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AIDS HELPLINE: 0800-123-22 Prevention is the cure

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GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF HEALTH DEPARTEMENT VAN GESONDHEID

No. R. 251

23 March 2001

HEALTH PROFESSIONS ACT, 1974 (ACT No. 56 OF 1974)

REGULATIONS RELATING TO QUALIFICATIONS FOR REGISTRATION OF CLINICAL TECHNOLOGISTS AND REGISTRATION OF PERSONS QUALIFIED OUTSIDE THE REPUBLIC

The Minister of Health has, in consultation with the Health Professions Council of South Africa, in terms of 61 (1), read with sections 24 and 25 of the Health Professions Act, 1974 (Act No. 56 of 1974), made the regulations in the Schedule.

SCHEDULE

Definitions

1. In this Schedule any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context otherwise indicates—

“**professional board**” means the Professional Board for Radiography and Clinical Technology established in terms of section 15 (1) of the Act, as published by Government Notice No. R. 75 of 16 January 1998; and

“**the Act**” means the Health Professions Act, 1974 (Act No. 56 of 1974).

Qualifications for registration

2. The qualifications required for registration as a clinical technologist in terms of the Act shall be as specified below:

Examining authority and qualification

Abbreviation for registration

REPUBLIC OF SOUTH AFRICA

Department of National Education—

National Diploma in Clinical Technology	Nat. Dip. Clin. Tech (SA)
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M L Sultan Technikon—

National Diploma in Clinical Technology	Nat. Dip. Clin. Tech M L Sultan Tech
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Pretoria Technikon—

National Diploma in Clinical Technology	Nat. Dip. Clin. Tech Pta Tech
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Technikon Free State—

National Diploma in Clinical Technology	Nat. Dip. Clin. Tech Tech Free State
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3. A person holding a qualification referred to in regulation 2—

- (a) who commenced training after 31 December 1997, shall have trained for a period of at least three years, of which at least one year shall be clinical training at a training institution approved by the professional board;
- (b) who commenced training prior to 31 December 1997, shall have trained for a period of at least four years, of which at least three years shall have been clinical training at a training institution approved by the professional board; and
- (c) shall have passed a competency-based test conducted by the council.

4. The council may register as a clinical technologist any person holding a qualification referred to in regulation 3 who has passed an evaluation in clinical technology conducted by the council in terms of section 24 and 25 of the Act.

5. In the case of an application for registration that is based on a qualification that has not yet been approved by the council, the applicant shall furnish the council with authoritative information on the training required for such qualification and, if the standard of such training is considered satisfactory by the council, such qualification may be approved.

M. TSHABALALA-MSIMANG

Minister of Health

No. R. 251

23 Maart 2001

WET OP GESONDHEIDSBEROEPE, 1974 (WET No. 56 VAN 1974)

REGULASIES BETREFFENDE KWALIFIKASIES VIR REGISTRASIE VAN KLINIESE TEGNOLOË EN REGISTRASIE VAN PERSONE BUIE DIE REPUBLIEK GEKWALIFISEER

Die Minister van Gesondheid het, in ooreenstemming met die Raad vir Gesondheidsberoep van Suid-Afrika, kragtens artikel 61 (1), gelees met artikels 24 en 25 van die Wet op Gesondheidsberoep, 1974 (Wet No. 56 van 1974), die regulasies in die Bylae uitgevaardig.

BYLAE**Woordomskrywings**

1. In hierdie Bylae het 'n woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en, tensy uit die samehang anders blyk, beteken—

“beroepsraad” die Beroepsraad vir Radiografie en Kliniese Tegnologie ingestel ingevolge artikel 15 (1) van die Wet, soos by Goewermentskennisgewing No. R. 75 van 16 Januarie 1998 gepubliseer; en

“die Wet” die Wet op Gesondheidsberoep, 1974 (Wet No. 56 van 1974).

