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GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF LABOUR DEPARTEMENT VAN ARBEID

No. R. 598

25 April 1997

LABOUR RELATIONS ACT, 1956

LIQUOR, CATERING AND ACCOMMODATION TRADES, SOUTH COAST, NATAL: AMENDMENT OF MAIN AGREEMENT

I, Tito Titus Mboweni, Minister of Labour, hereby—

- (a) in terms of section 48 (1) (a) of the Labour Relations Act, 1956, declare that the provisions of the Agreement (hereinafter referred to as the Amending Agreement) which appears in the Schedule hereto and which relates to the Undertaking, Industry, Trade or Occupation referred to in the heading to this notice, shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 31 December 1997, upon the employers' organisation and the trade union which entered into the Amending Agreement and upon the employers and employees who are members of the said organisation or union; and
- (b) in terms of section 48 (1) (b) of the said Act, declare that the provisions of the Amending Agreement, excluding those contained in clause 1 (1) (a), shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 31 December 1997, upon all employers and employees, other than those referred to in paragraph (a) of this notice, who are engaged or employed in the said Undertaking, Industry, Trade or Occupation in the areas specified in clause 1 of the Amending Agreement.

T. T. MBOWENI
Minister of Labour

SCHEDULE**INDUSTRIAL COUNCIL FOR THE LIQUOR, CATERING AND ACCOMMODATION TRADES, SOUTH COAST, NATAL
AGREEMENT**

in accordance with the provisions of the Labour Relations Act, 1956, made and entered into by and between the

Natal South Coast Liquor, Catering and Accommodation Association

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

The Natal Liquor and Catering Trades Employees' Union

(hereinafter referred to as the "employees" or the "trade union"), of the other part,

being the parties to the Industrial Council for the Liquor, Catering and Accommodation Trades, South Coast, Natal,

to amend the Agreement published under Government Notice No. R. 315 of 24 February 1978, as amended and renewed by Government Notices Nos. R. 747 and R. 748 of 3 April 1981, R. 842 and R. 843 of 12 April 1985, R. 111 of 16 January 1987, R. 1402 of 26 June 1987, R. 64 of 22 January 1988, R. 1357 of 8 July 1988, R. 61 of 13 January 1989, R. 2372 of 21 August 1992, R. 1677 of 10 September 1993, R. 1246 of 15 July 1994, R. 636 of 5 May 1995, R. 1587 of 20 October 1995, R. 278 of 16 February 1996, R. 739 of 3 May 1996 and R. 975 of 14 June 1996.

1. SCOPE OF APPLICATION OF AGREEMENT

(1) The terms of this Agreement shall be observed in the Liquor Trade, the Private Hotel and Boarding-house Trades and the Trade of Letting Flats and/or Rooms—

- (a) by all employers who are members of the employers' organisation and by all employees who are members of the trade union;
- (b) in the Magisterial Districts of Port Shepstone, Umzinto and Durban (excluding the area within a radius of 16,09 kilometres of the General Post Office, Durban).

(2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall apply only in respect of employees for whom wages are prescribed in the Main Agreement.

2. CLAUSE 3: DEFINITIONS

(1) Substitute the following for the definition of "casual employee":

" 'casual employee' means an employee who is engaged for a period not exceeding four days in a week and specifically includes an employee engaged for a special function or a seasonal period;".

(2) In the definition of "catering trade" substitute the expression "Liquor Act, 1989" for the expression "Liquor Act, 1928".

(3) In the definition of "general service employee" substitute the expression "cooking rations for employees" for the expression "cooking rations for Bantu".

(4) Substitute the following for the definition of "watchman":

" 'watchman' means an employee wholly or mainly engaged in one or more of the following operations: Guarding premises, buildings, gates or other property, lighting fires and who may, in addition, attend to guests on arrival or departure, and attend to boilers.".

3. CLAUSE 5: ANNUAL LEAVE AND PUBLIC HOLIDAYS

(1) In subclause (1) (b), substitute the "three years' service" for the expression "five years' service".

(2) In (1) (e), delete "nor, unless the employee so requests and the employer agrees to it in writing, with any period of military service in pursuance of the Defence Act, 1957.".

(3) Delete subclause (2) (d).

