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## GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

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DEPARTMENT OF LABOUR  
DEPARTEMENT VAN ARBEID

No. R. 1174

7 November 2008

LABOUR RELATIONS ACT, 1995

**BUILDING BARGAINING COUNCIL NORTH AND WEST BOLAND:  
EXTENSION OF AMENDMENT OF COLLECTIVE AGREEMENT TO NON-  
PARTIES**

I, MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, Minister of Labour, hereby in terms of section 32(2) of the Labour Relations Act, 1995, declare that the collective agreement which appears in the Schedule hereto, which was concluded in the **Building Bargaining Council North and West Boland** 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 **10 November 2008** and for the period ending 31 December 2010.

MMS MDLADLANA  
MINISTER OF LABOUR

## **SCHEDULE**

### **BUILDING BARGAINING COUNCIL NORTH AND WEST BOLAND**

#### **COLLECTIVE AGREEMENT**

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

**Master Builders Association North Boland**

**Master Builders Association West Boland**

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

**Building Workers Union**

(hereinafter referred tot as the "employees" or the "trade union") of the other part, being the parties to the Building Bargaining Council North and West Boland, to amend the Collective Agreement, extended to non-parties, published under Government Notice No. R. 1011 of 26 October 2007 p0as extended by Government Notice No. R. 1012 of 26 October 2007.

#### **1. SCOPE OF APPLICATION**

- (1) The terms of this Agreement shall be observed-
  - (a) by all employers and by all employees engaged or employed in the Building Industry who are members of the employers' organisations and the trade union, respectively;
  - (b) in the Magisterial Districts of Ceres, Hopefield, Montagu, Moorreesburg, Piketberg, Robertson, Swellendam, Tulbagh, Vredenburg and Worcester.

- (2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall apply to-
- (a) only those classes of employees for whom wages are described in this Agreement;
  - (b) apprentices and learners only in so far as they are not inconsistent with the provisions of the Manpower Training Act, 1981, and the Skills Development Act, 1998, or any conditions fixed hereunder.
  - (c) labour-only contractors, working partners and working directors, principals and contractors.
3. Notwithstanding the provisions of subclause (1) (a), in terms of this Agreement shall not apply to -
- (a) clerical employees and administrative staff;
  - (b) university students and graduates in building science and construction surveyors and other such persons doing practical work in the completion of their academic training;
  - (c) foremen or general foremen;
  - (d) non-parties in respect of clause 1(1) (a) of this Agreement.

#### **1A. PERIOD OF OPERATION**

This agreement shall come into operation on the date fixed by the Minister of Labour as the effective date on which the Agreement shall be extended to become binding on non-parties, or the date on which the Minister of Labour declines to extend the Agreement to non-parties, and the Agreement shall remain in force until 31 December 2010.

## 2. CLAUSE 4: DEFINITIONS

"Delete the definition of a owner builder and the application thereof. The definition falls under that of an employer as in this agreement."

## 3. CLAUSE 6: REGISTRATION OF EMPLOYERS

Substitute subclause (2) with the following:

"An employer shall register with the Council by furnishing the required particulars to the Council on the prescribed form with a administration fee of R250.00, and shall warrant thereon that application has been made for registration with the South African Revenue Services for employee tax and value-added tax (if applicable), registration with the Unemployment Insurance Fund and registration under the Compensation of Occupational Injuries and Diseases Act."

## 4. CLAUSE 8: EMPLOYMENT STANDARDS

Substitute subclause (5)(a)(b) and (c) with the following:

### "(5) Labour-only contractors

(a) No labour-only contractor shall undertake work in the Building Industry in terms of a labour-only contract unless he is registered with the Council as an employer, or if he is not an employer and if he were an employer.

(b) Compliance by employers, subcontracting and use of temporary employment services:

(1) The Council shall keep a register of employers in good standing with the Council which shall be generally made known and be available to any person on request.

(2) An employer shall be in good standing with the Council for purposes of subclause (1) if the employer is registered with the Council in accordance with clause 6 and unless the employer has failed to comply with a compliance order

and/or pay a penalty imposed in terms of clause 25(7)(c) and clause 26 of this Agreement.

(3) No person shall enter into an agreement to subcontract Building Industry work to another person unless, at the time of entering into the agreement, both persons are employers in good standing with the Council: Provided that, where persons conclude an agreement to subcontract such work on an indefinite basis or for longer than 12 months, the parties to such agreement shall be in good standing with the Council each time shall be jointly and severally liable if the subcontractor, in respect of any of its employees, fails to meet any obligations that is has under this Agreement.

(4) No person shall enter into an agreement to utilize a temporary employment service for work in connection with the Building Industry unless, at the time of entering into the agreement, both the person and the temporary employment service are employers in good standing with the Council: Provided that, where persons conclude such an agreement on an indefinite basis or for longer than 12 months, the parties to such agreement shall be in good standing with the Council eacht time that the services of the temporary employment service are utilized under the agreement. The provisions of section 198 of the Act, shall apply to any person who enters an agreement to utilize a temporary employment service for work in connection with the Building Industry.

(c) Contractors must provide the neccesary information of his/hers sub-contractor's on a prescribed form, that is available at the Council's offices."

#### **5. CLAUSE 9: CONDITIONS OF SERVICE**

Substitute subclause (6)(a) with the following: