

No. R. 849

14 October 2011

LABOUR RELATIONS ACT, 1995**BARGAINING COUNCIL FOR THE RESTAURANT, CATERING AND ALLIED TRADES:
EXTENSION OF RE-ENACTMENT AND AMENDMENT OF MAIN COLLECTIVE
AGREEMENT TO NON-PARTIES**

I, **MILDRED NELISIWE OLIPHANT**, Minister of Labour, hereby in terms of section 32(2) of the Labour Relations Act, 1995, declare that the collective agreement which appears in the Schedule hereto, which was concluded in the **Bargaining Council for the Restaurant, Catering and Allied Trades** and is binding in terms of section 31 of the Labour Relations Act, 1995, on the parties which concluded the agreement, shall be binding on the other employers and employees in that Industry, with effect from **17 October 2011** and for the period ending 31 August 2014.

**MN OLIPHANT
MINISTER OF LABOUR**

SCHEDULE

BARGAINING COUNCIL FOR THE RESTAURANT, CATERING AND ALLIED TRADES

COLLECTIVE AGREEMENT

Concluded in accordance with the provisions of the Labour relations Act, no 66 of 1995, made and entered into by and between

CATRA – The Restaurant and Food Services Association of South Africa

(Hereinafter referred to as “the employers” or “the employers organisation”) of the one part, and the

Future of South African Workers Union (FOSAWU)

and

South African Commercial Catering and Allied Workers Union – (SACCAWU)

and

Hotel, Liquor, Catering, Commercial and Allied Workers Union – (HOTELICCA)

and

Industrial Commercial & Allied Workers’ Union – (ICAWU)

and

Socialist Organised Workers Union – (SOWU)

(Hereinafter referred to as the “trade unions” of the other part), being the parties to the Bargaining Council for the Restaurant, Catering and Allied Trades.

1. SCOPE OF APPLICATION

- (1) The terms of this agreement shall be observed in the Restaurant and Catering and Allied Trades –
 - (a) By all employers who are members of the employers organisation and by all employees who are members of the trade unions.
 - (b) In the Magisterial Districts of Alberton, Benoni, Boksburg, Brakpan, Delmas, Germiston, Johannesburg, Kempton Park, Krugersdorp, Randburg, Randfontein, Roodepoort, Springs, Stilfontein and Westonaria.
- (2) The terms of this Agreement shall not apply to non-parties in respect of clauses 1, 1(a), 2 and 3 of this agreement.

2. PERIOD OF OPERATION OF AGREEMENT

This Agreement shall come into operation on the date fixed by the Minister of Labour to be the effective date from which the Agreement shall be extended to become binding on non-parties, or the date on which the Minister of Labour declined to extend the Agreement to non-parties, and the Agreement shall remain in force for the period ending 31st August 2014.

3. SPECIAL PROVISIONS

The provisions contained in clauses 22(2) and 22(3) of the Collective Agreement published under Government Notice No: R707 of the 22nd May 1998, re-enacted and amended by Government Notice No. R78 of the 4th February 2000 R170 of 23rd February 2001 and R520 of 26th April 2002, R177 of 7th February 2003 and R858 of 02nd September 2005, R849 of 15th August 2008, R44 of 27th May 2011 (hereinafter referred to as the "Former Agreement" shall apply to employers and employees).

4. GENERAL PROVISIONS

The provisions contained in clauses 3 to 21, 22(1) 22(2) (b), 22(4) and 23 up to and including 29 of the Former Agreement shall apply to employers and employees.

5. Substitute in clause 5 the existing minimum prescribed rate per hour in Rand for the period(s) with the following new prescribed rate per hour in Rand for the period(s)