4. CLAUSE 7: COUNCIL FUNDS

In subclause (1), substitute the expressions "R100,00" and "P.O. Box 1590" for the expressions "R6,00" and "P.O. Box 41" respectively.

5. CLAUSE 12: HOURS OF WORK, ORDINARY AND OVERTIME AND PAYMENT OF OVERTIME

(1) Substitute paragraph (a) of subclause (1) for the following:

- (a) (i) 45 hours in any five and a half days in the case of a handyman, laundryman, bookkeeper, off-sales attendant and clerical employee in the Accommodation Trade;
- (ii) 48 hours in any six days or eight hours on any day in the case of employees in the Catering Trade and in the Liquor Trade."

- (2) Substitute the following for subclause (4) (c):

"(c) Any claim for the payment of overtime shall become prescribed after a period of three months, calculated from the latest date such overtime is claimed to have been worked."

6. CLAUSE 14: PROHIBITION OF EMPLOYMENT

Substitute the expression "Liquor Act, 1989" for the expression "Liquor Act, 1928."

7. CLAUSE 15: PROPORTION OR RATIO OF EMPLOYEES

Delete this clause.

8. CLAUSE 17: REMUNERATION

- (1) In subclause (1), substitute the following for "*casual employee employed as a special function employee—Wage: Less than four hours R3,00 and more than four hours R5,00*":

"*Casual employee employed as a special function employee—Wage: A special function employee shall be paid in respect of every day or part thereof not less than one twenty-sixth of the monthly wage prescribed for an employee who performs the same class of work as a full-time employee is required to do.*"

- (2) Delete subclause (2).
(3) In subclause (3), delete the expression "or is required in terms of the Bantu (Urban Areas) Consolidation Act, 1945."

9. CLAUSE 19: SICK LEAVE

- (1) Delete paragraph (ae) of subclause (2).
(2) Add the following new subclause (3):
"(3) Any employee leaving work through pregnancy who has completed 12 months' service as at the date of leaving shall be entitled to reinstatement without alteration to her conditions of employment for up to a period of three months from the date of leaving, and the employer may employ a temporary employee in her position."

10. CLAUSE 21: TERMINATION OF EMPLOYMENT

- (1) In subclause (1) substitute the following for "one day's notice, in writing":
(1) "give, in writing, one day's notice during the first six months of employment and thereafter one week's notice", for the expression "one day's notice, in writing".
(2) In subparagraph (l) of paragraph (b) of subclause (1), substitute "one week's" for "one day's".

11. CLAUSE 27: EMPLOYER GUARANTEE

- (1) Delete this clause.
(2) Add the following new clause 27:

"27. ANNUAL BONUS

Every employee who has completed three months' service and is in the employ of the employer in December of any year shall be entitled to be paid a minimum bonus calculated at 35% of his monthly wage by not later than 15 December: Provided that where an employee has completed less than twelve (12) months' service the bonus shall be calculated *pro rata*."

12. ANNEXURE A

Delete this Annexure.

13. ANNEXURE C

In paragraph 6 "Number of persons employed in connection with the business", delete the expressions "White persons", "Coloured and/or Asiatics" and "Bantu".

Signed at Port Shepstone, on behalf of the parties, this 30th day of October 1996.

D. G. COMINOS

Chairman of the Council

L. REDDY

Vice Chairman of the Council

S. E. BEZUIDENHOUDT

Secretary of the Council

No. R. 598**25 April 1997****WET OP ARBEIDSVERHOUDINGE, 1956****DRANK-, VERVERSINGS- EN AKKOMMODASIEBEDRYF, SUIDKUS, NATAL: WYSIGING VAN HOOFDOOREENKOMS**

Ek, Tito Titus Mboweni, Minister van Arbeid, verklaar hierby—

- (a) kragtens artikel 48 (1) (a) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalings van die Ooreenkoms (hierna die Wysigingsooreenkoms genoem) wat in die Bylae hiervan verskyn en betrekking het op die Onderneming, Nywerheid, Bedryf of Beroep in die opskrif by hierdie kennisgewing vermeld, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 31 Desember 1997 eindig, bindend is vir die werkgewersorganisasie en die vakvereniging wat die Wysigingsooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasie of vereniging is; en
- (b) kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms, uitgesonderd dié vervat in klousule 1 (1) (a), met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 31 Desember 1997 eindig, bindend is vir alle ander werkgewers en werknemers as dié genoem in paragraaf (a) van hierdie kennisgewing wat betrokke is by of in diens is in genoemde Onderneming, Nywerheid, Bedryf of Beroep in die gebiede in klousule 1 van die Wysigingsooreenkoms gespesifiseer.

