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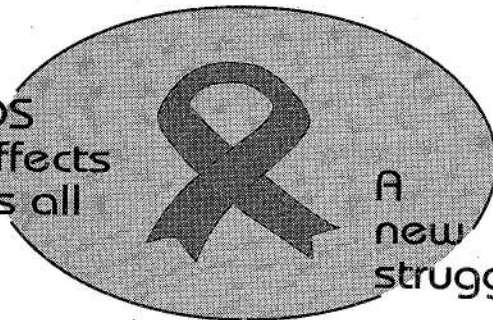
Vol. 413

PRETORIA, 12 NOVEMBER 1999

No. 20618

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DEPARTMENT OF LABOUR DEPARTEMENT VAN ARBEID


No. R. 1355

12 November 1999

BASIC CONDITIONS OF EMPLOYMENT ACT, NO 75 OF 1997

SECTORAL DETERMINATION 2: CIVIL ENGINEERING SECTOR, SOUTH AFRICA

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, in terms of section 55(1) of the Basic Conditions of Employment Act, 75 of 1997 hereby make a sectoral determination establishing conditions of remuneration for employees in the Civil Engineering Sector, South Africa in the schedule hereto and determine the second Monday after the date of publication of this notice as the date from which the provisions of the said Sectoral Determination shall become binding.



MMS MDLADLANA, MP
MINISTER OF LABOUR

No. R. 1355

12 November 1999

WET OP BASIESE DIENSVOORWAARDES, NO 75 VAN 1997

SEKTORALE VASSTELLING 2: SIVIELE INGENIEURSWESE SEKTOR, SUID-AFRIKA

Ek, Membathisi Mphumzi Shepherd Mdladlana, Minister van Arbeid, maak ingevolge artikel 55(1) van die Wet op Basiese Diensvoorwaardes, 75 van 1997, 'n sektorale vasstelling ten opsigte van die Siviele Ingenieurswese Sektor, Suid-Afrika wat in die bylaag hier verskyn en bepaal die tweede Maandag na die datum van publikasie van hierdie kennisgewing as die datum waarop die bepalings van die genoemde Sektorale Vasstelling bindend sal word.



MMS MDLADLANA, MP
MINISTER OF LABOUR

SCHEDULE**1. AREA AND SCOPE OF THE DETERMINATION**

- (1) This sectoral determination shall apply to every employer and employee in the Civil Engineering Industry, as defined in subclause (2), in the Republic of South Africa.
- (2) The Civil Engineering Industry means the industry in which employers (other than local authorities) and employees are associated for the purpose of carrying out work of a civil engineering nature and includes such work relevant to one or more of the following activities:
 - (a) The construction of aerodrome runways or aprons; aqueducts; bins or bunkers; bridges; cable ducts; caissons; rafts or other marine structures; canals; cooling, water or other towers; dams; docks; harbours; quays or wharves; earthworks; encasements; housings or supports for plant, machinery or equipment; factory or works chimneys; filter beds; land or sea defence works; mine headgear; pipelines; piers; railways; reservoirs; river works; roads or streets; sewerage works; sewers; shafts or tunnels; silos; sportsfields or grounds; swimming baths; viaducts or water treatment plants;
 - (b) excavation work or the construction of foundations, lift shafts, piling, retaining walls, stairwells, underground parking garages or other underground structures;
 - (c) the asphaltting, concreting, gravelling, levelling or paving of parking areas, pavements, roads, streets, aerodrome runways or aprons, premises or sites;

and further includes –

- (i) any work of a similar nature or work incidental to or consequent on any of the aforesaid activities; and
- (ii) the making, repairing, checking or overhauling of tools, vehicles, plant, machinery or equipment in workshops which are conducted by employers engaged in any of the activities referred to in subclauses (2)(a), (2)(b) and (2)(c);

but excludes –

- (aa) work in connection with any one or more of the activities specified in subclause (2) (b) where such work, when undertaken in connection with the erection of structures having the general character of buildings and irrespective of whether or not such work involves problems of a civil engineering nature, is carried out by the employers erecting such structures;

- (bb) work in connection with any one or more of the activities specified in subclause (2)(c) when undertaken as an incidental operation in connection with the erection of structures having the general character of buildings or when undertaken by the employers erecting such structures;
 - (cc) any work falling within the scope of the Iron, Steel, Engineering and Metallurgical Industries as defined in the Main Agreement of the Bargaining Council for that Industry.
- (3) The provisions of this sectoral determination shall supersede the provisions of Clauses 1, 2 and 3 of Wage Determination 480, Civil Engineering Industry, South Africa, published under Government Notice R. 366 of 13 March 1998.

