

NATIONAL BARGAINING COUNCIL FOR THE CLOTHING MANUFACTURING INDUSTRY

HEAD OFFICE

Tel: (021) 460 4000
Fax: (021) 447 0628
www.nbc.org.za

7th FLOOR, INDUSTRIA HOUSE, 350 VICTORIA ROAD, SALT RIVER, 7925

All correspondence to be addressed to:

P O BOX 1142
WOODSTOCK
7915

REGIONAL CHAMBERS:

EASTERN CAPE
Chamber House
22 Grahamstown Road
North End 6001
P O Box 3220
North End, P. E. 6056
Tel: 041 487 1874
Fax: 041 487 1761

KWAZULU-NATAL
127/129 Gale Street
Umbilo
Durban 4001
P O Box 18354
Dalbridge 4014
Tel: 031 301 2558/9
Fax: 031 307 6716

NORTHERN
1st Floor, Garment Centre
148 Kerk Street
Johannesburg 2001
P O Box 5101
Johannesburg 2000
Tel: 011 402 2737
Fax: 011 402 7375

WESTERN CAPE
Industria House
350 Victoria Road
Salt River 7925
P O Box 1142
Woodstock 7915
Tel: 021 460 4000
Fax: 021 447 0628

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10 May 2004

TO: ALL CLOTHING AND GARMENT KNITTING MANUFACTURERS IN SOUTH AFRICA

Dear Sir/Madam

INTRODUCTION OF A CERTIFICATE OF COMPLIANCE TO COMPLYING CLOTHING & GARMENT KNITTING MANUFACTURERS

This Council has introduced a “**Certificate of Compliance**” for purposes of assisting the Industry in implementing the agreement reached at NEDLAC on the Declaration of the Retailers and SACTWU on the apparel industry (or any successor agreement). The Certificate will be issued, **upon written request**, to any clothing or garment knitting manufacturer in South Africa who has been certified as a “complying employer” by the Council’s Labour Affairs staff, in respect of Bargaining Council Agreements.

A complying employer will be those employers whose company or concern is fully registered with the Council or a Council which amalgamated to form the National Bargaining Council for Clothing Manufacturing Industry, who has given effect to the applicable Council Main – and Benefit Fund Collective Agreements in each of its establishments or who has received due exemption therefrom, who is up to date with the Council – and any Benefit Fund contributions, Trade Union and Employer Subscriptions, wage payments to employees including any arrears (back pay) obligation and statutory contributions, and who has registered all permanent and contract employees with the Council.

It is incumbent on manufacturers who require a certificate to apply to the Council for such a certificate, as certificates will not be issued automatically.

A manufacturer applying for a Compliance Certificate will have to provide a written declaration as part of the Application Form that the certificate issued, is in respect of **goods manufactured at the address on the certificate**, and that it cannot be utilised in respect of imported garments or any garment manufacturing sub-contracted to another manufacturer.

Any manufacturer wishing to apply for the issue of a Compliance Certificate should make use of the accompanying application form, which should be copied also for future use. It will also shortly be possible to download the application form from the Council’s website.

Upon receipt of a written request for the issue of a Compliance Certificate, the Council's National Compliance Manager, or in his absence, the Council's General Secretary, will instruct the relevant regional Labour Affairs staff of the Council to visit the manufacturer's premises in order to certify compliance. This will be necessary before a Certificate will be issued. The Council's Designated Agent will require:

- Access to the manufacturing premises;
- Access to the production sections of the manufacturer;
- Access to the establishment's current weekly payroll;
- Access to employees and shop stewards;
- Access to conduct a headcount of staff;
- Access to any reasonable information required by the Council's Designated Agent.

Once the in loco inspection had been carried out, the Designated Agent will report the outcome to the National Compliance Manager who, once satisfied that the necessary compliance criteria agreed to by the Parties to the Council have been met, will recommend to the General Secretary that the Compliance Certificate be issued. The General Secretary will keep the parties to the Council advised in this process and will seek their input.

The Council will be maintaining a national register of compliant manufacturers. The register which will incorporate the following, will also be presented in the same format on the Council's website (www.nbc.org.za):

- compliance certificate number;
- registered name of company;
- trading name of company;
- registration number of company/closed corporation (C/K number);
- SARS registration number
- VAT registration number
- physical address of company;
- postal address of company;
- contact details of company;
- date compliance certificate was issued;
- expiry date of compliance certificate.
- date compliance certificate was withdrawn (if applicable).

Compliance Certificates will only be valid for a period of six (6) months from the date of issue.

Should it become known to the National Compliance Manager that a manufacturer to whom a compliance certificate has been issued, has become non-compliant for whatever reason during the period for which the certificate was issued, the following steps will be taken:

- a) The concerned manufacturer will be advised in writing immediately that the company has been found to be non-compliant. The manufacturer will also be advised to correct the non-compliance within 7 days of being advised failing which, the certificate will be withdrawn.
- b) It will be incumbent on the manufacturer to submit proof to the Council's relevant Chamber that the non-compliance has been suitably attended to.
- c) The relevant Labour Affairs Manager will verify the information supplied by the manufacturer and will accordingly notify the National Compliance Manager.
- d) The National Compliance Manager will confirm with the manufacturer that compliance standards have been met and that the issued certificate will not be withdrawn.
- e) If the manufacturer has not met the requirements of compliance within the 7-day period, the National Compliance Manager will advise the manufacturer thereof and request the General Secretary to withdraw the compliance certificate and remove the company's name from the

Council's web site. In this instance, the manufacturer can re-apply. However, a waiting period of 30 days from the date of the National Compliance Manager's letter advising the manufacturer that he/she has become non-compliant, will apply before the necessary procedures will be instituted by the National Compliance Manager.

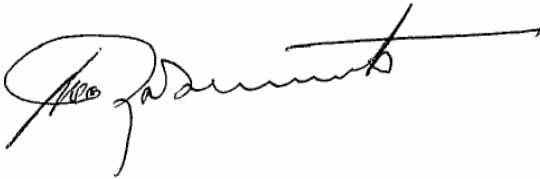
It will be incumbent on a manufacturer to apply in writing to the National Compliance Manager for the renewal of an existing compliance certificate at least 45 days prior to the expiry of the certificate. The National Compliance Manager will institute the investigation procedures at least four (4) weeks prior to the expiry of the compliance certificate, provided the application was received on time. Late applications will be dealt with on the basis of the exigency of the service and the availability of staff to conduct the investigations.

The National Compliance Manager will automatically withdraw expired and non-complying manufacturer details from the register and the national website on due dates.

The Council intends to complete the process of issuing compliance certificates by the end of June 2004 and invites those manufacturers who believe they are compliant to submit their applications on the prescribed form at the earliest possible date to the Council for processing.

Should there be anything further you require about the matter, please do not hesitate to contact either Leon Deetlefs, the National Compliance Manager on telephone 031 301 2558, or myself at the above Head Office number 021 460 4020.

Yours faithfully

A handwritten signature in black ink, appearing to read 'W A Roberts', with a long horizontal stroke extending to the right.

W A ROBERTS
ACTING GENERAL SECRETARY