

DEPARTMENT OF LABOUR

NO. R. 1414

01 NOVEMBER 2019

LABOUR RELATIONS ACT, 1995

BARGAINING COUNCIL FOR THE CIVIL ENGINEERING INDUSTRY (BCCEI): EXTENSION OF AMENDMENT OF WAGE TASK GRADE COLLECTIVE AGREEMENT TO NON-PARTIES

I, **THEMBELANI WALTERMADE NXESI**, Minister of Employment and Labour hereby in terms of section 32(2) of the Labour Relations Act, 1995, declare that the Wage Task Grade Collective Amending Agreement which appears in the Schedule hereto, which was concluded in the **Bargaining Council for the Civil Engineering Industry (BCCEI)** and is binding in terms of section 31 of the Labour Relations Act, 1995, on the parties which concluded the Wage Task Grade Amending Collective Agreement, shall be binding on the other employers and employees in that Industry, with effect from the second Monday after the date of publication of this notice and for the period ending 31 August 2021.

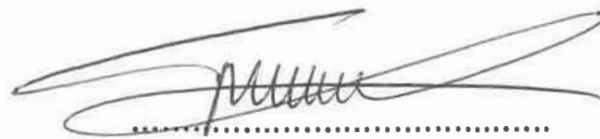
**MR TW NXESI, MP****MINISTER OF EMPLOYMENT AND LABOUR**

DATE: 21/10/2019

UMNYANGO WEZEMISEBENZI NEZABASEBENZI**UMTHETHO WOBUDLELWANO KWEZABASEBENZI KA-1995**

UMKHANDLU WOKUXOXISANA PHAKATHI KWABAQASHI NABASEBENZI EMBONINI YONJINIYELA BEZOKWAKHIWA KWEMIGWAQO NAMABHULOHO: UKWELULWA KWESIVUMELWANO SEMIHOLO KANYE NESIGABA SEMISEBENZI YEZABASEBENZI ESICHIBIYELAYO, SELULELWA KULABO ABANGEYONA INGXENYE YESIVUMELWANO

Mina, **THEMBELANI WALTERMADE NXESI**, onguNgqongqoshe Wezemisebenzi nezabasebenzi, ngokwesigaba 32(2) soMthetho Wobudlelwano Kwezabasebenzi, ka - 1995, ngazisa ukuthi isivumelwano sabaqashi nabasebenzi esitholakala kwiSheduli yesiNgisi exhunywe lapha, esenziwa **uMkhandlu Wokuxoxisana phakathi Kwabaqashi Nabasebenzi Embonini Yonjiniyela Bezokwaxhiwa Kwemigwaqo Namabhuloho**, futhi ngokwesigaba 31 soMthetho Wobudlelwano Kwezabasebenzi, ka - 1995 esibopha labo abasenzayo, sizobopha bonke abanye abaqashi nabasebenzi kuleyomboni, kusukela ngomSombuluko wesibili emva kokushicilelwa kwalesisaziso kuze kube mhlaka 31 kuNcwaba 2021.



MNUMZANE TW NXESI, MP

UNGQONGQOSHE WEZEMISEBENZI NEZABASEBENZI

USUKU:

21/10/2019

SCHEDULE**BARGAINING COUNCIL FOR THE CIVIL ENGINEERING INDUSTRY
WAGE AND TASK GRADE COLLECTIVE AGREEMENT**

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

Employers' Organisation

Consolidated Employers Organisation (CEO)

South African Forum of Civil Engineering Contractors (SAFCEC)

(Hereinafter referred to as the "employer" or the "employers' organisations") of the one party and the-

Trade Unions

Building, Construction and Allied Workers Union (BCAWU)

National Union of Mineworkers (NUM)

(Hereinafter referred to as the "employees" or the "trade unions") of the other part, being the parties to the Bargaining Council for the Civil Engineering Industry), to amend the Agreement published under Government Notice No. R.951 of 14 September 2018.

