

SOUTH AFRICAN LOCAL GOVERNMENT BARGAINING COUNCIL

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21 July 2006

To: All Municipal Managers

The Parties:	SALGA – Chief Executive Officer	Dr. M Khoza	(012) 369-8043
	SAMWU – General Secretary	Mr. R Ronnie	(021) 696-9175
	IMATU – General Secretary	Mr. C Dunstan	(012) 460-8444

The Regional Secretaries:

Gauteng Division	Mr. T Ndlovu	(011) 333-8091
Eastern Cape Division	Ms. S Walter	(041) 585-0646
KwaZulu-Natal Division	Mr. A Singh	(031) 267-0930
Western Cape Division	Mr. O Wilson	(021) 930-9244
Northern Cape/Free State Division	Mr. M Faas	(053) 831-3608
North West/Mpumalanga/Limpopo Division	Mr. E Shelembe	(012) 320-4136

Dear Sir/Madam

CIRCULAR NO.: 7/2006 THREE YEAR (MULTI-YEAR) WAGE AND SALARY COLLECTIVE AGREEMENT

Please find attached the three year (multi-year) Wage and Salary Collective Agreement, signed by the parties of the council on 20 July 2006.

This circular and collective agreement is downloadable from the SALGBC website.

Yours faithfully



Mr S S Govender
GENERAL SECRETARY
Encl.

2006-07-21 Circular 7-2006 Multi Year Salary and Wage Collective Agreement

Address correspondence to the General Secretary

**SOUTH AFRICAN LOCAL GOVERNMENT
BARGAINING COUNCIL**

(Hereinafter referred to as "the "SALGBC")

**SALARY AND WAGE
COLLECTIVE AGREEMENT**

In accordance with the provisions of the Labour Relations Act, 1995 made and entered into by and between the:-

SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION
(Hereinafter referred to as "SALGA")

and

INDEPENDENT MUNICIPAL AND ALLIED TRADE UNION
(Hereinafter referred to as "IMATU")

and

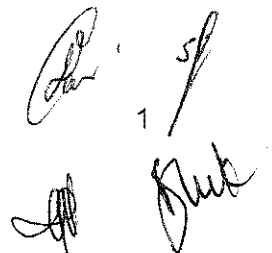
SOUTH AFRICAN MUNICIPAL WORKERS' UNION
(Hereinafter referred to as "SAMWU")

(IMATU and SAMWU will together be referred to as the "Trade Unions")

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1. OBJECTIVES

The objectives of this agreement are:

- 1.1 To provide for the general salary adjustments for the financial years 2006/07, 2007/08 and 2008/09; and
- 1.2 To provide for increases in the minimum wage payable in the local government sector.

2. DEFINITIONS

All expressions used in this agreement, which are defined in the Labour Relations Act, 1995 (hereinafter referred to as "the Act"), shall bear the same meaning as in the Act and unless the contrary intention appears, words importing the masculine gender shall include the feminine.

3. SCOPE OF APPLICATION

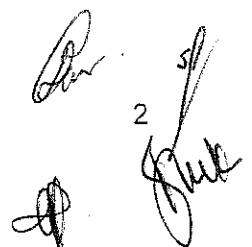
The terms of this agreement shall be observed in the Local Government Undertaking in the Republic of South Africa by all employers and by all employees who fall within the scope of the SALGBC.

4. EXCLUSIONS: SECTION 57 EMPLOYEES

Municipal Managers and those employees appointed as managers directly accountable to Municipal Managers in terms of Section 57(6) of the Municipal Systems Act shall be excluded from this collective agreement.

5. PERIOD OF OPERATION

- 5.1 This collective agreement shall come into operation in respect of the parties to the agreement, on 1 July 2006 and shall remain in force until 30 June 2009.



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5.2 This collective agreement shall come into operation in respect of non-parties, on a date to be determined by the Minister of Labour and shall remain in force until 30 June 2009.

