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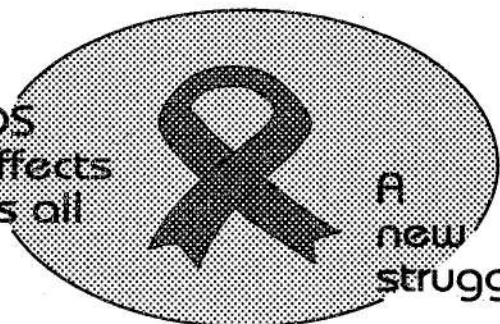
Vol. 420

PRETORIA, 13 JUNE
JUNIE 2000

No. 21279

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

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GOVERNMENT NOTICE

DEPARTMENT OF LABOUR

No. R. 608

13 June 2000

SKILLS DEVELOPMENT ACT, 1998 (ACT No 97 of 1998):

REGULATIONS WITH REGARD TO PRIVATE EMPLOYMENT AGENCIES

I, Membathisi Mphumzi Shepherd Mdlalana, Minister of Labour, under section 36 of the Skills Development Act, 1998 (Act No. 97 of 1998), and after consultation with the National Skills Authority, hereby make the regulations in the Schedule.

M M S MDLADLANA
MINISTER OF LABOUR

SCHEDULE

Definitions

1. In these regulations any word or expression to which a meaning is assigned in the Act has the same meaning and unless inconsistent with the context -

“the Act” means the Skills Development Act, 1998 (Act No. 97 of 1998);

“Annexure” means an Annexure to these regulations;

“labour centre” means a labour centre established under section 23(1)(a) of the Act;

“registered work-seeker” means a work-seeker registered in terms of section 23(2)(b) of the Act.

Registration of work-seekers

2. (1) The particulars that a work-seeker is required to furnish to a labour centre must be in the form of Annexure 1.
- (2) On receipt of the form referred to in subregulation (1), a labour centre must issue to the work-seeker a registration card in the form of Annexure 2.

Notification to labour centre by work-seeker

3. A registered work-seeker -

- (a) who finds employment, must complete the reverse side of the registration card referred to in regulation 2(2) and submit it to the relevant labour centre as soon as possible;
- (b) who is still looking for employment, must within 20 days orally or in writing, inform the relevant labour centre that he or she is still looking for employment;
- (c) must immediately, orally, or in writing, inform the relevant labour centre of any change of his or her address.

Notification to labour centre by employer

- 4. The particulars that an employer must furnish to the relevant labour centre in terms of section 23(3)(b) of the Act are those mentioned on the reverse side of the relevant registration card or those mentioned in Part A of Annexure 3.

Registration of employment services for gain

- 5. (1) An application for the registration of an employment service for gain must be submitted to the Director-General in triplicate in the form of Annexure 5.
- (2) The registration certificate issued in terms of section 24(3)(a) of the Act must be in the form of Annexure 6.
- (3) The employment service must display the registration certificate in a conspicuous place in its office.
- (4) Where an employment service moves to new premises, it must apply to the Director-General for a fresh registration certificate in respect of the new premises.
- (5) The owner or manager of an employment service must keep a register in the form of Annexure 7 and 8.
- (6) The owner or manager of an employment service must retain all documentation received by him or her relating to applications for employment and the employment of persons for a period of at least three years from date of receipt thereof.
- (7) All records referred to in these regulations must be kept meticulously from day to day by making entries in legible letters in ink or typescript on durable material.
- (8) An employment service shall not -
 - (a) charge fees to work-seekers exceeding the following rates: In the case of a person who registers for work with the employment office, a registration fee of one rand and, in addition at the end of the first month of employment that he or she obtained as a result of such application or on the receipt of his or her remuneration where such employment is of less than one month duration, an additional amount of not more than 7½ percent of the remuneration that he

or she receives for such amount or shorter period as the case may be: Provided that the registration fee is not payable by a person in respect of subsequent registration during a period of 90 days counted from the date on which such registration fee has been paid.