APPLICATION AND INTERPRETATION OF AGREEMENT**1. Application of the agreement**

1.1 This agreement binds:

- i. All employees in the Civil Engineering industry that are members of the employers' organisations that are party to this agreement; and
- ii. All employees in the bargaining unit, employed in the Civil Engineering industry who are members of the trade unions that are party to this agreement.

T.G.M. ¹
K.V.

1.2 This Agreement must be applied in the jurisdiction of Bargaining Council for the Civil Engineering Industry throughout the Republic of South Africa.

1.3 Except as otherwise provided for in this Agreement, this Agreement establishes the minimum rate of pay for all scheduled employees as defined in the BCCEI Conditions of Employment Collective Agreement irrespective of whether the employee is employed in terms of an exemption from this Agreement or under conditions determined by the Council.

1.4 This agreement applies to learners, only insofar as it is not inconsistent with the Skills Development Act, 1998.

2. Period of operation of agreement

2.1. This amendment becomes binding on the employers and employees referred to sub-clause (1.1), once it is extended by the Honourable Minister of Labour, in terms of Section 32 of the Act 66 of 1995, from a date determined by the Minister of Labour.

2.2 This Agreement shall remain in force until 31 August 2021.

CHAPTER I: GENERAL

CLAUSE AMENDMENTS TO AGREEMENT

Amend sub-clauses 3.1.1, 3.1.2 and 3.1.3 as follows: -

3. Levels of bargaining in the Industry and Peace Obligation

3.1 Subject to sub-clause 3.2 -

3.1.1 The Bargaining Council shall be the sole forum for negotiating matters contained in the Wage and Task Grade Collective Agreement;

f. 2
Y.V
T.G.M

3.1.2 During the currency of the Wage and Task Grade Collective Agreement, no matter contained in this agreement may be an issue in dispute for the purposes of a strike or lock-out or any conduct in contemplation of a strike or lock-out;

3.1.3 Any provision in a collective agreement binding an employer and employees covered by the Bargaining Council, other than a collective agreement concluded by the Bargaining Council that requires an employer or a trade union to bargain collectively in respect of any matter contained in the Wage and Task Grade Collective Agreement, is of no force and effect.

3.2 Where bargaining arrangements at plant and company level, excluding agreements entered into under the auspices of the Bargaining Council, are in existence, the parties to such arrangements may, by mutual agreement, modify or suspend or terminate such bargaining arrangements in order to comply with sub-clause 3.1. In the event of the parties to such arrangements failing to agree to modify or suspend or terminate such arrangements by the date of implementation of the Wage and Task Grade Collective Agreement, the wage increases on scheduled rates and not on the actual rates shall be applicable to such employers and employees until the parties to such arrangement agree otherwise.

3.3 The provisions of these clauses shall apply equally to any trade union or employer organisation not party to this Agreement.

CHAPTER II: CLAUSE AMENDMENTS TO AGREEMENT

Amend sub-clauses 1.1 and 1.2 as follows: -

1. Provisions relating to an application for exemption

1.1 Any person bound by this Agreement may apply to the BCCEI for an exemption from any provision of this agreement.

1.2 Any person affected by the BCCEI decision on the application may lodge an appeal against the decision to the Independent Appeal Board.

Insert new sub-clause 1.3

1.3 Applications for Exemptions and/or Appeals must be dealt with in terms of the guidelines set out in the Exemptions Collective Agreement.

CHAPTER IV: APPENDICES TO AGREEMENT

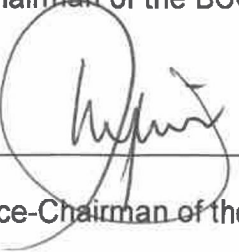
Remove/Delete "Appendix A" from collective agreement.

3
L.V.
T.G.M

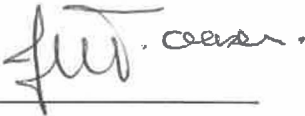
SIGNED AT BEFORVIEW....., for and on behalf of the parties, this day of 15/08/ 2019



Chairman of the BCCEI



Vice-Chairman of the BCCEI



General Secretary of the BCCEI