2. DEFINITIONS

Unless the context indicates otherwise, any expression which is used in this determination and which is defined in the Basic Conditions of Employment Act, 1997 has the same meaning as in that Act; further, unless inconsistent with the context -

- (1) **"administrative personnel"** means employees who are charged by the employer with the performance of work entailing responsibility for taking decisions of an administrative nature in the conduct of any activity;
- (2) **"all other employees"** means all employees other than security guards;
- (3) **"casual employee"** means an employee who is employed by the same employer on not more than 18 consecutive work days;
- (4) **"driver"** means an employee who is engaged in driving a motor vehicle, and for the purpose of this definition the expression "driving a motor vehicle" includes all periods of driving and any time spent by the driver at work connected with the vehicle or the load and all periods during which the employee is obliged to remain at his or her post in readiness to drive;
- (5) **"emergency work"** means any work which owing to unforeseen circumstances such as fire, storm, land subsidence, accident, epidemic, act of violence, theft, a breakdown of plant, motor vehicles or machinery or a breakdown or threatened breakdown of structures, or any critical operational requirement, that must be done without delay;
- (6) **"establishment"** means any premises or construction site or part thereof in, on or in connection with which one or more employees are employed in the Civil Engineering Industry;
- (7) **"foreperson"** means an employee who is in charge of employees in an establishment or section of an establishment, who exercises control over such employees, and who is responsible for the efficient performance by them of their duties;

- (8) **"hourly-rated employee"** means an employee whose remuneration is calculated on an hourly basis notwithstanding the frequency of the payment thereof, and who is not a salaried employee;
- (9) **"law"** includes the common law;
- (10) **"local authority"** means a 'local government body' as defined in the Local Government Transition Act, 1993;
- (11) **"manager"** means an employee who is charged by the employer with the overall supervision over, responsibility for, and direction of the activities of an establishment or a department of an establishment and the employees engaged therein;
- (12) **"motor vehicle"** means a power-driven self-propelled vehicle which is designed or adapted principally for the conveyance or haulage of goods or persons on a public road but excludes a motor cycle and self-propelled plant;
- (13) **"operator"** means an employee who is engaged in operating, including starting or stopping, self-propelled or stationary plant by employing the mechanisms and controls of such plant to perform the functions for which it was designed or adapted, who checks, scrutinises or regulates the running of and the work done by such plant and who may make running adjustments and minor repairs to such plant or perform the daily maintenance of such plant; and in the case of self-propelled plant "operating" includes the driving of such plant, and for the purpose of this definition "operating" includes all periods during which the operator is obliged to remain at his or her post in readiness to operate such plant;
- (14) **"overtime"** means the time that an employee works during a day, or a week, in excess of the ordinary hours of work prescribed for such employee but does not include work performed on a Sunday or a paid public holiday;
- (15) **"paid public holiday"** means any day that is a public holiday in terms of the Public Holidays Act, 1994 (Act no 36 of 1994)
- (16) **"pay"** means payment of remuneration in cash or by cheque or by other means(as agreed);
- (17) **"permanent employee"** means any employee who is not a casual employee or an employee employed in terms of a limited duration contract;
- (18) **"piece-work"** means any system under which an employee's remuneration is based on the quantity of work done;
- (19) **"salaried employee"** means an employee whose remuneration is calculated on a monthly basis notwithstanding the number of hours or days actually worked, who performs work generally understood to be that of a salaried employee, and who is not an "hourly-rated employee";

- (20) **"security guard"** means an employee who is engaged in any one or more of the following activities:
- (a) guarding or protecting goods, premises, buildings, structures or movable or immovable property;
 - (b) patrolling premises, structures or property; or
 - (c) handling dogs in the performance of any one or more of the activities specified in paragraphs (a) or (b),

and "guard" or "watchman" has a corresponding meaning;