Kwalifikasies vir registrasie

2. Die kwalifikasies vereis vir registrasie as 'n kliniese tegnoloog ingevolge die Wet, is soos hieronder uiteengesit:

*Eksaminerende liggaam en kwalifikasie**Afkorting vir registrasie***REPUBLIEK VAN SUID-AFRIKA****Departement van Nasionale Opvoeding—**

Nasionale Diploma in Kliniese Tegnologie.....	Nas. Dip. Klin. Teg. (SA)
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M L Sultan Technikon—

Nasionale Diploma in Kliniese Tegnologie.....	Nas. Dip. Klin. Teg. M L Sultan Tech
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Pretoria Technikon—

Nasionale Diploma in Kliniese Tegnologie.....	Nas. Dip. Klin. Teg. Pta Tech
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Technikon Vrystaat—

Nasionale Diploma in Kliniese Tegnologie.....	Nas. Dip. Klin. Teg. Vrystaat Tech
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3. 'n Persoon wat in besit is van 'n kwalifikasie in regulasie 2 bedoel—

- (a) wat opleiding na 31 Desember 1997 begin ontvang het, moet vir 'n tydperk van minstens drie jaar opleiding ontvang het waarvan minstens een jaar kliniese opleiding moet wees aan 'n opleidingsinrigting wat deur die beroepsraad goedgekeur is;
- (b) wat opleiding voor 31 Desember 1997 begin ontvang het, moes opleiding vir 'n tydperk van minstens vier jaar ontvang het, waarvan minstens drie jaar kliniese opleiding moes wees aan 'n opleidingsinrigting wat deur die beroepsraad goedgekeur is; en
- (c) moes geslaag het in 'n bekwaamheidsgebaseerde toets wat deur die raad afgeneem is.

4. Die raad kan enige persoon wat in besit is van 'n kwalifikasie in regulasie 3 bedoel, wat geslaag het in 'n evaluering in kliniese tegnologie soos deur die raad afgeneem ingevolge artikel 24 of 25 van die Wet, as 'n kliniese tegnoloog registreer.

5. In die geval van 'n aansoek om registrasie gebaseer op 'n kwalifikasie wat nie reeds deur die raad goedgekeur is nie, moet die aansoeker die raad van gesaghebbende inligting voorsien oor die opleiding wat vir sodanige kwalifikasie vereis word en, indien die standaard van sodanige opleiding deur die raad as bevredigend beskou word, kan sodanige kwalifikasie goedgekeur word.

M. TSHABALALA-MSIMANG**Minister van Gesondheid**

No. R. 253

23 March 2001

DENTAL TECHNICIANS ACT, 1979 (ACT No. 19 OF 1979)

REGULATIONS RELATING TO REGISTRATION AS A DENTAL TECHNICIAN AND RELATED MATTERS: AMENDMENT

The Minister of Health has, in terms of section 50 of the Dental Technicians Act, 1979 (Act No. 19 of 1979), on the recommendation of the South African Dental Technicians Council, made the regulations in the Schedule.

SCHEDULE**Definition**

1. In this Schedule "the Regulations" means the regulations published under Government Notice No. R. 1018 of 28 May 1982, as amended by Government Notices Nos. R. 194 of 4 February 1983, R. 282 of 15 February 1985, R. 671 of 3 April 1987, R. 845 of 28 April 1989, R. 3154 of 27 December 1991 and R. 355 of 13 March 1998.

Amendment of regulation 8 of the Regulations

2. Regulation 8 of the Regulations is hereby amended by the substitution in subregulation (1) (a) for the expression "R40,00" of the expression "R50,00".

M. TSHABALALA-MSIMANG

Minister of Health

Date: 9 March 2001.

No. R. 253

23 Maart 2001

WET OP TANDTEGNICI, 1979 (WET No. 19 VAN 1979)

**REGULASIES BETREFFENDE DIE REGISTRASIE AS TANDTEGNIKUS EN AANGELEENTHEDE WAT DAARMEE IN
VERBAND STAAN: WYSIGING**

Die Minister van Gesondheid het kragtens artikel 50 van die Wet op Tandtegnici, 1979 (Wet No. 19 van 1979), op aanbeveling van die Suid-Afrikaanse Raad vir Tandtegnici, die regulasies in die Bylae uitgevaardig.

