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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF LABOUR

NO. R. 9

05 JANUARY 2018

LABOUR RELATIONS ACT, 1995**BARGAINING COUNCIL FOR THE FISHING INDUSTRY: EXTENSION TO NON-PARTIES OF THE MAIN COLLECTIVE 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 Fishing Industry**, 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 the second Monday after the date of publication and for the period ending 31 August 2019.

.....


M N OLIPHANT, MP

MINISTER OF LABOUR

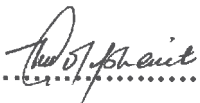
DATE: *08/12/2017*.....

UMNYANGO WEZABASEBENZI

UMTHETHO WOBUDLELWANO KWEZABASEBENZI KA-1995

**UMKHANDLU WOKUXOXISANA PHAKATHI KWABAQASHI
NABASEBENZI BEMBONI YOKUDOBA: UKWELULELWA
KWESIVUMELWANO SABAQASHI NABASEBENZI ESIYINGQIKITHI
ESICHIBIYELAYO SELULELWA KULABO ABANGEYONA INGXENYE
YASO**

Mina, **MILDRED NELISIWE OLIPHANT**, uNgqongqoshe WezabaSebenzi, ngokwesigaba 32(2) soMthetho Wobudlelwano KwezabaSebenzi ka-1995, ngazisa ukuthi isiVumelwano sabaqashi nabasebenzi esitholakala kwiSheduli yesiNgisi exhunywe lapha, esenziwa e**Mkhandlwini Wokuxoxisana Phakathi Kwabaqashi Nabasebenzi Embonini Yokudoba**, futhi ngokwesigaba 31 soMthetho Wobudlelwano kwezabaSebenzi, ka 1995 esibopha labo abasenzayo, sizobopha bonke abanye abaqashi nabasebenzi kuleyoMboni, kusukela ngoMsombuluko wesibili emva kokushicilelwa kwalesiSaziso futhi kuze kube isikhathi esiphela mhlaka 31 kuNcwaba 2019.



M N OLIPHANT, MP
UNGQONGQOSHE WEZABASEBENZI
USUKU: 08/12/2017.....

SCHEDULE

BARGAINING COUNCIL FOR THE FISHING INDUSTRY

AMENDMENT OF THE MAIN COLLECTIVE AGREEMENT

SECTION 1: GENERAL

PART A: INTRODUCTION

1. CLAUSE 1: PARTIES TO THE AGREEMENT

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

South African Fishing Industry Employers Organisation (SAFIEO)

(Hereinafter referred to as "the employers" or "the employers' organisation") of the one part

And the

Trawler & Line Fishermen's Union (TALFU)

National Certificated Fishing and Allied Workers Union (NCFAWU)

Food and Allied Workers Union (FAWU)

(Hereinafter referred to as "the employees" or "the trade unions"), of the other part, being parties to the Bargaining Council for the Fishing Industry (hereinafter referred to as the "Council") to amend the Collective Agreement published under Government Notice No. R.587 of 27 July 2012.

2. CLAUSE 2: PURPOSE OF THE AGREEMENT

This agreement aims to advance economic development and social justice by fulfilling the primary objects by giving effect to, and regulate the right to fair labour practices conferred by section 23 of the Constitution of South Africa 1996, by establishing and enforcing basic conditions of employment in the scope of the Council for employees employed on the vessels at sea, excluded from the Basis Conditions of Employment Act.

PART B: APPLICATION

3. CLAUSE 3: SCOPE OF APPLICATION

3.1. This agreement applies to all Employers and/or Employees within the Republic of South Africa, who are members of any of the parties to this agreement and who are employed in the:-

- 3.1.1. Hake Deep-sea Bottom Trawl Sector;
- 3.1.2. Hake Inshore Bottom Trawl Sector; and
- 3.1.3. Horse Mackerel Mid-Water Trawl Sector.

3.2. On extension of this agreement to non-parties by the Minister, any employer may apply to the Bargaining Council's Executive Committee for exemption from the terms of this collective agreement in terms of clause 37 of the Council's Main Agreement.