T. T. MBOWENI**Minister van Arbeid****BYLAE**

**NYWERHEIDSRAAD VIR DIE DRANK-, VERVERSINGS- EN AKKOMMODASIEBEDRYF, SUIDKUS, NATAL
OOREENKOMS**

ooreenkomstig die Wet op Arbeidsverhoudinge, 1956, gesluit deur en aangegaan tussen die

Natal South Coast Liquor, Catering and Accommodation Association

(hierna die "werkgewers" of die "werkgewersorganisasie" genoem), aan die een kant, en

The Natal Liquor and Catering Trades Employees' Union

(hierna die "werknemers" of die "vakvereniging" genoem), aan die ander kant,

wat die partye is by die Nywerheidsraad vir die Drank-, Verversings- en Akkommodasiebedryf, Suidkus, Natal,

tot wysiging van die Ooreenkoms gepubliseer by Goewermentskennisgewing No. R. 315 van 24 Februarie 1978, soos gewysig en hernieu by Goewermentskennisgewings Nos. R. 747 en R. 748 van 3 April 1981, R. 842 en R. 843 van 12 April 1985, R. 111 van 16 Januarie 1987, R. 1402 van 26 Junie 1987, R. 64 van 22 Januarie 1988, R. 1357 van 8 Julie 1988, R. 61 van 13 Januarie 1989, R. 2372 van 21 Augustus 1992, R. 1677 van 10 September 1993, R. 1246 van 15 Julie 1994, R. 636 van 5 Mei 1995, R. 1587 van 20 Oktober 1995, R. 278 van 16 Februarie 1996, R. 739 van 3 Mei 1996 en R. 975 van 14 Junie 1996.

1. TOEPASSINGSBESTEK VAN OOREENKOMS

(1) Hierdie Ooreenkoms moet nagekom word in die Drankbedryf, die Privaathotel- en Losieshuisbedryf, en die Bedryf vir die Verhuur van Woonstelle en/of Kamers—

- (a) deur alle werkgewers wat lede van die werkgewersorganisasie is en deur alle werknemers wat lede van die vakvereniging is;
- (b) in die landdrosdistrikte Port Shepstone, Umzinto en Durban (uitgesonderd die gebied binne 'n radius van 16,09 kilometer vanaf die Hoofposkantoor, Durban).

(2) Ondanks subklousule (1), is hierdie Ooreenkoms van toepassing slegs ten opsigte van werknemers vir wie lone in die Hoofdooreenkoms voorgeskryf word.

2. KLOUSULE 3: WOORDOMSKRYWING

(1) Vervang die omskrywing van "los werknemer" deur die volgende:

"'los werknemer' 'n werknemer wat hoogstens vier dae in 'n week in diens is en sluit dit spesifiek 'n werknemer in wat vir 'n spesiale funksie of 'n seisoenstydperk in diens is;"

(2) In die omskrywing van "Verversingsbedryf", vervang die uitdrukking "Drankwet, 1928", deur die uitdrukking "Drankwet, 1989".

(3) In paragraaf (b) van die omskrywing van "algemene dienswerker", vervang die uitdrukking "rantsoene vir Bantoes kook" deur die uitdrukking "rantsoene vir werknemers kook".

- (4) Vervang die omskrywing van "wag" deur die volgende:

"'wag' 'n werknemer wat uitsluitlik of hoofsaaklik een of meer van die volgende werksaamhede verrig: Persele, geboue, hekke of ander eiendom bewaak, vure aansteek, en wat daarbenewens na gaste kan omsien by hul aankoms of vertrek en ketels kan oppas;"

3. KLOUSULE 5: JAARLIKSE VERLOF EN OPENBARE VAKANSIEDAE

- (1) In subklousule (1) (b), vervang die uitdrukking "vyf jaar diens" deur die uitdrukking "drie jaar diens".
- (2) In subklousule (1) (e) skrap die uitdrukking "en ook nie, tensy die werknemer aldus skriftelik versoek en die werkgever daarmee akkoord gaan, met enige tydperk van militêre opleiding ingevolge die Verdedigingswet, 1957, nie."
- (3) Skrap subklousule (2) (d).