BYLAE

Definisies

1. In hierdie Bylae beteken "die Regulasies" die regulasies afgekondig by Goewermmentskennisgewing No. R. 1018 van 28 Mei 1982, soos gewysig by Goewermmentskennisgewings Nos. R. 194 van 4 Februarie 1983, R. 282 van 15 Februarie 1985, R. 671 van 3 April 1987, R. 845 van 28 April 1989, R. 3154 van 27 Desember 1991 en R. 355 van 13 Maart 1998.

Wysiging van regulasie 8 van die Regulasies

2. Regulasie 8 van die Regulasies word hierby gewysig deur in subregulasie (1) (a) die uitdrukking "R40,00" deur die uitdrukking "R50,00" te vervang.

M. TSHABALALA-MSIMANG

Minister van Gesondheid

Datum: 9 Maart 2001.

**DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID**

No. R. 255

23 March 2001

SKILLS DEVELOPMENT LEVIES ACT, 1999 (ACT No. 9 OF 1999)

**NOTICE OF AMENDMENT OF REGULATIONS REGARDING LEVIES AND RELATED ISSUES: AMENDMENT OF DUE
DATE BY WHICH A MUNICIPALITY MAY SUBMIT AN APPLICATION FROM PAYING THE SKILLS DEVELOPMENT LEVY**

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby amend regulation 2 (1) Government Notice No. R. 104 dated 7 February 2000, as amended by Government Notice No. R. 1142 dated 17 November 2000, to provide for the due date by which a municipality may submit its application for exemption from paying the skills development levy by the substitution of "30 November 2000" for "1 April" of the year in which exemption is required.

M. M. S. MDLADLANA

Minister of Labour

No. R. 256

23 March 2001

LABOUR RELATIONS ACT, 1995

MOTOR INDUSTRY BARGAINING COUNCIL—MIBCO: EXTENSION OF PERIOD OF OPERATION OF THE ADMINISTRATIVE COLLECTIVE AGREEMENT

I, Thembinkosi Mkalipi, Executive Manager, Collective Bargaining, duly authorised thereto by the Minister of Labour, hereby, in terms of section 32 (6) (a) (i) of the Labour Relations Act, 1995, extend the period fixed in Government Notice No. R. 1380 of 22 December 2000, by a further period ending 31 August 2001.

T. MKALIPI

Executive Manager: Collective Bargaining

No. R. 256

23 Maart 2001

WET OP ARBEIDSVELHOUDINGE, 1995

MOTORNWERKERS BEDINGINGSRAAD—MIBCO: VERLENGING VAN TYDPERK VAN ADMINISTRATIEWE KOLLEKTIEWE OOREENKOMS

Ek, Thembinkosi Mkalipi, Uitvoerende Bestuurder, Kollektiewe Bedinging, behoorlik daartoe gemagtig deur die Minister van Arbeid, verleng hierby, kragtens artikel 32 (6) (a) (i) van die Wet op Arbeidsverhoudinge, 1995, die tydperk vasgestel in Goewermentskennisgewing No. R. 1380 van 22 Desember 2000, met 'n verdere tydperk wat op 31 Augustus 2001 eindig.

T. MKALIPI

Uitvoerende Bestuurder: Kollektiewe Bedinging

No. R. 264

23 March 2001

DETERMINATION IN TERMS OF SECTION 50: NATIONAL BARGAINING COUNCIL FOR THE ROAD FREIGHT INDUSTRY ('NBCRFI')

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby in terms of section 50 of the Basic Conditions of Employment Act, 1997, make the following Ministerial Determination:

1. Employers or employees in respect of whom the determination applies:

All employers and employees covered by the scope of the National Bargaining Council for the Road Freight Industry.

2. The following sections of the Act are replaced or excluded:

Sections 22 and 23.

