Dear Comrades,

It gives me great pleasure to announce the MTWU banking scheme brought to you by FNB EasyPlan! The bank offers you the union member the exclusive low-cost banking package which is delivered to you conveniently at your workplace.

Employee Benefit Package

a) Most affordable account

FNB EasyPlan offers all the MTWU members the most affordable savings account in the market which can be opened for free, called Easy Account. This bank account also has a savings pocket with no notice period and no monthly account fee but gives you real value for money where you earn a very competitive return on your savings. This could help you save for your kids’ school fees, or any unplanned activities during the course of the year. FNB EasyPlan and the union leadership have agreed to co-brand the debit card with our LOGO which to me shows the bank’s true commitment to bringing real value banking to you.

b) Highly discounted staff loans

In an attempt to empower MTWU Members through quick access to credit, FNB EasyPlan offers you an incentive package where you pay less 40% on interest rate upon taking up a ‘PAYROLL DEDUCTED EASY LOAN’. So far, no bank has offered such an empowering loan discount than EasyPlan and this would offer you more cash back into your pocket. This discounted loan offer can help you consolidate any other existing personal loans you may have with other banks and still pay less on interest rate. This means that you’ll save a lot on bank fees because in essence, you would be repaying one loan and this will definitely improve your credit rating to qualify for bigger and better offers like car finance and home loans in future.

c) Affordable Funeral Cover

FNB EasyPlan offers one of the most affordable funeral cover in the market. This policy offers options for individual cover and family cover which you can also cover extended family members.

Benefits

- Basic cover for you, your spouse and up to 8 children
- Memorial Benefit worth R5 000 for the plan holder
- Cover up to R30 000 from as little as R2.10 per day
- No medical check-ups
- Claims paid out within 48 hours

When I was initially approached by FNB EasyPlan with this offer, I could not believe it! Most of us have been ripped off by the big banks for some time with high bank charges and I must congratulate FNB for establishing this empowering package to really make banking affordable and easy for everyone. Maqabane, I am urging ALL our shop stewards to encourage their constituencies to take advantage of this offer so that finally, you can enjoy the real benefit of banking. For more information, please don’t hesitate to SMS Comrade Tebogo Maila from FNB EasyPlan on 084 496 5325.

VIVA MTWU and FNB EasyPlan VIVA!!!
Message from the President

I take the opportunity to thank the General Secretary Mdumiseni Mabaso and his team for putting together this first edition of the Union's booklet called “Siyaphambili” which is filled with very useful information and the latest news regarding the Union’s growth and news in general about the various Industries where the Union has members.

We look forward to the future half yearly News Letters with useful informative and latest news. In my previous report to the 2009 Congress I referred to the Global financial down turn, which has lead to major job losses all over the world.

The instability in the Middle East and North Africa are also cause for concern especially where it pertains to the oil price which has a direct affect on transport and particularly the Road Freight Industry.

We support our President .Jacob G. Zuma in his quest to create 5 million jobs over the next number of years and we trust that Government and the Private Sector will do all in their power to fulfill this important project.

Motor Transport Workers Union can pride itself for having protected their members against exploitation and job losses and will continue to fight for Decent work and fair treatment of its members.

PETRUS MTHEMBU
President: Motor Transport Workers Union S.A.

Message from the General Secretary

It is my intention to bring the further Editions of this Booklet on a quarterly basis in order to keep our members well informed of latest developments in the Union, information on the Industries in which we operate as well as developments in South Africa that affect our members and their families.

Enclosed in this Booklet we have covered issues pertaining to our members Conditions of Employment, also benefits provided by the Union and the Industry - under the National Bargaining Council for the Road Freight Industry - example the Provident Fund and the HIV/AIDS program and the Union’s Funeral and Legal Fund.

We have also dealt with issues of National interest such as the Bill of Rights and the new Consumer Protection Bill.

In this First Edition we provided our members with information of how to draw up a Will, also how to Budget and Save and some tips on Health and Nutrition.

In the follow up Editions we will bring our members further information that will keep them updated and empowered, we will cover all the Sectors where we have members and their Conditions of Employment example – Private Security Guarding Division.

1. Union Growth

I am very pleased to report on the Union’s membership growth since the 2009 Congress. The total membership increased from 4,000 members to 9,000.
We not only increased in the various Geographical areas but also growth in the various Sectors. The figures in the various areas are as follows:

Gauteng
Limpopo/Mphumalanga
Free State and Northern Province
Kwa Zulu Natal
Eastern Cape
Western Cape

We have expanded our Union Offices in the Western Cape (Cape Town), Northern Kwa Zulu Natal (Richardsbay) and will open an office in the Eastern Cape (East London) shortly.

2. Road Freight Strike/Wage Settlement

As you are all aware the Road Freight Industry workers had no choice but to embark on Strike action after the Unions and the Road Freight Employers deadlocked over Improved wages and conditions.

The Strike was not well supported in the Freight and Logistic sectors, however the Cash In Transit sector where MTWU have more than 90 percent membership the Strike was very well supported except for the following branches which was most disappointing: G4S – Nelspruit, Mafikeng and Welcome. Protea Coin - Ormonde (Gauteng)

Motor Transport Workers Union holds all 6 seats in the CIT Chamber and we hold 2 seats in the Freight and Logistic Sectors, which is the second highest.

We are pleased to report that we settled in terms of the mandate given to us by our members shortly after the strike commenced.

We reached a two year agreement for 2011 and 2012. The improved conditions are listed in this Edition under the National Bargaining Council Agreement.

We have also managed to negotiate across the board increases for the other categories of employees, this means that these categories will pay levies and trade union subscriptions to the Council but the full benefits such as leave bonus etc. will not apply as yet.

A Task Team has been appointed to finalise the grading for full implementation of all benefits for the other categories by 2013.

It is very, very important that these new categories of employees join the Union in order that the Bargaining Council representivity remains fifty per cent plus one (50 +1%) in terms of the Labour Department requirements.

3. Training

In the past year the Union spent a lot of time and resources on training of Staff members as well as Shop Stewards and Executive Members. This has contributed a lot to the growth of the Union and some of our members have shown confidence and good leadership qualities in dealing with union matters.

4. Regional Structures

I am pleased to report that the Regional Committees are working well and in particular during the Strike action these Committees were very active in assisting with logistics and report backs on mandates.

The Union Head Office relies heavily on these Committees to empower the Union in the various Regions.

5. General

We ask that our members contribute to this quarterly News Letter and will welcome any news items or suggestions by you.

MDUMISENI MABASO
Motor Transport Workers Union - General Secretary
History and Current Structures

History

The union was established and registered in 1934 – 77 (Seventy Seven) years ago. At the time the Head Office was at 51 Ashers Building, Fox Street Johannesburg. Tel 33-1598. The Founder and first General Secretary was Mr. Dick Knevitt.

In 1946 the Motor Transport Workers Union and the Motor Owners Association formed the first Industrial Council for the Motor Transport Undertaking (Goods), now known as the Bargaining Council for the Road Freight Industry. Motor Transport was instrumental in the Bargaining Council expanding Nationally.

During the period 1934 and until the early 1960's the Drivers in the Industry were mostly White Drivers with a few Indian and Coloured Drivers.

They were not registered under the Bargaining Council as Government prohibited Black, Coloured and Indians to belong to Unions.

Motor Transport Workers Union did not comply with this unfair practice and enrolled and represented these workers at Plant level.

The Union continued the struggle and had many battles with the Authorities and in particular the Police.

In May of 1992, The President of Motor Transport Workers Union, the Late Mr. Simon Seema, died in Police custody.

All of these hardships only strengthened and united the MTWU members to fight for The freedom and rights of all workers in South Africa.

Achievements

It is interesting to note that the Trade Union fee in 1938 was 9 pennies per week, which amounts to about 7 cents in today’s currency.

At the time the hourly rate for Drivers were 10 cents per hour. There is a vast improvement when one compares the current rates of pay plus all the other benefits which the workers in this Industry enjoy through the efforts of the Motor Transport Workers Union of S.A. (see current benefits on pages – 35 to 39)

The Leadership of the Union under the direction of a strong President, Executive Members and the General Secretary (as listed below), pride themselves in running a democratic Union which caters for all races and genders on a equal and fair basis. The Union had Presidents and General Secretaries in their Leadership structures of both male, female and various race groups.

The Union’s main objective will always be the members best interest will remain the most important factor in any decision making.

The Union Membership has more than doubled in the past two years as set out in the General Secretary M. Mabaso’s News report in this Edition.

The Current Leadership Structures

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<tr>
<th>President</th>
<th>P. Mthembu</th>
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<tr>
<td>Vice President</td>
<td>J. Nyongwana</td>
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<td>General Secretary</td>
<td>M.E. Mabaso</td>
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<td>D. Francke - Western Cape</td>
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The Union Representatives under the Leadership of Mdumiseni Mabaso serve on many Committees such as NBC Executive, Negotiation Forums, Provident Fund Trustees, Wellness Programs and Regional Committees.

The Union branch details and contact numbers are listed on back page
1. The MTWU’s 2nd Congress was held on the 22nd to 24th May, 2009.

2. Special Guests that attended and address the Delegates included:
   - Honourable Minister of Labour M. Mdladlana.
   - NEDLAC - Mr. Hebert Mkize.
   - Labour Department Registrar - Johan Crause.
   - FEDUSA - General Secretary – Dennis George.
   - NBCRFI - CEO Joe Letswalo.

3. In attendance there were 85 Delegates as listed below, plus 16 Union Staff members.
   - Gauteng Region - 24
   - Kwa Zulu Natal - 16
   - Free State/Northern Prov. - 12
   - Eastern Cape - 11
   - Western Cape - 4
   - Limpopo/Mphumalanga - 18
   - TOTAL - 85

4. Audited Financial Statements were presented and adopted by the Congress.

5. Some of the following important Resolutions were adopted:
   5.1 **LRA DISPUTE RESOLUTION** - to approach Government to make the LRA Dispute Resolution process more speedy and the Labour Court less formal.
   5.2 **AARTO** - The Union support safe driving, however the new proposed demerit system could result in major job losses in the transport sector.
       The Union together with FEDUSA to approach Government.

