet foods	R 2 640,00
	(iv) Pet-Neutraceuticals	R 2 640,00
2.1.2 (ii)	Application for the renewal of the registration of a fertilizer or sterilization installation	R 1 560,00 per application
2.1.2(iii)	Application for the renewal of the registration of an agricultural remedy or stock remedy	R 3 200,00 per application
2.1.2(iv)	Application for the renewal of the registration of a pest control operator	R 835,00 per application

2.1.3(i)	Payment additional to that mentioned in 2.1.2 above, in the case of a late application for the renewal of registration of a farm feed	
1	Importers for own use	R 145,00 or R 295,00 per application
2	Importers for retail	R 1 005,00 or R 2 010,00 per application
3	Local trader/distributor	R 1 005,00 or R 2 010,00 per application
4	Manufacturer for retail	R 1 005,00 or R 2 010,00 per application
2.1.3(ii)	Payment additional to that mentioned in 2.1.2 above, in the case of a late application for the renewal of registration of a fertilizer or sterilization installation	R 1 180,00 per application
2.1.3(iii)	Payment additional to that mentioned in 2.1.2 above, in the case of a late application for the renewal of registration of an agricultural remedy or stock remedy.	R 2 400,00 per application
2.1.3 (iv)	Payment additional to that mentioned in 2.1.2 above, in the case of a late application for the renewal of registration of a pest control operator.	R 460,00 per application
2.1.4	An appeal under section 6 of the Act	R 4 280,00 per application
2.1.5	Payments for information and documentation.	
1	Application Form and Instructions	R 70,00 per package
2	Free Sale Certificate	R 35,00 per certificate
3	Import Permit	R 435,00 per product
4	Other documents	R 70,00 per request plus 80c per page
2.1.6	Other payments	
1	Approval of additional source of active ingredient(s) and formulation change	R 3 200,00 per request
2	Additional claim(s) on Label and change of hazardous classification requested by registration holder of an agricultural remedy or stock	R 6 390,00 per request

		remedy	
3	Label amendment request by the office of the registrar in public interest		Free
4	Other amendments requested by the registration holder other than the ones referred to in par. 2.1.6 (1) and (2)		R 700,00 per registration
5	Advertisement approval		R 480,00 per registration

No. R. 356

29 April 2011

FERTILIZERS, FARM FEEDS, AGRICULTURAL REMEDIES AND STOCK
REMEDIES ACT, 1947

**PROHIBITION ON THE ACQUISITION, DISPOSAL OR USE OF CERTAIN FARM FEEDS:
AMENDMENT**

Under the powers vested in me by section 7*bis* of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947). I, Tina Joemat-Pettersson, Minister for Agriculture, Forestry and Fisheries, do hereby prohibit any person-

1(a) at farm feeds establishments where farm feeds are manufactured for animals except where farm feeds are manufactured only for predators, dogs and cats from acquiring or handling any mammalian derived protein or by-product (except milk and milk products).

(b) from using mammalian derived protein or by-product (except milk and milk products) in farm feeds intended for any animal other than predators, dogs and cats except on authority of permit issued by the registrar.

2. a person may be granted the following exemption under the following specified conditions

(a) a person may acquire or handle mammalian derived protein or by-product at an establishment where farm feeds are manufactured for livestock as well for predators, dogs and cats; on condition that:

- i. dedicated manufacturing equipment or facilities are used for the manufacture of predator, dog and cat food;
- ii. there is evidence that no cross contamination of animal feeds occurs; and
- iii. there is evidence that an independently inspected auditable traceability system by the SABS or National Regulator for Compulsory Specifications is in place.

(b) a person may acquire or handle porcine derived protein and by-product (except blood and blood products), which is intended for the manufacture of animal feed; on condition that:

- i. the porcine derived raw material consignment to be used in the manufacture of animal feed has been independently sampled by an Act 36 of 1947 inspector for analyses at ARC-OVI to confirm that the raw material is derived from pure porcine, each time a new consignment is to be used in manufacture of compounded animal feed;
- ii. there is evidence that an independently inspected auditable traceability system by the SABS or National Regulator for Compulsory Specifications is in place; and
- iii. permission is obtained in writing from the Registrar each time a consignment of porcine derived raw material is to be used in the manufacture of compounded feed.