3. Conditions on which the determination is granted:

That the agreement pertaining to the ICMTU Sick Fund as published in *Government Gazette* No. 19057 dated 24 July 1998 is strictly adhered to.

4. Period for which the determination is granted:

With effect from 22 November 2000 for the duration of the agreement.

M. M. S. MDLADLANA

Minister of Labour

No. R. 265

23 March 2001

LABOUR RELATIONS ACT, 1995

ROAD FREIGHT INDUSTRY: EXTENSION OF A- COLLECTIVE AMENDING AGREEMENT TO NON-PARTIES

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby in terms of Section 32 (2) of the Labour Relations Act, 1995, declare that the collective agreement which appears in the Schedule hereto, which was concluded in the National Bargaining Council For The Road Freight Industry and is binding in terms of section 31 of the Labour Relations Act, 1995, on the parties which concluded the agreement, shall be binding on the other employers and employees in that Industry, with effect from 1 April 2001 and for the period ending 28 February 2002.

M. M. S MDLADLANA

Minister of Labour

SCHEDULE**NATIONAL BARGAINING COUNCIL FOR THE ROAD FREIGHT INDUSTRY****A COLLECTIVE AGREEMENT**

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

Road Freight Employers' Association

(hereinafter referred to as the "employers" or the "employers' organisation"), of the one part, and the

Motor Transport Workers' Union (South Africa)**South African Transport Workers' Union****South African Transport and Allied Workers Union****Transport and General Workers' Union**

and

Transport and Allied Workers' Union

(hereinafter referred to as the "employees" or the "trade unions"), of the other part,

being the parties to the National Bargaining Council for the Road Freight Industry

to amend the Agreement published under Government Notice No. R.186 of 1 March 2001.

1. SCOPE OF APPLICATION

(1) The terms of this Agreement shall be observed in the Road Freight Industry—

- (a) by all employers who are members of the employers' organisation and by all employees who are members of the trade unions, and who are engaged and employed therein, respectively;
- (b) in the Magisterial District of Alberton, Benoni, Boksburg, Brakpan (excluding those portions of the Magisterial District of Boksburg and Brakpan which, prior to the publication of the Government Notice No. R. 1779 of 6 November 1964, fell within the Magisterial District of Heidelberg, and excluding those portions of the Magisterial District of Brakpan which, prior to 1 April 1966 and 1 July 1972 (Government Notices Nos. R. 498 and R. 871 of 1 April 1996 and 26 May 1972, respectively), fell within the Magisterial District of Nigel), Delmas, Germiston, Johannesburg, Kempton Park (excluding those portions which, prior to 29 March 1956 and 1 November 1970 (Government Notices Nos. R. 556 and R. 1618 of 29 March 1956 and 2 October 1970, respectively), fell within the Magisterial District of Pretoria), Krugersdorp (including those portions of the Magisterial Districts of Koster and Brits which, prior to 26 July 1963 and 1 June 1972, respectively (Government Notices Nos. R. 1105 of 26 July 1963 and R. 872 of 26 May 1972), fell within the Magisterial District of Krugersdorp), Oberholzer (excluding that portion of the Magisterial District of Oberholzer which, prior to the publication by Government Notice No. R. 1745 of 1 September 1978, fell within the Magisterial District of Potchefstroom), Randburg (excluding that portion which, prior to the publication of Government Notice No. R. 2152 of 22 November 1974, fell within the Magisterial District of Pretoria), Randfontein (including that portion of the Magisterial District of Koster which, prior to the publication of Government Notice No. R. 1105 of 26 July 1963, fell within the Magisterial District of Randfontein, but excluding the farms Moadowns 1, Holfontein 17, Leeuwpan 18, Ireton 19, Pahtiki 20, Bospan 21 and Rietfontein 48), Roodepoort, Springs, Vanderbijlpark, Vereeniging and Westonaria.

2. Notwithstanding the provisions of subclause (1), the terms of this Agreement shall apply only to employees for whom minimum wages are prescribed in this Agreement and to the employers of such employees.

