

BUITENGEWONE
OFFISIËLE KOERANT
 VAN SUIDWES-AFRIKA
OFFICIAL GAZETTE
 EXTRAORDINARY
 OF SOUTH WEST AFRICA

UITGAWE OP GESAG

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Government Notice

DEPARTEMENT VAN BURGERSAKE EN MANNEKRAG

DEPARTMENT OF CIVIC AFFAIRS AND MANPOWER

No. 57 1988

No. 57 1988

ORDONNANSIE OP LONE EN NYWERHEIDSVERSOENING 1952

WAGE AND INDUSTRIAL CONCILIATION ORDINANCE, 1952

BOUNYWERHEID – VERSOENINGS-RAADOOREENKOMS

BUILDING INDUSTRY – CONCILIATION BOARD AGREEMENT

Kragtens die bevoegdheid my verleen by -

Under the powers vested in me by -

(a) artikel 46(2)(a) van die Ordonnansie op Lone en Nywerheidsversoening 1952, verklaar ek hierby dat die bepalings van die Ooreenkoms wat in die Bylae hiervan verskyn en op die Bounywerheid betrekking het -

(a) section 46(2)(a) of the Wage and Industrial Conciliation Ordinance, 1952, I hereby declare that the provisions of the Agreement which appears in the Schedule hereto and which relates to the Building Industry, shall -

(i) in die geval van klousules 1, 2 en 3 daarvan, met ingang van 1 Mei 1988; en

(i) in the case of clauses 1, 2 and 3 thereof, with effect from 1 May 1988; and

(ii) in die geval van klousule 4 daarvan, met ingang van 1 April 1988,

en vir die tydperk wat op 31 Desember 1989 eindig, bindend is op die werkgewersorganisasie en die vakvereniging wat die Ooreenkoms aangegaan het en op die werkgewers en werknemers wat lede van genoemde organisasie of vereniging is;

(b) artikel 46(2)(b) van genoemde Ordonnansie, verklaar ek hierby, bykomend dat die bepalinge van die Ooreenkoms in genoemde paragraaf (a) vermeld, maar uitgesonderd klousule 1 daarvan, –

(i) in die geval van klousules 2 en 3 daarvan, met ingang van 1 Mei 1988; en

(ii) in die geval van klousule 4 daarvan, met ingang van 1 April 1988,

en vir die tydperk wat op 31 Desember 1989 eindig, bindend is op alle ander werkgewers en werknemers in die Bounywerheid in die Gebied Suidwes-Afrika.

M.K. KATJIUONGUA

Minister van Mannekrag en
Nasionale Gesondheid en Welsyn

Windhoek, 11 Maart 1988

(ii) in the case of clause 4 thereof, with effect from 1 April 1988,

and for the period ending 31 December 1989, be binding upon the employers' organisation and the trade union which entered into the said Agreement and upon the employers and employees who are members of the said organisation or union;

(b) section 46(2)(b) of the said Ordinance, I hereby further declare that the provisions of the Agreement mentioned in paragraph (a), but excluding clause 1 thereof, shall –

(i) in the case of clauses 2 and 3 thereof, with effect from 1 May 1988; and

(ii) in the case of clause 4 thereof, with effect from 1 April 1988,

and for the period ending 31 December 1989, be binding upon all other employers and employees engaged in the Building Industry in the Territory of South West Africa.

M.K. KATJIUONGUA

Minister of Manpower and
National Health and Welfare

Windhoek, 11 March 1988

BYLAE

OOREENKOMS

ingevolge die Ordonnansie op Lone en Nywerheidsversoening No. 35 van 1952, aangegaan tussen die

Master Builders and Allied Trades Association
of South West Africa

en die

Namibia Bouwerkersunie

wat partye by die Versoeningsraad is waarvan die instelling deur die Kabinet goedgekeur is op 1 Desember 1987.

SCHEDULE

AGREEMENT

in accordance with the provisions of the Wage and Industrial Conciliation Ordinance No. 35 of 1952 made and entered into between the

Master Builders and Allied Trades Association
of South West Africa

and the

Namibia Building Workers Union

being parties to the Conciliation Board, the establishment of which was approved by the Cabinet on 1 December 1987.