CATEGORY/CLASS	Current	Until 21/05/2012	Until 31/05/2013 (8%)	From 01/06/2013 Thereafter
	H/RATE	Previous Minimum + 7%	Previous Minimum + 8%	Previous Minimum + 8%
CHIEF/MANAGER	R22.32	Previous Minimum + 7%	Previous Minimum + 8%	Previous Minimum + 8%
ASSISTANT MANAGER	R15.66	Previous Minimum + 7%	Previous Minimum + 8%	Previous Minimum + 8%
Bartender, Cashier, Clerk, Security Guard, Supervisor	R13.66	Previous Minimum + 7%	Previous Minimum + 8%	Previous Minimum + 8%
Asst Bartender, Cashier	R11.75	Previous Minimum + 7%	Previous Minimum + 8%	Previous Minimum + 8%
HCook/Waiter/HWine Steward/ Man Trainee/ Receptionist	R11.44	Previous Minimum + 7%	Previous Minimum + 8%	Previous Minimum + 8%
Kitchen Supervisor	R10.42	Previous Minimum + 7%	Previous Minimum + 8%	Previous Minimum + 8%
Counter Asst/ Part-time Driver/Waiter/WineSteward	R10.17	Previous Minimum + 7%	Previous Minimum + 8%	Previous Minimum + 8%
Emp. Not Specified Elsewhere	R10.09	Previous Minimum + 7%	Previous Minimum + 8%	Previous Minimum + 8%
Motor Vehicle Driver(s) (A) Extra Heavy	R12.16	Previous Minimum + 7%	Previous Minimum + 8%	Previous Minimum + 8%
(B) Heavy	R11.59	Previous Minimum + 7%	Previous Minimum + 8%	Previous Minimum + 8%
(C) Light	R10.00	Previous Minimum + 7%	Previous Minimum + 8%	Previous Minimum + 8%
Baker /Cook	R10.18	Previous Minimum + 7%	Previous Minimum + 8%	Previous Minimum + 8%

Catering Asst/Del. Emp/ Gen Asst	R10.43	Previous Minimum + 7%	Previous Minimum + 8%	Previous Minimum + 8%
Watchman	R10.43	Previous Minimum + 7%	Previous Minimum + 8%	Previous Minimum + 8%

Substitute the existing clause 5(9) with the following new clause 5(9)

- (9) (i) All employees other than part-time, casual, special function waiter(s) earning less than R35 000.00 per annum shall receive the full percentage increase as set out in the minimum prescribed notes.
- (ii) All employees other than part-time, casual, special function waiter(s) earning R35 000.00 per annum or more shall receive an increase of not less than 5%

Annual Leave

Substitute the existing clause 16 (i) (a) (ii) with the following new sub-clause

16 (i) (a) (ii) thereafter thirty (30) consecutive days leave; and

Late Night Allowance

Substitute the existing clause (17) (2) (b) with the following clause

17 (2) (b) In the event of an employee, other than a special-function casual employee, a casual employee or a commission worker who works after 22h30 and being authorised to work, the employer shall pay such employee R150.00 per month as a "Late Night Allowance" provided that if an employer daily provides free transport home for late night workers, he shall not be required to pay an allowance to those employees.

Insert New Clause 21 (c) Provident Fund (after clause 21(b) of the current Collective Agreement)

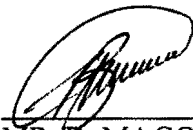
21 (C) Provident Fund

- (1) Membership of the Momentum "Funds at Work Benefit" Scheme with registration No's 12/08/32083/1, SARS 18/20/No36990 in compulsory for all employees, (other than a casual employee, a special function casual employee or a commission worker) who are employed within the scope and Sector of the Bargaining Council for the Restaurant, Catering and Allied Trades and who have not reached the age of sixty five (65) years.
- (2) For the purpose of providing employees with Provident Fund Benefits, every employer shall in respect of each month deduct 5% from the wages payable to each employee, and add to such deduction an equal amount of 5%.
- (3) Every employer shall ensure that the employees deductions as well as the employers contributions as referred in sub-clause 2 are paid to the Momentum/administrator electronically by no later than the 7th day of the month succeeding that during which the deductions and contributions were made.
- (4) Every employer shall submit the participating employer's membership particulars to the administrator in the prescribed electronic format and in such detail as required in terms of the regulations and this agreement by no later than the 25th of each month.

Thus signed on the 15th August 2011, 4th Floor, Malborough House, 125 Fox Street, Johannesburg.


MR. J. MICHAELIDES
CHAIRMAN


MR. B. DAKILE
DEPUTY CHAIRMAN


MR. B. MAGQAZA
GENERAL SECRETARY