



NATIONAL UNION OF METALWORKERS OF SOUTH AFRICA

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Organising, Campaigns & Collective Bargaining

05 September 2013

TO : MOTOR INDUSTRY BARGAINING COUNCIL (MIBCO)
AND : FUEL RETAILERS ASSOCIATION
AND : RETAIL MOTOR INDUSTRY ORGANISATION
ATT : Mr. TOM MKHWANAZI - GENERAL SECRETARY,
: Mr. REGGIE SIBIYA - CHIEF EXECUTIVE OFFICER
: Mr. JAKKIE OLIVER - CHIEF EXECUTIVE OFFICER
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**RE : NOTICE OF NATIONAL PROTECTED STRIKE ON WAGES AND
SUBSTATIVE CONDITIONS OF EMPLOYMENT**

Dear Sirs

NUMSA hereby serves you with 48 hours' notice of national protected strike, in terms of Section 64 of the Labour Relations Act No 66 of 1995 as amended, in support of the demands listed below. The strike will commence on Monday, 09 September 2013.

This notice is served after observing the Dispute Resolution Procedures as set out in the Motor Industry Bargaining Council Constitution.

1. NUMSA DEMANDS FOR 2013 WAGE AND SUBSTATIVE NEGOTIATIONS

1.1 Scope of the Agreement

The scope of the Agreement must be amended to include the employers and workers within the Automotive Value Chain, namely, the automotive Assembly and tyre & rubber manufacturing

1.2 Duration and Cycle of Agreement

- a. The duration of the agreement shall not exceed 1 year
- b. The period of operation of the agreement must be from 1 September 2013 to 30 June 2014 and
- c. Thereafter, the cycle of the agreement must be from 1ST July to 30 June.

1.3 Wages:

- Minimum of R6 000 per month or R30 per hour to be achieved by 01 July 2016.
- R30 per hour increase on actual rates of pay across the board in all sectors and divisions for all workers earning above R6 000 per month;
- Removal of Area differentials (other areas). Wages and salaries across the industry to be equal to Area A;
- Cashier rate of pay to be at Grade 5;
- Threshold on earnings must be removed

1.4 Skills-based Grading System:

- The grading system must be skills based with articulation from the lowest to the highest grade per Sector
- Reduction of the number of grades to 5 with 10% differentials between grades
- Benchmarking of lowest earning to be 60% of the market highest grade rate

1.5 Removal of Peace clauses

The peace clauses must be removed from the Main Agreement and Constitution and be replaced by the provisions of the LRA Section 64 and 65

1.6 Levels of Bargaining and Bargaining Model

There must be 4 levels of bargaining as set out below:

- i. **Industry Policy Forum*** deals with the Macroeconomic policy matters that will involve Government, other stakeholders within the value-chain.
- ii. **Central Bargaining Forum*** deals with the Industry-wide minimum rates of pay and Basic Conditions of Employment.
- iii. **Sectoral Bargaining Chambers*** means the Sectors will negotiate matters that are specific to the 7 sectors. With the expanded scope, manufacturing shall include automotive assembly and tyre & rubber manufacturing chamber.

The Division C Chapters must be removed and replaced by the Division D, as the new technical schedule for the Industry.

- iv. **Company or Plant Level Bargaining*** means negotiations at company or plant on issues specific to the plant or company not covered by the Main Agreement. This is particularly important for the implementation and monitoring of employer compliance with labour laws in terms of the LRA Section 14.4

1.7 Maternity Leave & Safe environment:

- a. Female workers who are pregnant must be redeployed from unsafe & hazardous environment upon confirmation of pregnancy
- b. Maternity leave shall be paid at 100% for 6 months

1.8 Severance Pay

4 weeks remuneration for every year of service without limitation or ceiling

1.9 Transport pay and Allowances to be applicable to all workers in all sectors and divisions.

In cases where the employer requires a worker to perform shift work beyond 18H00, or do repairs & maintenance underground in the mines, the employer shall pay the allowances as follows:

- a) Transport – the employer shall provide and or pay such transport at 100% of the cost
- b) Night shift allowance of 20% of normal rate of pay ;
- c) Afternoon shift allowance of 15 % of normal rate of pay;
- d) Underground allowance of 15% of normal rate of pay
- e) Call-out, standby and travel allowance to be increased by 30 % of current rates.

2.10 Hours of work

- Ordinary working time shall be 40 hours per week without loss of pay.

2.11 Labour Brokers to be banned

- All Labour Brokers must be banned from motor industry and workers be transferred to be permanent workers of the primary employer as a going concern i.e. with recognition of prior service and benefits.

2.12 Short time/Lay-off

The employer must pay 100% earnings whenever a worker is put on short-time or lay-off.