- (21) **"self-propelled plant"** means a power-driven or pedestrian-operated self-propelled vehicle, other than a motor vehicle, which is designed or adapted principally to perform with or without a towed attachment, one or more functions while moving, and may also perform such functions while standing still;
- (22) **"short-time"** means a temporary reduction in the number of ordinary hours of work owing to vagaries of the weather, a slackness of trade, a shortage of materials, a breakdown of plant or machinery or a breakdown or threatened breakdown of structures, or any unforeseen contingencies and/or circumstances beyond the control of the employer or a temporary reduction in the number of ordinary hours of work owing to riots, unrest or acts of terrorism or disorder, which directly affect the employer's ability to provide work;
- (23) **"stationary plant"** means a power-driven device, whether or not mounted on a self-propelled or non-self-propelled vehicle, which is designed or adapted principally to perform one or more functions while standing still;
- (24) **"technical and professional personnel"** means employees who are charged by the employer with the performance of work of a technical or professional nature;
- (25) **"wage"** means the amount of money payable to an employee in terms of clause 3(1) in respect of the ordinary hours of work as prescribed in clause 5(1): Provided that -
- (a) if an employer regularly pays an employee in respect of such ordinary hours of work an amount higher than that prescribed in clause 3(1), it means such higher amount;
 - (b) the first proviso shall not be so construed as to refer to or include any remuneration which an employee, who is employed on a piece work basis, receives over and above the amount which the employee would have received had he or she not been employed on such a basis;

3. REMUNERATION

(1) *Minimum wages*

The minimum wage which an employer, other than the employer referred to in clause 3(4), shall pay to the undermentioned classes of employees, shall with effect from the date on which this determination comes into operation, be the following:

GAUTENG PROVINCE	
Area	The whole of Gauteng Province.
Minimum wage for a security guard	R264,92 per week
Minimum wage for all other employees.	525 cents per hour

NORTH WEST PROVINCE		
Area	The Magisterial Districts of Klerksdorp and Potchefstroom	The remainder of North West Province.
Minimum wage for a security guard	R176,80 per week	R176,80 per week
Minimum wage for all other employees.	525 cents per hour	415 cents per hour

PROVINCE OF MPUMALANGA			
Area	Magisterial Districts of Balfour, Bethal, Highveld Ridge, Middelburg, Standerton and Witbank.	The Magisterial Districts of Nelspruit, Pilgrim's Rest and White River.	The remainder of the Province of Mpumalanga.
Minimum wage for a security guard	R264,92 per week	R143,83 per week	R176,80 per week
Minimum wage for all other employees.	525 cents per hour	415 cents per hour	415 cents per hour

NORTHERN PROVINCE	
Area	The whole of the Northern Province.
Minimum wage for a security guard	R176,80 per week
Minimum wage for all other employees.	415 cents per hour

FREE STATE PROVINCE		
Area	The Magisterial Districts of Bloemfontein Odendaalsrus, Sasolburg, Virginia and Welkom.	The remainder of the Free State Province
Minimum wage for a security guard	R236,49 per week	R176,80 per week
Minimum wage for all other employees.	525 cents per hour	415 cents per hour

WESTERN CAPE PROVINCE			
Area	Magisterial Districts of Bellville, Cape, Goodwood, Hopefield, Kuils River, Malmesbury, Moeresburg, Paarl, Simonstown, Somerset West, Stellenbosch, Strand, Vredenburg, Wellington, Worcester, Wynberg and Mitchells Plain.	Magisterial Districts of Bredasdorp, Caledon, George, Heidelberg, Hermanus, Montague, Mossel Bay, Piketberg, Riversdale, Robertson, Swellendam and Tulbach.	The remainder of the Western Cape Province.
Minimum wage for a security guard	R264,92 per week	R224,57 per week	R176,80 per week
Minimum wage for all other employees.	525 cents per hour	525 cents per hour	525 cents per hour

EASTERN CAPE PROVINCE	
Area	The whole of the Eastern Cape Province.
Minimum wage for a security guard	R176,80 per week
Minimum wage for all other employees.	525 cents per hour

NORTHERN CAPE PROVINCE	
Area	The whole of the Northern Cape Province.
Minimum wage for a security guard	R181,35 per week
Minimum wage for all other employees.	415 cents per hour

PROVINCE OF KWAZULU-NATAL		
Area	The Magisterial Districts of Camperdown, Chatsworth, Dundee, Durban, Empangeni, Inanda, Klip River, Lower Tugela, Lower Umfolozi, Mtunzini, Newcastle, Pietermaritzburg, Pinetown, Port Shepstone, Richards Bay and Umzinto.	The remainder of the Province of Kwazulu-Natal
Minimum wage for a security guard	R264,92 per week	R184,19 per week
Minimum wage for all other employees.	507 cents per hour	456 cents per hour

(2) *Across the board increases*

Every employee employed in the Civil Engineering Industry on the date on which this determination comes into operation shall be entitled to:

- (a) if employed for three months or less, an increase of 4,5% in the wage currently paid to that employee; or
- (b) if employed for longer than three months, an increase of 9% in the wage currently paid to that employee.

Provided that where an increase in terms of this subclause results in a wage lower than the minimum wage specified in clause 3(1), such minimum wage shall apply.