- (b) charge an amount for an advertisement that he or she may have placed in a publication in addition to that referred to in paragraph (a) unless authorized thereto by the work-seeker.
- (9) The owner or manager of an employment service must issue to every employer or work-seeker referred to in subregulation (8) a receipt in respect of any amount of money received. The receipt must be made out in duplicate and the owner or manager of an employment service must keep the counterfoils for a period of at least three years after the date of issue.
- (10) The owner or manager of an employment service must at all times, in a prominent place in the office of the employment service where it can be easily read by members of the public, display the scale of fees which may be charged to work-seekers in terms of these regulations.
- (11) The owner or manager of an employment office shall not allow any other person to conduct such on his/her behalf, and no person shall conduct an employment office on behalf of any other person without the prior written approval of the Director-General.
- (12) The owner or manager of an employment service must on or before the 10th day of January of each year submit to the Director-General a report stating the number of persons, classified according to race, gender and occupation, who were placed in or recruited for employment during the previous year by that employment service.

ANNEXURE 1**SKILLS DEVELOPMENT ACT, 1998****[SECTION 23(2)(b); REGULATION 2(1)]****PARTICULARS IN RESPECT OF THE REGISTRATION OF WORKSEEKERS**

- (a) Surname.
- (b) First name(s).
- (c) Address.
- (d) Place of birth.
- (e) Date of birth.
- (f) Identity document number and citizenship.
- (g) Duration of residence in South Africa and in present district.
- (h) Occupation.
- (i) Marital status.
- (j) Number of children (if any), together with their ages.
- (k) Availability for employment in other areas.
- (l) Educational qualifications.
- (m) Testimonials (if any).
- (n) Record of previous employment over the last 10 years, stating the name(s) and address(es) of employer(s) and period(s) employed.
- (o) Reason for termination of service in respect of each employer.
- (p) Condition of health.

ANNEXURE 2

SKILLS DEVELOPMENT ACT, 1998

[REGULATION 2(2)]

REGISTRATION CARD

Workseekers referred to employers by Labour Centres must produce the introduction card issued to them.

Name:

Address:

Engaged by -

Date:

Name of employer:

Address of employer:

Occupation:

Remuneration:

.....
Signed by Workseekers or Employer

(See reverse)

OFFICIAL

(Post free)

ANNEXURE 2

SKILLS DEVELOPMENT ACT, 1998

[REGULATION 2(2)]

REGISTRATION CARD

Read carefully

You must present this card at the Labour Centre between and (dates) to ensure that your name remains on the Register until you have obtained employment. If you obtain work, either through the Centre or otherwise, you or your employer must fill in the reverse side of this card and post it at once.

Workseekers referred to employers by Skills Development Centres must produce the introduction card issued to them.

Name:

Address:

The Provincial Director,
Department of Labour,
P O Box
.....

ANNEXURE 3

SKILLS DEVELOPMENT ACT, 1998

[REGULATION 4]

Reference:

Telephone:

Labour Centre

Department of Labour

.....

.....

.....

.....

.....

Mr/Mrs/Miss

Is sent for an interview with you in connection with the vacancy you have to offer as

Kindly complete A or B below after the interview and return by post.

.....
Labour Centre Head

A

B

If you have engaged the applicant, please state:

The applicant called on me on
but I did not engage him/her

Date engaged:

Rate of pay:

.....
Signature of employer

On reverse

Department of Labour

ANNEXURE 5**SKILLS DEVELOPMENT ACT, 1998****[REGULATION 5(1)]****APPLICATION FOR THE REGISTRATION OF A PRIVATE EMPLOYMENT OFFICE**

Place:

Date:

(IN TRIPLICATE)

The Provincial Director

Department of Labour

P O Box/Private Bag

Dear Sir

In terms of section 23(2)(b) of the Skills Development Act, 1998, I hereby apply for the registration of a private employment office and submit the following particulars in this regard:

- (1) Full name of applicant:
- (2) Residential address of applicant:
- (3) Postal address:
- (4) Telephone number:
- (5) Address of premises where the business of private employment office will be kept or conducted:
- (6) Name by which private employment office will be known:
- (7) Date on which applicant desires to commence business:

Yours faithfully

.....
Signature of applicant*Notes:*

(i) In terms of section 23(2)(b) of the Skills Development Act, 1998, it is an offence for any person to keep or conduct a private employment office unless he is in possession of a certificate of registration issued under that Act.