4. CLAUSE 4: PERIOD OF OPERATION

The terms and conditions set out herein shall come into operation:

- 4.1. In respect of the parties as agreed and shall remain in force until cancelled by the parties to this Agreement; and
- 4.2. In respect of non-parties to the Agreement as from the date determined by the Minister until 31 August 2019.

SECTION II: CORE RIGHTS**PART D: REMUNERATION****5. CLAUSE 9: MINIMUM REMUNERATION**

- 9.1. It is agreed by the parties that actual Remuneration rates be increased by the percentage indicated in the respective chamber agreements as well as the minimum remuneration rates, as reflected in the new minimum rates scheduled attached:
 - 9.1.1. Annexure "A" – Hake Deep-sea Bottom Trawl Sector
 - 9.1.2. Annexure "B" – Hake Inshore Bottom Trawl Sector
 - 9.1.3. Annexure "C" - Horse Mackerel Mid-Water Trawl Sector
- 9.2. No Employee shall be paid less than the minimum Remuneration prescribed in the respective chamber agreements attached for any Employee's relevant rank after incorporation of the increase referred to in paragraph 9.1 above.
- 9.3. Subject to paragraph 9.2 above, some ranks are excluded from having a prescribed minimum Remuneration and marked "Unprescribed", as the rate of remuneration for such rank normally exceeds an annual income level of one hundred forty nine thousand seven hundred and thirty six rand (R 149 736-00).
- 9.4. The prescribed minimum Remuneration schedule per chamber setting out the minimum rates of pay per Working Day for each rank that shall be effective from the date that this agreement comes into force.
- 9.5. Should the Employer require an Employee to work for five (5) days or more in a rank which has a higher Remuneration as prescribed for the rank that the Employee holds, the Employer shall pay that Employee at the higher Remuneration for the full period the Employee worked in the higher rank: Provided such change in rank is authorised by the Skipper and logged as such.
- 9.6. A temporary Employee shall be paid at the rate for the rank the Employee holds contained in the Remuneration schedule for the specific sector in which the Employee is employed.

SECTION III: REGULATION OF AGREEMENT**PART K: MONITOR AND ENFORCEMENT****6. CLAUSE 10: 36. ADMINISTRATION****36. ADMINISTRATION**

36.1. Each Employer shall deduct an amount of fifteen rand (R 15 - 00) per month from the Remuneration of each Employee as agreed by the Council and as determined by the Minister in terms of clause 4.2 for the non-parties.

ANNEXURE A: DEEP-SEA BOTTOM TRAWL SECTOR CHAMBER

A1. MINIMUM DEEP-SEA REMUNERATION

1. Actual Remuneration rates shall be increased by at least seven percent 8%(eight) percent as from 01 July 2017 for the parties to the Agreement and from the date as determined by the Minister in terms of clause 4.2. for non-parties. (**Year One**)
2. The following minimum Remuneration schedule sets out the increased minimum rates of pay per Working Day for each rank that shall be effective from the dates indicated

EMPLOYEE RANK TERMINOLOGY OF SECTOR	MINIMUM REMUNERATION PER WORKING DAY	PROTECTIVE CLOTHING (GEAR) ALLOWANCE	STANDARD RANKS DEFINITIONS (SEE CLAUSE 8 OF THE MAIN AGREEMENT)	
Able Seaman	R 232.69	R 1-95	8.1.	
Assistant Factory Manager	R 251.80	R 1-95	8.13	Factory Manager - Assisting
Assistant Marine Engineer	R 237.89	R 1-95	8.28	Marine Engineer-Assisting
Bosun	R 253.79	R 1-95	8.2	
Charge Hand	R 218.35	R 1-95	8.3	
Cook	R 298.57	R 1-95	8.4	
Cook – First	R 346.06	R 1-95	8.5	
Cook – Second	R 253.79	R 1-95	8.6	
Deck Hand	R 218.35	R 1-95	8.9	
Factory Manager	R 325.00	R 1-95	8.12	
Fishmeal Operator	R 274.53	R 1-95	8.18	
Galley Hand	R 201.11	R 1-95	8.23	
Greaser	R 245.89	R 1-95	8.19	
Greaser – M3	R 258.91	R 1-95	8.20	
Greaser – M4	R 252.10	R 1-95	8.21	
Lifeboat man (PISC)	R 218.35	R 1-95	8.25	
Spare Hand	R 201.11	R 1-95	8.35	

A.2. MINIMUM DEEP-SEA REST PERIODS

The Employer shall provide an Employee with at least ten (10) hours of rest per Day of which at least six (6) hours of the ten (10) hours shall be continuous uninterrupted rest when the Employee is employed in the Deep-sea Bottom Trawl Sector.