(c) a person may acquire or handle ruminant or porcine derived blood and blood products, which is intended for the manufacture of non-ruminant animal feeds, on condition that:

- i. an independently inspected auditable traceability system by the SABS or National Regulator for Compulsory Specifications is in place, that documents the trail of raw materials from the abattoir or importation up to the inclusion into a formulated final labelled feed, such that it excludes feeding to ruminants; and
- ii. an exemption was granted by the Director of Veterinary Services according to regulation 24 of the Animal Diseases Act, 1984 (Act No. 35 of 1984).

On the day of publication, this notice shall replace notice No. 78 of 12 February 2010 on the acquisition, disposal or use of certain farm feeds.

I hereby declare that for the purpose of this notice the words and expressions used shall have the same meaning as have been assigned to them in the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947).

Applications for permits should be sent in writing to the Registrar Act No. 36 of 1947, Private Bag X 343 Pretoria, 0001.

No. R. 357**29 April 2011****FERTILIZERS, FARM FEEDS, AGRICULTURAL REMEDIES AND STOCK
REMEDIES ACT, 1947 (ACT NO. 36 OF 1947)****PROHIBITION ON RETAIL OF PRODUCTS CONTAINING HYALURONIC ACID AND ITS SALTS
AS FARM FEED**

Under the powers vested in me by section 7*bis* of the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947). I, Tina Joemat-Pettersson, Minister for Agriculture, Forestry and Fisheries, do hereby prohibit any person from retailing any product containing Hyaluronic acid and its salts as a farm feed with effect from 01 December 2011.

**DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID**

No. R. 358

29 April 2011

LABOUR RELATIONS ACT, 1995

CANCELLATION OF GOVERNMENT NOTICES

**BARGAINING COUNCIL FOR THE CONTRACT CLEANING SERVICES
INDUSTRY (KWA-ZULU NATAL): MAIN AND PROVIDENT FUND COLLECTIVE
AGREEMENT**

I, MILDRED NELISIWE OLIPHANT, Minister of Labour, hereby, in terms of section 32(7) of the Labour Relations Act, 1995, cancel Government Notices Nos. R. 1083 of 17 September 2004, R. 189 of 11 March 2005, R. 595 of 24 June 2005, R. 718 of 22 July 2005, R. 773 of 4 August 2006, R. 52 and R. 53 of 26 January 2007 and R. 100 of 18 February 2011 with effect from9 May 2011.....

**MN OLIPHANT
MINISTER OF LABOUR**

UMNYANGO WEZABASEBENZI

No. R. 358

Usuku: 29 April 2011

UMTHETHO WOBUDLELWANO KWEZABASEBENZI KA-1995

UKUHOXISWA KWESAZISO ZIKAHULUMENI

**UMKHANDLU WOKUXOXISANA PHAKATHI KWABAQASHI
NABASEBENZI BEMBONI YOSIZO LOKUHLANZA (KWA-ZULU NATAL):
ISIVUMELWANO SABAQASHI NABASEBENZI ESIYINGQIKITHI FUTHI
ESIFAKA NESIKHWAMA ESIHLINZEKAYO**

Mina, MILDRED NELISIWE OLIPHANT, uNgqongqoshe Wezabasebenzi ngokwesigaba-32(7) soMthetho Wobudlelwano Kwezemisebenzi we-1995, ngihoxisa iZaziso ZikaHulumeni ezinguNombolo R.1083 womhlaka 17 kuMandulo 2004, R. 189 womhlaka 11 kuNdasa 2005, R. 595 womhlaka 24 kuNhlangulana 2005, R. 718 womhlaka 22 kuNtulikazi 2005, R. 773 womhlaka 4 kuNweba 2006, R. 52 no R. 53 wobmlaka 26 kuMasingana 2007, kanye no- R. 100 womhlaka 18 kuNhlolanja 2011 kusukela mhlaka9 kuNhlaba 2011.....

**MN OLIPHANT
UNGQONGQOSHE WEZABASEBENZI**

No. R. 359

29 April 2011

LABOUR RELATIONS ACT, 1995**BARGAINING COUNCIL FOR THE CONTRACT CLEANING SERVICES
INDUSTRY (KWA-ZULU NATAL): EXTENSION TO NON-PARTIES OF THE
MAIN AND PROVIDENT FUND COLLECTIVE RE-ENACTING AND
AMENDING AGREEMENT**

I, MILDRED NELISIWE OLIPHANT, 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 Contract Cleaning Services Industry (Kwa-Zulu Natal), 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 from9 May 2011..... and for the period ending 28 February 2014.