(ii) The possession of a licence in terms of the Licences Act, 1962, does not render unnecessary a certificate in terms of the Skills Development Act, 1998.

ANNEXURE 6

SKILLS DEVELOPMENT ACT, 1998

[REGULATION 5(2)]

CERTIFICATE OF REGISTRATION OF A PRIVATE EMPLOYMENT OFFICE

This is to certify that

has/have, in terms of section 23(2)(b) of the Skills Development Act, 1998, been granted permission to keep or conduct a private employment office known as

for a period of 24 months commencing on the 19....., subject to the following conditions:

.....

.....
 Director-General: Labour

Date: 19.....

ANNEXURE 7.

SKILLS DEVELOPMENT ACT, 1998

[REGULATION 5(5)]

REGISTER OF WORKSEEKERS

Name of private employment office:

Address:

Name of work-seeker	Male or female	Date of birth	Race of applicant	Address	Occupation required	Name of previous employer	Terms required by applicant	Date of application for employment	Nature and date of engagement	Fee charged	Name of employer with whom placed

Note: - This register is to be kept and made available to an inspector at any time within three years after the occurrence of the event recorded. [See section 24 of the Skills Development Act, 1998].

ANNEXURE 8

SKILLS DEVELOPMENT ACT, 1998

[REGULATION 5(5)]

REGISTER OF EMPLOYERS

Name of private employment office:

Address:

Name of employer	Address	Nature of business	Nature of employment offered	Date employment is offered	Rates of wages offered	Conditions of employment offered	Date when vacancy filled	Fee charged

Note: - This register is to be kept and made available to an inspector at any time within three years after the occurrence of the event recorded. [See section 24 of the Skills Development Act, 1998].

No. R. 608

13 June 2000

UMNYANGO WEZEMISEBENZI

UMTHETHO WOKUTHUTHUKISWA KWAMAKHONO, 1998 (Umthetho No. 97 ka 1998)

MAYELANA NEZIMISELO ZESU LOMSEBENZI WANGASESE

Mina, Membathisi Mphunzi Shepherd Mdladlana, uNgqongqoshe wezemisebenzi, ngaphansi kwesigaba 36 SoMthetho wokuThuthukisa aMakhono, 1998 (umthetho No.97 ka 1998), (Ngemva Kokubonisana negunya laMakhono kaZwelonke, Ngowezeziselo zokuhlelwa kwawo.

M M S MDLADLANA
UNGQONGQOSHE WEZEMISEBENZI

UHLELO

(Izincazelo)

1. kulezimiselo zamagama noma izisho zencazelo ezinikwe umthetho zinencazelo e fanayo ngaphandle kokuhlangana kwengqikithi

“umthetho” kusho umthetho wokuthuthukisa amakhono; 1998(umthetho No.97 ka 1998);

“Isigaba” kusho umthetho wokulungisa kulesigaba

“Isenta lomsebenzi” kusho isenta lomsebenzi elimiswe ngaphansi kwesigaba 23(1)(a) somthetho;

“Ukurejista kwabafuna umsebenzi” kusho ukurejistwa kwabafuna umsebenzi ngokwesigaba 23(2)(b) somthetho

Ukurejistwa kwabafuna umsebenzi

2. (1) Izimfanelo ezidingwa ngabafuna umsebenzi kufanele zipheleliswe kusenta yezemisebenzi zibeyisimo sesigaba 1
- (2) kusimoserisidi esiqondiswe kumtheshwana (1); isenta yezemisebenzi kufanele ikhiphe isimosekhadi lokurejista kusigaba 2 kulabo abafuna umsebenzi