6. SALARY INCREASES

- 6.1 All employees shall receive an across the board increase of six (6) percent with effect from 1 July 2006 calculated on their basic salaries as at 30 June 2006. All employees will receive a further two (2) percent across the board increase on 1 January 2007 calculated on their basic salaries as at 31 December 2006.
- 6.2 On 1 July 2007 all employees will receive an across the board increase based on the average CPIX percentage for the twelve (12) month period of February 2006 to January 2007, as published by Statistics South Africa, plus 1.75 percent, which increase shall be calculated on the basic salaries of employees as at 30 June 2007.
- 6.3 On 1 July 2008 all employees will receive an across the board increase based on the average CPIX percentage for the twelve (12) month period February 2007 to January 2008, as published by Statistics South Africa, plus 1.5 percent, which increase shall be calculated on the basic salaries of employees as at 30 June 2008.
- 6.4 If an employee, after receiving the increases referred to in this clause 6, still earns less than the minimum wage, then that employee must receive the applicable minimum wage as set out in clause 7 below.

7. MINIMUM WAGE

- 7.1 With effect from 1 July 2006 the minimum wage payable in the sector shall be R2,850.00 (two thousand eight hundred and fifty rand) per month.
- 7.2 With effect from 1 January 2007 the minimum wage referred to in clause 7.1 above shall increase to R2,907.00 (two thousand nine hundred and seven rand) per month.


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7.3 With effect from 1 July 2007 the minimum wage referred to in clause 7.2 above shall increase by the average CPIX percentage for the twelve (12) month period February 2006 to January 2007, as published by Statistics South Africa, plus 1.75 percent.

7.4 With effect from 1 July 2008 the minimum wage referred to in clause 7.3 above shall increase by the average CPIX percentage for the twelve (12) month period February 2007 to January 2008, as published by Statistics South Africa, plus 1.5 percent.

8. OTHER BENEFITS AND CONDITIONS OF SERVICE

Other benefits and conditions of service linked to the employees' salaries and wages must be accordingly increased when the salaries and wages increase.

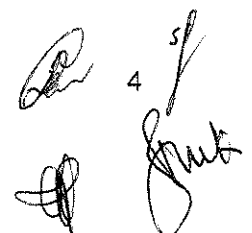
9. DISPUTES ABOUT THE APPLICATION OR INTERPRETATION OF THIS AGREEMENT

9.1 Any person or party may refer a dispute about the interpretation or application of this collective agreement to the SALGBC.

9.2 In the event of uncertainty on the part of the referring party as to whether a dispute should be referred to a division or the Central Council, or after a dispute has been referred to a division, a party to such division disputes the jurisdiction of such division, the dispute shall be referred to the Executive Committee of the Central Council, which shall determine the appropriate jurisdiction.

9.3 The General Secretary or Regional Secretary as the case may be, shall investigate the dispute or cause the dispute to be investigated and attempt to resolve the dispute by issuing a directive, and in the event of a dispute not being resolved:

9.3.1 appoint a conciliator from the appropriate panel of conciliators, and if the dispute remains unresolved;

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9.3.2 refer the dispute to arbitration.

9.4 If a conciliator is appointed, the General Secretary or relevant Regional Secretary shall decide the date, time and venue of the conciliation meeting and shall serve notices of these particulars on the parties to the dispute.

9.5 If the dispute is referred to arbitration, the General Secretary or relevant Regional Secretary shall appoint an arbitrator from the appropriate panel of arbitrators.

9.6 The General Secretary or relevant Regional Secretary, in consultation with the arbitrator, shall decide the date, time and venue of the arbitration hearing.

9.6.1 The arbitrator shall –

9.6.2 endeavour to conciliate the dispute, unless the parties to the dispute advise the arbitrator that the dispute has been properly conciliated; and

9.6.3 if the dispute remains unresolved, resolve the dispute through arbitration.

9.7 The arbitrator may make any appropriate arbitration award in terms of the Act that gives effect to this collective agreement.