4. KLOUSULE 7: RAADSFONDSE

In subklousule (1), vervang die uitdrukking "R6,00" en "Posbus 401" deur onderskeidelik die uitdrukking "R100,00" en "Posbus 1590".

5. KLOUSULE 12: WERKURE, GEWONE EN OORTYD-, EN BETALING VIR OORTYDWERK

- (1) Vervang paragraaf (a) van subklousule (1) deur die volgende:
- "(a) (i) 45 uur in enige vyf en 'n half dae in die geval van 'n faktotum, wasseryman, boekhouer, buiteverkoopbediener en klerk, en werknemers wat in die Akkommodasiebedryf in diens is;
- (ii) 48 uur in enige ses dae of agt uur op enige dag in die geval van werknemers wat in die Verversingsbedryf en in die Drankbedryf in diens is."
- (2) Vervang subklousule (4) (c) deur die volgende:
- "(c) Enige eis om oortydbetaling verval na 'n tydperk van drie maande, bereken vanaf die laaste datum waarop daar aangevoer word dat oortydwerk verrig was."

6. KLOUSULE 14: VERBOD OP INDIENSNEMING

Vervang die uitdrukking "Drankwet, 1928" deur die uitdrukking "Drankwet, 1989."

7. KLOUSULE 15: GETALSVERHOUDING VAN WERKNEMERS

Skrap hierdie klousule.

8. KLOUSULE 17: BESOLDIGING

- (1) In klousule (1), vervang "*Los werknemer in diens as 'n werknemer by spesiale funksies*—Loon: Minder as vier uur R3,00 en meer as vier uur R5,00" deur die volgende:
- "*Los werknemer in diens as 'n werknemer by spesiale funksies*—Loon: 'n Werknemer by spesiale funksies moet ten opsigte van elke dag of gedeelte daarvan besoldig word teen minstens een ses-en-twintigste van die maandelikse loon voorgeskryf vir 'n werknemer wat dieselfde klas werk verrig as wat van 'n voltydse werknemer vereis word."
- (2) Skrap subklousule (2).
- (3) In subklousule (3), skrap die uitdrukking, "of daar ingevolge die Bantoes (Stadsgebiede) Konsolidasiewet, 1945, van hom vereis word."

9. KLOUSULE 19: SIEKTEVERLOF

- (1) Skrap die paragraaf (ae) van subklousule (2).
- (2) Voeg die volgende nuwe subklousule (3) by:
- "(3) Enige werknemer wat die werkplek weens swangerskap verlaat en wat op die datum van diensverlating 12 maande diens voltooi het, is vir 'n tydperk van tot drie maande vanaf die datum van diensverlating geregtig op herindiensneming sonder dat haar diensvoorwaardes verander word, en die werkgever mag 'n tydelike werknemer in haar pos aanstel."

10. KLOUSULE 21: DIENSBEËINDIGING

- (1) Vervang die eerste paragraaf van subklousule (1) deur die volgende:
- "(1) 'n Werkgever of 'n werknemer, uitgesonderd 'n los werknemer en 'n werknemer by spesiale funksies, wat die dienskontrak wil beëindig, moet, gedurende die eerste ses maande diens, een dag, en daarna, een week, skriftelike kennis gee van sy voorneme om die kontrak te beëindig: Met dien verstande dat hierdie bepaling nie die volgende raak nie:"

- (2) In subklousule (1) (b), vervang subparagraaf (i) deur die volgende:

“(i) in die geval van een week se kennisgewing, een week se loon;”.

11. KLOUSULE 27: WAARBORG VAN WERKGEWER

- (1) Skrap hierdie klousule.
(2) Voeg die volgende nuwe klousule 27 by:

“27. JAARLIKSE BONUS

Elke werknemer wat drie maande diens voltooi het en in Desember van enige jaar steeds by die werkgewer werksaam is, is geregtig op die betaling, nie later nie as 15 Desember, van 'n minimum bonus bereken teen 35% van sy maandelikse loon: Met dien verstande dat, waar 'n werknemer minder as twaalf maande diens voltooi het, die bonus *pro rata* bereken moet word.”.

12. AANHANGSEL A

Skrap hierdie klousule.