Isaziso kulabo abafuna umsebenzi kusenta yezemisebenzi

3. ukurejistwa kwabafuna umsebenzi

- (a) Othole umsebenzi kufanele agcwalise ingemuva lerejista eliqondiswe kumthetho 2(2) bese alithumele kusenta yezemisebenzi ngokushesha
- (b) Osafuna umsebenzi, kufanele ngezinsuku e zingamashumi amabili bakhulumisane noma a bhale azise isenta yemisebenzi ukhuthi usafuna umsebenzi
- (c) Kufanele ngokushesha, bakhulumisane, noma a bhale azise amanye Amasenta wezemisebenzi aseduze ngenguqukho eyenzekhile maqondana nekheli lakhe

Isazisokubaqhashi besenta yesemisebenzi

- 4. Izimfanelo okumele umqashi azigcwalise kuleyo senta yezemisebenzi ngokwesigaba 23(3)(b) somthetho yilezi ezicaziwe ngemuva kwale khadi lerejista noma ezicazwe kusiqephu A sesigaba 3.

Ukuthola umsebenzi wokurejista abasebenzi

- 5.
 - (1) Isicelo sokurejista kokutholakhala kwezinkonzo zabasebenzi kufanele sithunyelwe ku mQondisi-Jikelele ngokuphindwe kathathu kusimo se sigaba 5.
 - (2) Isitifiketi sokurejista sikhishwa ngokwesigaba 24(3)(a) somthetho kufanele Sibeyismo sesigaba 6.
 - (3) Izinkonzo zabasebenzi kumele zibonise izitifiketi zokurejista endaweni Esobala yenkantolo
 - (4) Lapho inkonzo zabasebenzi zithuthela kwewzinye izakhiwo ezintsha; Kufanele bafakhe isicelo ku Mqondisi-Jikelele ngokivuselelwa Kwezitifiketi zokurejista maqondana nomakhiwo omusha
 - (5) Umniniyo noma umphathi wezinkonzo zomsebenzi kumele azigcine ku rejista yesimo sesigaba 7 No.8
 - (6) Umniniyo noma umphathi wezinkonzo zomsebenzi kumele abuyisele Zonke izincwandi aziphethe noma ezimaqondana nesicelo somsebenzi Kanye nokusebenza komuntu isikathi esizinyanga ezintathu kuzinsuku Amukelwe ngazo.
 - (7) Yonke imininingwane eqondiswe kulezimiselo kumele igcinwe Kucilishile kwenyenelinye ilanga ngokwenza umbhalo ogqamile ngeyinki noma uqobo lwebhuku oluqiniwe olulotshiwe
 - (8) Izinkonzo zabasebenzi zinga
 - (a) ukuguqula ikhokhelo kulabo abafuna umsebenzi ngokudlulisela isilinganiso esilandelayo ngokuyangekesi yomtu orejista umsebenzi emahovisini omsebenzi; inkhokhelo yelandine; ngezelelo yokugana yokuqala kwenyanga ya besebenzi, noma sitholakhale ngokuya ngesicelo noma kurisidi yakhe

noma enisikhathi senyanga eyodwa e sebenza uyakhokhelwa; negezelelo yemali engaba yi 7.5% yenkhokhelo uyayithola noma kuhloswe isikhathi esifushane: uma inkhokhelo yokurejista ingakhokhelwe muntu manqondana nokulandela kokurejista ezinsukwini ezingamashumi ayisishangalolunye abaliwe lapho usuku lokurejista selukhokhelwe

(b) ngokuguqula inkhokhelo yokukhangisa noma siyibekhe sobala singaqaliso lokho ngoku bonisa kusigaba (a) ngaphandle kokuba abafuna umsebenzi bayiphe amandla.