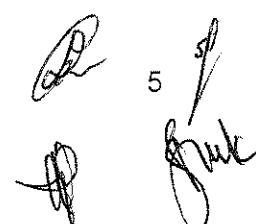
10. APPLICATIONS FOR EXEMPTION FOR PARTIES

10.1 Introduction

10.1.1 Any party may apply for exemption from the provisions of this collective agreement.

10.1.2 This collective agreement sets out the structures, procedures and requirements through which applications for exemption from this collective agreement will be managed.

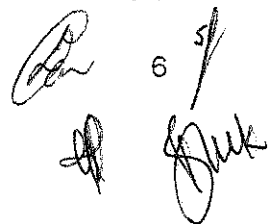
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- 10.1.3 In the event of applications being made that are frivolous and vexatious, such applications may be dismissed with costs.
- 10.1.4 Where a municipality applies for exemption it shall not implement any changes to existing wages until the exemption is finalised unless the Central Exemptions Committee decides otherwise.
- 10.1.5 Notwithstanding any time periods stipulated herein every effort should be made to apply for and process exemption applications in the shortest time possible.
- 10.1.6 The onus to prove the case for the granting of an exemption lies with the applicant employer.
- 10.1.7 SALGA undertakes to make every reasonable effort to assist its members to discharge such onus in a full and proper manner.

10.2 Exemption Committees

- 10.2.1 There will be an Exemptions Committee at central and divisional levels of the SALGBC. Each committee shall consist of five (5) employer and five (5) trade union representatives. The trade union representatives will be three (3) from SAMWU and two (2) from IMATU.
- 10.2.2 The General Secretary of the SALGBC or his nominee shall provide secretarial services to the above committees.
- 10.2.3 Divisional Exemption Committees shall be sub-committees of the Central Exemptions Committees and the powers and functions of each are set out below.
- 10.2.4 Only the Central Exemption Committee of the SALGBC may grant exemptions from this agreement and the role of the divisions of the

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SALGBC shall be limited to the appointment of the Divisional Exemptions Committee.

10.2.5 Decisions of the Central Exemptions Committee and recommendations from the Divisional Exemptions Committees shall be based on consensus.

10.2.6 Divisional Exemptions Committees shall have the powers and functions to:-

10.2.6.1 investigate all exemption applications in their area of jurisdiction;

10.2.6.2 request that applicant employers provide such further particulars as may be reasonable and necessary to investigate the applications;

10.2.6.3 make recommendations as to the form and terms of any exemption to be granted or to recommend that no exemption be granted;




10.2.6.4 in the event of a failure to reach agreement on the terms of such proposal it shall report to the Central Exemption Committee on the nature of the deadlock reached;

10.2.6.5 ensure that the criteria and the terms of any proposed exemption are consistent;

10.2.6.6 do such other things as are consistent with achieving a full and transparent investigation; and

10.2.6.7 co-opt any person in an advisory capacity.

10.2.7 Divisional Exemption Committee shall, after considering the exemption application in terms of 10.2.6 above, submit its report,

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findings and recommendations to the Central Exemption Committee by not later than:

10.2.7.1 30 November 2006 in respect of the 2006/07 financial year;

10.2.7.2 15 September 2007 in respect of the 2007/08 financial year; and

10.2.7.3 15 September 2008 in respect of the 2008/09 financial year.

10.2.8 The Central Exemption Committee shall have the powers and functions to:-

10.2.8.1 grant, or reject an application for exemption;

10.2.8.2 examine all recommendations of Divisional Exemption Committees to ensure that the criteria applied are nationally consistent;

10.2.8.3 require that any Divisional Exemption Committee conduct additional or further investigation(s);

10.2.8.4 do such other things as are consistent with achieving a full and transparent investigation and the uniform and consistent application of criteria for exemption; and

10.2.8.5 grant an applicant employer the power to introduce interim adjustments in circumstances where this will not affect the final outcome.


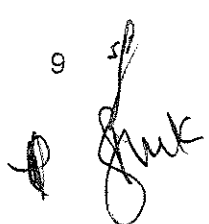
10.2.9 The Central Exemption Committee shall have until the dates set out below to grant or reject an exemption application:

- 10.2.9.1 31 December 2006 in respect of the 2006/07 financial year;
- 10.2.9.2 15 October 2007 in respect of the 2007/08 financial year;
and
- 10.2.9.3 15 October 2008 in respect of the 2008/09 financial year.

- 10.2.10 Only the Executive Committee of the Central Council shall have the power to extend the time periods provided for in terms of this agreement.

- 10.2.11 Decisions of the Central Exemptions Committee shall be final and binding.

- 10.2.12 An exemption certificate which contains the following information shall be signed by the chairperson of the Central Exemptions Committee and the General Secretary of the SALGBC after approval by the Central Exemptions Committee:-
 - 10.2.12.1 the full name of the applicant employer;
 - 10.2.12.2 the date of issue;
 - 10.2.12.3 the details of the agreement for which exemption is granted;
 - 10.2.12.4 the period for which exemption shall operate;
 - 10.2.12.5 the terms and conditions, or remedial requirements of the exemption;
 - 10.2.12.6 the exemption certificate shall be sent directly to the applicant for exemption and to the relevant Regional Secretary, who shall inform the parties to the division of

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the final terms and conditions within five (5) working days after receipt of such certificate.

- 10.2.13 In the event of the Central Exemption Committee reaching a deadlock on whether or not to grant an exemption the matter may be referred directly to the Independent Exemptions Body as set out below and be dealt with in the same manner as an appeal by a non-party.

10.3 Applications for Exemption

- 10.3.1 Employers wishing to apply for exemption shall forward their applications to SALGA's Provincial Associations by not later than:

10.3.1.1 31 August 2006 in respect of the 2006/07 financial year;

10.3.1.2 15 June 2007 in respect of the 2007/08 financial year;
and

10.3.1.3 15 June 2008 in respect of the 2008/09 financial year.

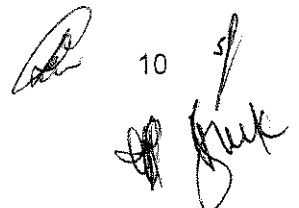
- 10.3.2 SALGA's Provincial Associations shall forward such application to the Regional Secretary of the relevant division by not later than:

10.3.2.1 Forty five (45) calendar days of this collective agreement being signed in respect of the 2006/07 financial year;

10.3.2.2 15 July 2007 in respect of the 2007/08 financial year;
and

10.3.2.3 15 July 2008 in respect of the 2008/09 financial year.

- 10.3.3 Applications for exemptions must comply with the following requirements:-

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- 10.3.3.1 be accompanied by supporting documentation and financial information;
- 10.3.3.2 provide a full motivation, through reference to supportive documentation as to the grounds of affordability or financial constraint necessitating the application;
- 10.3.3.3 set out the terms of the exemption being sought in the form of a proposal, the period for which it is being sought and the extent of variation from this collective agreement that is requested;
- 10.3.3.4 propose a strategy to guide the employer to achieve compliance with provisions of this collective agreement;
- 10.3.3.5 ensure that such proposal is in a form consistent with the terms of this collective agreement and applied equitably across the full work force;
- 10.3.3.6 provide proof that in taking steps to make such application, the employer has informed and consulted the Trade Unions and Local Labour Forum.

10.4 Criteria and Other Factors to be Considered by Exemptions Committees

- 10.4.1 The criteria for the approval of an exemption shall be that the employer concerned is either:-
 - 10.4.1.1 unable to afford the costs of the settlement, or
 - 10.4.1.2 has short-term cash flow problems necessitating a limited exemption.

