

# NATIONAL BARGAINING COUNCIL FOR THE CLOTHING MANUFACTURING INDUSTRY

## CAPE CHAMBER (WESTERN CAPE SUB-CHAMBER)

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### CIRCULAR NO. WCC/-----/2005

Telephone Enquiries : Labour Affairs Department

15 December 2005

**TO :** ALL CLOTHING AND GARMENT KNITTING ESTABLISHMENTS (INCLUDING HOSIERY AND MILLINERY) (other than those employers and employees who fall within the scope of the Council's "non-metro" areas) i.e. ALL Employers subject to those Parts of the Council's National Main Collective Agreement applicable to the Western 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 Bellville, Goodwood, Malmesbury, Mitchell's Plain (portion), Moorreesburg (portion), Simonstown, Somerset West, Strand, The Cape and Wynberg as well as George and Worcester)

Further to this Chamber's Circulars No WCC/03/2005 for Clothing and Knitting and WCC/04/2005 for Country Areas dated 11 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.

**Parts F, G and H** of the new Agreement will be the same as the former Main Collective Agreements for the **Western Cape Region Clothing, Country Areas and Knitting**, respectively, 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;
- **Definitions** Clause 3 has been extended to include the definitions for a normal shift worker, twilight shift and twilight shift worker;

- the old wage schedules have been replaced with the new wage schedules which were circulated by the National Council under Circular No NBC/02/2005 dated 27 June 2005 ;
- **Basis of contract** clause 4(3) has been amended to accommodate a twilight shift worker;
- the **Across-the-Board** clause 4(10) for Knitting and 4(11) for Clothing and Country Areas has been amended by substituting the 2003 Government Notice number with the 2004 Government Notice number. 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;
- the year in "**back pay**" clause 4(11) for Knitting and 4(12) for Clothing and Country Areas 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;
- **Payment of Wages** clause 5(2)(a) has been extended to also cover a twilight shift worker;
- **Ordinary Hours of Work** clause 9 has been extended to cover a **twilight shift worker** in sub-clauses (1)(a), (1)(f), (3)(b), (4)(e) and (6);
- **Overtime** clause 10 has been extended to cover **Aggregation of Overtime**;
- **Payment of Overtime** clause 11 has been amended to provide for a twilight shift worker in sub-clauses (1)(a), (1)(e) and (1)(f);
- the **Closed Shop** provisions have been inserted into clause 14, with the previous provisions of clause 14, relating to the prohibition of certain persons, having been moved to new clause 43;
- the new cut-off points for Groups 1 and 2 Health Care Fund contributions rates have been updated in clause 26(4)(a) and (b);
- **Trade Union Access** clause 32 has been extended 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 Circulars WCC/03/2005 (Clothing and Knitting) and WCC/04/2005 (Country Areas) has been inserted as new clause 44;
- the new **Productivity** provision referred to in Chamber Circular dated 11 July 05 has been inserted as new clause 45.

As soon as the Council's stock of the new Agreement arrives from the Government Printer, two free copies of the Notice, Agreement and either **Parts F, G or H only** will be sent to you, depending which Part applies to your operation. 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](http://www.nbc.org.za) for news of when this is likely to be.

Yours faithfully

**P R CROSOER**  
**Regional Secretary**