**MN OLIPHANT
MINISTER OF LABOUR**

No. R. 359

29 April 2011

UMNYANGO WEZABASEBENZI**UMTHETHO WOBUDLELWANO KWEZABASEBENZI KA-1995**

UMKHANDLU WOKUXOXISANA PHAKATHI KWABAQASHI NABASEBENZI BEMBONI YOSIZO LOKUHLANZA (KWA-ZULU NATAL): UKWELULWA KWESIVUMELWANO SABAQASHI NABASEBENZI ESIYINGQIKITHI FUTHI ESIFAKA NESIKHWAMA ESIHLINZEKAYO, ESAKHIWE KABUSHA FUTHI ESICHIBIYELAYO SELULELWA KULABO ABANGEYONA INGXYENYE YESIVUMELWANO

Mina, MILDRED NELISIWE OLIPHANT, uNgqongqoshe WezabaSebenzi, ngokwesigaba-32(2) soMthetho Wobudlelwano WezabaSebenzi ka-1995, ngazisa ukuthi isiVumelwano sabaqashi nabasebenzi esitholakala kwiSheduli yesiNgisi exhunywe lapha, esenziwa uMkhandlu Wokuxoxisana Kwabaqashi Nabasebenzi bemboni yosizo lokuhlaza (Kwa-Zulu Natal), futhi ngokwesigaba-31 soMthetho Wezobudlelwano KwezabaSebenzi ka-1995 esibopha labo abasenzayo, sizobopha bonke abanye abaqashi nabasebenzi kuleyoMboni kusukela mhlaka-.....9 kuNhlaba 2011..... kuze kube ngu 28 Februwari 2014.

**MN OLIPHANT
UNGQONGQOSHE WEZABASEBENZI**

SCHEDULE**BARGAINING COUNCIL FOR THE CONTRACT CLEANING SERVICES INDUSTRY****(KWA-ZULU NATAL)****AMENDMENT OF MAIN AND PROVIDENT FUND COLLECTIVE AGREEMENT**

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

National Contract Cleaners' Association

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

South African Transport and Allied Workers' Union (SATAWU)

National General Workers' Union (NAGEWU)

Health & Other Service Personnel Trade Union of SA (HOSPERSA)

(hereinafter referred to as the "employees" or the "trade unions"), of the other part, being the parties to the Bargaining Council for the Contract Cleaning Services Industry (Kwa-Zulu Natal).

1. SCOPE OF APPLICATION OF AGREEMENT

- (1) The terms of this Agreement shall be observed in the Cleaning Services Industry in the Province of Natal as it existed immediately prior to the date of commencement of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993).-
- (a) by all employers who are members of the employers' organisation and by all employees who are members of the trade unions; and

- (b) by all employers and employees, other than those referred to in paragraph (a), who are engaged in the Cleaning Services Industry in the area specified.

2. PERIOD OF OPERATION OF AGREEMENT

- (1) This Agreement shall only come into operation from the 1st day of the month following the date of promulgation and shall remain in force until 28th February 2014.
- (2) The parties agree to abide by clause 10.4 of the Council's constitution which reads as follows:
- "The parties agree that any agreement reached between them shall not be legally binding on any parties concerned unless such agreement has been reduced to writing, has been signed by all the parties, promulgated and extended to non-parties by way of the Government Gazette."
- (3) The provisions of clauses 1(1) (a), 2 and 2A shall not apply to non-parties.

2A. SPECIAL PROVISIONS

The provisions contained in clauses 6, 11.3, 17.2 and 19 of the Agreement published under Government Notice No. R. 251 of 26 February 1999, as amended, extended and re-enacted by Government Notices Nos. R. 180 of 25 February, 2000, R.392 of 18 May 2001, R.241 of 1 March 2002, R. 1053 of 1 August 2003, R.250 of 27 February 2004, R. 1083 of 17 September 2004, R. 718 of 22 July 2005 and R. 53 of 26 January 2007 and R.100 of 18 February 2011, as further amended, extended, renewed and re-enacted from time to time, shall apply to employers and employees who are members of the parties to the collective agreement.

2B. GENERAL PROVISIONS

The provisions contained in clauses 3 to 5, 7 to 11.2, 11.4 to 16, 17.1, 18 and 20 to 34 of the Former Agreement (as further amended, extended, renewed and re-enacted from time to time), shall apply to employers and employees.