10.4.2 In considering any application and the terms of any proposed exemption the Divisional Exemption Committee shall take into consideration:-

10.4.2.1 the written and verbal motivation and proposals of the applicant;

10.4.2.2 the written or verbal submissions of any party to the SALGBC;

10.4.2.3 any special circumstances which exists;

10.4.2.4 the applicant's past record of compliance with wage settlements;

10.4.2.5 the precedents for exemptions set since the introduction of this procedure and the effects of its proposal as a precedent in its own divisions or other divisions;

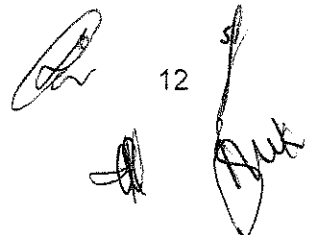
10.4.2.6 any process or directives from the Central Exemption Committee;

10.4.2.7 the financial savings to the municipalities of the delayed implementation of the wage settlement; and

10.4.2.8 any such other general or local economic factors relating to the restructuring of local government, which impact on the application for exemption.

10.5 Exemptions Policy

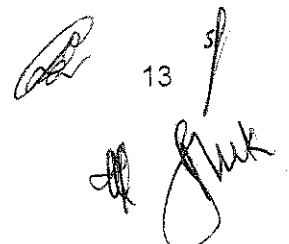
10.5.1 No application will be considered unless it is accompanied by full supporting documentation.

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- 10.5.2 The full terms of this collective agreement are to be implemented, where financially possible, before the end of the relevant financial year.
- 10.5.3 Those employers previously granted exemptions may apply to pay higher increases than the terms of this collective agreement in order to bridge the gap between the salaries of the municipality and those existing in the relevant division of the SALGBC.
- 10.5.4 All applications considered by the Central Exemptions Committee shall only be based on the written application and no verbal motivation by the employer shall be allowed.

10.6 Application for Condonation

- 10.6.1 If an application for exemption is referred to the Divisional Exemptions Committee outside the time limits prescribed by the policy then the applicant employer must make application for condonation to the Divisional Exemptions Committee.
- 10.6.2 The application for condonation must be referred and served on all parties to the Divisional Exemptions Committee (IMATU, SAMWU and SALGA). The application for condonation must be supported by affidavit. The affidavit must explain the reason for the failure to refer the application in time. That explanation must be sufficiently detailed to enable the Divisional Exemptions Committee to understand how the failure to refer the application in time came about and to assess the applicant's conduct and behaviour. The affidavit must deal with each of the conditions set out in clause 10.6.7 below.
- 10.6.3 If the application for condonation arises from the applicant employer failing to attend scheduled divisional exemptions meetings then the reasons for the failure to attend must be given.

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- 10.6.4 The Divisional Exemptions Committee must consider the application for condonation and any representations made in regard to the application. Condonation must be recommended to the Central Exemptions Committee if there are good grounds for the late referral.
- 10.6.5 If condonation is recommended then the Divisional Exemptions Committee should consider the application for exemption and make a recommendation to the Central Exemptions Committee regarding the exemption application.
- 10.6.6 If the parties to the Divisional Exemptions Committee cannot reach consensus on whether to grant or refuse condonation, then such application for condonation shall be referred to the Central Exemptions Committee for a final decision. If the Central Exemptions Committee grants the application for condonation then the application for exemption shall be referred back to the Divisional Exemptions Committee for consideration and recommendation. If the application for condonation is refused by the Central Exemption Committee, then the application for exemption is also refused. If the Central Exemption Committee can not reach agreement whether to grant or refuse an application for condonation, the application for condonation shall be dealt with as an appeal as set out in clause 10.7 below.
- 10.6.7 The Divisional and Central Exemptions Committee must take the following into account when determining whether or not to recommend (in the case of the Divisional Exemptions Committee) or refuse or grant condonation (in the case of the Central Exemption Committee):-
- 10.6.7.1 The degree of lateness. If the application is only a few days late, that factor should weigh in favour of granting condonation. If the referral is very late, that should weigh against granting condonation.
- 10.6.7.2 The degree of fault. If the reason for late referral was due to circumstances beyond the control of the applicant,

that factor should weigh in favour of granting condonation.