ANNEXURE A: DEEP-SEA BOTTOM TRAWL SECTOR CHAMBER

A1. MINIMUM DEEP-SEA REMUNERATION

1. Actual Remuneration rates shall be increased by at least seven percent 7%(seven) percent as from 01 July 2018 for the parties to the Agreement and from the date as determined by the Minister in terms of clause 4.2. for non-parties. (**Year Two**)
2. The following minimum Remuneration schedule sets out the increased minimum rates of pay per Working Day for each rank that shall be effective from the dates indicated

EMPLOYEE RANK TERMINOLOGY OF SECTOR	MINIMUM REMUNERATION PER WORKING DAY	PROTECTIVE CLOTHING (GEAR) ALLOWANCE	STANDARD RANKS DEFINITIONS (SEE CLAUSE 8 OF THE MAIN AGREEMENT)	
Able Seaman	R 248.98	R 1-95	8.1.	
Assistant Factory Manager	R 269.42	R 1-95	8.13	Factory Manager - Assisting
Assistant Marine Engineer	R 254.54	R 1-95	8.28	Marine Engineer-Assisting
Bosun	R 271.56	R 1-95	8.2	
Charge Hand	R 233.63	R 1-95	8.3	
Cook	R 319.47	R 1-95	8.4	
Cook – First	R 370.28	R 1-95	8.5	
Cook – Second	R 271.56	R 1-95	8.6	
Deck Hand	R 233.63	R 1-95	8.9	
Factory Manager	R 347.75	R 1-95	8.12	
Fishmeal Operator	R 293.74	R 1-95	8.18	
Galley Hand	R 215.19	R 1-95	8.23	
Greaser	R 263.10	R 1-95	8.19	
Greaser – M3	R 277.03	R 1-95	8.20	
Greaser – M4	R 269.74	R 1-95	8.21	
Lifeboat man (PISC)	R 233.63	R 1-95	8.25	
Spare Hand	R 215.19	R 1-95	8.35	

A.2. MINIMUM DEEP-SEA REST PERIODS

The Employer shall provide an Employee with at least ten (10) hours of rest per Day of which at least six (6) hours of the ten (10) hours shall be continuous uninterrupted rest when the Employee is employed in the Deep-sea Bottom Trawl Sector.

ANNEXURE B: INSHORE BOTTOM TRAWL SECTOR CHAMBER

B.1. MINIMUM INSHORE REMUNERATION

1. Actual Remuneration rates shall be increased by at least seven percent (7%) as from 01 August 2017 for the parties to the Agreement and from the date as determined by the Minister in terms of clause 4.2. for non-parties.
2. The following minimum Remuneration schedule sets out the increased minimum rates of pay per Working Day for each rank that shall be effective from the dates indicated

EMPLOYEE RANK TERMINOLOGY OF SECTOR	MINIMUM REMUNERATION PER WORKING DAY	PROTECTIVE CLOTHING (GEAR) ALLOWANCE	STANDARD RANKS DEFINITIONS (SEE CLAUSE 8 OF THE MAIN AGREEMENT)	
Able Seaman	R 205.00	R 1-95	8.1	
Assistant Marine Engineer	R 226.64	R 1-95	8.28	Marine Engineer-Assisting
Bosun	R 199.95	R 1-95	8.2	
Chief Engineer	R 346.61	R 1-95	8.27	
Cook	R 173.03	R 1-95	8.4	
Deck Hand	R 199.95	R 1-95	8.9	
Driver	R 199.95	R 1-95	8.10	
Spare Hand	R 160.13	R 1-95	8.35	