5.3 **POLYGRAPH TESTING** - Union to engage Employers to stop this practice as it is viewed to be illegal.

5.4 **POLICE BRUTALITY** - Union together with FEDUSA to approach the Minister of Police to make him aware of Police brutality and torture of our members.
   To reinstate the Legal Protection Fund for our members.

5.5 **SAFETY AND SECURITY** - To ensure that safety measures are in place to protect our members in the workplace. To ensure that the CRIM Forum proposals are enforced.

5.6 **EQUITY** - Union to engage Employers who still discriminate against females and who do not meet the requirements in terms of Affirmative action.

5.7 **FEDUSA RESOLUTIONS** - The Delegates supported the FEDUSA Resolutions that mainly dealt with Unemployment, Basic and Higher Education and Training, early childhood development, Occupational Health and Safety, Land Reform and Food Security.

6. **VOTING IN OF NEW EXECUTIVE COUNCIL MEMBERS**

The following members were elected as Executive members:

- **President** - Petrus Mthembu
- **Vice President** - John Nyongwana
- **Ordinary Exco Members:**
  - Eastern Cape - Wayne Smart
  - Free State/Northern Cape - Gerald Ramosie
  - Gauteng - John Marshall
  - - Cletus Khota
  - - Modiko Dipale
  - Kwa Zulu Natal - Martin Ndlou
  - Limpopo/Mphumalanga - Gladys Mndawe
  - Western Cape - Duncan Francke

The 3rd Congress will be held in 2012. It is most important that the Union hold their Congress every 3 years in terms of the Constitution, to present Audited Financial Statements, to elect the Executive Council and to deal with important Union matters and decide on policies and the way forward to strengthen the Union.
Funeral Benefit - ABSA Life Insurance

All Members of MTWU will be entitled to the following benefits under the Funeral and Legal Schemes, which only costs R60.00 (sixty rand) per month.

**Funeral Benefits**

A. **MAIN MEMBER**
   - R10,000.00

B. **SPOUSE**
   - R10,000.00

C. **CHILDREN 14 - 21 YEARS**
   - R 8,000.00

D. **CHILDREN 6 - 13 YEARS**
   - R 6,000.00

E. **CHILDREN 0 - 5 YEARS**
   - R 4,000.00

F. **STILLBORN**
   - R 1,000.00

(Maximum of five (5) children will be covered, if a member wish to cover more children it will be subject to the conditions set out in clause “E”.

G. A further R5,000.00 will be paid if the Main Member dies in a Motor Vehicle accident at work or private. - Total Funeral R15,000.00.

H. Members can elect to continue with cover after retirement, contact the Union Head Office.

I. Members can extend the Funeral cover to their Parents at an additional cost of R20.00 per parent per month. Parents must be under the age of 70 years old at the time of joining this Funeral scheme. The Funeral payment will be R5,000.00.

**Legal Fund Benefits**

H. Members will receive a Membership card with a dedicated cell number of an Attorney.

I. Members will be entitled to Legal assistance in matters concerning Criminal charges resulting from work related matters.

J. Members will be entitled to Legal Advise.

K. If Legal representation is required in areas outside of Gauteng, either the Attorney appointed by MTWU or an Attorney from the area where the matter is set down, will be appointed/instructed by MTWU Head Office to attend to the matter.

L. Matters pertaining to Labour Disputes ,CCMA, Bargaining Council and Labour Court matters are covered by the Union through the Trade Union subscription and does not form part of this Legal Fund benefits.

M. Members who appoint their own Attorneys will be liable for the costs themselves.
The National Bargaining Council for the Road Freight Industry covers various sectors in the Transport Industry and have divided the Sectors into the following Chambers:

- **CHAMBERS**
  - Cash In Transit
  - Furniture removal sector
  - General Freight and Logistics
  - Sugar Cane Sector and
  - In Field Operations
  - Motor Ferry

Motor Transport Workers Union holds all six (6) seats in the Cash In Transit Chamber and a further two seats in the General Freight and Logistics which is the second highest representation. By 2013 MTWU aims to have more seats in the Freight Chamber as this will give us more power to negotiate better benefits. During the current negotiations we were disadvantage due to the lack of seats.

**Strike and Settlement**

During the month of February, 2011 the Industry embarked on a National Strike. MTWU were disadvantage during the following negotiations due to the lack of seats.

The Cash In Transit Sector settled the strike within two days for a two year agreement and obtained 9% for the first year - March 2011 and a further 8.5% increase for second year - March 2012 for both minimum and across the board.

The Union also obtained a 7% increase for the other new categories of employees in the CIT sector irrespective of how much they earn, there is no sliding scale. Whereas in the General Freight & Logistics, Sugar Cane, In Fields and Furniture Removal Operations there is a sliding scale with increases ranging from 7% to 5.6%.

The General Freight and Logistics, Sugar Cane Sector, In Field Operations and Furniture Removals Operations had a greater struggle to obtain their increases. These sectors received an 8% on minimums and 9% ATM for March, 2011 and a 8.5% on minimums and ATB for March, 2012, however there will be a 2% set off for grades 4 and 5 on the March, 2011 increases as agreed in 2009.

The lesson to be learned from this is that issues must be discussed by all parties must give their input to ensure that workers are not disadvantaged.

*The signed NBC Agreement between the parties is set out in the following pages.*
(3) Notwithstanding the provisions of sub-clause (2), this Agreement shall not apply to an owner-driver, as defined, who possesses only one motor vehicle and who is the permanent driver of such vehicle, or to the employees employed by him, except insofar as clause 3 and 5(4) are applicable.

(4) The provisions of clauses 1(1) (a) and 1A of this Agreement shall not apply to employers and employees who are not members of the employers’ organisation and the trade unions, respectively, who entered into this Agreement.

1A. Period of Operation of the Agreement

“This Agreement shall come into operation on such date as may be fixed by the Minister of Labour in terms of section 32 of the Labour Relations Act, 1995, and shall remain in force until 28 February 2013.

2. Clause 7: Wages

“(1) Substitute the following sub-clause 7(1):

(1) For the period until 29 February 2012, the minimum rate at which wages in respect of ordinary hours shall be paid by an employer to each member of the under mentioned grades of his employee, shall be as follows:

(a) Weekly Wages:

General Freight and Logistics, Sugar Cane Sector, In-field Operations and Furniture Removal:

(c) In the B Area, which consists of the rest of the Republic of South Africa, excluding the Magisterial Districts specified in paragraph (b) except where otherwise indicated.

(2) Notwithstanding the provisions of sub-clause (1), this Agreement shall apply to:

(a) employees for whom minimum wages are prescribed herein and to the employers of such employees; and

(b) other categories of employees, for whom minimum wages are not prescribed but qualify for the across the board increases as per clause 7. Trade union subscriptions prescribed in clause 31 and expenses of the Council prescribed in clause 32 shall be applicable to employees referred to in this sub-clause.

(c) employees for whom minimum wages are not prescribed and do not qualify for the across the board increases as per clause 7 insofar as trade union subscriptions prescribed in clause 31 are concerned.

Boksburg and Brakpan which, prior to the publication of Government Notice No. R. 1779 of 6 November 1964, fell within the Magisterial District of Heidelberg, and excluding those portions of the Magisterial District of Heidelberg, and excluding those portions of the Magisterial District of Brakpan which, prior to 1 April 1966 and 1 July 1972 (Government Notices Nos. R.498 and R.871 of 1 April 1966 and 26 May 1972, respectively), fell within the Magisterial District of Nigel], Delmas, Germiston, Johannesburg, Kempton Park [excluding those portions which, prior to 29 March 1956 and 1 November 1970 (Government Notices Nos. R.556 and R.1618 of 29 March 1966 and 2 October 1970, respectively), fell within the Magisterial District of Pretoria], Krugersdorp [including those portions of the Magisterial Districts of Koster and Brits which, prior to 26 July 1963 and 1 June 1972, respectively (Government Notices Nos. R.1105 and R.872 of 26 July 1963 and 26 May 1972, respectively), fell within the Magisterial District of Krugersdorp], Obelhozer (excluding that portion of the Magisterial District of Obelhozer which, prior to the publication of Government Notice No. R.1745 of 1 September 1978, fell within the Magisterial District of Potchefstroom), Randburg (excluding that portion which, prior to the publication of Government Notice No. R.2152 of 22 November 1974, fell within the Magisterial District of Pretoria), Randfontein (including that portion of the Magisterial District of Koster which, prior to the publication of Government Notice No. R.1105 of 26 July 1963, fell within the Magisterial District of Randfontein, but excluding the farms Moadowns 1, Hoffontein 17, Leeuwpan 18 Ireten 19, Pahtiki 20, Bospans 21 and Riffontein 48), Roodepoort, Springs, Vanderbijlpark, Vereeniging and Westonaria; and
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(2) In respect of grade 4 and 5 employees who received up to 3% increase as a result of minimum wages as of 28 February 2011, an offset to the maximum of 2% on the ATB shall apply.

(3) Substitute the following for sub-clauses 1(1)(b):

“(b) Across the board increase:

Employees who were in the employ of an employer prior to the publication of these amendments shall be awarded a wage increase of 9% on actual wage.”