3. Notwithstanding the provisions of subclause (1), the provisions of this Agreement shall not apply to—

- (a) an owner who drives his own vehicle and the employees employed in connection with such a vehicle; and
- (b) an employer who operates one truck with one driver, and the employees employed by such employer.

4. The provisions of clause 1 (1) (a) and 1A of this Agreement shall not apply to employers and employees who are not members of the employers' organisation and trade unions who entered into this Agreement.

1A. PERIOD OF OPERATION OF AGREEMENT

This Agreement shall come into operation on such date as may be fixed by the Minister of Labour in terms of section 32 of the Labour Relations Act, 1995, and shall remain in force until 28 February 2002.

A—AGREEMENT**1. CLAUSE 1: SCOPE OF APPLICATION**

(1) Substitute the following for subclause (3):

"(3) Notwithstanding the provisions of subclause (1), the provisions of this Agreement shall not apply to:

- (a) the owner of only one vehicle who is the permanent driver of his/her own vehicle and the employees employed by such owner, except in so far as clause 10 (6) is applicable.

- (b) employers in the timber industry and their employees who drive vehicles which transport trees from the point of felling to a loading point:

Provided that—

- (i) such transport does not exceed 30 kilometres; and
- (ii) such transport is primarily on private roads; and
- (iii) such transport is ancillary to the employers other logistical services to a client in the timber industry and is not exclusively the transport of timber for that client for hire or reward.

2. CLAUSE 2: DEFINITIONS

- (1) Delete the definition of "casual worker".
- (2) Substitute the following for paragraph (ii) in the definition of "Night Shift".

"(ii) employees in the Sugar Cane Sector".

- (3) Insert the following new definition after "packer/loader":

"relief employee" means an employee, other than the employee of a temporary employment service, who is employed by the same employer on not more than 16 days per month and not more than 144 days in a 12 month period. Any reference to a casual employee in this Agreement shall be deemed to be a reference to a "relief worker".

- (4) Insert the following new definition after "substantive issues":

"Sugar Cane Sector" means that portion of the Sugar Transport Sector in which employers and employees are primarily associated for the handling and transportation of sugar cane and associated products between the fields and mills, for hire or reward."

- (5) Substitute the following for the definition of "shift":

"shift" means any consecutive period of work, subject to the provisions of clause 10 (1), in the course of a working day that has been set by the employers for the execution of all work activities delegated to an employee, but shall not be deemed to include any period of overtime as defined in clause 10 (2): Provided that each specified paid holiday, each Sunday on which an employee is required to work, each Saturday on which an employee works at least nine hours, or each working day of absence on leave, sick leave, family responsibility leave, study leave, or on the instruction of the employer, as specified in the Agreement, shall be computed as one shift per day;".

3. CLAUSE 4: WAGES

- (1) Substitute the following for subclause (1) (c):

"(c) **Relief employee: Wages**—an employer shall pay a relief worker in respect of each day, or part of a day worked, not less than one fifth of the weekly wage prescribed for an employee of his class, plus an additional premium of 10% of the wage prescribed".

- (2) Substitute the following for subclause (2):

"(2) An employee, other than the employee of a temporary employment service employed on a fixed term contract of a duration of less than 2 months, who at the date of coming into operation of this agreement or thereafter was or is in receipt of a rate of wages higher than that prescribed in this Agreement for an employee of his class, shall continue to receive such higher wages while employed by the same employer on the same work. The provisions of this subclause shall also apply in respect of any employee, other than an employee of a temporary employment service, whose services are terminated by such employer subsequent to the date of commencement of this Agreement and who is re-engaged by such employer. For the purposes hereof, "Agreement" shall include any amendments thereto".

4. CLAUSE 5: PAYMENT FOR OVERTIME

- (1) Substitute the following for subclause (1) (a):

"(a) in the case of a relief worker, one and one third times his hourly wage in respect of the total period so worked in any week by such an employee on any day: Provided that all overtime in excess of six hours shall be paid for at one and a half times his hourly wage in respect of the total period so worked by such employee in any three-day period;".

