

NATIONAL BARGAINING COUNCIL FOR THE CLOTHING MANUFACTURING INDUSTRY

CAPE CHAMBER (EASTERN CAPE SUB-CHAMBER)

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15 December 2005

TO : ALL CLOTHING AND GARMENT KNITTING ESTABLISHMENTS IN THE REPUBLIC OF SOUTH AFRICA (other than those employers and employees who fall within the scope of the Council's "non-metro" areas) i.e. ALL Employers subject to that Part of the Council's National Main Collective Agreement applicable to the EASTERN CAPE Region

Dear Sir/Madam

NEW NATIONAL MAIN COLLECTIVE AGREEMENT (incorporating the provisions emanating from the 2005 round of industry negotiations)

METRO AREAS ONLY

(i.e. those establishments situated within the Magisterial Districts of East London, Hankey (portion), Mdantsane (portion), Port Elizabeth and Uitenhage (portion))

Further to this Chamber's Circular dated 13 July 2005, I advise that on 14 September 05 the Council adopted a new **NATIONAL MAIN COLLECTIVE AGREEMENT**, incorporating all 9 the Council's previous Main Collective Agreements. The **single** new Agreement is a one-page document supported by 9 Parts:

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| Part A | Provisions for the Eastern Cape Region |
| Part B | Provisions for the Free State & Northern Cape Region |
| Part C | Provisions for the KwaZulu-Natal Region |
| Part D | Provisions for the Northern Region (Clothing) |
| Part E | Provisions for the Northern Region (Knitting) |
| Part F | Provisions for the Western Cape Region (Clothing) |
| Part G | Provisions for the Western Cape Region (Country Areas) |
| Part H | Provisions for the Western Cape Region (Knitting) |
| Part I | Provisions for the Non-Metro Areas |

This new Agreement has been extended by the Minister of Labour to non-parties by means of Government Notice No R.1154 published in Government Gazette No 28280 of 15 December 2005, to come into effect on Monday, 19 December 2005.

Part A of the new Agreement will be the same as the former Main Collective Agreement for the **Eastern Cape Region**, except to the following extent:

- the preamble listing the Parties to each of the previous Agreements, has been deleted;
- reference to "this Agreement" has been amended to read "this Part of the Agreement" wherever such appeared in the previous Agreement;
- various new **Definitions** have been inserted into clause 3. These are:
 - night shift worker/normal shift worker/twilight shift/twilight shift worker/NES (Not Elsewhere Specified) job classification –

and the following definitions resulting from the inclusion of a wage schedule for Garment Knitting

employees:

- boiler attendant/factory clerk/football jersey cutter/Grade A employee/Grade B employee/Grade C employee/instructor/pattern grader/pattern maker/traveller's driver;
- the old wage schedule has been replaced with the new wage schedule, which was circulated by the National Council under cover of Circular NBC/5/2005 dated 6 July 2005;
- the newly introduced wage schedule for the **Garment Knitting Sector** in the Eastern Cape that was circulated with this Chamber's Circular of 13 July 2005, has been inserted into the new Agreement;
- the year in "**back pay**" clause 6.1(a) has been amended from 2004 to 2005, which requires employees to be paid the difference between the previous gazetted wage and the new gazetted wage. "Back pay" is therefore due from 1 July 2005 and is payable to employees within six weeks from 19 December 2005 (the date from which the Minister declared the Agreement binding) i.e. by no later than Friday, 27 January 2006;
- the **Across-the-Board** clause 6.3(2) has been amended by substituting the date 1 July 2004 with the date 1 July 2005. This amendment means that employees earning a wage higher than that specified for the class of work on which on which he/she is engaged, are entitled to receive the difference between the previously published (gazetted) wage rate and the newly published (gazetted) wage rate;
- **Payment of Wages** clause 6.7 has been extended to include payment for twilight shift workers;
- **Hours of Work** clause 7 has been extended to include the newly negotiated provisions relating to:
 - Twilight shifts
 - Aggregation of Overtime;
- the previously deleted clause 11 relating to **Organisational Rights** has now been re-introduced to cover the **Closed Shop** provision and to entitle the Union Party to the Council **on-site balloting facilities** in order to conduct any ballot in terms of the Labour Relations Act.
- the new **Trade Union Agency Shop** provision referred to in Chamber Circular dated 13 July 05 has been inserted as new clause 17;
- the new **Productivity** provision referred to in Chamber Circular dated 13 July 05 has been inserted as new clause 18.

As soon as the Council's stock of the new Agreement arrives from the Government Printer, two free copies of the Notice, Agreement and **Part A only** will be sent to you. One copy will be for the employer and the second copy for the employees. Any additional copies will have to be paid for in advance at the Government Printer's charge rate of R5,00 per copy, excluding postage and packing.

The new Agreement will be added to the Council's website as soon as possible. Please refer to www.nbc.org.za for news of when this is likely to be.

Yours faithfully

T HEUGH
REGIONAL SECRETARY