

NATIONAL BARGAINING COUNCIL

FOR THE

CLOTHING MANUFACTURING INDUSTRY

Cape Chamber

(Western Cape Sub-Chamber)

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Telephone Enquiries : Labour Affairs Department

30 July 2004

TO : ALL EMPLOYERS SUBJECT TO THE MILLINERY SECTOR OF THE CLOTHING MAIN COLLECTIVE AGREEMENT FOR THE "METRO" AREAS WITHIN THE WESTERN CAPE SUB-CHAMBER OF THE NATIONAL BARGAINING COUNCIL FOR THE CLOTHING MANUFACTURING INDUSTRY

Dear Sir/Madam

INFORMATION CIRCULAR TO THE INDUSTRY FOLLOWING THE 2004 ROUND OF NEGOTIATIONS AND OTHER CHANGES REGARDING THE MILLINERY SECTOR OF THE WESTERN CAPE REGION

METRO AREAS ONLY

(i.e. those establishments situated within the Magisterial Districts of Bellville, Goodwood, Malmesbury, Mitchell's Plain (portion), Moorreesburg (portion), Simonstown, Somerset West, Strand, The Cape and Wynberg)

A. AGREEMENT AMENDMENTS

The Council, at its Annual General meeting held in Cape Town on 21 July 04, agreed to incorporate certain provisions of the **former** Millinery Industry Main Agreement into its **Main** (Clothing) Collective Agreement for the Western Cape Region, effectively cancelling the former Millinery Agreement in its entirety. I enclose, for your convenience, a copy of the Council's **Consolidated** Clothing Main Agreement for the Western Cape Region which will be up-dated on the Council's website (www.nbc.org.za) once the following adopted amendments pertaining to the Millinery Sector have been gazetted:

CLAUSE 3 : DEFINITIONS

- Amend the definition of "blocker" to read "blocker(Clothing)".
- Insert the following new definition after the definition of "blocker(Clothing)":

"blocker (Millinery)" means an employee engaged in the processing of the raw materials into shapes either by hand or machine and includes a stiffener;"
- Insert the following new definition after the definition of "casual employee":

"chopper-Out (Millinery)" means an employee engaged on one or more of the following operations:

 - Cutting ribbon, trimmings, linings;
 - Laying up materials preparatory to cutting;"
- Substitute the definition of "experience" with the following new definition:

"experience" means:

A. For the purposes of the Clothing and Garment Knitting Sectors of the Industry:

 - Category (1): in relation to clerks and factory clerks, the total period or periods of employment which such employees have had as clerks and factory clerks, as the case may be, irrespective of the trade in which such experience was gained;
 - category (2): in relation to employees other than clerks, factory clerks, clothing machine mechanics, motor vehicle drivers, boiler attendants, despatch packers,

travellers' drivers, watchmen or caretakers, labourers and general workers, the total period or periods of employment of employees in the Clothing Industry in any capacity other than that of clerks, factory clerks, clothing machine mechanics, motor vehicle drivers, boiler attendants, despatch packers, travellers' drivers, watchmen or caretakers, labourers and general workers;

- c. category (3): in relation to clothing machine mechanics, the total period or periods of employment which such employees have had as clothing machine mechanics;
- d. category (4): in relation to supervisors, quality controllers and instructors, the total period or periods of employment which such employees have had as supervisors, quality controllers and instructors;
- e. category (5): in relation to clothing technicians, the total period or periods of employment which such employees have had as clothing technicians;

Provided that where any employee with less than one year's experience has not been re-employed in the Industry within a period of five years from the date on which he was last employed in the Industry, any experience gained shall be ignored for the purpose of calculating the minimum wage at which he may commence service.

A. For the purposes of the Millinery Sectors of the Industry:

In relation to any employee in the Millinery Sector of the Industry, other than a labourer, motor vehicle driver and/or watchman, the total period or periods of employment of an employee in any branch of the Millinery Sector of the Industry in any capacity other than that of a labourer, motor vehicle driver and/or watchman, and shall be deemed in each contract or service to have been continuous from the time the employee entered his employer's service until the time such service is terminated;

Provided that if any employee has been in employment for six weeks or more in any quarter, he shall, for the purposes of computing his experience, be deemed to have been in employment for a period of 13 weeks in that quarter, and if he has been in employment in any quarter for less than six weeks, he shall, for the purpose of computing his experience, be deemed to have been employed at all in that quarter."