- (2) Amend the figure "46" in the second line of subclause (2) to "45".

- (3) Insert the following new subclauses (5) and (6):

"(5) Despite subclause (1), upon 72 hours written notice to an employee, an employer may pay an employee not less than:

- (a) the ordinary basic wage for overtime worked and grant the employee at least 30 minute's time off on full pay for every hour worked; or
- (b) grant an employee at least 90 minute's paid time off for each hour worked."

"(6) An employer must grant paid time off in terms of subclause (5) within one month of the employee becoming entitled to it, however an agreement in writing may increase the period contemplated to 12 months.

- (4) Insert the following new subclauses (7):

"(7) paid time off in lieu of overtime worked may not be granted during any period during which a "compressed working week" is worked."

- (5) Insert the following new subclauses (8):

"(8) an employer who intends implementing paid time off in lieu of overtime shall:

- (a) immediately notify the Secretary of the Council in writing of the anticipated date of implementation and approximate duration of the scheme,
- (b) retain copies of all notices issued to employees in terms of subclause (5) above, for a period of 3 years after issue,
- (c) retain copies of all agreements entered into in terms of subclause (6), for a period of 3 years,
- (d) maintain a register detailing—
 - (i) the dates and overtime hours worked by every employee involved in the scheme.
 - (ii) the calculation of paid time off due to each employee.
 - (iii) the date and period of paid time off granted to each employee.

5. CLAUSE 7: SUNDAY AND PAID HOLIDAY PAY

- (1) Amend the opening paragraph by deleting the words "or paid holiday specified in clause 12".

- (2) Substitute the following for subclause (i):

(i) he shall be paid for eight hours, whether he has worked eight hours or less:

Provided that if a shift worked by an employee falls on a Sunday and another day, the whole shift is deemed to have been worked on the Sunday, unless the greater portion of the shift was worked on the other day, in which case the whole shift is deemed to have been worked on the other day."

- (3) Substitute the following for subclause (iii):

"(iii) if he is employed by a temporary employment service on a fixed term contract of a duration of less than 2 months, he shall be paid for not less than four hours, whether he has worked four hours or less: Provided that if a shift worked by an employee falls on a Sunday and another day, the whole shift is deemed to have been worked on the Sunday unless the greater portion of the shift was worked on the other day, in which case the whole shift is deemed to have been worked on the other day."

- (4) Insert the following new subclauses (v), (vi), (vii), (viii) and (ix):

- "(v) despite the provisions of the first paragraph above and subclauses (i) and (vii), upon 72 hours written notice to an employee, an employer may grant an employee who works on a Sunday or paid holiday, paid time off equivalent to the difference in value between the pay actually received by the employee for working on the Sunday or paid holiday and the pay that the employee is entitled to in terms of the provisions of the opening paragraph or subclause (vii).
- (vi) an employer must grant paid time off in terms of subsection (v) within one month of the employee becoming entitled to it, however an agreement in writing may increase the period contemplated to 12 months.
- (vii) if a paid holiday falls on a day on which an employee other than a relief worker, would ordinarily work, an employer must pay—
 - (a) an employee who does not work on the paid holiday, at least the wage that the employee would ordinarily have received for work on that day;
 - (b) an employee who does work on the paid holiday—
 - (i) at least double the amount referred to in paragraph (a); or
 - (ii) if it is greater, the amount referred to in paragraph (i) plus the amount earned by the employee for the time worked on that day.
- (viii) paid time off in lieu of time worked on a Sunday and paid holiday may not be granted during any period during which a compressed working week is worked.
- (ix) an employer who intends implementing paid time off in lieu of Sunday and paid holiday pay shall—
 - (a) immediately notify the Secretary of the Council in writing of the anticipated date of implementation and approximate duration of the scheme;
 - (b) retain copies of all notices issued to employees in terms of subclause (v) above, for a period of three years after issue;
 - (c) retain copies of all agreements entered into in terms of subclause (vi), for a period of three years;
 - (d) maintain a register detailing—
 - (aa) the dates and hours worked on Sundays and/or paid holidays by every employee involved in the scheme;

- (ab) the calculation of paid time off due to each employee;
- (ac) the date and period of paid time off granted to each employee.”.