Provided further that any employer who has during the period 1 September 1998 and the date on which this determination comes into operation, granted an employee an increase -

- (aa) equal to the increase specified in this clause, shall be deemed to have complied with the provisions of this clause.; or,
- (bb) less than that specified in this clause, shall be entitled to grant an increase equal to the difference between the increase already granted by the employer and that prescribed in this subclause.

(3) *Calculation of wages*

The wage of an employee shall be calculated as set out hereunder:

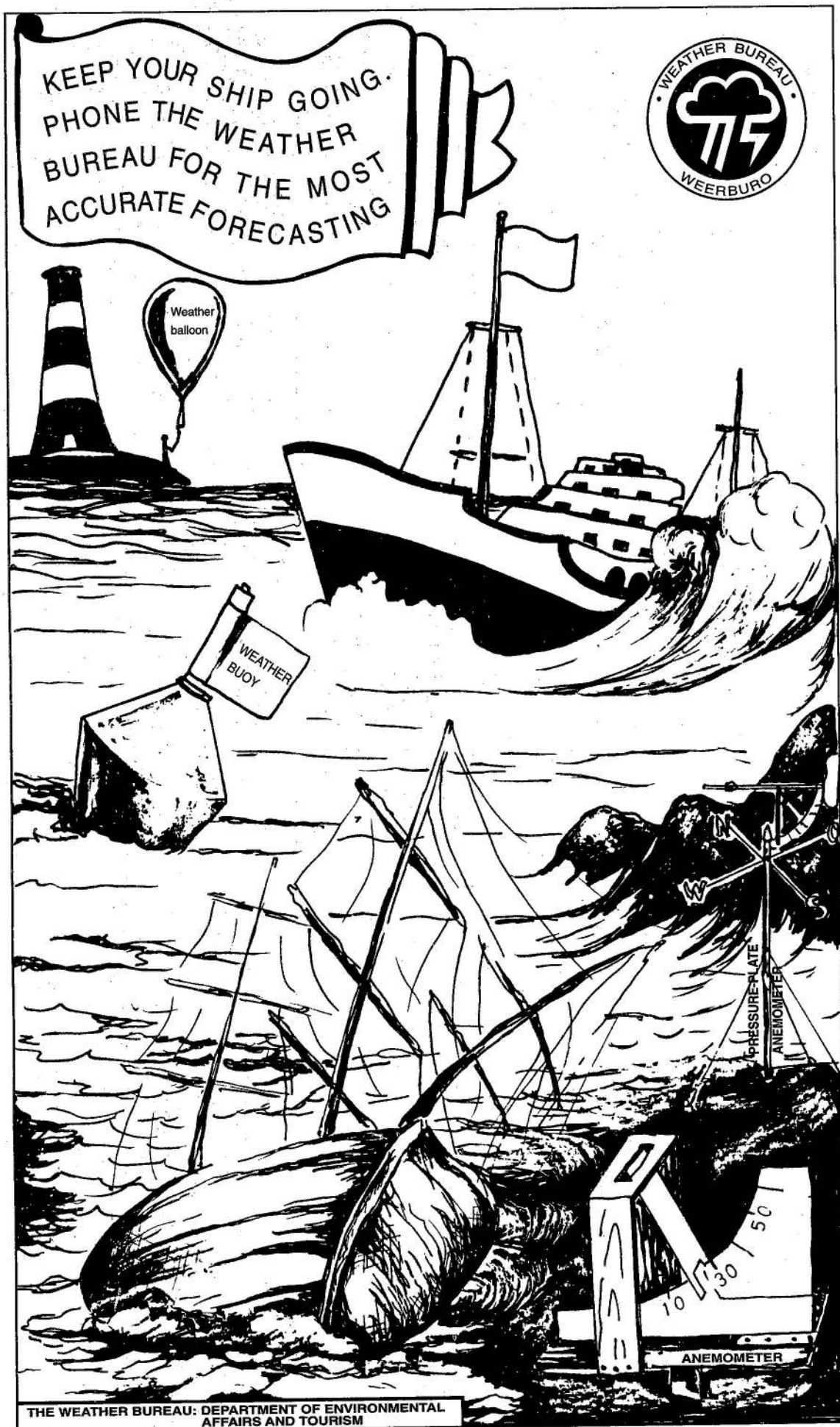
- (a) The hourly wage of an employee shall be the weekly wage divided by the number of ordinary hours of work prescribed for such employee in any week;
- (b) The daily wage of an employee shall be the weekly wage divided by -
 - (i) five, in the case of an employee who works a five-day week;
 - (ii) six, in the case of any other employee;
- (c) The weekly wage of an employee shall be the hourly wage multiplied by the number of ordinary hours of work prescribed for such employee in any week;
- (d) The monthly wage of an employee shall be four and a third times the weekly wage.