1. GELDIGHEIDSDUUR EN TOEPASINGSBESTEK VAN OOREENKOMS

- (1) Hierdie Ooreenkoms tree in werking op 'n datum wat deur die Minister van Mannekrag en Nasionale Gesondheid en Wel-syn bepaal word en geld tot 31 Desember 1989 of vir sodanige tydperk as wat hy vasstel.
- (2) Hierdie Ooreenkoms moet in die Bou-nywerheid in Suidwes-Afrika/Namibië nagekom word deur alle werkgewers wat lede is van die Master Builders and Allied Trades Association of South West Africa en deur alle werknemers wat lede is van die Namibia Bouwerkersunie.

2. WOORDOMSKRYWING

Tensy die teenoorgestelde bedoeling blyk, het elke uitdrukking wat in hierdie Ooreenkoms gebesig en in die Ordonnansie op Lone en Nywerheidsversoening 1952, omskryf word, dieselfde betekenis as in die Ordonnansie, en, tensy onbestaanbaar met die samehang, be- teken –

“Ambagsman” ’n werknemer wat in diens is in enige bedryf in die Bounywerheid wat aan- gewys is ingevolge die Vakleerlinge Ordon- nansie No. 12 van 1938, soos gewysig, wat werk verrig soos uiteengesit in die praktiese opleidingskedere voorgeskryf kragtens daardie Ordonnansie ten opsigte van daardie aangewese bedryf en wat minstens vyf jaar praktiese ervaring in daardie bepaalde bedryf opgedoen het;

“Arbeider” ’n werknemer wat werk van on- geskoolde aard verrig wat nie aan enige ander kategorieë werknemers hierin gespesifiseer toegewys is nie of sodanige ander kategorieë werknemers help waar nodig, sonder om die werk van sodanige ander kategorieë werk- nemers te verrig;

“Bounywerheid” sonder om die algemeen er- kende betekenis van die uitdrukking eniger- wyse te beperk, die Nywerheid waarin werkgewers en werknemers met mekaar geas- sosieer is met die doel om enige gebou, brug,

1. PERIOD OF OPERATION AND SCOPE OF APPLICATION OF AGREEMENT

- (1) This Agreement shall come into operation on a date to be fixed by the Minister of Manpower and National Health and Wel- fare and shall remain in force until 31 De- cember 1989, or for such period as may be specified by him.
- (2) This Agreement shall be observed in the Building Industry in South West Afri- ca/Namibia by all employers who are members of the Master Builders and Allied Trades Association of South West Africa and by all employees who are members of the Namibia Building Workers Union.

2. DEFINITIONS

Unless the contrary appears, any expression used in this Agreement which is defined in the Wage and Industrial Conciliation Ordinance, 1952, shall have the same meaning as in the Ordinance and unless inconsistent with the context –

“Artisan” shall mean an employee employed in any trade in the Building Industry designa- ted in terms of the Apprenticeship Ordinance No. 12 of 1938, as amended, who performs any work specified in the practical training schedule prescribed under that Ordinance in respect of that designated trade and who has gained at least five years' practical experience in that particular trade;

“Building Industry” shall, without in any way limiting the generally accepted meaning of the expression, mean the Industry in which em- ployers and employees are associated for the purpose of constructing, altering, renovating, repairing or demolishing any building, bridge, road, irrigation work or similar work in the course of construction, alteration, renovation, repair or demolition and shall include all work incidental thereto or consequent thereon.

“Labourer” shall mean an employee engaged in any work of an unskilled nature not appor- tioned to any other categories of employees

pad, besproeiingswerk of soortgelyke werk te bou, te verander, op te knap, te herstel of te sloop onderwyl dit gebou, verander, opgeknop, herstel of gesloop word en omvat dit alle werk wat daarmee in verband staan of daaruit voortspuit;

“Leierhand” ’n werknemer wat hoofsaaklik werk van geskoolde aard verrig wat gewoonlik deur ’n ambagsman of ’n meestervakman verrig word maar wat ook in ’n toesighoudende hoedanigheid in diens mag wees, werk aan ander werknemers onder sy beheer en toesig uitdeel en dissipline handhaaf;

“Meestervakman” ’n werknemer wat in diens is in enige bedryf in die Bounywerheid wat aangewys is ingevolge die Vakleerlinge Ordonnansie No. 12 van 1938, soos gewysig, wat ’n bedryfstoets in daardie bepaalde bedryf ingevolge die genoemde Vakleerlinge Ordonnansie of die Wet op Mannekrageopleiding No. 56 van 1981 (RSA) geslaag het.