9. umniniyo noma umphathi wezinkonzo zomsebenzi kufanele akhiphe omunye umqashi noma ofuna umsebenzi maqondana nesigatshana (8) nerisidi maqondana nenkhokhelo ye mali e tholakhalayo. Irisidi yomniniyo kumele iphindwekabili noma umphathi wezinkonzo zomsebenzi abekhe inxenye yelisidi ephethe yonke iminingwana kusikhathi esingaba imiyaka emithathu emuva kosuku le lekhiswengalo.
10. umniniyo noma umphathi wezinkonzo zomsebenzi kufanele ngasosonkhe isikhathi abesendaweni eqhamile yehovisi lezinkonzo zabasebenzi lapha azakhufundwa kalula umkhandlu womphakhathi; inkhokhelo eyahluhene yesilinganiso ingabizwa kulabo abafuna umsebenzi ngokuya ngalesigaba.
11. umniniyo noma umphathi wehovisi lezemisebenzi angeze avumela noma ubaniaphathe esikhundleni sakhe; akhekho omunye umuntu ovumelekhayo ukuphathela umnye ihovisi lezomsebenzi ngaphandle kwemvumo ebaliwe kamGqondisi -Jikelele.
12. umniniyo noma umphathi wenkonzo zemisebenzi kufanele phambi kwezinsuku eziyishumi zika Januwari komunye nomunye e nyaka athumele umbiko wenani labantu ku Nqongqoshe-Jikelele; ukuhlukanisa ngokuya ngezinhlobo, ubulili nesinkundla obekwe kuso noma ukubuyiswa komsebenzi esikhathini sangaphambili sonyakhayizinkonzo zabasebenzi.

ISIGABA 1**Umthetho wokuthuthukisa amakhono;1998****(Isigaba 23(2)(b);umthetho 2(1))**

Imniningwane yonke maqondana nokurejistwa kwabafuna umsebenzi

- a) Isibongo
- b) Amagama
- c) Ikheli
- d) Indawo ozalelwe kuyo
- e) Usuku lokuzalwa
- f) Izinombolo zikamazisi noma iyisakhamuzi
- g) Isikhathi osihlezi eningizimu Afrika kulendawo okuyo
- h) Umsebenzi
- i) Ushadile
- j) Inani lezingane (umazikhona) kanye neminyakhayabo
- k) Ukutholakhala komsebenzi kwenye izindawo
- l) Imfundo ephakeme
- m) Isifakazelo(umasikhona)
- n) Okubhalwe encwadini nagasebenzi bakuqala ngemva lweminyakha eyishumi endlule, ukuqala ngegama; ikheli lomqashi nesikhathi aqashwengaso
- o) Imbangela yokuphela komsebenzi maqondana nomqashi
- p) Isimo sempilo

ISIGABA**Umthetho wokuthuthukisa amakhono;1998****(umthetho 2(2))****ikhadi lokurejista**

Abafuna umsebenzi kufanele bathunyelwe kusenta yezemisebenzi babonise ikhadi abaliphiwe

Igama.....

Ikheli.....

Isicelo ku.....usuku.....

Igama lomqashi.....

ikheli limqashi.....

ulwazi.....

Isigciniseko sofuna umsebenzi noma umqashi (bhekangemuva)

Ayikhokhelwa (iphoswamahala)

ISIGABA 2**Umthetho wokuthuthukisa amakhono;1998****(umthetho 2 (2))**

Funda ngokugqophelela

uzakubonakalisa lelikhadi kusenta yokuthuthukisa amakhono phakathi.....

ne.....(usuku) ukugciniseleka ukuthi igama lakho lihlala likhona kurejista

kufikela uthola umsebenzi uma uthola umsebenzi noma lapho isenta noma kwenye indawo, wena nomqashi wakho kufuneka uqwalise ingevuma lalelekhadi bese uliphosa njalo.

Abafuna umsebenzi bathunyelwa abaqashi kusenta yokuthuthukisa a makhono kumele babonise

Ikhadi eliqazayo abaliphiwe.

Igama

Ikheli.....

ISIGABA 3**Umthetho wokuthuthukisa amakhono; 1998****(umthetho)**

Isicinisekho.....

Ugcingo

Isenta yezemisebenzi

Umnyangowezemisebenzi

.....

Mnumzana/Nkosikhazi/Nkosazana

Ngenza isiqinisekho sokuhlola manyelana nomsebenzi esizokuwunika wona.

Ngokuzithoba ngcwalisa u A noma u B ngaphansi kokhuhlola bese uyithumela ngeposi.

.....

AOcelayo uma ethenjisiwe, sicela usitshele
usuku o thenjiswe
lona.....

Isilinganiso

somholo.....

.....

BMina ngibiza ocelayo kodwa
angimthembisi.....

.....

