

**COLLECTIVE AGREEMENT IN RESPECT OF SHIFT WORK IN TRANSNET RAIL
ENGINEERING – 2011**

A Division of **TRANSNET LIMITED** trading as **TRANSNET RAIL ENGINEERING**
(Hereinafter referred to as "Transnet RAIL ENGINEERING")

and

South African Transport and Allied Workers Union (SATAWU)

and

United Transport & Allied Trade Union (UTATU)

(hereinafter referred to as "the Unions")

(hereinafter referred to as the "*employees*" or the "*trade unions*"), on the other part,
being parties to the *Transnet Rail Engineering* Chamber of The Transnet Bargaining
council

1. SCOPE OF AGREEMENT

The terms of the agreement binds all employees within Transnet Rail Engineering, within the Bargaining Unit as defined, as well those who are not members of one of the union parties to this agreement.

2. PURPOSE OF THE AGREEMENT

Transnet Rail Engineering is a 24/7 operation, continuous operation, as such all employees may be required to perform shifts due to operational requirements and in line with shift patterns as per annexure B. The agreement should be read together with Annexure B (SHIFT MENU) and Annexure A (Memorandum of Understanding), annexed to this agreement.

- The Agreement:
- Addresses rules of shift work.
- Give basic guidance to the working of shifts in line with Basic Conditions of Employment Act, 75 of 1997, as amended.
- Support the overall business strategy.
- Enhance better utilisation of resources.
- Give guidance on issues to be considered when implementing shifts.
- Indicates the available shift patterns (Annexure B).

3 VALIDITY

- 3.1 This Agreement shall come into operation with effect from 1 July 2011 until 31 July 2012 subject to consultation and negotiation during this period for indefinite extension.

Handwritten signatures and initials in black ink, including 'Rm' and several stylized signatures.

4 INTERPRETATIONS

4.1 Any expressions used in this Agreement which are defined in the Labour Relations Act, 1995 shall have the same meaning as in that Act and any reference to an Act shall include any amendments to such Act, further –

4.2 In this Agreement, unless the context otherwise indicates –

- (a) the masculine includes the feminine and *vice versa*; and
- (b) the singular includes the plural and *vice versa*.

"Agreement" means this agreement including annexures.

"Bargaining council" means – The Transnet *Bargaining council* registered in terms of the Labour Relations Act, 1995.

"Bargaining unit employees" means – All junior employees below the pay grade F.

"BCEA" means - The Basic Conditions of the Employment Act (Act 75 of 1997)

"Day" means – A period of 24 hours measured from the time when an *employee* normally commences or actually commence his shift/work.

"LBC" Local Business committee


"LRA" means – the Labour Relations Act (Act 66 of 1995).

"Night work" means – Work performed between 18:00 and 06:00.

"NOC" means National Operation Committee.

"Ordinary hours of work" means –

- (a) An *employee* may not be required or permitted to work more than: -
 - (i) 40 ordinary hours in any week;
 - (ii) eight hours in any day if the *employee* is scheduled to work for five days in a week.



"Overtime" means – The time in excess of ordinary hours of work that an employee works during a day.

"Public holiday" means – Any day that is a *public holiday* in terms of the *Public holidays Act, 1994 (Act No. 36 of 1994)*.

"Remuneration" means – Any payment in money or in kind, or both in money and in kind, made or owing to any person in return for that person working for any other person.

"Salary" means – The employee's fixed basic annual income.

"Transnet Rail Engineering" means – A Division of Transnet Limited.

"Wage" means – The amount of money paid or payable to an *employee* in respect of *ordinary hours of work*, or, if shorter, the hours an *employee* ordinarily works in a day or week.

"Week" in relation to an *employee*, means – The period of seven days within which the working week of that employee ordinarily falls.

"Workplace" means – any place where a person performs work in the course of his employment. (Occupational Health and Safety Act, Act 85 of 1993)

5 RULES ON WORKING OF SHIFTS

5.1. Consultation at Local Business level

5.1.1 A Local Business will choose and adopt shift pattern that is suitable for its operational requirement from the shift menu (Annexure B).

5.1.2 Any changes to the shift system adopted by the Local Business shall be introduced and consulted at the level of the LBC.

5.1.3 (a) The chosen shifts by the Local Business committee must be submitted to the National Operation Committee(NOC)for ratification.

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(b) In the event that the LBC does not reach consensus, the LBC shall submit all the issues to the NOC for consideration and decision making.

5.1.4 (a) During the LBC consultation on the shift patterns, the parties should amongst others consult on practical challenges of transport that may face them.

(b) Management should arrange shifts in such a way that it coincides with the availability of transport on the start and end of the shift. This must be in line with the BCEA.

5.2. REGULATIONS ON THE ARRANGEMENTS AND DESIGN OF SHIFTS

5.2.1 Shift rosters are to be planned well in advance and to be displayed on a weekly/monthly basis for easy access for all employees.

5.2.2 The personnel establishment of each Local Business shall take cognisance of leave, sick leave, rest periods, training etc.

5.2.3 Arrangements must be considered to accommodate special needs such as pregnant and breastfeeding workers, disabled workers and workers with health problems.

5.2.4 The frequency of weekend work and work on public holidays should be limited as much as possible for each worker.

5.2.5 A balance should be sought between morning, afternoon and night shifts. Successive long night shift should be avoided at all costs.

5.2.6 Rest periods for shift workers should be scheduled to fall on weekends where it is practicable and possible.

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