Alternatively, the Council must establish a Stress Relief Fund, with employers contributing a once off 1% salary bill, by which will pay workers who are on short-time or lay-off. Employers must comply with the stringent requirements for the reasons, disclosure of information & finances, proper consultation process.

Sector 5 contributions should be funded by the oil companies

2.13 Paid time off for shop stewards and office bearers

- Shop stewards and office bearers must be fully paid for 30 days per annum.
- Delegates to MIBCO and Seta structures shall have additional paid days over and above those for shop stewards and office bearers

2.14 Overtime shall be voluntary for all workers.

- **Sunday work** shall not be regarded as normal working day and shall be paid at double (two times) the ordinary rate of pay for all workers.
- All other overtime shall be paid at time and a half for all categories of workers
- Payment for work on all Public Holidays to be 3 times the ordinary rate of pay to all workers.

2.15 Education and Training for all workers

- All education and training must be paid and be during normal working hours.

2.16 Social Security Funds Contribution Increases

- Employer contributions to the Retirement and Medical Benefit funds to be 70 % and workers contribution to be 30 %.
- The total contributions must be increase to 20% of earnings
- Normal Retirement age to be 60 years.

2.17 Employment Equity and Removal of Discriminatory Clauses

- Removal of all Discriminatory clauses in all Council Agreements and commitment to implement Employment Equity Act and its related codes of good practice.

DEFINITION: Clauses identified below in the Main Agreement that provide worse conditions of employment to some workers as compared to others, without any valid, just and/or objective reasons, which amounts to unfair discrimination:

1. SCOPE OF APPLICATION

Division A, Division B has different scope of application.

2. AREA DIFFERENTIALS

Area a wages are higher than other areas (All Divisions)

3. DIVISION A – CLAUSE 9 SPECIAL PROVISIONS RELATING TO WATCHMEN

Minimum wage, hours of work and overtime are different from other classes of workers in the Industry.

4. DIVISION A – CLAUSE 27

Additional Holiday Pay to grades 7, 8 and apprentices.

5. CLAUSE 18 – HOURS OF WORK – Refer to “workshop employees”

Sub-clauses 18(1), (2), (3), (4)

Clause 18(3) – excludes forecourt attendants from provisions of the subclauses.

Clauses 18(4) (f) exclude forecourt attendants from receiving a shift allowance.

Clause 18(5) exclude supply salesman in Chapters I and IV Division C from morning and afternoon 10 minutes rests.

Clause 18(8) (a – e) different classes of workers entitled to 45 hours pay during short-time in some Chapters and Divisions. Exclude those not stated.

6. DIVISION A – CLAUSE 19 - OVERTIME

Clause 19(2) (a) excludes workers identified in subclause 1(3) and (b) of Division A from working maximum 10 hours overtime.

Clause 19(2)(b) – Additional 10 hours overtime by workshop employees only in Chapters II, III & V of Division C.

Clause 19(4) – Different rates of overtime for different class of workers in Divisions and Chapters.

Clause 19(5) – Exclusion of subclauses of 18(1) – (4) in Chapters III and V for emergency work.

7. DIVISION A – CLAUSE 20 – SHIFT WORK

Clause 20(1) – Apply only to some Chapters – Division C.

Clause 18(2) – No shift work only in some Chapters

Clause 20(3) – Sunday shift work only in Chapter III and V of Division C.

8. SUNDAY WORK – CLAUSE 21

Clause 21(1) exclude journeyman from Sunday work
Clause 21(2) has different rates for different categories.

9. STAND-BY AND CALL-OUT ALLOWANCES

Allowances are only applicable to journeymen.

10. SUPPLY OF OVERALLS – CLAUSE 24

Clause 24(1) excludes other classes/categories from receiving overalls.

11. ADDITIONAL HOLIDAY PAY –CLAUSE 27 – DIVISION B

Additional Holiday Pay applicable to journeymen and 2 weeks holiday pay for other categories. 3 weeks for Chapter III. Restriction on AHP.

12. DIVISION B

Scope of Application – Clause 1.
Clause 1(2) (a)

13. ANNUAL LEAVE – CLAUSE 26

Subclause 2(b) Schedule (aa) and (bb)
Different qualification conditions.

ADMINISTRATIVE AGREEMENT

CLAUSE 16 – CONTINGENCY RESERVE FUNDS

Covers only Grades 7 and 8. Excludes other categories of workers.

Kindly take note that, this notice takes cognizance of the fact that there is a meeting set for 05 - 06 September 2013, to attempt to resolve this Dispute.

We further reiterate that, as stated in the Mediation meetings, we are always available to find an amicable resolution as speedily as possible, to avoid a protracted strike, if not averted.

Yours faithfully

National Union of Metalworkers of South Africa

Leskubeka

ELIAS KUBEKA

National Motor Sector Coordinator