3. BESOLDIGING

- (1) Die minimum uurloon wat deur ’n werkgewer aan elke lid van onderstaande klasse werknemers betaal en deur die werknemer aanvaar moet word, is soos hieronder uiteengesit:

Arbeider (Windhoek munisipale gebied)	R1,05
Arbeider (Keetmanshoop munisipale gebied)	R0,85
Arbeider (Swakopmund munisipale gebied)	R0,85
Arbeider (alle ander gebiede)	R0,80
Ambagsman Skilder	R3,50
V.A. Teël-/matlêer	R4,00
Ambagsman Pleisteraar	R4,20
Ambagsman Messelaar	R4,20
Ambagsman Loodglerer	R4,20
Ambagsman Timmerman	R4,50
Ambagsman Elektriesien	R4,75
Ambagsman Skryner	R5,30
Meestervakman	R5,90
Leierhand	R6,80

specified herein or assisting such other categories of employees wherever necessary, but not performing the work of such other categories of employees;

“Leading hand” shall mean an employee primarily engaged in any work of a skilled nature usually performed by an artisan or a master craftsman but who may also be employed in a supervisory capacity, giving out work to other employees under his control and supervision and maintaining discipline;

“Master craftsman” shall mean an employee employed in any trade in the Building Industry designated in terms of the Apprenticeship Ordinance No. 12 of 1938, as amended, who has passed a trade test in that particular trade in terms of the said Apprenticeship Ordinance or the Manpower Training Act No. 56 of 1981 (RSA).

3. REMUNERATION

- (1) The minimum hourly wages which shall be paid by an employer to and which shall be accepted by each member of the following classes of his employees shall be as set out below:

Labourer (Windhoek municipal area)	R1,05
Labourer (Keetmanshoop municipal area)	R0,85
Labourer (Swakopmund municipal area)	R0,85
Labourer (all other areas)	R0,80
Artisan Painter	R3,50
V.A. tile/carpet layer	R4,00
Artisan Plasterer	R4,20
Artisan Bricklayer	R4,20
Artisan Plumber	R4,20
Artisan Carpenter	R4,50
Artisan Electrician	R4,75
Artisan Joiner	R5,30
Master craftsman	R5,90
Leading hand	R6,80

(2) Loonberekening:

- (a) Die uurloon van 'n werknemer is sy weekloon gedeel deur 46.
- (b) Die maandloon van 'n werknemer is vier en 'n derde maal sy weekloon.

4. AFTREKORDERGERIEWE

- (1) Op die skriftelike versoek van 'n werknemer moet 'n werkgever, behoudens die bepalings van artikel 13(e)(v) van die Wet op Diensvoorwaardes, 1986 (Wet 12 van 1986), die bedrae aldus verskuldig deur sodanige werknemer aan die Namibia Bouwerkersunie aftrek van die loon wat aan sodanige werknemer verskuldig is.
- (2) 'n Werkgever moet nie later nie as die vyftiende dag van elke maand aan die vakvereniging vermeld in subklousule (1) die bedrae betaal wat hy ooreenkomstig die bepalings van subklousule (1) gedurende die vorige maand afgetrek het.

Aangegaan te Windhoek op hede die negende dag van Maart 1988 en onderteken vir en namens die partye.

J.W.F. VAN ROOYEN
Voorsitter van die Raad

H.A. RAATH
Ondervoorsitter van die Raad

E.G.C. SNYMAN
Sekretaris van die Raad

(2) Wage determination:

- (a) The hourly wage of an employee shall be his weekly wage divided by 46.
- (b) The monthly wage of an employee shall be four and one third times his weekly wage.

4. STOP-ORDER FACILITIES

- (1) Upon being requested in writing by an employee to do so, an employer shall, subject to the provisions of section 13(e)(v) of the Conditions of Employment Act, 1986 (Act 12 of 1986), deduct from the wages due to such employee any amounts so payable by him to the Namibia Building Workers Union.
- (2) Not later than the fifteenth day of each month, an employer shall pay to the trade union mentioned in sub-clause (1) the amounts deducted by him in accordance with the provisions of sub-clause (1) during the preceding month.

Made and entered into at Windhoek on this the ninth day of March 1988 and signed for and on behalf of the parties.

J.W.F. VAN ROOYEN
Chairman of the Board

H.A. RAATH
Vice-chairman of the Board

E.G.C. SNYMAN
Secretary of the Board