



PAIA MANUAL

**PREPARED IN ACCORDANCE WITH SECTION 51 OF THE
PROMOTION OF ACCESS TO INFORMATION ACT, NO. 2 OF 2000**

This document serves as the information manual as required by Section 51(1) of the Promotion of Access to Information Act, No. 2 of 2000 (the "Act") for a private body. It provides information on the records held and the process that is to be followed to request access to such records.

1. INTRODUCTION

This manual is made available publicly to all potential requestors of information held by the Bargaining Council for the Civil Engineering Industry (hereinafter referred to as “the BCCEI”), in accordance with **Section 51(1)** of the Promotion of Access to Information Act, 2 of 2000 (hereinafter referred to as “Act”.)

Requesters may contact the Information Officer of the BCCEI for assistance when requesting records from the BCCEI in terms of this manual.

2. COMPANY PROFILE

The BCCEI is a statutory body created under the Labour Relations Act (“LRA”) to provide for the co-regulation of stable and productive employment relations within the civil engineering industry.

The BCCEI is an industry-based forum of organised business and organised labour that regulates employment conditions and labour relations within the civil engineering industry, providing the necessary administrative infrastructure and technical expertise to ensure effective coactive bargaining, industry compliance, dispute resolution and social protection services.

3. GUIDE IN TERMS OF SECTION 10 OF THE ACT

A guide has been published by the South African Human Rights Commission on how to use the Promotion of Access to Information Act, No. 2 of 2000, and is available at the following address: -

**South African Human Rights Commission (SAHRC)
Promotion of Access to Information Act (PAIA) Unit
The Research and Documentation Department**

Physical Address: 29 Princess of Wales Terrace
Cnr York and Andrew Streets
Parktown

Postal Address: Private Bag 2700, Houghton, 2041

Telephone: (011) 484 8300

Facsimile: (011) 484 1360

Email: PAIA@sahrc.org.za / rlegodi@sahrc.org.za / khulu@sahrc.org.za

Website: www.sahrc.org.za

The guide contains information on how a requestor(s) can access records held by the BCCEI, in terms of the Promotion of Access to Information Act, No. 2 of 2002.

Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in part three (3) of the Act. Requesters are referred to the Guide in terms of Section 10, which will contain information for the purposes of exercising Constitutional Rights.

4. INFORMATION RECORDS HELD BY THE BCCEI

The BCCEI keeps records in accordance with the following legislation, including but not limited to: -

- Pension Funds Act, No. 24 of 1956
- Income Tax Act, No. 58 of 1962
- Companies Act, No. 71 of 2008
- Copyright Act, No. 98 of 1978
- Regional Services Councils Act, No. 109 of 1985
- Value Added Tax Act, No. 89 of 1991
- Occupational Health and Safety Act No. 85 of 1993

- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993
- Labour Relations Act, No. 66 of 1995
- Basic Conditions of Employment Act, No. 55 of 1998
- Employment Equity Act, No. 55 of 1998
- Skills Development Levies Act, No. 9 of 1999
- Unemployment Insurance Act, No. 63 of 2001

5. INFORMATION RECORDS AUTOMATICALLY ACCESSIBLE

- BCCEI Certificate of Registration
- BCCEI Constitution
- Conditions of Employment Collective Agreement
- Dispute Resolution Collective Agreement
- Wage and Task Grades Collective Agreement
- Construction Industry Retirement Benefit Fund Collective Agreement (CIRBF)
- Registration and Administration Collective Agreement
- Exemptions Collective Agreement

6. INFORMATION RECORDS AVAILABLE ON REQUEST

The BCCEI holds records pertaining to the following departments listed below. Records not displayed on the website shall only be made available to a requestor subject to the provisions of the Act.

6.1 Office of the General Secretary

- Details relating to the operational, commercial and financial interests of the BCCEI and its Social Benefit Funds, in terms of the Labour Relations Act;
- Commercial contracts to which the BCCEI is a party;
- Reports on BCCEI office activity;
- Minutes of Council Meetings;
- Minutes of Annual General Meetings;
- Changes to collective agreements;

- Negotiation proceedings;
- Correspondence with the Department of Employment and Labour; and
- Circulars to the industry.