(4) Substitute the following for sub-clauses 7(1)(c):

“(c) for the period 1 March 2012 to 28 February 2013 the minimum weekly rate of which wages in respect of ordinary working hours shall be paid by an employer to his employees who are engaged in the under mentioned grades, shall be as follows:

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<tr>
<td>10</td>
<td>Medium motor vehicle driver</td>
<td>6</td>
<td>2</td>
<td>B2</td>
<td>R1646.70</td>
<td>9% 7130.21 per month</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Medium motor vehicle driver</td>
<td>5</td>
<td>2</td>
<td>B2</td>
<td>R1646.70</td>
<td>9% 7130.21 per month</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Medium motor vehicle driver</td>
<td>4</td>
<td>2</td>
<td>B2</td>
<td>R1646.70</td>
<td>9% 7130.21 per month</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Medium motor vehicle driver</td>
<td>3</td>
<td>2</td>
<td>B2</td>
<td>R1646.70</td>
<td>9% 7130.21 per month</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Medium motor vehicle driver</td>
<td>2</td>
<td>2</td>
<td>B2</td>
<td>R1646.70</td>
<td>9% 7130.21 per month</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Medium motor vehicle driver</td>
<td>1</td>
<td>2</td>
<td>B2</td>
<td>R1646.70</td>
<td>9% 7130.21 per month</td>
<td></td>
</tr>
</tbody>
</table>
### 2. CLAUSE 18: MINIMUM WAGE

<table>
<thead>
<tr>
<th>Category Code</th>
<th>Class</th>
<th>Grade</th>
<th>Patterson Grade</th>
<th>New Minimum Wage per week</th>
<th>Across the board Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>50</td>
<td>Vehicle Guard</td>
<td>3</td>
<td>B2</td>
<td>R1786.67</td>
<td>8.5%</td>
</tr>
<tr>
<td>10</td>
<td>Heavy motor vehicle driver</td>
<td>4</td>
<td>B2</td>
<td>R1289.41</td>
<td>8.5%</td>
</tr>
<tr>
<td>11</td>
<td>Heavy motor vehicle (articulated)</td>
<td>4</td>
<td>B3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Extra-heavy motor vehicle driver (articulated)</td>
<td>4</td>
<td>B3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Extra-heavy motor vehicle driver (rigid)</td>
<td>4</td>
<td>B3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Dispatch clerk</td>
<td>4</td>
<td>B3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Ultra-heavy motor vehicle driver</td>
<td>5</td>
<td>B4</td>
<td>R1495.50</td>
<td>8.5%</td>
</tr>
<tr>
<td>45</td>
<td>Semi-skilled artisan</td>
<td>5</td>
<td>B4</td>
<td>R2084.15</td>
<td>8.5%</td>
</tr>
<tr>
<td>49</td>
<td>Storeman (warehouse)</td>
<td>5</td>
<td>B4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>51</td>
<td>Custodian</td>
<td>5</td>
<td>B4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>41</td>
<td>Security officer, III</td>
<td>6</td>
<td>B3</td>
<td>R1488.99</td>
<td>8.5%</td>
</tr>
<tr>
<td>40</td>
<td>Security officer, II</td>
<td>6</td>
<td>B3</td>
<td>R1786.67</td>
<td>8.5%</td>
</tr>
<tr>
<td>39</td>
<td>Security officer, I</td>
<td>6</td>
<td>B4</td>
<td>R1786.67</td>
<td>8.5%</td>
</tr>
</tbody>
</table>

### (5) Substitute to the following sub-clause 79(1)(d)

(d) Across the board increase for employees in other categories.

For the period ending 29 February 2012 and 28 February 2013 respectively, the following increases will be applicable to employees whose minimum wages are not prescribed but fall within the definition of the bargaining unit in terms of clause 49 of the Collective Agreement.

(i) General freight and logistics, Sugar Cane Sector, In-Field Operations and Furniture and Removal Operations:

<table>
<thead>
<tr>
<th>Bands</th>
<th>Period ending 29/02/2012</th>
<th>Period ending 28/02/2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Employees earning less than R6000.00 pm</td>
<td>100% of 7%</td>
<td>100% of 7%</td>
</tr>
<tr>
<td>(ii) Employees earning between R6001.00 and R8000.00 pm</td>
<td>87.5% of 7%</td>
<td>87.5% of 7%</td>
</tr>
<tr>
<td>(iii) Employees earning between R8001.00 and R10000.00 pm</td>
<td>80% of 7%</td>
<td>80% of 7%</td>
</tr>
</tbody>
</table>

(ii) Cash-in – Transit:

<table>
<thead>
<tr>
<th>Bands</th>
<th>Period ending 29/02/2012</th>
<th>Period ending 28/02/2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other categories (Box Room Marshall, Radio Controller, Tactical Support Officer, Team Leader and Counting House [Tellers])</td>
<td>7%</td>
<td>7.7%</td>
</tr>
</tbody>
</table>

(iii) The increases in (i) and (ii) above are to be off-set against any company paid increases over the last 12 months. The off-set is only in respect of the first year of this Collective Agreement. In the event that an employee in the extended bargaining unit received an increase greater than reflected in (i) and (ii) above, the employer will not be entitled to recover such difference from such employee.

(iv) The increases in (i) and (ii) above shall only be effective for the duration of this Collective Agreement and no other provisions of the Collective Agreement shall apply to the other categories of employees except for the provisions of clauses 31 and 32 of the Collective Agreement.

(6) Remove the existing sub-clauses 7 (1)(e) and 7(1)(f) in its entirety.

### 3. CLAUSE 19: LEAVE PAY FUND

(1) Substitute the following for sub-clause 19(1)(a):

*The Leave Pay Fund established under Government Notice No. R.41 of 15 January 1971 is hereby continued. Every employer shall pay as contributions to the Leave Pay Fund by not later than the 20th day of each month, in respect of every employee employed by him during the preceding month, calculated as follows:

(aa) employees with 5 years of continuous service 25% of the normal basic weekly wage earned;

(bb) employees with 5 years completed service but less than 10 years continuous service 28.34% of the normal basic weekly wage; and

(cc) employees with 10 years and longer completed service 33.3% of the normal basic wage.*
5. CLAUSE 29: SEVERANCE PAY

(1) Substitute the following for sub-clause 29(1):

“(1) Severance Pay shall be regulated in terms of section 189 of the Act and Section 41 of the Basic Conditions of Employment Act, 75 of 1997.”

6. CLAUSE 32: EXPENSES OF THE COUNCIL

(1) Delete sub-clause 32(1)(a) and insert the following new sub-clause:

“(a) (i) Employees for whom minimum wages are prescribed an amount equivalent to 0.4 per cent per week of an employee’s normal basic weekly wage shall be deducted by an employer from the wage of every employee, including a part-time employee, a relief employee and a temporary employment service, in his or its employ who works one or more days a week. To the amount so deducted the employer shall add a like amount and pay the total by not later than the 20th day of each month following that to which it relates, at the Head Office of the Council at Road Freight House, 31 De Korte Street, Braamfontein, Johannesburg.

(ii) Other employees in the bargaining unit for whom minimum wages are not prescribed, but who qualify for the across the board increases as per clause 7, an amount equivalent to 0.075 per cent per week of an employee’s normal basic weekly wage shall be deducted by an employer from the wage of every employee, including a part-time employee, a relief employee and a temporary employee of a temporary employment service, in his or its employ who works one or more days a week. To the amount so deducted the employer shall add a like amount and pay the total by not later than the 20th day of each month following that to which it relates, at the Head Office of the Council at Road Freight House, 31 De Korte Street, Braamfontein, Johannesburg.

4. CLAUSE 21: HOLIDAY PAY BONUS FUND

(1) Substitute the following for sub-clause 19(1)(a):

“19(1)(a) The Holiday Pay Bonus Fund established under Government Notice No. R. 41 of 15 January 1971 is hereby continued. A guaranteed 13th cheque will be paid to employees during December every year at 4.33 weeks of annual basic earnings prorated in the first year of service. The calculation and payment of holiday pay bonus will no longer be linked to 252 shifts.”

(2) Delete sub-clause 21(12) in its entirety.
7. CLAUSE 49: BARGAINING UNIT

(1) Delete clause 49 in its entirety and insert the following new clause:

“Clause 49: Bargaining Unit

(i) Ensure that short descriptions of each category exists; and
(ii) Ensure that job grading and classification of identified jobs in terms of the Patterson grading is done; and
(iii) Determine the existing minimum wage ranges of the identified jobs in the industry in terms of current wages/ salaries; and
(iv) Ensure that a service provider is appointed to perform the services envisaged in sub-clauses (i) to (ii) above.
(v) Oversee, in co-operation with the Council, the collection of information required to verify representativeness of parties to the Council in the defined bargaining unit by the Department of Labour in terms of Section 49 of the Act.”
(vi) Employers in the Industry are obliged to submit information in respect of (v) above, on a monthly basis in respect of all employees who falls within the definition of the Bargaining Unit in terms of clause 49 (1). The information is to be submitted on the prescribed monthly return, published by Council from time to time.

8. CLAUSE 57: WELLNESS FUND

(1) Insert the following new sub-clause (16)

“(16) The Wellness Fund is hereby extended to include a basic medical insurance for a period of 2 years at no extra cost to employers and employees.”

Signed at Johannesburg for and on behalf of the parties to the Council on this 4th day of April 2011.

T.C. SHORT          M. GWEDASHE    J. LETSWALO
Chairperson of the Council         Vice-Chairperson    Secretary of the council

Wellness and Medical Aid Fund

HIV/AIDS Program

The Fund was established some years ago with the main aim to assist the workers in the Road Freight Industry with the battle against HIV/AIDS.

At the time the Fund was created there were problems with the Government’s roll out program on Anti Retroviral Medication.

The Unions and Employers in this Industry agreed to assist the workers in this very important sector of South Africa

Since the program started thousands of workers have received assistance in the form of free testing and ARV medication.

The program is well known through the various Truck Stop Clinics that offer assistance and advise to workers on the road.

Report backs from both National and International forums involved in the HIV/AIDS programs rates the Road Freight Industry Wellness program amongst the best in the word and certainly in Africa.

On the following pages more extensive information and details are set out regarding the Wellness Program, and who to contact for assistance and information.

Medical Aid Program

The Wellness Fund is financially very stable and it was agreed between the Unions and the Employers to utilise the reserve funds towards Medical benefits for the works in this Industry.