1. Amend first line of the definition of "general worker" to read "'general worker (Clothing)' means an employee engaged on one or more of the following operations within a Clothing and/or Garment Knitting establishment:"
2. Insert the following new definitions after the definition of "general worker":

"general worker (Millinery)' means an employee engaged in one or more of the following operations within only a Millinery Establishment:

- a. Cleaning premises, utensils or other articles;
- b. Loading and/or unloading vehicles;
- c. Carrying, moving or stacking goods;
- d. Making and/or maintaining fires or removing refuse or ashes;
- e. Delivering or conveying letters, messages or other articles on foot or by means of a bicycle or propelled vehicle;
- f. Opening and/or closing packages;"

"grade I employee(Millinery)' means an employee engaged in one or more of the following operations:

- a. Writing out of labels and tickets;
- b. Issuing trimmings, ribbons, linings and miscellaneous materials, e.g. artificial flowers;
- c. Checking finished hats for flaws;
- d. Preparing linings;
- e. Checking wires of brims;
- f. Damping and preparing materials for blocking;
- g. Preparing and sorting of sample range;
- h. Carrying messages or hats or parts of hats from one operation to another within an establishment;
- i. Applying lacquer to hats, and shall include a sheener and/or polisher;
- j. Assistant at the blocking machine;
- k. Making tea or similar beverages;"

1. Insert the following new definitions after the definition of "leather cutter":

"milliner' means an employee other than a trimmer (Millinery), blocker (Millinery) or Grade I employee (Millinery) who is engaged in the making of ladies' and/or girls' hats and includes a setter in a Millinery Establishment;"

"millinery machinist' means an employee who performs any operation by sewing machine within only a Millinery establishment;"

2. Amend the definition of "motor vehicle driver" to read " motor vehicle driver (Clothing)".
3. Insert the following new definition after the definition of "motor vehicle driver (Clothing)":

"motor vehicle driver (Millinery)' means an employee engaged in driving a motor vehicle and for the purpose of this definition "driving a motor vehicle" include all periods of driving and any time spent by the driver on work connected with the vehicle or the load and all periods during which he is obliged to remain at his post in readiness to drive;"

4. Insert the following new definition after the definition of "motor vehicle driver":

"packer (Millinery)" means an employee who is engaged in packing goods for transport or delivery within a Millinery establishment;"

5. Insert the following new definition after the definition of "piece-work":

"plain sewer (Millinery)" means an employee who performs operations on a flat sewing machine within only a Millinery establishment;"

6. Amend the definition of "supervisor" to read as follows:

"supervisor (Clothing)" means an employee who carries the responsibility for the correct and efficient execution of the work entrusted to the care of such employee in a factory or a department of a factory in the Clothing and/or Garment Knitting Sectors of the Industry;"

7. Insert the following new definition after the definition of "supervisor (clothing)":

"supervisor (Millinery)" means an employee who carries the responsibility for the correct and efficient execution of the work entrusted to his or her care in a factory or a department of a factory in the Millinery Sector of the Industry;"

8. Amend definition of "trimmer" to read "trimmer (Clothing)".

9. Insert the following new definitions after the definition "trimmer (Clothing)":

"trimmer(Millinery)" means an employee engaged exclusively in the application of trimming to a ready blocked, wired and shaped hat and who may cut materials by hand or machine in a Millinery establishment;"

"trimming", for purposes of the Millinery Sector of the Industry, shall mean the application of lining, elastic, ribbon, flowers and veiling according to a give model;"

10. Substitute the definition of "watchman or caretaker" with the following new definition:

"watchman or caretaker (Clothing)" means an employee engaged in guarding premises, buildings or other property in the Clothing and/or Garment Knitting Sectors of the Industry;"

11. Insert the following new definition after the definition "watchman or caretaker (Clothing)":

"watchman or caretaker(Millinery)" means an employee engaged in guarding premises, buildings or other property in the Millinery Sector of the Industry;"

CLAUSE 4 : WAGES

1. Amend the opening sentence in sub-clause (1) to read:

"(1)(a) Subject to the provisions of this Agreement, the minimum wages that shall be paid to and accepted by the undermentioned classes of employees employed at Clothing and/or Garment Knitting establishments shall be as follows:"

2. Insert the following new wage schedule after the current wage schedule:

"(1)(b) Subject also to the provisions of this Agreement, the minimum wages that shall be paid to and accepted by the undermentioned classes of employees, employed at Millinery establishments, shall be as follows:

REFER NEW WAGE SCHEDULE ACCOMPANYING THIS CIRCULAR

It is recommended that you study the Council's Main Collective Agreement for the Western Cape Region as such Agreement, in its entirety (excepting as amended above), now applies to all millinery establishments in the Western Cape.