Isiqiniseko

somqashi

Liphendule

Umnyangowezemisebenzi

ISIGABA 5**Umthetho wokuthuthukisa amakhono.1998****Umthetho 5(1)**

Ihovisilokufaka isicelo sokurejista kubasebenzi bangasese

Indawo.....

Usuku.....

(okuphindwe kathathu)

Ungqongqoshe kahulumeni wesifunda

Umnyangowemizebenzi

.....

Mnumzana

Ngokwesigaba 23(2)(b) somthetho wokuthuthukiswa kwamakhono,1998,ngifaka isicelo
 Sokurejista abasebenzi bangasese kulelihovisi maqondana nalokhu okudingekhayo

- (1) Igama eligcwele lomceli.....

- (2) Ikheli lomceli

- (3) Ikheli leposi.....

- (4) Izinombolo zocingo.....
- (5) Ikheli lomakhiwo wehovisi lebezini yabasebenzi bangasese lizobekwa nomaliholwe

- (6) Igama lehovisi labasebenzi bangasese elaziwangalo
- (7) Usuku lapho isicelo ukusebenza maqondana nebizinisi

Owakho othembekileyo

.....
 Isigineshakumceli

Qaphela:

(i) Ngokwesigaba 23(2)(b) soomthetho wokuthuthukisa amakhono,1998,kuyisicasulo komunye umuntu ukulonda, noma ukwenza umsebenzi wehovisi langasese ngaphandle kokuba sesimeni sokurejista izitifiketi ezikiswe ngaphansi kwalimthetho

(ii) Ukuba nemvumo ngokwesivumelwano somthetho:1962, ngokubuyisa inguquko yesitifiketi engafuneki ngokomthetho wokuthuthukisa amakhono,1998.

ISIGABA 6

Umthetho wokuthuthukisa amakhono,1998

Umthetho 5 (2)

Isitifiketi sokurejista sehovisi lokusebenza langasese

Lokukhuqalisa ukuthi.....

ngokwesigaba 23(2)(b) somthetho wokuthuthusa amakhono, 1998, seyinikezwe ilungelo noma
ukuhola ihovisi labasebenzi bangasese elibizwa ngokuthi

mayelana nesikathi sezinganga ezingamashumi amabilinane okuqalisa.....

Isihloko mayelana nalesisimo.....

.....

.....

.....

.....
Umgqongqoshe-Jikelele:Umsebenzi

Usuku.....

ISIGABA 7**Umthetho wokuthuthukisa amakhono, 1998****Umthetho 5(5)**

Ukurejistwa kwabafuna umsebenzi

Igama lehovisi labasebenzi bangasese:.....

Ikheli:.....

Igama alqfun a umsebenzi	Indoda Noma umfazi	Usuku lokuzalwa	Uhlobo lwesice lo	Ulwazi oludingek hayo	Igamalomqa shi wakuqala	Indlela efunwa umqashwa	Usuku lesicelo lomsebenzi	Imvelono suku lesithembiso	Inkhokhelo Oyokuqwalisa	Igama lomsebenzi oqaswe kuwo	

Qaphela: Lerejista kufanele ibekwe ukuze ivezwe kumhloli noma kunini eminyakheni emithathu emva kokwenzakhala kwezehlalo. (Bekha isigaba 24 somthetho wokuthuthukisa amakhono; 1998)