This is an interim arrangement until 2013, whilst the Industry awaits the formation of the Government’s initiative on a National Health Scheme.

The Agreement on the Industry Medical Scheme has been forwarded for promulgation and as soon as it has been finalised a Memorandum will be sent to all the Union members on how to access the benefits under the Wellness scheme.
What are the benefits with registration on the NBCRFI-CareWorks HIV Treatment Programme?

As soon as you know you are HIV positive, it is important that you register with the NBCRFI-CareWorks HIV Treatment Programme.

The next most important thing to know is the “fighting strength” of your body. We call this your “level of immunity”. A blood test is necessary to measure the CD4 count. Measuring the CD4 count every 6 months will help you know how long it will be before you need to start ARVs.

**BENEFITS TO YOU:**

- There is **NO EXTRA COST** to you.
- Your HIV status and all your information is kept strictly **CONFIDENTIAL**.
- All your visits to your doctor and blood tests, related to the disease, are **PAID FOR**.
- The cost of your medication for the disease is **PAID FOR**.
- We assist you with accessing and **DELIVERY** of your medication.
- We have a panel of HIV specialists who will ensure you receive the most **EFFECTIVE** treatment.
- Our experienced **COUNSELLORS** will support and educate you and your family about HIV.
- We refer other **RELATED DISEASES**, e.g. TB, STIs, etc., for appropriate treatment.
- We monitor and treat you during **PREGNANCY** to reduce the risk of your baby being born HIV positive.
- We will help you access emergency preventative ARV treatment in cases of accidental exposure through rape, accident or assault; called Post Exposure Prophylaxis (PEP).

**Promoting wellness — Preventing new infections.**

We specialise in HIV Management. We will help you make sense of the disease. We guarantee:

- A nationwide network, so we can find you a doctor close to where you live or work.
- The best advice and supervision from top HIV specialists.
- Absolute confidentiality from all people involved.
- Personal attention and care from trained consultants at our care centre.
- Ongoing support for you and your family.

CareWorks is expanding throughout Sub-Saharan Africa. Phone our toll free Call Centre to see whether we offer these services in your country!

If you are unsure of anything relating to your HIV care, please contact our toll free Call Centre during office hours:

**0800 212 768**

**How to register with CareWorks:**

1. **Call the toll free call centre on 0800 212 768 (during office hours) for any assistance.**
2. Call us directly and we will find a doctor for you close to where you are and even arrange an appointment for you. The GP will examine you and assist you with completing our enrolment form.
3. Undergo some blood tests to show the strength of your immune system (arranged with your GP).
4. Confidential telephonic counselling with a CareWorks Counsellor. If your immune system is strong, ongoing counselling support and pathology testing.
5. When you need to start ARV treatment, we will get a prescription from your GP.
6. The medication will be confidentially delivered to a post office of your choice.
7. Ongoing confidential telephonic counselling with a CareWorks Counsellor.
Industry Provident Funds

In terms of the National Bargaining Council for the Road Freight Industry all employees who fall within the bargaining unit must be covered by a Provident Fund.

Companies who had their own “in house” Provident Funds during the 1990’s could apply for an exemption to continue with their own Provident funds or transfer to the Bargaining Council Fund, all other Companies without provident funds had to register their employees with the Bargaining Council’s Fund.

The Benefits of the Council’s Provident fund are as follows:

a) **Life Insurance** equal to two years salary in the event of the member’s death.

b) **Funeral Insurance** of R10,000.00 in the event of the member's death, Spouse and children are also covered.

c) **Disability cover** of two years salary in the event of permanent disability.

d) The member’s provident fund contribution is paid into a **Retirement Fund**, which should earn yearly dividends.

The NBC Provident Fund is administrated by an outsourced Service Provider.

Members must ensure that they fill in a beneficiary form with all their dependants details, this will assists in the allocation of benefits in the event of the member’s death.

Members must be provided with a yearly Benefit Statement.

For any queries members may contact the National Bargaining Council for the Road Freight Industry.

**Other Provident Funds**

For employees who are covered by their Companies “in house” Provident Funds we advise that they contact their Company’s Human Resource Department or their Company’s Trustees for any queries.

It is important to note that the “in house” funds benefits must be the same or better than the National Bargaining Council for the Road Freight Industry’s Fund.
Workmens Compensation Insurance

Department of Labour

Who is Covered by the Fund

The Compensation for Occupational Injuries Act applies:

- All employers; and
- Casual and full-time workers who, as a result of a workplace accident or work related disease; are injured, disabled, or killed; or become ill.

All Employers must pay contribution towards this Fund for the Insurance of their workers.

The Fund Covers the Following:

Workers who are affected by occupational injuries and diseases are entitled to compensation.

The Fund covers all the above mentioned workers for injuries and illness sustained in the course of their duties.

Example vehicle accident, injuries sustained in mechanical workshops, injuries or illness caused by chemicals/poisonous products, spinal injuries caused by lifting of heavy goods.

Even injuries such as slamming fingers in doors must be recorded as this may result in complications at a later stage for which Workmen’s compensation can then be claimed.

Compensation claims for occupational injuries and diseases are calculated according to the seriousness of the injury or disease.

Workmen’s compensation primarily covers the following expenses losses as due to injury on duty:

a) loss of earnings of employees.

b) all medical expenses.

c) A lump sum payment for compensation will be paid on a sliding scale for loss of limbs, organs, eye sight, loss of hearing, etc.
   Example; compensation for the loss of a thumb will be more than the loss of a pinky (small finger).

d) A lump sum and a monthly pension for workers who are permanently disabled.

Workmen’s compensation does not pay for pain and suffering, such as claims under the Road Accident Fund,(Third Party claims)

Injuries or diseases caused by the negligence of a worker’s employer or another worker may result in increased compensation.

Reporting Injuries/Diseases

Employees must ensure that all injuries at work must be reported to their immediate Supervisors and or Human Resource Departments to ensure that the injury/illness is recorded and reported.

The employer must submit the required forms to the Compensation Commissioner within 7 days after an injury and within 14 days of being notified of the diagnoses of a disease. (First Report Form W.CL.4.)

An acknowledgement card or postcard will be sent to the employer informing them of the Commissioner’s decision.

In the event of serious injury or illness there will be a First Medical Report from the Medical Doctor thereafter the Doctor will have to submit a Progress or Final Medical report.

It is very important that claims are submitted promptly make sure that you are given a copy of the forms and that you ask your employer for your Compensation number which you must keep safely for future reference.
In the event that an injury creates medical problems for the employee in future years, the employee’s workmen's compensation file can be reopened on recommendation from a Medical Doctor or Specialist.

If employee dies due to an injury on duty his/her dependants will be compensated and the Widow/Widower and minor children will receive a monthly pension payment.

There will be a contribution towards Funeral costs.

**Appeals**

Please note that should a claim be rejected by the Workmens Compensation Commissioner there is an appeal process that can be instituted.

The Workmen’s Compensation Department falls within the jurisdiction of the Department of Labour.

**Note from the Union**

The above information is a brief summary of the important aspects of this the Workmens Compensation Act.

Please ensure that you know your rights regarding injuries on duty, should you not be sure please discuss with your Shop Stewards ,your employers or the Union if you are not sure.

All injuries must be recorded even if it is minor. We have had several members who lost limbs, months after they sustained the injury due to secondary infections.

There is a period of 12 months in which to claim.

Workmens Compensation will pay, provided there is enough proof of the initial injury.

All workers are entitled to work in a safe environment in terms of the Occupational Health and Safety Act.

However often workers do not know nor understand their rights and for fear of loosing their jobs they suffer in silence.

We set out hereunder some of the health problems, hazards and dangerous situations the workers in the Road Freight and Cash In Transit Sectors face whilst performing their duties and we offer some proposed solutions.

This subject is one of the most important issues for the Union as we continue to fight for DECENT working conditions which affects the well being and very lives of our members as well as their families.

Hereunder we will deal with some of the issues and information on how to deal with these matters.

**Issues of Concern**

Long periods that Drivers sit behind the wheels of their vehicles which result in poor blood circulation, varicose veins and hemorrhoids

Long distance drivers have to buy food on the road which leads to poor nutrition related to weight issues(obesity) and sugar diabetes.

Together with all the above, the long hours, poor sleeping conditions and stress related to driving, poor and congested road conditions, possible high jacking risks, can result in hypertension (high blood pressure).

Some of the vehicles are in poor conditions which results in toxic fumes entering the vehicles. Poor design and broken seats create back and neck problems for the drivers and their crew.
The Cash In Transit Drivers also face the fact that they are stuck behind the wheels of their vehicles, however they cannot open their windows and cannot disembark without permission before ensuring that the vehicle is in a safe area.

It has come to our attention that some of these drivers often have to urinate in bottles in the vehicle out of desperation, which is totally unacceptable and leads to bladder and bowel problems.

Often the Air conditioners on the CIT vehicles are not operational, this means the Drivers and crew are exposed to excessive heat in the summer and freezing cold in the winter months. It has been proven that heat exhaustion creates awful pressure on the liver, kidneys and pancreas and can lead to sugar diabetes and renal (kidney failure).

Cash in Transit employees work under stressful conditions caused by the fear of attack by robbers on their vehicles (heists), the Crewman face the fear of being attacked when they have disembarked from the vehicle.

Poor design on some of the CIT vehicles on air circulation and poor seating arrangements in the crew compartments have lead to ill health and injury of some of these workers.

In some of the Companies workers have to go out in vehicles that are not properly armour plated, firearms and equipment are not in proper working order which creates added stress for the workers and places their lives at risk.

Proposed Solutions

Drivers who are able to disembark must please do so at regular intervals and walk around their vehicles, lifting their legs as high as possible to encourage circulation.

Whilst we understand that long distance drivers are at the mercy of the fast food industry, we encourage to try and eat healthy, we have set out hereunder some suggestions under the heading “Nutrition”.