B. 2004 NEGOTIATED SETTLEMENT

Resulting from the recent Industry negotiations referred to in National Bargaining Council Circular No BC/02/2004 dated 15 March 04, the Parties to the National Bargaining Council concluded a Collective Agreement on 21 July 04 in terms of which the total labour cost increase for all "Metro" regions amounts to 5% with effect from 1 July 2004. This Agreement will be submitted to the Minister of Labour with a request that it be extended to Non-Parties. Details of the negotiated settlement in respect of the Western Cape collective agreements, **which now include the Millinery Sector of the Western Cape Region**, are as follows:-

1. New Wage Rates and Across-the-Board Increases for the period 1 July 2004 to 30 June 2005

The new "gazetted" wage rates from 1 July 2004 to 30 June 2005, which reflect an across-the-board increase of 5% on all grades, **rounded** to the nearest 50 cents, are recorded on the accompanying schedule under the column "Wage per week from 1 Jul 04".

2. New Ceiling Wage Rate

The scope of this Regional Council's Agreements will be adjusted to raise the ceiling wage rate as follows :

	Period : 1 July 2004 to 30 June 2005			
	ANNUAL	MONTHLY	WEEKLY	
	R50 804,00	R4 233,67	R977,00	

3. Contributions to this Regional Chamber's Provident- & Health Care Funds

3.1 Health Care Fund

The Employer's contribution rate to the Health Care Fund increases by 50 cents on both the lower and higher rates from R4,40/R5,40 to **R4,90/R5,90** per week as reflected in the accompanying schedule.

Employees' contributions to the Health Care Fund remain unaltered.

3.2 Provident Fund

Employer Contribution Rate:

The Employer's contribution rate to the Provident Fund remains unaltered at 6,25%, which **rate is based on employees' actual basic wage.**

Employee Contribution Rate:

Employees' contribution rate to the Provident Fund also remains unaltered at 6,03%, which **rate is based on employees' actual basic wage.**

Please note that in terms of clause 1(3) of the Provident Fund Agreement, the provisions of that Agreement apply in respect of employees who are currently contributors to the Fund, i.e. the contributions of current contributors earning in excess of the rates reflected in paragraph 2 above, must continue.

4. Consequential Changes for the period 1 July 2004 to 30 June 2005

Wage and salary departments are reminded of the following consequential changes flowing from higher wage rates as well as other changes :

- o The **maximum** deduction for Provident Fund from the earnings of **contributors** will be R58,91 per week or R255,29 per month. The **maximum** Provident Fund contribution rate payable by **employers** will be R61,06 per week or R264,60 per month.
- o The Trade Union subscription rate for its members remains at 1% of the member's basic wage rate with a **minimum** of R4,20 per week and a **maximum** of R7,35 per week.
- o The cut-off point for the lower and higher **Health Care Fund contributions** increases from R495,00 to R519,50 i.e. R3,00 above the Qualified Grade B Wage Rate.

5. Schedule of Deductions

A schedule of weekly deductions and contributions accompanies this circular.

6. Compliance

For information purposes, the Parties to the Council have agreed to adopt a set of measures within ninety days, intended to promote compliance with the minimum rates of pay and other conditions of employment applicable in the Industry. In the event of the Parties to the Council being unable to reach consensus on the measures to be adopted or within the period stipulated, the measures shall be determined by an arbitrator.

7. Non-Metro Areas

For your information the recently concluded Industry negotiations provide for a total labour cost increase for non-metro areas ranging from between 5,62% and 7,51%.

8. NBC Website (www.nbc.org.za)

The Council's website on the Internet is constantly being updated. Those who have access to the Internet can view and download the Main & Provident Fund Collective Agreements of the various "metro" areas and the Council's Non-Metro Agreement. These are in the form of consolidated agreements i.e. the original published agreements, updated for subsequent published amendments. This notice will also be added to the Council's website.

Any enquiries from employers who are members of any of the Employers' Associations should be directed to their Association. In the case of non-party establishments, enquiries should be directed to this Chamber's Labour Affairs Department on tel no (021) 460-4000.

Yours faithfully

P R CROSOER

REGIONAL SECRETARY

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