ANNEXURE C: MID-WATER TRAWL SECTOR CHAMBER

C. MINIMUM MID-WATER REMUNERATION

1. Actual Remuneration rates shall be increased by at least seven percent 7%(seven) percent as from 01 August 2017 for the parties to the Agreement and from the date as determined by the Minister in terms of clause 4.2. for non-parties. (Year One)
2. The following minimum Remuneration schedule sets out the increased minimum rates of pay per Working Day for each rank that shall be effective from the dates indicated

EMPLOYEE RANK TERMINOLOGY OF SECTOR	MINIMUM REMUNERATION PER WORKING DAY	PROTECTIVE CLOTHING (GEAR) ALLOWANCE	STANDARD RANKS DEFINITIONS (SEE CLAUSE 8 OF THE MAIN AGREEMENT)	
Deck Category 2 Seaman	R 241.00	R 1-95	8.1	Able Seaman
Factory Manager - Assisting	R 292.07	R 1-95	8.13	
Marine Engineer Second	R 2,084.71	R 1-95	8.28	Marine Engineer-Assisting
Cook Chief	R 928.84	R 1-95	8.4	Cook
Cook – Second	R 833.88	R 1-95	8.6	
Cook- Relief Second Cook	R 292.30	R 1-95	8.8	Cook-Relief
Cook – Third	R 218.80	R 1-95	8.7	
Deck Cadet	R 292.30	R 1-95	8.9	Deck Hand
Factory Production Supervisor	R 241.00	R 1-95	8.3	Charge Hand
Housekeeping- Laundress	R 218.80	R 1-95	8.24	
Catering Chief Stewardess	R 218.80	R 1-95	8.26	Housekeeping-Chief Stewardess
Catering Steward	R 218.80	R 1-95	8.23	Housekeeping-Galley Hand
Factory Hand	R225.69	R 1-95	8.11	
Factory Manager	R 370.28	R 1-95	8.12	
Fishmeal Operator	R 292.30	R 1-95	8.19	Greaser
Trainee Motorman	R402.48	R 1-95	8.22	Greaser-Trainee
Factory Motorman	R 568.56	R 1-95	8.19	Greaser
Factory Holdman	R 228.06	R 1-95	8.16	FishHold Hand
Factory Senior Holdman	R 206.85	R 1-95	8.17	FishHold Hand-Senior
Engineer Factory Mechanic	R 302.28	R 1-95	8.29	Marine Engineer-Mechanic
Trainee Factory Hand	R 174.29	R 1-95	8.35	Spare Hand

ANNEXURE C: MID-WATER TRAWL SECTOR CHAMBER

D. MINIMUM MID-WATER REMUNERATION



1. Actual Remuneration rates shall be increased by at least seven percent 8%(eight) percent as from 01 August 2018 for the parties to the Agreement and from the date as determined by the Minister in terms of clause 4.2. for non-parties. **(Year Two)**
2. The following minimum Remuneration schedule sets out the increased minimum rates of pay per Working Day for each rank that shall be effective from the dates indicated

EMPLOYEE RANK TERMINOLOGY OF SECTOR	MINIMUM REMUNERATION PER WORKING DAY	PROTECTIVE CLOTHING (GEAR) ALLOWANCE	STANDARD RANKS DEFINITIONS (SEE CLAUSE 8 OF THE MAIN AGREEMENT)	
Deck Category 2 Seaman	R 260.28	R 1-95	8.1	Able Seaman
Factory Manager - Assisting	R315.43	R 1-95	8.13	
Marine Engineer Second	R 2251.49	R 1-95	8.28	Marine Engineer-Assisting
Cook Chief	R 1003.14	R 1-95	8.4	Cook
Cook – Second	R 900.59	R 1-95	8.6	
Cook- Relief Second Cook	R 315.68	R 1-95	8.8	Cook-Relief
Cook – Third	R 236.30	R 1-95	8.7	
Deck Cadet	R 315.68	R 1-95	8.9	Deck Hand
Factory Production Supervisor	R260.28	R 1-95	8.3	Charge Hand
Housekeeping- Laundress	R 236.30	R 1-95	8.24	
Catering Chief Stewardess	R 236.30	R 1-95	8.26	Housekeeping-Chief Stewardess
Catering Steward	R236.30	R 1-95	8.23	Housekeeping-Galley Hand
Factory Hand	R243.74	R 1-95	8.11	
Factory Manager	R 399.90	R 1-95	8.12	
Fishmeal Operator	R 315.68	R 1-95	8.19	Greaser
Trainee Motorman	R434.68	R 1-95	8.22	Greaser-Trainee
Factory Motorman	R 614.04	R 1-95	8.19	Greaser
Factory Holdman	R 246.30	R 1-95	8.16	FishHold Hand
Factory Senior Holdman	R 223.40	R 1-95	8.17	FishHold Hand-Senior
Engineer Factory Mechanic	R 326.46	R 1-95	8.29	Marine Engineer-Mechanic
Trainee Factory Hand	R 188.23	R 1-95	8.35	Spare Hand