3. CLAUSE 3 OF THE FORMER AGREEMENT: DEFINITIONS

Substitute the definition “Contract Cleaning Industry” with the following:

“Cleaning Services Industry” means the industry in which employers and their employees are associated for the purpose of cleaning industrial and commercial premises and buildings, including flats let commercially, but excluding employers and employees engaged solely in the building industry

“Cleaner” means a person who is required to spend more than 50% of his/her time to perform any of the following: to clean or wash, by hand or machine, furniture, windows, carpets, doors, floors, ceilings, roofs, baths, showers, toilets, kitchens, tools, machinery, at the premises of a client, including but not limited to state, industrial, commercial, business premises, residential premises, hotels, markets, hospitals and flats, buildings and includes the maintenance of the gardens and grounds or roads or highways and the interior or exterior part of any air-planes, trucks, cars, buses, trains, ships, boats or any other vehicle requiring to be so cleaned or valet and/or to perform any work incidental thereto, which includes learnerships, but specifically excludes domestic worker.

Add the following definition:

“Domestic worker” means an employee who is employed by an individual, a temporary employment service or any other employer to undertake the domestic work of up to six private residences per week. The work carried on by the Domestic worker would be that of cleaning, washing, ironing, child minding and the preparation of food and the cleaning up thereafter at a private residence. For the purposes of this definition a private residence would be defined as a residence where one family unit resides. This would exclude the

common areas of any residential premises, hotels, commercial properties, flat buildings or residential developments.

4. CLAUSE 4 OF THE FORMER AGREEMENT: REMUNERATION

(1) Substitute the following for clause 4 (1):

An employer shall pay his employees for ordinary hours worked in the regions concerned at the following rates per hour (or part thereof), calculated on a pro rata basis for all employees:

4.1 a) the province of Kwa-Zulu Natal:

- i) With effect from the period of operation – R10.07 per hour.**
- ii) With effect from 1st March 2012 – CPI plus 3%,**
- iii) With effect from 1st March 2013 – CPI plus 3%,**

4.1b) the CPI used to calculate the increases in clause 4.1a above will be that as declared by Statistics South Africa for the month of October, normally declared at the end of November.

4.1c) the total increases as per clause 4.1a ii, iii and iv above will be limited to a minimum of 4% and a maximum of 10% inclusive.

(2) Add the following paragraphs to sub clause 4.5

c) Definition of Full Calendar Month of Service:

- i) Current Employees who are currently in the service of employers and who do not ordinarily work on a Saturday, Sunday or Public Holiday will not attract a pro-rata penalty, for purposes of bonus calculations,**

where the first day of the month falls on a Saturday, Sunday or public holiday.

- ii) New Employees who are engaged after the 1st day of the month will attract a pro-rata penalty when Annual Incentive Bonuses are calculated.
- d) Calculation of Annual Incentive Bonus on Old / New Rate during full Calendar Year that the Annual Incentive Bonus will be calculated on the prevailing rate during the months of January and February and on the prevailing rate during the months of March to December of each year during the currency of the existing Wage Agreement.
- e) Incentive Bonus Penalty due to Absence from Work
- i) Any statutory absence from work in terms of the Basic Conditions of Employment Act 75 OF 1997 as amended ,in particular section 20 Annual leave, section 22 Sick leave, section 25 Maternity leave and section 27 Family Responsibility leave, the Main Agreement and Lay-Offs due to an Injury on Duty, will not attract a pro-rata penalty when calculating the Annual Incentive Bonus.
 - ii) All other absence from work, whether authorized or unauthorized, will attract a penalty when Annual Incentive Bonuses are calculated.
- f) Casual employees do not qualify for the Annual Incentive Bonus
- g) Clause 4.5 c) ii; 4.5 d); and 4.5 f) above, are subject to the employer's right to exercise his/her discretion to regard these clauses as minimums.

5. CLAUSE 19 OF THE FORMER AGREEMENT: SHOP STEWARDS' RIGHTS

Clause 19.4 ii) Shop stewards leave

Substitute 6 (six) for the number 4.

Add the following clause:

19.5 When a company has 600 members of a union who is party to the Council in any of the three designated regions as set out below, the union will be entitled to a full time shop steward of that union in the region where it has more than 600 members.