10.6.7.3 The reasonableness of the explanation. If the explanation is improbable that should weigh against granting condonation.

10.6.7.4 The prejudice to the employees should condonation be granted.

10.6.7.5 The prospects of the application for exemption succeeding, should the committee consider the application for exemption.

10.7 Appeals

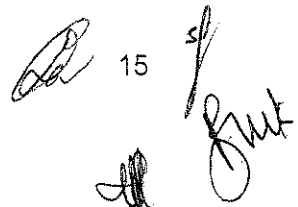
10.7.1 Appeals dealt with in terms of this sub-clause shall be appeals by parties in terms of clause 10.2.13 (where there has been a failure to reach consensus at the Central Exemption Committee) and appeals by non-parties (in terms of clause 11.5 below).

10.7.2 The Independent Exemptions Body shall be constituted on an ad hoc basis and shall be appointed by the SALGBC from its panel of arbitrators set up in terms of its constitution.

10.7.3 The Independent Exemptions Body shall consider all appeals in a manner it considers appropriate to determine the appeal fairly and quickly, which may include the hearing of evidence and arguments.

10.7.4 The criteria which will be considered by the Independent Exemptions Body shall be:-

10.7.4.1 fairness;



- 10.7.4.2 the ability of the employer to afford the costs of the settlement; and
 - 10.7.4.3 the short term cash flow problems being experienced by an employer by necessitating a limited exemption.
- 10.7.5 All appeals shall be in writing and shall be lodged with the General Secretary. Such application shall contain:-
- 10.7.5.1 all material details of the applicant;
 - 10.7.5.2 all details of the decision against which the applicant appeals;
 - 10.7.5.3 detailed grounds on which such appeal is sought taking into consideration the criteria specified in sub-clause 10.7.4 above.



11. APPLICATIONS FOR EXEMPTION BY NON-PARTIES

11.1 In the event of a non-party to the SALGBC applying for an exemption in terms of this agreement, the application shall be determined by the Central Exemptions Committee provided that the non-party applicant shall be entitled to appeal to an Independent Exemptions Body as set out hereunder.

11.2 Applications for Exemption

11.2.1 Non-party employers, wishing to apply for exemption, shall forward their applications to the General Secretary within the following time frames:

11.2.1.1 Within thirty (30) calendar days of this collective agreement being extended by the Minister to non-parties in terms of clause 5.2 above in respect of the 2006/07 financial year;

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11.2.1.2 By 15 June 2007 in respect of the 2007/08 financial year;
and

11.2.1.3 By 15 June 2008 in respect of the 2008/09 financial year.

11.2.2 Applications for exemptions must comply with the following requirements:-

11.2.2.1 be accompanied by supporting documentation and financial information;

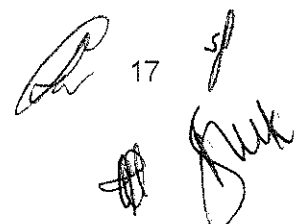
11.2.2.2 provide a full motivation, through reference to supportive documentation as to the grounds of affordability or financial constraint necessitating the application;

11.2.2.3 set out the terms of the exemption being sought in the form of a proposal, the period for which it is being sought and the extent of variation from the wage settlement that is requested;

11.2.2.4 propose a strategy to guide the municipality to achieve compliance with future wage settlements;

11.2.2.5 ensure that such proposal is in a form consistent with the terms of the wage settlement and applied equitably across the full work force; and

11.2.2.6 provide proof that in taking steps to make such application the municipality or employer has informed and consulted the Trade Unions and the Local Labour Forum.

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11.3 Criteria and Other Factors to be Considered by Exemptions Committees

11.3.1 The criteria for the approval of an exemption shall be that the employer concerned is either:-

11.3.1.1 unable to afford the costs of the settlement, or

11.3.1.2 has short-term cash flow problems necessitating a limited exemption.