6.2 Compliance Department

- Employer and employee member database (personal information of members and their employment);
- Commercial and financial information relating to matters regulated by the BCCEI in terms of the LRA;
- Information on existing and past complaints and enforcement arbitrations;
- Reports on investigations and outcomes;
- Information on collective agreements;
- Demarcations;
- Sections 142A and 143 applications for compliance disputes;
- Applications for exemptions and appeals;
- Rulings on exemption applications and appeals;
- Minutes of Standing Committee and related sub-committee meetings.

6.3 Dispute Department

- Employer and employee member personal details completed on LRA statutory forms;
- Employer and employee details completed on all standard templates;
- Commissioner and Interpreter database;
- Reports on Dispute Resolution;
- Information on existing and past arbitration awards and rulings;
- Sections S142A and 143 applications for statutory disputes.

6.4 Finance Department

- Accounting records;
- Annual financial statements;

- Banking records;
- Business contracts;
- Credit bureau records;
- General correspondence;
- Internal control reports;
- Invoices, credit notes, statements etc;
- Management accounts;
- Property leases;
- Proposal and tender documents;
- Audited financial statements;
- Statutory records;
- Tax returns and SARS correspondence;
- Minutes of Finance Committee and related sub-committee meetings.

6.5 Human Resources Department

- BCCEI employee data including records on the personal information of past, present and potential employees;
- Recruitment records for past, current and potential employees;
- Contracts of employment;
- Employee leave records;
- Payroll and PAYE records;
- Employee medical aid and pension fund records;
- Employee training and development records;
- HR employment guidelines, procedures and policies;
- Skills development reports;
- Employment Equity reports;
- Health and Safety records
- BCCEI stakeholder data including records on the personal information of past, present and potential stakeholders that receive re-imbursive travel expenses;
- Tax numbers and PAYE records for travel claims only;
- Travel Claim records.

7. OTHER INFORMATION IN TERMS OF SECTION 51(1)(f) OF THE ACT

No regulations in terms of this section have been published.

8. AVAILABILITY OF THE MANUAL IN TERMS OF SECTION 51(3) OF THE ACT

This manual is available for inspection at the offices of the BCCEI, at no cost. Copies of the manual and forms may be obtained at the offices of the BCCEI as well as on the BCCEI website - www.bccei.co.za.

9. PROCEDURE FOR RECORD REQUEST IN TERMS OF SECTION 51(1)(e)

To facilitate the processing of your request, kindly adhere to the following requirements: -

- 9.1 The prescribed application form C – request for access to the records of a private body which is available on the website of the SAHRC at www.sahrc.org.za and which is also included in the Manual must be completed.
- 9.2 The requester must address their request to the General Secretary of the BCCEI.
- 9.3 Provide sufficient details to enable the BCCEI to identify:
 - a) The record(s) requested;
 - b) The requester (and if an agent is lodging the request, proof of capacity);
 - c) The form of access required;
 - i. The postal address or fax number of the requester in the Republic;
 - ii. If the requester wishes to be informed of the decision in any other manner (in addition to written), the manner and particulars thereof;
 - d) The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right;

- 9.4 The BCCEI will respond upon receipt of your request.
- 9.5 The BCCEI will consider your request and let you know of our decision, in writing, not more than 30 days after receiving your request.
- 9.6 Our response will be either one of the following: -
- a) Your application does not contain enough information to enable us to search for the record you want. Please provide additional information.
 - b) It is going to take us more than six hours to search through our records and before we do so, you must pay us a deposit of R60,00 Nett.
 - c) We have found the record you are looking for and you may have access to it, on receipt of payment of the prescribed fee, as detailed in point 10 of this Manual.
 - d) You may not have access to the record you have requested, for reasons which we will state in our reply. If you have paid a deposit, we will refund it, but not the request fee.
 - e) We have searched for the record and cannot find it. We will give you an affidavit explaining what steps we took to try and find the record. Should the missing record later come to light, we will notify you.

Note: we will not charge fees to an employee or ex-employee requesting access to his/her employment record.