- a) The designated regions shall be:
 - i) Region 1 - the coastal area North of the Tugela river and 100 kilometres inland;
 - ii) Region 2 - the coastal area south of the Tugela river and 100 kilometres inland;
 - iii) Region 3 - any areas not in regions 1 and 2.
- b) Should there be more than one union which has more than 600 members in a region in that company then the union with the most members will secure the shop steward.
- c) The union will nominate five union members who are employed by the company and the company management will in its opinion select the most suitable one of those to take up the post.
- d) The company will have the discretion to set the work place, working hours which will be not less than thirty hours per week and any other duties as determined by management when not fully occupied with union business.

- e) The terms and conditions of employment for the shop steward will be as per the Council's Main Agreement.

6. CLAUSE 34 OF THE FORMER AGREEMENT: FAMILY MEDICAL CRISIS PLAN

Substitute the following for clause 34:

34. FAMILY MEDICAL CRISIS PLAN

It is compulsory for all employers to enroll all their employees on the Family Medical Crisis Plan after having completed their probationary period with the company, with the exception of temporary employees. The employer will

- 34.1 deduct R54.00 from the employee's wages for the period of operation of this agreement;
- 34.2 a) the company will then pay an amount of R54.00 per month per employee to the administrators by the 7th of each and every month thereafter.
- b) The Council shall consider any request for an increase in the premium in the Family Medical Plan from the administrator and should the premium increase be approved by the Council a minimum notice of one month shall be given to all employees and employers. The company shall deduct the adjusted premium and pay it across to the administrator of the fund.
- 34.3 a) Should an employee be on unpaid leave for whatever reason the employer will not deduct from the employee nor pay across the premium to the administrator. During this period the employee's entitlement to the Family Medical Crisis Plan will lapse;

- b) Should an employee be able to produce a certificate issued by a medical practitioner, each month for the period of the unpaid leave stating that he/she is unfit to work; the administrator will extend the Family Medical Crisis Plan to that employee for a period not exceeding four months. The employer shall notify and forward the medical practitioner's certificate to the administrator with the schedule as per clause 34.5 below;
- c) Should an employee be proceeding on maternity leave the employer must notify the administrator of the member's name and I.D. number 30 days prior to the impending maternity leave; the administrator will extend the Family Medical Crisis Plan to that employee for a period not exceeding four months.

34.5 The employer will send a schedule of all employees for whom the deduction has been made together with their I.D. numbers to reach the administrator by the 7th of each month.

34.6 Should the services of an employee be terminated for whatever reason the employer shall notify the administrator of the name and ID number of that employee and the date of termination."

7 CLAUSE 35. AGENCY SHOP AGREEMENT,

Add the following clause:

CLAUSE 35. AGENCY SHOP AGREEMENT

35.1 An Agency Shop Agreement in terms of Section 25 of the Labour Relations Act (the ACT) is hereby agreed to and unless agreed otherwise in this

Agreement, the provisions of the Labour Relations Act shall apply to the Agency Shop Agreement. The object of the Agency Shop Agreement is to ensure that all employees and employers, who receive the benefits of collective bargaining, contribute towards its costs.

35.2 The Agency Shop Agreement shall be subject to the respective parties being representative as required by section 25 of the Labour Relations Act of employees or employers respectively who are covered by the Main Agreement of the Council as verified by the Department of Labour from time to time. Accordingly the application of the Agency Shop Agreement to either of the parties will be subject to that party being representative.

35.3 Any existing agency shop agreement at company level shall be superseded by this agreement.

35.4 Employees

- a) Subject to provisions of this clause a levy, to be known as an Collective Bargaining Levy shall be deducted by employers from the wages of all employees who are employed in the Industry on scheduled activities covered by the Council and who are not members of a trade union which is a party trade union to the Council.
- b) The Collective Bargaining Levy applicable to non-party union employees shall be R30.00 (thirty Rand) per month of the employees' monthly wage, provided that such amount does not exceed the minimum monthly membership fee that is levied by party unions.