11.3.2 In considering any application and the terms of any proposed exemption the Central Exemption Committee shall take into consideration:-

11.3.2.1 the written and verbal motivation and proposals of the applicant;

11.3.2.2 the written or verbal submissions of any party to the SALGBC;

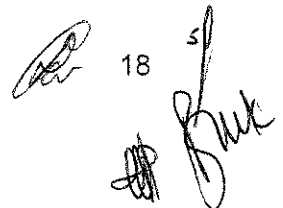
11.3.2.3 any special circumstances which exists;

11.3.2.4 the applicant's past record of compliance with wage settlements;

11.3.2.5 the precedents for exemptions set since the introduction of this procedure and the effects of its proposal as a precedent in its own divisions or other divisions;

11.3.2.6 any process or directives from the Central Exemption Committee;

11.3.2.7 the financial savings to the employers of the delayed implementation of the wage settlement; and

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11.3.2.8 any such other general or local economic factors relating to the restructuring of local government which impact on the application for exemption.

11.4 Exemptions Policy

11.4.1 No application will be considered unless it is accompanied by full supporting documentation.

11.4.2 The full terms of this collective agreement are to be implemented, where financially possible, before the end of the relevant financial year.

11.4.3 Those employers previously granted exemptions may apply to pay higher increases than the terms of this collective agreement in order to bridge the gap between the salaries of the municipality and those existing in the relevant division of the SALGBC.

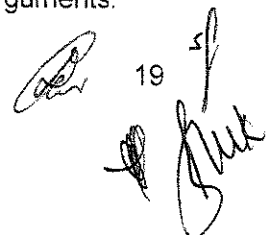
11.4.4 All applications considered by the Central Exemptions Committee shall only be based on the written application and no verbal motivation by the employer is allowed.

11.5 Appeals

11.5.1 The appeals by non-parties shall be considered by the Independent Exemption Body.

11.5.2 The Independent Exemptions Body shall be constituted on an ad hoc basis and shall be appointed by the SALGBC from its panel of arbitrators.

11.5.3 The Independent Exemptions Body shall consider all appeals in a manner it considers appropriate to determine the appeal fairly and quickly which may include the hearing of evidence and arguments.

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11.5.4 The criteria which will be considered by the Independent Exemptions Body shall be:-

11.5.4.1 fairness;

11.5.4.2 the ability of the employer to afford the costs of the settlement; and

11.5.4.3 the short term cash flow problems being experienced by an employer by necessitating a limited exemption.

11.5.5 All appeals shall be in writing and shall be lodged with the General Secretary. Such application shall contain:-

11.5.5.1 all material details of the applicant;

11.5.5.2 all details of the decision against which the applicant appeals;

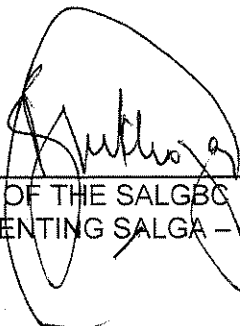
11.5.5.3 detailed grounds on which such appeal is sought taking into consideration the criteria specified in sub-clause 11.5.4 above.

12. ADMINISTRATION AND ENFORCEMENT

12.1 The SALGBC is responsible for the administration of this agreement.

12.2 This agreement will be monitored and enforced by the SALGBC's agents or designated agents appointed by the Minister of Labour.

SIGNED BY THE PARTIES AT WESTVILLE ON THIS 20TH DAY JULY 2006.



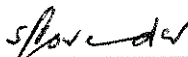
MEMBER OF THE SALGBC
(REPRESENTING SALGA – DR. MAKHOSI KHOZA)



MEMBER OF THE SALGBC
(REPRESENTING IMATU – MR. D CARSTENS)



MEMBER OF THE SALGBC
(REPRESENTING SAMWU – MR. P MASHISHI)



GENERAL SECRETARY OF THE SALGBC
S GOVENDER