SECTION IV: CONSENSUS

Through application of signature hereof the parties to the respective chambers of the Bargaining Council for the Fishing Industry (in alphabetical order), confirm their acceptance of the terms and conditions contained herein:

43. DEEP- SEA TRAWL CHAMBER:

SIGNED AND AGREED TO IN CAPE TOWN ON THIS <u>15</u> DAY OF <u>OCTOBER</u> 2017	
<u>Ronald D. Belf</u> DULY AUTHORISED THERETO FOR AND ON BEHALF OF THE TALFU	 SIGNATURE:
WITNESS: 	WITNESS:

SIGNED AND AGREED TO IN CAPE TOWN ON THIS <u>17</u> DAY OF <u>OCTOBER</u> 2017	
<u>NDANELE TULELA</u> DULY AUTHORISED THERETO FOR AND ON BEHALF OF THE FAWU	<u>D. ZUBA</u> SIGNATURE:
WITNESS:	WITNESS:

SIGNED AND AGREED TO IN CAPE TOWN ON THIS <u>16</u> DAY OF <u>OCTOBER</u> 2017	
<u>STUART NHLADO</u> DULY AUTHORISED THERETO FOR AND ON BEHALF OF THE NCFWU	 SIGNATURE:
WITNESS:	WITNESS:

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 15 DAY OF OCTOBER 2017

INNOCENT DWAYI
DULY AUTHORISED THERETO FOR AND
ON BEHALF OF SAFIEO

.....
SIGNATURE:

.....
WITNESS

.....
WITNESS

44. INSHORE BOTTOM TRAWL CHAMBER:

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 15 DAY OF OCTOBER 2017

Ronald D. Gelf
DULY AUTHORISED THERETO FOR AND
ON BEHALF OF THE TALFU

.....
SIGNATURE:

.....
WITNESS: [Signature]

.....
WITNESS:

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 15 DAY OF OCTOBER 2017

DEON DERS
DULY AUTHORISED THERETO FOR AND
ON BEHALF OF SAFIEO

.....
SIGNATURE:

.....
WITNESS:

.....
WITNESS:

45. MID-WATER BOTTOM TRAWL CHAMBER:

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 17... DAY OF OCTOBER 2017

NDANELE TLELA
.....
DULY AUTHORISED THERETO FOR AND
ON BEHALF OF THE FAWU

[Signature]
.....
SIGNATURE:

WITNESS:

WITNESS:

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 17 DAY OF OCTOBER 2017

ZANE BLAAYN
.....
DULY AUTHORISED THERETO FOR AND
ON BEHALF OF SAFIEO

[Signature]
.....
SIGNATURE:

[Signature]
.....
WITNESS

WITNESS

FOR DEEP-SEA, INSHORE AND MID-WATER CHAMBERS

SIGNED AND AGREED TO IN CAPE TOWN ON THIS 17 DAY OF OCTOBER 2017

VICTORIA HANMER
.....
DULY AUTHORISED THERETO FOR AND
ON BEHALF OF THE BARGAINING COUNCIL

[Signature]
.....
GENERAL SECRETARY

WITNESS: [Signature]