We are aware that some of the drivers take drugs that are high in caffeine in order to keep them awake on long journeys, this practice is very dangerous as it affects the liver and kidneys and can cause irreparable damage. Rather pull off in a safe area and rest for a while.

The Union applied to Nedlac for a Section 77, in order to protect the Cash In Transit road staff against unsafe and unprotected working conditions.

The Union was successful in obtaining the right to make representations to the CRIM forum under the auspices of the Reserve Bank for improved conditions pertaining to safe practices regarding design of vehicles, caliber firearms, decent bulletproof vest etc.

We await the outcome of the CRIM recommendations to Government which should become law, and any employer who does not comply will be prosecuted and could lose the right to operate in the cash in transit sector.

Workers who feel that their health is compromised in the performance of their duties must immediately report this to their Supervisors and the Shop Stewards, if the situation is not corrected it must be brought to the attention of the Union.

Please remember you are protected by law and it is your right to work under conditions which protects your health a safety.

Nutrition

It is important that we take care of our bodies in order to live a long and healthy life.

We are aware that some of the drivers take drugs that are high in caffeine in order to keep them awake on long journeys, this practice is very dangerous as it affects the liver and kidneys and can cause irreparable damage. Rather pull off in a safe area and rest for a while.

Studies have shown that obesity is a big problem among people. Obesity is usually caused by incorrect eating patterns, poor food choices and a lack of physical activity.
The Basics of Good Nutrition

Food consists of different nutrients. These are the building blocks of healthy food and they help the body to function properly. No single food provides all of the nutrients that our bodies need, so you need to eat a wide variety of food from all of the five food groups to stay healthy.

Aside from eating a varied diet, it is important that different food types are eaten in moderation. That means eating medium sized portions that combine the different groups – it does not mean leaving out entire food groups.

It is also important to know that within each food group there are certain foods that are healthier than others. Try to eat more of the healthy types of foods and less of the unhealthy types.

- Healthy carbohydrates include, wholegrain bread, muesli, sweet potatoes, brown bread, rice, pasta, beans and corn. Unhealthy carbohydrates include white bread, doughnuts, refined cereals and potato chips.

- Vegetables and fruit like, broccoli, carrots, celery, cabbage, cauliflower, spinach, asparagus, green beans, apples, pawpaw, melon, pineapple and mango are extremely healthy – especially if eaten raw.

- Choose low-fat or fat free cheese, yogurt and milk, instead of full-cream or full-fat dairy products.

- Avoid meat with fat on it. Try to eat lean meat, chicken and fish dishes that are not prepared with lots of oil or butter.

- Consume the healthy fats and oils found in avocado pears, pumpkin seeds, walnuts, sesame seeds, spinach, salmon, sardines and anchovies.

- Avoid unhealthy fats and oils. “Hidden” in foods like, pastry, biscuits, chocolate and potato crisps. Also reduce your intake of butter, margarine, cream, mayonnaise and sunflower oil in fried foods.

Health Habits

- Always eat breakfast, it does help you to concentrate and to focus more clearly on the day’s activities. It also helps you to stay closer to your ideal body weight.

- If you cannot eat something before you leave from home in the morning, take something to snack on. Eat at least one healthy snack between each meal.

- Drink six to eight glasses of water a day, every day. You lose approximately one litre of fluid every day via the kidneys, lungs and skin and it is important to replace it.

- Fresh fruit and vegetables juices are good fluids. Fizzy drinks, coffee, and tea are not so good. They drain your fluid reserves even further.

- Eat three meals a day and never skip meals.

- It is important to get enough rest.

- We advise drivers who drink alcohol not to “overdo” it on the nights before they go on duty. It can cause the driver to be tired and to have poor reflexes and judgement whilst driving.

Depression and Suicide

Often due to work pressures or family problems workers become depressed and think about committing suicide.

When you think about it, you are not bad or crazy or weak or flawed because you feel suicidal. It does not even mean that you really want to die – it only means that you have more pain than you can cope with, right now.

If someone starts piling weights on your shoulders, you will eventually collapse – no matter how much you want to remain standing.
Willpower has nothing to do with it, of course, you would cheer yourself up if you could.

So when pain exceeds pain-coping resources, suicidal feelings are the result.

But, you can survive suicidal feelings, if you do one of two things

- Find a way to reduce your pain
- Find a way to increase your coping resources. Both are possible.

To Start to Think about These Things;

1. People do get through this, even people who feel as bad as you are feeling now. Statistically, there is a very good chance that you are going to live.

2. Give yourself some distance. Say to yourself “I will wait 24 hours (or week) before I do anything” Remember that feelings and actions are two different things – just because you feel like killing yourself, does not mean you have to actually do it right this minutes. Put some distance between your suicidal feelings and suicidal action.

3. People often turn to suicide because they are seeking relief from pain and frustration.

4. It is important that you find someone that you trust to talk to. Suicidal feelings are traumatic. After they pass, you will need to continue caring for yourself. Therapy is a really good idea. So are the various self-help groups available in your community and on the internet.

5. Remember, that there are people out there who can help you, send you a hospital or try to talk you out of how badly you feel. They will just care for you. Find one of them now.

Labour Relations Act 66 of 1995 - Schedule 8
Code of Good Practise: Dismissal
(Schedule 8 amended by s. 56 of Act 12 of 2002)

1. Introduction

(1) This code of good practice deals with some of the key aspects of dismissals for reasons related to conduct and capacity. It is intentionally general. Each case is unique, and departures from the norms established by this Code may be justified in proper circumstances. For example, the number of employees employed in an establishment may warrant a different approach.

(2) This Act emphasises the primacy of collective agreements. This Code is not intended as a substitute for disciplinary codes and procedures where these are the subject of collective agreements, or the outcome of joint decision-making by an employer and a workplace forum.

(3) The key principle in this Code is that employers and employees should treat one another with mutual respect. A premium is placed on both employment justice and the efficient arbitrary action, employers are entitled to satisfactory conduct and work performance from their employees.

2. Fair Reasons for Dismissal

(1) A dismissal is unfair if it is not effected for a fair reason and in accordance with a fair procedure, even if it complies with any notice period in a contract of employment or in legislation governing employment. Whether or not a dismissal is for a fair reason is determined by the facts of the case, and the appropriateness of dismissal as a penalty. Whether or not the procedure is fair is determined by referring to the guidelines set out below.

(2) This Act recognizes three grounds on which a termination of employment might be legitimate. These are:
- The conduct of the employee, the capacity, and the operational requirements of the employer’s business.
This Act provides that a dismissal is automatically unfair if the reasons for the dismissal is one that amounts to an infringement of the fundamental rights of employees and trade unions, or if the reason is one of those listed in Section 187. The reasons include participating in a lawful strike, intended or actual pregnancy and acts of discrimination.

In cases where the dismissal is not automatically unfair, the employer must show that the reason for dismissal is a reason related to the employee's conduct or capacity, or is based on the operation requirements of the business. If the employer fails to do that, or fails to prove that the dismissal was effected in accordance with a fair procedure, the dismissal is unfair.

3. Disciplinary Measures Short of Dismissal
(Heading substituted by s. 57 of Act 42 of 1996)

Disciplinary Procedures Prior to Dismissal

(1) All employers should adopt disciplinary rules that establish the standard of conduct required of their employees. The form and content of disciplinary rules will obviously vary according to the size and nature of the employer's business. In general, a larger business will require a more formal approach to discipline. An employer's rules must create certainty and consistency in the application of discipline. This requires that the standards of conduct are clear and made available to employees in a manner that is easily understood. Some rules or standards may be so well established and known that it is not necessary to communicate them.

(2) The courts have endorsed the concept of corrective or progressive discipline. This approach regards the purpose of discipline as a means for employees to know and understand what standards are required of them. Effort should be made to correct employees' behavior through a system of graduated disciplinary measures such as counseling and warnings.

(3) Formal procedures do not have to be invoked every time a rule is broken or a standard is not met. Informal advice and correction is the best and most effective way for an employer to deal with minor violations of work, discipline. Repeated misconduct will warrant warnings, which themselves may be graded according to degrees of severity. More serious infringements or repeated misconduct may call for a final warning, or other action short of dismissal. Dismissal should be reserved for cases of serious misconduct or repeated offences.

4. Fair Procedure

(1) Normally, the employer should conduct an investigation to determine whether there are grounds for dismissal. This does not need to be a formal enquiry. The employer should notify the employee of the allegations using a form and language that the employee can reasonably understand.
The employee should be allowed the opportunity to state his case in response to the allegations. The employee should be allowed the opportunity to state a case in response to the allegations. The employee should be entitled to a reasonable time to prepare the response and to the assistance of a trade union representative or fellow employee.

After the enquiry the employer should communicate the decision taken, and preferably furnish the employee with written notification of that decision.

(2) Discipline against a trade union representative or an employee who is an office-Bearer or official of a trade union should not be instituted without first informing and consulting the trade union.

(3) If the employee is dismissed, the employee should be given the reason for dismissal and reminded of any rights to refer the matter to a Council with jurisdiction or to the Commission or to any dispute resolution procedures established in terms of a collective agreement.

(4) In the exceptional circumstances, if the employer cannot reasonably be expected to comply with these guidelines, the employer may dispense with pre-dismissal procedures.

5. Disciplinary Records

Employers should keep records for each employee specifying the nature of any disciplinary transgressions, the actions taken by the employer and the reasons for the actions.

6. Dismissals And Industrial Action

(1) Participation in a strike that does not comply with the provisions of Chapter IV, is misconduct. However, like any other act of misconduct, it does not always deserve dismissal.

The substantive fairness of dismissal in these circumstances must be determined the light of the facts of the case, including-

(a) The seriousness of the contravention of this Act,

(b) Attempts made to comply with this Act, and

(c) Whether or not the strike was in response to unjustified conduct by the employer.

(2) Prior to dismissal the employer should, at the earliest opportunity, contact a trade union official to discuss the course of action it intends to adopt. The employer should issue an ultimatum in clear and unambiguous terms that should state what is required of the employees and what sanction will be imposed if they do not comply with the ultimatum.

