


No. R. 12

16 January 2015

LABOUR RELATIONS ACT, 1995**BARGAINING COUNCIL FOR CIVIL ENGINEERING INDUSTRY:
EXTENSION OF CONDITION OF EMPLOYEMENT AMENDING
COLLECTIVE AGREEMENT TO NON-PARTIES**

I, **NELISIWE MILDRED OLIPHANT**, Minister of Labour hereby in terms of section 32(2) of the Labour Relations Act, 1995, declare that the Condition of Employment Amending Collective Agreement which appears in the Schedule hereto, which was concluded in the **Bargaining Council for Civil Engineering Industry** and is binding in terms of section 31 of the Labour Relations Act, 1995, on the parties which concluded the Condition of Employment Collective Agreement, shall be binding on the other employers and employees in that Industry, with effect from **2015 -01- 26** and for the period ending 28 February 2019.


MINISTER OF LABOUR
09/12/2014

SCHEDULE
BARGAINING COUNCIL FOR THE CIVIL ENGINEERING INDUSTRY
CONDITIONS OF EMPLOYMENT COLLECTIVE AGREEMENT

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

Employer Organisation

South African Forum of Civil Engineering Contractors (SAFCEC)

(Hereinafter referred to as the “employer” or the “employers’ organisation”) of the one part and the –

Trade Unions

National Union of Mine Workers (NUM)

Building, Construction and Allied Workers’ Union (BCAWU)

(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)

1. Scope of the Civil Engineering Industry

- 1.1 The Civil Engineering Industry means the industry in which employers (other than local authorities) and employees that are associated for the purposes of carrying out work of a civil engineering character normally associated with the Civil Engineering industry and includes such work in connection with any one or more of the following activities:
- 1.1.1 The construction of aerodrome runways or aprons; aqueducts; bins or bunkers; bridges; cable ducts; caissons; rafts or other marine structures; canals; cooling, water or other towers; dams; docks; harbors; quays or wharves; earthworks; encasements; housing or supports for plant, machinery or equipment; factory or works chimneys; filter beds; land or sea defense works; mine headgear; pipelines; piers; railways; reservoirs; river works; roads or streets; sewerage works; sewers; shafts or tunnels; silos; sports fields or grounds; swimming baths; viaducts or water treatment plants’ and/or
 - 1.1.2 Excavation and bulk earthworks; bush clearing and de-stumping; topsoil stripping; drilling and blasting; preparation of bench areas, drilling pre-split holes and blast holes, blasting and/or cast blasting ; secondary blasting; loading, hauling and dumping of mineralized and/or waste material to waste dumps or processing plant feed (ROM Pad) stockpiles; production dozing of top soil, inter burden or waste material; pumping and dewatering of storm and/or contaminated water, construction and maintenance of; access and haul roads; ramps; waste and processing plant feed (ROM Pad) areas; safety beams; high walls; benches; storm water systems, catch drains, bund walls, surge dams, trimming, scaling or chain dragging of batters, heap-leach pads, tailings dams; dust suppression of loading areas, haul roads and dumping areas; rehabilitation of earth work areas or waste dumps; topsoil spreading, hydro- seeding and watering; and/or
 - 1.1.3 Excavation work or the construction of foundations, lift shafts, piling, retaining walls, stairwells, underground parking garages or other underground structures; and/or
 - 1.1.4 The asphaltting, concreting, gravelling, leveling or paving of parking areas, pavements, roads, streets, aerodrome runways or aprons, premises or sites; and further includes –

- (i) Any work of a similar nature or work incidental to or consequent on any of the aforesaid activities; and
- (ii) The making, repairing, checking or overhauling of tools, vehicles, plant, machinery or equipment in workshops which are conducted by employers engaged in any of the activities referred to in sub clauses 2.1.1 to 2.1.4(i) and (ii) inclusive;

Excluding the following:

- a) Work in connection with any one or more of the activities specified in sub-clause 2.1.3 where such work, when undertaken in connection with the erection of structures having the general character of buildings and irrespective of whether or not such work involves problems of a civil engineering character, is carried out by the employers erecting such structures;
- b) Work in connection with any one or more of the activities specified in sub-clause 2.1.3 when undertaken as an incidental operation in connection with the erection of structures having the general character of buildings or when undertaken by the employers erecting such structures;
- c) Any work falling within the scope of any other industry, and
- d) The Mining Industry which is defined as the industry where employers and employees are associated for the purpose, directly or indirectly, for the winning, extracting, processing and refining of a mineral in, on or under the earth or water or from any residue stockpile or residue deposit.

2. Period of operation of agreement

- (i) This agreement becomes binding on the employers and employees refer 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 Honourable Minister of Labour.
- (ii) This agreement shall remain in force until: **28 February 2019**

3. Clause 3 : Definitions and expressions

- (1) The inclusion of the following definitions:

'Living-Out Allowance' means an allowance paid to Employees who are assigned to a site away from their Usual Place of Residence and where no accommodation is provided by the Employer.

'Sleep-Out Allowance' means an allowance paid to Employees who spend at least a night away from their usual site on authorised company business, and only in the event that the Company is not providing accommodation during this period away from their usual site.

'Usual Place of Residence' means where the employee first presents himself for employment.

4. Chapter V – Payment of Earnings, Year-End Bonus, Deductions and Record Keeping

- (1) Inclusion of a new sub-clause 4 :

4. Allowances

4.1 Living-Out Allowance

- 4.1.1 A Living-Out Allowance of R500 per month whilst on the assignment will be paid to Employees who are required to work and live away from their Usual Place of Residence and where no accommodation is provided by the Employer.

4.1.2 A Living Out-Allowance is not payable to Employees recruited at the Site or who present themselves for employment at that specific Site.

4.1.3 Any other allowance paid for the same purpose is deemed to be a Living-Out Allowance as defined.

4.2 Cross Border Allowance

A Cross Border Allowance of 5% on basic rate of pay for ordinary hours worked will be paid to employees assigned to cross border projects.

4.3 Sleep Out

A Sleep-Out Allowance of R40 per night will be paid to Employees who spend at least a night away from their usual site on authorised company business, and only in the event that the Company is not providing accommodation during this period away from their usual site.

4.4 Transport

Employer to provide transport to Employees between their Head Office and the project during pay and/or long weekends where applicable

4.5 General

4.5.1 None of the above mentioned issues, or allowances of a similar nature, may be the subject of company level negotiations.

4.5.2 Current company arrangements that are more favourable will not be affected.

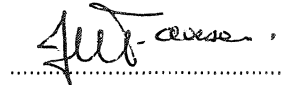
Signed at Johannesburg for and behalf of the parties to the Council on this 22nd day of October, 2014



Chairperson of the BCCEI
Muller Uys



Vice-Chairperson of the BCCEI
Strike Makutu



General Secretary of the BCCEI
Nick Faasen