- c) An employer shall effect payment of the amount due in terms of sub clause 35.4 b) on the prescribed remittance form at the Office of the Council and shall also submit to the Secretary of the Council by not later than the 7th day of each month, a monthly return with the particulars in the form specified by the Council for this purpose, including each employee's full names, surname, date of birth and identification number.
- d) The Secretary of the Council shall deposit all monies received in terms of sub clause 35.4 c) into a bank account administered by the Council.
- e) The Secretary of the Council shall, within seven (7) days of receipt of monies as per clause 35.1 d) above, transmit to the trade unions which are party to the Council in proportion to the number of members of each trade union the collective bargaining levies received by the Council during the preceding month and the unions shall, on receipt, pay such amounts into a separate account administered by the respective unions.
- f) The levy may not be used –
 - i) to pay an affiliation fee to a political party;
 - ii) to make a contribution in cash or kind to a political party or a person standing for election to any political office; or
 - iii) for any expenditure that does not advance or protect the socio-economic interests of employees.

- g) The collective bargaining Levy shall be deducted by an employer for as long as the party unions remain representative as required by section 25 of the Labour Relations Act of the employees in the industry covered by this Agreement provided that an employer shall only cease to make the collective bargaining levy deduction upon withdrawal of the Agency Shop Agreement by the Minister in terms of section 32 of the Labour Relations Act.
- h) Employees who are not members of the party trade unions are not compelled by the collective bargaining Agreement to become members of those trade unions.
- l) The provisions of sections 98 and 100(b) and (c) of the Labour Relations Act apply, read with the changes required by the context, to the separate accounts referred to in sub clause 35.4.e
- j) If the collective bargaining levy agreement is terminated, the provisions of sub clause 34(4) (e) (f) and (i) apply until all the collective bargaining levies in the separate account is spent

35.5 Employers

- a) Every employer who is not a member of an employer's organisation party to the Council (a non-party employer) who is engaged in the industry as defined, shall pay a monthly collective bargaining levy to the Council in an amount calculated in terms of sub clause 35.2 c).
- b) Every employer and/or temporary employment service who are not members of the party employers' organization/s will pay a collective

bargaining levy of R1.30 per employee per month, with a minimum amount of R65.00 per month; provided that such amount does not exceed the minimum monthly membership fee that is levied by such employers' organization.

- c) Every non-party employer shall effect payment of the amount due in terms of sub clause 35.5 (b) on the prescribed remittance form at the Office of the Council and shall also submit to the Secretary of the Council by not later than the 7th day of each month, a monthly return with particulars in the form specified by the Council for this purpose, including each employee's full names, surname, date of birth and identification number.
- d) The Secretary of the Council shall deposit all monies received in terms of sub clause 35.5(c) into a separate bank account administered by the Council.
- e) The Secretary of the Council shall within seven (7) days of receipt of monies as per clause 35.5 d) above, transmit to the employer organizations, which are party to the Council in proportion to the number of members that each employers' organization represents, the collective bargaining levies received by the Council during the preceding month and the employer organizations shall, on receipt, pay such amounts into a separate account administered by the respective employers' organizations.
- f) The levy may not be used –

- i) to pay an affiliation fee to a political party;
 - ii) to make a contribution in cash or kind to a political party or a person standing for election to an political office; or
 - iii) for any expenditure that does not advance or protect the socio-economic interests of their members.
- g) The provisions of sections 98 and 100(b) and (c) of the Labour Relations Act apply, read with the changes required by the context, to the separate accounts referred to in subsection 35.5 e.
- h) The collective bargaining Levy shall be paid by an employer for as long as the party employers' organization/s remain representative as required by section 25 of the Labour Relations Act of the employees employed by party employers' organisations in the industry covered by this Agreement provided that an employer shall only cease to make the Collective Bargaining Levy deduction upon withdrawal of the collective bargaining Agency Shop Agreement by the Minister in terms of section 32 of the Labour Relations Act.
- i) Employers who are not members of the party employers organisation are not compelled by the Collective Bargaining Agreement to become members of those employers' organisations.
- j) If the collective bargaining levy Agreement is terminated, the provisions of sub clause 34(5) (e), (f) and (g) apply until all the collective bargaining levies in the separate account is spent.

34.6 Once the Agency Shop Agreement is implemented, any subsequent change in the Collective Bargaining Levy shall only be effected when parties to the Council reach an agreement which is subsequently promulgated and extended to non-parties.

Signed at Durban on the 16th March 2011.

P Judkins

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For the National Contract Cleaners Association

N Mnthungwa

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For South African Transport and Allied Workers' Union (SATAWU)

FM Msomi

.....
For National General Workers' Union (NAGEWU)

.MA Zuma

.....
For Health & Other Service Personnel Trade Union of SA (HOSPERSA)

EI Williams

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As witness: Secretary of the Bargaining Council