The employees should be allowed sufficient time to reflect on the ultimatum and respond to it, either by complying with or rejecting it, if the employer cannot reasonably be expected to extend to these steps to the employees in question, the employer may dispense with them.

7. Guidelines in Cases of Dismissal for Misconduct

Any person who is determining whether a dismissal for misconduct is unfair should consider-

(a) Whether or not the employee contravened a rule or standard regulating conduct in, or of relevance to, the workplace, and

(b) If a rule or standard was contravened, whether or not-

(i) the rule was a valid or reasonable rule or standard:

(ii) the employee was aware, or could reasonably be expected to have been aware of the rule or standard:

(iii) the rule or standard has been consistently applied by the employer, and

(iv) dismissal was an appropriate sanction for the contravention of the rule or standard.
8. Probation

(1) (a) An employer may require a newly-hired employee to serve a period of probation before the appointment of the employee is confirmed.

(b) The purpose of the probation is to give the employer an opportunity to evaluate the employee’s performance before confirming the appointment.

(c) Probation should not be used for purposes not contemplated by this Code to deprive employees of the status of permanent employment.

For example, a practice of dismissing employees who complete their probation periods and replacing them with newly-hired employees, is not consistent with the purpose of probation and constitutes an unfair labour practice.

(d) The period of probation should be determined in advance and be of reasonable duration. The length of the probationary period should be determined with reference to the nature of the job and the time it takes to determine the employee’s suitability for continued employment.

(e) During the probationary period, the employee’s performance should be assessed. An employer should give an employee reasonable evaluation, instruction, training, guidance or counseling in order to allow the employee to render a satisfactory service.

(f) If the employer determines that the employee’s performance is below standard, the employer should advise the employee of any aspects in which the employer considers the employee to be failing to meet the required performance standards. If the employer believes that the employee is incompetent, the employer should advise the employee of the respects in which the employee’s is not competent.

The employer may either extend the probationary period or dismiss the employee after complying with sub item (g) or (h) as the case may be.

(g) The period of probation may only be extended for a reason that relates to the purpose of probation. The period of extension should not be disproportionate to the legitimate purpose that the employer seeks to achieve.

(h) An employer may only decide to dismiss an employee or extend the probationary period after the employer has invited the employee to make representations and has considered any representations. A trade union representative or fellow employee may make the representations on behalf of the employee.

(i) If the employer decides to dismiss the employee or to extend the probationary period, the employer should advise the employee of his or her rights to refer the matter to a Council having jurisdiction, or to the Commission.

(j) Any person making a decision about the fairness of a dismissal of an employee for poor work performance during or on any expiry of the probationary period to accept reasons for dismissal that may be less compelling than would be the case in dismissals effected after the completion of the probationary periods.

(2) After probation, an employee should not be dismissed for unsatisfactory performance unless the employer has-

(a) given the employee appropriate evaluation, instruction, training, guidance or counseling, and

(b) after a reasonable period of time for improvement, the employee continues to perform unsatisfactorily.

(3) The procedure leading to dismissal should include an investigation to establish the reasons for the unsatisfactory performance and the employer should consider other ways, short of dismissal to remedy the matter.

(4) In the process, the employee should have the right to be heard and to be assisted by a trade union representative or a fellow employee.
9. Guidelines in Cases of Dismissal for Poor Work Performance

Any person determining whether a dismissal for poor work performance is unfair should consider:

(a) whether or not the employee failed to meet a performance standard; and
(b) if the employee did not meet a required performance standard whether or not:
   (i) The employee was aware, or could reasonably be expected to have been aware of the required performance standard;
   (ii) The employee was given a fair opportunity to meet the required performance standard, and
   (iii) Dismissal was an appropriate sanction for not meeting the required performance standard.

10. Incapacity, Ill Health or Injury

(1) Incapacity on the grounds of ill or injury may be temporary or permanent. If an employee is temporarily unable to work in these circumstances, the employer should investigate the extent of the incapacity or the injury. If the employee is likely to be absent for a time that is unreasonably long in the circumstances, the employer should investigate all the possible alternatives short of dismissal.

When alternatives are considered, relevant factors might include the nature of the job, the period of absence, the seriousness of the illness or injury and the possibility of securing a temporary replacement for the ill or injured employee. In cases of permanent incapacity, the employer should ascertain the possibility of securing alternative employment, or adapting the duties or work circumstances of the employee to accommodate the employee’s disability.

(2) In the process of the investigation referred to in sub section (1) the employee should be allowed the opportunity to state a case in response and to be assisted by a trade union representative or fellow employee.

(3) The degree of incapacity is relevant to the fairness of any dismissal. The cause of the incapacity may be relevant. In the case of certain kinds of incapacity, for example alcoholism or drug abuse, counseling and rehabilitation may be appropriate steps for an employer to consider.

(4) Particular consideration should be given to employees who are injured at work or who are incapacitated by work-related illness. The courts have indicated that the duty on the employer to accommodate the incapacity of the employee is more onerous in these circumstances.

11. Guidelines in Cases of Dismissals Arising from Ill Health or Injury

Any person determining whether a dismissal arising from ill health of injury is unfair should consider:

(a) Whether or not the employee is capable of performing the work; and
(b) If the employee is not capable:
   (i) the extent to which the employee is able to perform the work;
   (ii) the extent to which the employee’s work circumstances might be adapted to accommodate disability, or, where this is not possible, the extent to which the employee’s duties might be adapted, and
   (iii) the availability of any suitable alternative work.

Note from the Union:

Always ensure that you advise your shop steward or a union official should you face any kind of disciplinary action.

Before making any statements ensure that you understand your rights.
Aarto - Demerit System

The objects of the Act therefore are, despite the Criminal Procedure Act, 1977 (Act No 51 of 1977):

a) To encourage compliance with the national laws and municipal by-laws relating to road traffic and to promote road safety traffic;

b) To encourage the payment of penalties imposed for infringements and to allow alleged minor infringers to make representations;

c) To establish a procedure for the effective and expeditious adjudication of infringements;

d) To alleviate the burden on the courts of trying offenders for infringements;

e) To penalise drivers and operators who are guilty of infringements or offences through the imposition of demerit points leading to the suspension and cancellation of driving licences, professional driving permits or operator cards;

f) To reward law-abiding behavior by reducing demerit points where they have been incurred if infringements or offences are not committed over specified periods;

g) To establish an agency to support the law enforcement and judicial authorities and to undertake the administrative adjudication process; and

h) To strengthen co-operation between the prosecuting and law enforcement authorities by establishing a board to govern the agency.

Allocation of Demerit Points

We have highlighted some of the important issues on the Aarto System that will directly affect our Driver members.

The Union together with other Organisations have made representations to Government expressing our concerns regarding the proposed Aarto system.

MTWU has always supported SAFE DRIVING and will continue to do so, however The Union is concerned that this system could lead to job losses for our Drivers in this Industry.

How the Proposed Aarto System Will Work

The Administrative of Road Traffic Offences Act, No 46 of 1998, (AARTO) was approved by Parliament in 1998, to enter into force on 1 September, 2007 in the magisterial district of Tshwane on a pilot basis for a period of 7 months.

The system will be rolled out on a national basis soon.

The purpose of the Act is to promote quality, safety and discipline in road traffic by providing for a scheme to discourage road traffic contrive implementations, to facilitate the adjudication of road traffic infringements, to support the prosecution of offences in terms of the national and provincial laws relating to road traffic, and implement a points demerit system; to provide for the establishment of an agency to administer the scheme to provide for the establishment of a board to represent the agency; and to provide for matters connected therewith.

A person, who has committed an offence or an infringement, incurs a number of demerit points ranging from 1 to 4 for any one offence or infringement committed depending on the seriousness thereof. An example of demerit points, including penalties and discounts for some infringements are set out hereunder. Demerit points are incurred on the date on which the penalty and fee, if any, imposed for the infringement are paid, an enforcement order is issued or the infringer is convicted of the offence in court.
If a person has committed two or more infringements, or is convicted by a court of two or more offences arising out of the same circumstances, demerit points are recorded only in relation to one such infringement or offence, being the infringement or offence to which the highest number of demerit points applies. The demerit points in respect of offences or infringements by operators and drivers are recorded separately even if they arise out of the same circumstances.

If a person appeals against a conviction by the court for an offence no demerit points are recorded unless the appeal is rejected or abandoned in which case demerit points are incurred in the prescribed manner.

Reduction of Demerit Points

If demerit points have been incurred by an infringer, such total number of points as recorded in the national contraventions register on NATIS against that person will be reduced with one (1) point for every three (3) months during which no demerit points were incurred by that person, except for the time the court found that the court process had been deliberately delayed by that person to obtain a reduction in points.

Prohibition on Driving or Operating a Motor Vehicle

If a person incurs demerit points which, when added to the points previously recorded against that person in the national contraventions register on NATIS, exceeds a total of twelve (12) points, that person will be disqualified from driving or operating a motor vehicle. The disqualification period equals in months the number of points by which the total of twelve is exceeded, multiplied by three (3);

Example:
A person who has eleven (11) points and then receives a further three (3) demerit point will equal fourteen (14) points. It will means the person exceeds the twelve (12) points by two (2) points. The two (2) points will then be multiplied by three (3) which equals six (6). The person will then be disqualified for driving for a period of six (6) months.

A person who is disqualified:
(a) Must immediately hand in any driving licence or professional driving permit to the issuing authority for retention by such authority during the disqualification period or must remove the prescribed operator card from the vehicle in applicable cases; and
(b) May not apply for a driving licence, professional driving permit or operator card during the disqualification period.

Any person who drives or operates a motor vehicle during his or her disqualification period is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding one (1) year or to both a fine and such imprisonment.

Upon expiry of his or her disqualification period, a person may apply to the issuing authority to return his or her driving licence or professional driving permit or the reissue an operator card.