(4) *Exclusions*

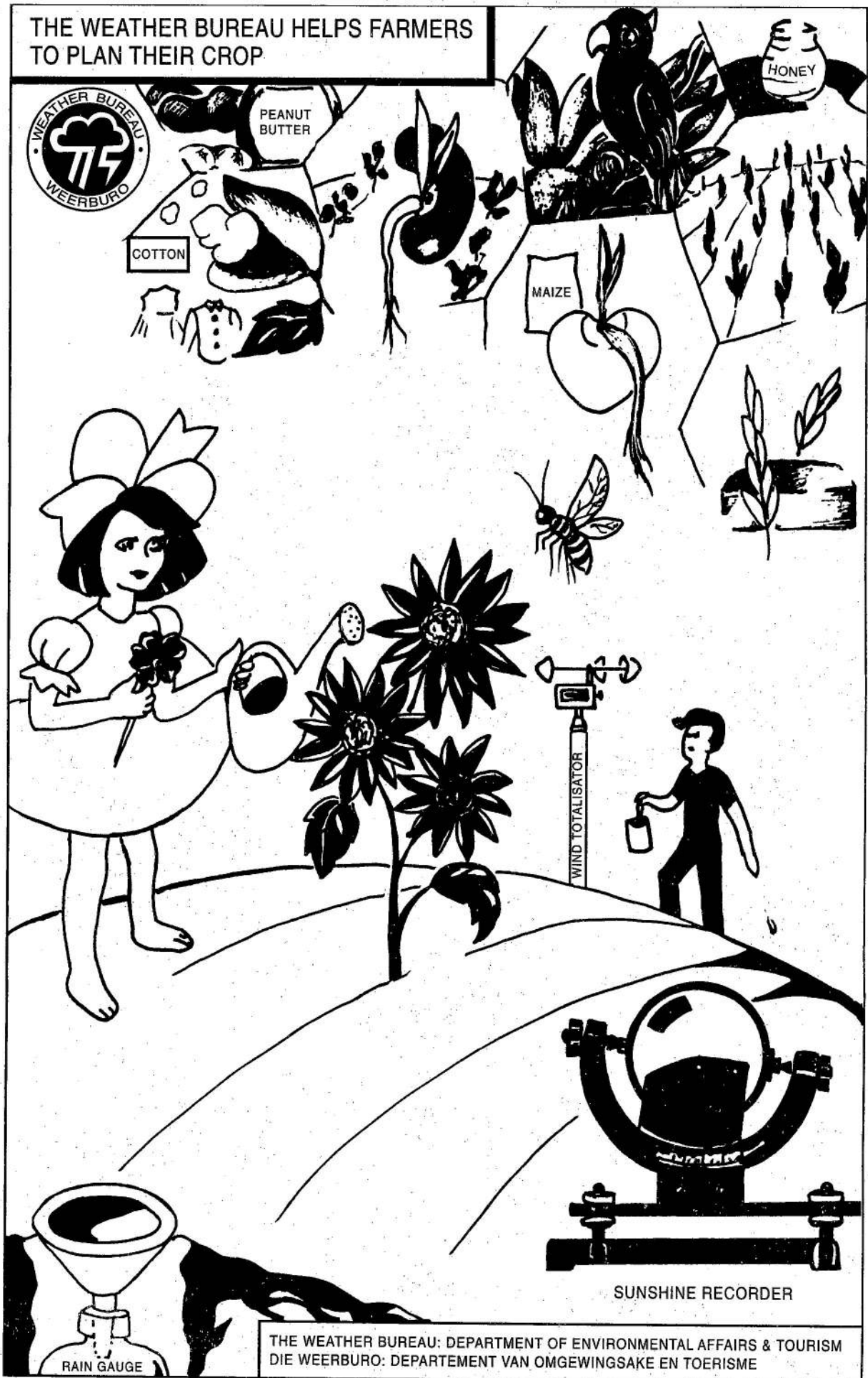
The provisions of clauses 3(1) and 3(2) shall not apply to an employer who is engaged in the Civil Engineering Industry only, and employs altogether not more than twenty employees at all times in or in connection with such business and whose annual turnover in such business does not exceed R1 000 000.

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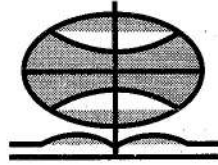


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