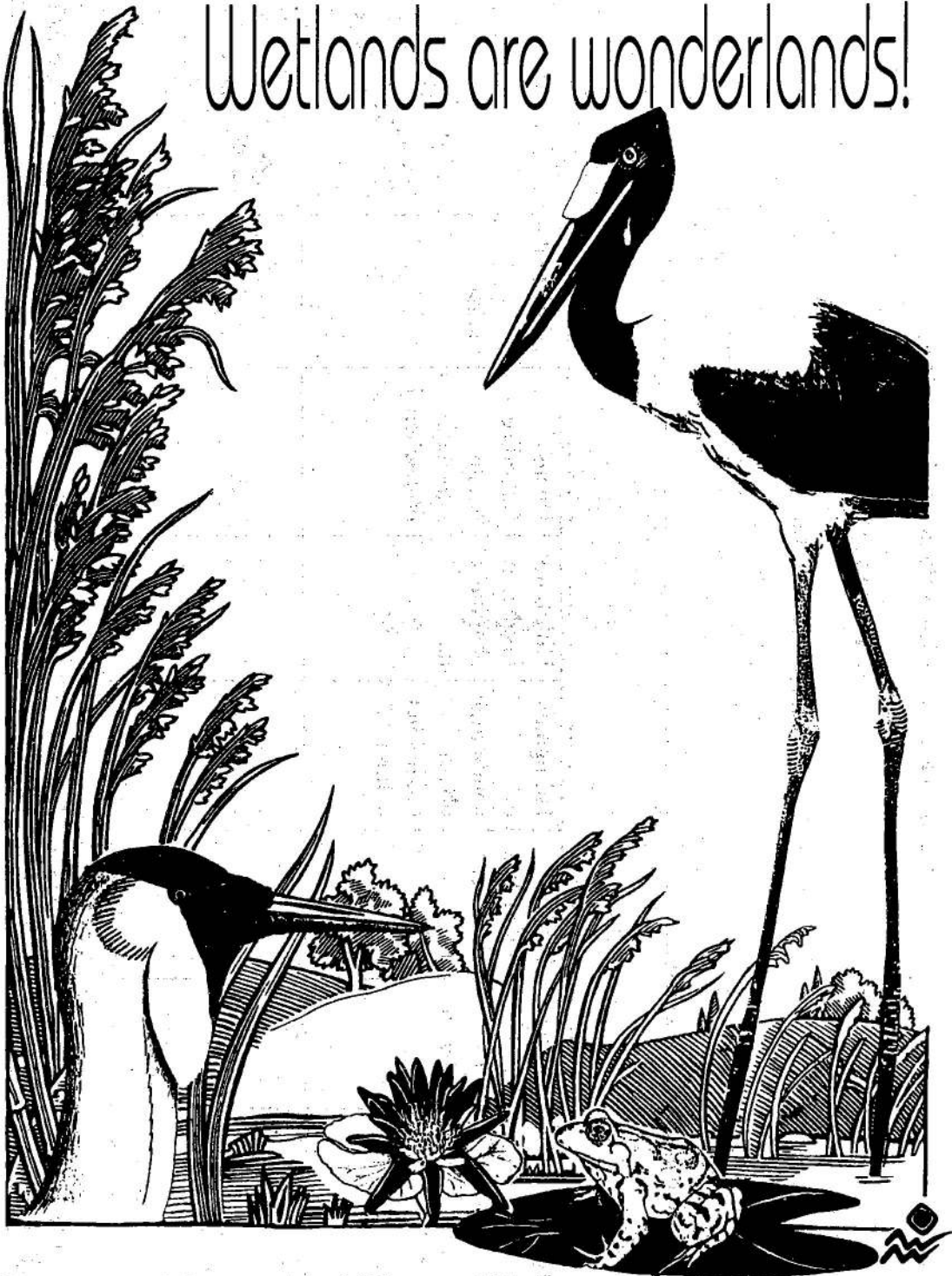
ISIGABA 8**UMthetho wokuthuthukisa amakhono, 1998****Umthetho 5(5)****Ukurejistwa kwa basebenzi**

Igama kehovisi labasebenzi bangasese.....

Igama lomqas hi	Ikheli	Uhlobo lunilwebi zinisi	Uhlibo lomsebenzi ozowenza	Usuku lokuqalisa ukusebenza	Isilinganis o somholoab obaza kukhokhel a lona	Uhlobolo msebenzi abaphawo na	Uusuku Oqwalise Ngalo mayelana nomsebenzi	Ikhokheol o mahala

Qaphela: Lerejista kufanele ibekwe ukuze ivezwe kumhloli noma kunini eminyakheni emithathu emva kokwenzakhala kwezehlalo.
(Bekha isigaba 24 somthetho wokuthuthukisa amakhono; 1998)

Wetlands are wonderlands!



Department of Environmental Affairs and Tourism

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