Cancellation of a Driving Licence, Professional Driving Permit or Operator Card

A Person who incurs demerit points resulting in a disqualification to drive or operate a motor vehicle for a third (3) time, must immediately hand in his or her driving licence, professional driving permit or operator card issued in respect of that vehicle to the issuing authority. Upon receipt of such a driving licence, professional driving permit or operator card, as the case may be, the authority will take the necessary steps to destroy such, licence, permit or card.

Upon expiry of his or her disqualification period, a person may reapply for and be issued with a driving licence, professional driving permit or operator card in terms of the applicable road traffic laws.

Aims of Aarto

The procedures, as provided for in the AARTO Act and briefly described above, provide for a transparent, fair and effective system to manage and control road traffic offences and infringements, and should contribute to a large extent to:

(a) promote quality, safety and discipline in road traffic by providing for a scheme to discourage road traffic contraventions;
(b) facilitate the adjudication of road traffic infringements;
(c) support the prosecution of offences in terms of the national and provincial laws relating to road traffic, and implement a points demerit system; and
(d) effect a reduction in road fatalities and injuries.

If fines are paid within thirty two (32) days, there will be a fifty (50%) per cent discount.
### Annexure B

<table>
<thead>
<tr>
<th>Description of Offence or Infringement</th>
<th>Classification</th>
<th>Penalty Units</th>
<th>Demerit Points</th>
<th>Penalty Amount (R)</th>
<th>Discount Amount (R) Discount = 50%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Exceeded general speed limit of 60km/h in urban area: 76 - 80km/h</td>
<td>I</td>
<td>10</td>
<td>1</td>
<td>500</td>
<td>250</td>
</tr>
<tr>
<td>2 Exceeded general speed limit of 60km/h in urban area: 81 - 85km/h</td>
<td>I</td>
<td>20</td>
<td>3</td>
<td>1,000</td>
<td>500</td>
</tr>
<tr>
<td>3 Exceeded general speed limit of 60km/h in urban area: 86 - 90km/h</td>
<td>I</td>
<td>25</td>
<td>4</td>
<td>1,250</td>
<td>625</td>
</tr>
<tr>
<td>4 Exceeded general speed limit of 100km/h in urban area: 111 - 115km/h</td>
<td>I</td>
<td>5</td>
<td>0</td>
<td>250</td>
<td>125</td>
</tr>
<tr>
<td>5 Exceeded general speed limit of 100km/h in urban area: 126 - 130km/h</td>
<td>I</td>
<td>20</td>
<td>3</td>
<td>1,000</td>
<td>500</td>
</tr>
<tr>
<td>6 Exceeded general speed limit of 100km/h in urban area: &gt; 140km/h</td>
<td>O</td>
<td>C</td>
<td>6</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>7 Exceeded general speed limit of 120km/h in urban area: 136 - 140km/h</td>
<td>I</td>
<td>10</td>
<td>1</td>
<td>500</td>
<td>250</td>
</tr>
<tr>
<td>8 Exceeded general speed limit of 120km/h in urban area: 146 - 150km/h</td>
<td>I</td>
<td>20</td>
<td>3</td>
<td>1,000</td>
<td>500</td>
</tr>
<tr>
<td>9 Exceeded general speed limit of 120km/h in urban area: 120 - 160km/h</td>
<td>O</td>
<td>C</td>
<td>6</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>10 Failed to stop motor vehicle at a stop sign</td>
<td>I</td>
<td>10</td>
<td>1</td>
<td>500</td>
<td>250</td>
</tr>
<tr>
<td>11 Driving a vehicle under the influence of alcohol or drugs</td>
<td>O</td>
<td>C</td>
<td>8</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>12 Operated a vehicle without displaying the licence disc</td>
<td>I</td>
<td>10</td>
<td>1</td>
<td>500</td>
<td>250</td>
</tr>
<tr>
<td>13 Sum of axle and axle mass load exceeds SABS specification: 2% - 3.99%</td>
<td>I</td>
<td>5</td>
<td>0</td>
<td>250</td>
<td>125</td>
</tr>
<tr>
<td>14 Sum of axle and axle mass load exceeds SABS specification: 8% - 9.99%</td>
<td>I</td>
<td>20</td>
<td>3</td>
<td>1,000</td>
<td>500</td>
</tr>
<tr>
<td>15 Sum of axle and axle mass load exceeds SABS specification: 12% - 13%</td>
<td>I</td>
<td>30</td>
<td>5</td>
<td>1,500</td>
<td>750</td>
</tr>
<tr>
<td>16 Sum of axle and axle mass load exceeds SABS specification: &gt;13.99%</td>
<td>I</td>
<td>C</td>
<td>6</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>17 Display only one number plate on a motor vehicle</td>
<td>I</td>
<td>10</td>
<td>1</td>
<td>500</td>
<td>250</td>
</tr>
<tr>
<td>18 Failed to licence a motor vehicle</td>
<td>I</td>
<td>10</td>
<td>1</td>
<td>500</td>
<td>250</td>
</tr>
<tr>
<td>19 Licence disc not displayed on vehicle</td>
<td>I</td>
<td>10</td>
<td>1</td>
<td>500</td>
<td>250</td>
</tr>
<tr>
<td>20 Drive while talking on cell phone</td>
<td>I</td>
<td>5</td>
<td>0</td>
<td>250</td>
<td>125</td>
</tr>
<tr>
<td>21 Pass other vehicle on the left shoulder</td>
<td>I</td>
<td>20</td>
<td>3</td>
<td>1,000</td>
<td>500</td>
</tr>
<tr>
<td>22 Holder of learner licence not accompanied by licensed driver</td>
<td>I</td>
<td>25</td>
<td>4</td>
<td>1,250</td>
<td>625</td>
</tr>
<tr>
<td>23 Operated a class of vehicle without a professional driving permit</td>
<td>O</td>
<td>C</td>
<td>6</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>24 Driver failed to use directional indicator</td>
<td>I</td>
<td>5</td>
<td>0</td>
<td>250</td>
<td>125</td>
</tr>
<tr>
<td>25 Owner allowed person to drive vehicle without obtaining full particulars</td>
<td>I</td>
<td>15</td>
<td>2</td>
<td>750</td>
<td>375</td>
</tr>
</tbody>
</table>
Consumer Protection Act (CPA)

How the New Consumer Bill Protects You

On the 1st April, 2011 the new Consumer Protection Act (CPA) comes into effect. The Act aims to regulate almost every type of financial transaction to give consumers an advantage when it comes to financial dealings. In fact it is widely believed that what the Labour Relations Act did for employees, the Consumer Protection Act will do for consumers. Hereunder we set out some of the issues that can affect you and how the new Law will protect the consumer.

Returns and Refunds

It is all about you in the new Act, especially when it comes to returning goods or asking for refunds. Consumers will now have up to six months to return faulty or unsafe goods. The consumer will have a choice between the supplier repairing or replacing these, or refunding you in full. If the product fails again within the next three months, the supplier is once again obliged to replace it or refund you. But remember, this applies only to the general wear and tear of your appliances, not gross negligence on the consumers part. The Supplier may charge you a small amount to repackage the product.

SMS Competitions

A small victory, but a victory nonetheless. As of April, 2011 companies will not be allowed to charge you an exorbitant R5.00 or R10.00 to enter an SMS or MMS competition, but will have to stick to the usual network rates.

Repairs

If you need to have any of your goods repaired including your vehicle or repairs to your house, as from 1 April, 2011 all firms will have to provide you with an estimate for work, and you must approve the estimate and give them the go ahead to do the repairs. Companies will not be able to charge you for preparing their quote, unless you agreed to it.

Contracts

If you have been billed for a Cell phone or Gym contract that had expired, then as from 1 April, 2011 automatic renewals of contracts will not be allowed. Companies will have to contact you – in – writing between 40 and 80 business days before your contract expires. The Company will have to give you the option to continue with your contract, change the terms of conditions or to cancel it. Note that the contract will continue on a month to month basis until you make your choice.

You will also be able to cancel contracts at any time. No more waiting for the full 24 months to end. If you are unhappy, you give the company 20 days notice in writing. And while you will not have to pay the full value of the contract, keep in mind that you still have to pay anything you owe the company to the date of cancellation. The company might also charge you a cancellation fee, possibly no more than 10 percent of the amounts still owed.

Cooling Off Period

This clause applies to consumers who bought in response to direct marketing, which is when things are advertised directly to you, in person, in the mail or electronically. Sometimes people buy without first thinking it through and afterwards they regret it. The new act brings relief in this area and will allow the consumer 5 days to change his/her mind. The consumer must notify the company in writing and they will have 15 days to pay you back in full. If goods have already been delivered to you, you will have to return the goods before your money will be refunded to you.

Voetstoots

The Consumer Protection Act specifically identifies the consumers right to good quality products in good working order free of any substantial defects and fit for their purpose. From 1 April, 2011 companies will have to let you know if the product that you are buying have any defects, both obvious and those defects that are hidden. You will have to agree to buy the product in that condition. This section of the Act will particularly protect consumers who buy second hand vehicles.
The Bill of Rights

Privacy

Gone are the dreaded telemarketer calls and junk mail flyers. At least in theory. According to the new act, salespeople cannot bombard you with calls and leaflets at certain times of the day and certain of the year.

You can also put your name on a blocking registry to one-up the telemarketers before they even begin to dial. How exactly this will be enforced is not clear at this stage.

If you have any difficulties in future and feel you have been treated unfairly as a consumer you may contact the following:

Department Of Trade And Insutry And Industry’s National Consumer Protection At:

0861 843 384, FAX 012 394 2558

E mail contactus@thedti.gov.za or write to:

The DTI, National Consumer Commission, Consumer Complaints Private Bag X84 PRETORIA 0001

Complaint forms can be downloaded at:

http://www.dti.gov.za/ccrd/complaintforms.htm

source: Emma Donovan from www.getclosure.co.za consumer complaints blog

Equality

Equality is one of the most important rights. Discrimination will be unfair if any one is judged based on race, gender(sex), sexual orientation or religion. Everyone has the rights to believe and follow whatever religion they want.