10. PRESCRIBED FEES

10.1 The following applies to requests (other than employment records requests) As per Government Gazette 23119 dated 15 February 2002. The fees to be paid by potential requestors include the costs associated with the search for, preparation of and reproduction of documents and are summarised as per below for the request of BCCEI records:

- A photocopy of this manual is R1.10 cents per page.
- Request fee (non-refundable) payable on submission of the Application Form is R50.00.
- Access fee for searching our records is R30.00 per hour (or part thereof)
Note: if the search is likely to take longer than six hours (which would cost more), then a deposit of one-third is payable in advance.
- Printout from a computer or in other electronic or machine-readable form (A4 page or part thereof) R0.75 per page.

- Computer-readable copy of CD R70.00.
- Transcription of visual images (A4 page or part thereof) R40.00 per page.
- Copy of a visual image R60.00.
- Transcription of an audio record (A4 page or part thereof) R20.00 per page.
- Copy of an audio record R30.00.
- No requirement for the payment of VAT. BCCEI is not a VAT vendor.
- Postage feed. If the copy of the record is to be sent by post, then postage must be paid in addition to the request, access and reproduction fees.

10.2 The full fee structure is also available on the website of the South African Human Rights Commission www.sahrc.org.za.

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

A. Particulars of private body

The Head:

B. Particulars of person requesting access to the record

- a) The particulars of the person who requests access to the record must be given below.
- b) The address and/or fax number in the Republic to which the information is to be sent must be given.
- c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

Email address:

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:

Identity number:

D. Particulars of record

- a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- b) If the provided space is inadequate, please continue on a separate folio and attach it to this form.
- c) The requester must sign all the additional folios.

1. Description of record or relevant part of the record:
2. Reference number, if available:
3. Any further particulars of record:

E. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

F. Form of access to record

- a) If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required
Form in which record is required:	
Mark the appropriate box with an X. NOTES:	
(a) Compliance with your request in the specified form may depend on the form in which the record is available.	
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.	
(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.	

1. If the record is in written or printed form:			
	copy of record*		inspection of record
2. If record consists of visual images this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)			
	view the images		Copy of the images" transcription of the images*

3. If record consists of recorded words or information which can be reproduced in sound:			
	Listen to the soundtrack audio cassette		transcription of soundtrack* written or printed document
4. If record is held on computer or in an electronic or machine-readable form:			
	printed copy of record*	Printed copy of information derived from the record"	copy in computer readable form* (stiffy or compact disc)
'If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.			YES NO

G. Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

- a) Indicate which right is to be exercised or protected:
- b) Explain why the record requested is required for the exercise or protection of the aforementioned right:

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at..... This..... day of 20....

SIGNATURE OF REQUESTER / PERSON ON
 WHOSE BEHALF REQUEST IS MADE

11. CONTACT DETAILS OF THE BCCEI

Name of body: The Bargaining Council for the Civil Engineering Industry

General Secretary: Merle Denson (Acting)

Physical Address: Block F, 24 Eastgate Office Park, South Boulevard,
Bruma, Johannesburg, 2198

Postal Address: P O Box 2699, Bedfordview, Johannesburg, 2008

Telephone: (011) 450 4966/63

Fax: 086 550 4995

Email: popi@bccei.co.za

Website: www.bccei.co.za

ADDRESSES OF THE REGIONAL BCCEI OFFICES

Cape Town office

White Oaks Terraces, Old Oak Office Park, Edmar Street, Durbanville 7535

Tel: 010 001 0096

Fax: 086 550 4995

Durban office

Suite 102, Gateview Office Park, 3 Sugar Close, Umhlanga Ridge 4320

Tel: 010 001 0097

Fax: 086 550 4995

East London office

Shop 11C, Beacon Bay Crossing Centre, Cnr N2 & Bonza Bay Road, Beacon Bay 5241

Tel: 010 001 0099

Fax: 086 550 4995

Port Elizabeth office

51 Sixth Ave, Newton Park, Port Elizabeth 6050

Tel: 010 001 0098

Fax: 086 550 4995

Bloemfontein office

Suite 1 Boward Building, 107 Zastron Street, Bloemfontein, 9300

Tel: 010 001 0095

Fax: 086 550 4995