13. AANHANGSEL C

In paragraaf 6 “Getal persone in diens in verband met besigheid”, skrap die uitdrukkings “Blanke persone”, “Kleurlinge en/of Asiate” en “Bantoes”.

Namens die partye op hede die 30ste dag van Oktober 1996 te Port Shepstone onderteken.

D. G. COMINOS

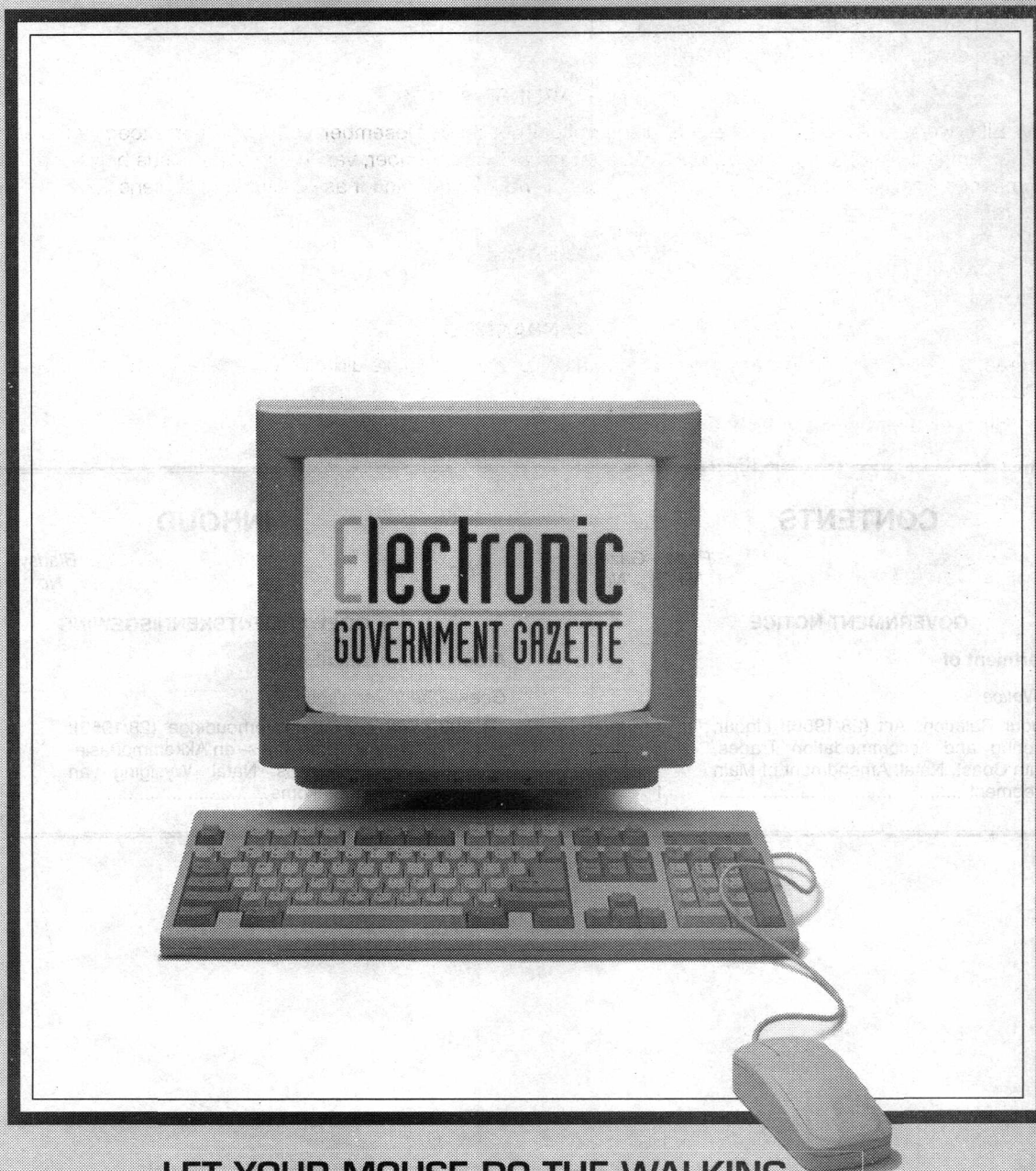
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