Freedom of expression and Freedom of association

Everyone has the right to freely express themselves, provided it does not cause hatred or harm. Freedom of Association means that one can spend time with whomever one want and join any organization one chooses.

Dignity, Life and Privacy

Another of the most important rights is the right to dignity. Everyone has the right to a clean and healthy environment. Other rights include the right to Life and privacy. The death penalty is not legal in South Africa. Criminals who are sentenced to jail have the right to be treated fairly and have the right to food, medical care and basic rights. Anyone who is charged in a Court of Law is viewed to be innocent until proven guilty. Police who commit acts of violence towards the Public can be investigated and charged by the ICU – Investigative Crimes Unit.

South Africa has a Bill of Rights that gives each individual certain rights. All acts that Government and other Institutions want to enforce, can be tested with compliance to the Bill of Rights.

Anyone can move freely around South Africa and to leave whenever they want. Anyone has a right to work and be treated fairly by their employer and not to be forced to work such as slavery. Children under the age of 16 are also not permitted to take up employment.
1. Inflation

Your grandparents have probably told you that in the old days they could see a movie, buy popcorn and enjoy a milkshake afterwards – for only R11.00, and you have probably noticed that the stuff you buy today is MORE EXPENSIVE than it was some time ago.

This process of price increases is called, INFLATION, which is different from the rise in price of a particular product (like petrol) or service (like travel by taxi). It’s an ON GOING GENERL RISE IN PRICES across the whole economy.

Low inflation is thought to be good for job creation because foreign and local companies invest more and business owners know that labour cost will rise only slightly each year. High inflation is bad news – hurting the poor, pensioners and those who rely on fixed incomes. In times of inflation, those who want to save also discover that they buy less with their money than they could before – which discourages saving!

2. Interest Rates

The South African Reserve Bank has a duty to ensure price stability by controlling inflation, so its Monetary Policy Committee meets every 2 months to decide on appropriate repo rates (rates at which commercial banks can borrow funds from the Reserve Bank). Commercials banks then set the prime interest rate (prime lending rate) at which they will lend money to consumers.
So are lower interest rates good or bad? If you have a home or car loan at a bank, lower interest rates are great because they mean that you will have to pay the bank less interest, but if you have investments and you use the interest as a source of monthly income, lower interest rates mean you will get less money than before.

3. Government Spending

How much the Government decides to spend in a given year and how it plans to finance that spending is called fiscal policy, and believe it or not, the Government spending has a major impact on our day to day living, it determines taxes and affects interest rates.

Just as you may borrow money to build a home, so the Government borrows money to build roads, hospitals or schools. It's unsurprising then, that a government is a country's single biggest borrower. And it makes sense that the more a Government borrows, the higher interest rates will go. After all, there is only so much money available to borrow.

4. International Trade

Trade with other countries plays a major role in every economic – from inflation to interest rates. If a country exports more than it imports, coming into the country than going out. Complicated? Well, the Reserve Bank makes things clearer by publishing monthly figures on the balance of payments. The difference between money coming in and money going out.

5. Economic Growth

Economic growth indicates how well or badly we are going as a country. If economic growth, (measured in terms of GROSS DOMESTIC PRODUCT, which is the value of everything by produced by South Africa) is happening faster than population growth. We are doing very well. But South Africa has some catching up to do, in fact, experts explain that economic growth of at least 5% is needed to combat (fight) unemployment and poverty.
Branches of Government

The Executive Branch

The executive branch (made up of the President, Deputy President, and Cabinet) is what people usually mean by when they say “Government”. The Cabinet consists of Ministers appointed by the President. Each Minister is responsible for a different government department. They are accountable to Parliament and report back regularly on their work.

After laws have been passed by Parliament, they become the responsibility of a particular department or group of departments. This is the work that gives the Executive Branch its name, “To Execute” means to carry out laws and policies.

Legislative Branch

The legislature, or Parliament, runs the law-making process. It is made up of two separate structures: The National Assembly and the National Council of Provinces (NCOP). When you vote in national elections, you elect the people who will sit in the National Assembly. They are known as Members of Parliament or MP’s.

To help Parliament in its work, there are four different types of parliamentary committees. MP’s sit on at least one, and sometimes several. Each Committee has a special focus and it is here that the most detailed discussions on proposed laws take place. If Parliament feels that a proposed law (known as a bill) requires more work, it is passed on to the relevant committee for improvement or changes.

The Judicial Branch

The judiciary plays no role in proposing or passing laws, but it is responsible for applying them. It is made up of all the courts, from the Constitutional Court and the High Court to Magistrate's Courts and other specialized courts. Courts operate completely independently from Parliament and the Cabinet. Their role is to interpret laws when they have been violated and to enforce them. They are also responsible for upholding the Constitution.

What Is Multi Party Democracy?

Multi partyism is one of the pillars of democracy. In a multi – party system, citizens are free to establish political parties to promote their particular vision for their country. They are free to support the political party of their choice. In this way, a multi-party system promotes two fundamental human rights, freedom of association and freedom of choice.

Voting Process

In South Africa and throughout the democratic world, the numbers of voters are decreasing with each election. But it is important to remember that democracy goes both ways. It’s Government’s duty to meet your needs and represent your interests, but you also have a responsibility to contribute to democracy by voting. If you have not voted, you cannot complain that Government has not met its obligations – because you have not met your obligations either.

Remember that winning the election is not the only goal. An election provides an opportunity for all citizens to speak together about how they want the country to be governed. And in order for the election result to reflect the will of all people, it is important for everyone to have their say.

The Electoral Process

In order to vote, you must be a registered voter. This means that when you represent yourself at the voting station, your name must appear on the voters roll. When voting, take your barcoded ID book (or valid temporary ID, Passport or Visa) to your local voting station.

A recent amendment to the Electoral Act makes it possible for people to vote in a different centre to where they are registered. You can vote at any voting station, provided that you have a sticker in your ID Book to prove you are a registered voter.
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What is an Opposition Party?

In an election, as in most other competitions, there are winners and losers. The winner is the party that gains the most seats in Parliament and has the power to govern the country, but in a multi-party state, parties that receive a lot of support from voters are still able to win seats in Parliament – even if they are not in the majority. The party that wins the second highest number of seats is generally known as the official opposition.

What is Proportional Representation?

In political systems based on Proportional Representation, parties prepare lists of candidates for an election. Citizens then vote for a party of their choice, rather than for an individual. Once all the votes are counted, the totals are calculated at national level. Parties are allocated seats in Parliament in proportion to the share of the votes they received in the election.
**Draw up a Will (Testament)**

Death is not a subject that we want to talk about but is something that affects all of us at some time or another. When the bread winner passes away it can cause major problems for the dependents especially if there is no Will and family members want to lay claim to the Deceased’s money and property, often children all left destitute.

### What is a Will

A will is a legal document that explains what you want to do with your money and possessions (known as assets) when you die. It ensures that your estate (property) will be managed according to your wishes. So no matter how young or old you are or feel, a will is IMPORTANT.

### How to Draw up Will

There is a fairly standard document (Will) that can be purchased from the larger Stationary Shops. If you can afford an Attorney you can ask them to assist you. Most Banks also offer this service, one must just take note that Lawyers and Banks are expensive when they are appointed as Executors. An Executor is the person or Institution that you mention in your Will that you want to take care of how your assets are divided after your death.

Include instructions about your funeral, preferred method and place of burial and payment of funeral fees in the will. That way, there will be no dispute regarding your final wishes.

1. **You have to be 16 or older to write a will.**
2. **It must be written of your free choice, you cannot be forced to write it.**
3. **Your will must be written (typed or printed) form to be legal. You cannot whisper it into someone’s ear or rectify it at a dinner table.**
4. **Your signature must appear at the end of the will to show that it is valid, if the will has more than 1 page, a signature must appear on every page.**
5. **You must sign your will in the presence of at least 2 witnesses (both over the age of 16) and a Commissioner of Oaths, (an official authorized to take an oath, like a police officer)**
6. **Both witnesses and the Commissioner must sign at the end.**
7. **Your witnesses should not be heirs of have a direct interest in your estate. That way, your assets will be handled with respect and care after you passed away.**
8. **If at time you wish to change something, add an heir of disinherit (cut out) someone, you should fill out a codicil. This is an amendment (change) to a will and it can be done at any time.**
9. **It is advisable, if possible, to consult an attorney when writing a will. This will ensure that all the legal formalities are complied with and your will is legally valid.**

*It is important for all of us to leave a legacy after we are gone. We want to ensure that our loved ones are taken care of and that our wishes for them are honoured.*
Budget and Save

9. Calculate your fixed costs that apply each month and do not change much in between – like rent, insurance, water and electricity, food, transport, school fees, etc.

10. At the end of each month, compare what you actually spent the previous month to what you budgeted for. This will show you whether you are able to stay within your budget.

11. Ensure that you make notes of all your spending (keep invoices and cash slips) as one cannot always remember what you did with the cash you had in your pocket.

2. WHY IS IT IMPORTANT TO SAVE

One cannot always predict the future and when unforeseen circumstances arise it can bring extra stress if there is a lack of funds and one has to run around trying to find money.

Often members have to borrow money from “loan sharks” at very high interest rates and sometimes it takes years to pay off these loans.

Even small amounts of savings every month when one is young can amount to a large amount after 20 years. Make enquiries on some endowment policies that will give you a good return.

It is always advisable to reinvest your Provident Fund withdrawal payments should it be paid out to you before retirement date, this way you ensure that you will have money in your old age and you can keep your independence.

Some of our members have been “black listed” for non payment of account. This creates future problems in particular when applying for credit and severely affects vehicle and home Buyers. You can have your name cleared once you have paid the full outstanding amount on the account for which you have been black listed.

Note: In the next Edition of the Union’s Newsletter we will deal with different kinds of Insurance options.