6. CLAUSE 10: HOURS OF WORK AND OVERTIME

- (1) Insert the following new subclause (1) (e):

“(e) An employer may change the working week commencement day and time of an employee by giving 72 hours written notice to the employee.”.

- (2) Amend subclause (2) (a) by substituting “six hours” for “five”.

- (3) Insert the following new subclause (7):

- (7) (a) Compressed working week—upon 72 hours written notice to an employee, an employer may require an employee to work up to fifteen hours in a day, inclusive of meal intervals required in terms of subclause (4), without receiving overtime pay.

- (b) an employer may not require an employer to work—

- (i) more than the maximum ordinary hours prescribed in subclause (1) in any week;
- (ii) more than the maximum number of overtime hours prescribed in subclause (2) in any week;
- (iii) during the rest interval prescribed in subclause (5);
- (iv) a compressed working week for more than 2 consecutive weeks in 5 weeks;

- (c) an employer who intends implementing a compressed working week scheme shall—

- (i) immediately notify the Secretary of the Council in writing of the anticipated date of implementation and approximate duration of the scheme;
- (ii) retain copies of all agreements entered into in terms of subclause (a) above, for a period of three years;
- (iii) maintain a register detailing the dates and hours worked by every employee involved in the scheme.

- (4) Insert the following new subclauses (8) (a) and (8) (b):

“(a) Averaging of hours of work—upon 72 written notice to an employee, the ordinary hours of work and overtime of an employee may be averaged over a period of up to five weeks, provided that—

- (i) the employee may not work more than the ordinary hours prescribed in subclause (1) and overtime hours prescribed in subclause (2), over the agreed period;
- (ii) the rest intervals prescribed in subclause (5) are adhered to;

- (b) an employer who intends implementing an averaging of hours of work scheme shall:

- (i) immediately notify the Secretary of the Council in writing of the anticipated date of implementation and approximate duration of the scheme;
- (ii) retain copies of all agreements entered into in terms of subclause (a) above, for a period of three years;
- (iii) maintain a register detailing—
 - (aa) the dates, ordinary hours and overtime worked by every employee involved in the scheme;
 - (ab) a calculation of how the hours were averaged over the period in respect of each employee.

- (5) Insert the following new subclause (9):

“(9) Overall limitation of hours of work and overtime: An employer shall not require or permit an employee to work more than 90 hours in any one week, inclusive of ordinary hours, overtime hours and hours worked on a Sunday or paid holidays.”.

7. CLAUSE 12: PAID HOLIDAYS

- (1) Insert the following new subclause (5):

“(5) Whenever any paid holiday falls within the period of annual leave taken by an employee, the period of leave prescribed in terms of clause 13 (2) (c) shall be extended and the employee shall be paid for the paid holiday in addition to the leave pay that is due.”.

8. CLAUSE 13: LEAVE PAY FUND

- (1) Amend subclause (9) (a) (i) by substituting “25%” for “12 hours”.

- (2) Delete subclause (9) (b) and renumber (c) and (d) to read (b) and (c) respectively.

9. CLAUSE 14: HOLIDAY PAY BONUS FUND

- (1) Insert the following new subclause (1) (a) (iii):

"(iii) An employer of a relief employee who has been employed for more than 90 days in a 12 month period, shall pay to each employee an amount based on the following formula for every ordinary hour, or part thereof, worked:

$$\frac{4,8 \times \text{equivalent annual wage}}{100 \times 12 \times 195}$$

10. CLAUSE 15: SICK LEAVE

- (1) Insert the following new subclause (1) (a) (iii):

"(ii) An employer of a relief employee, who has been employed for more than 90 days in a 12 month period, shall pay to each employee an amount based on the following formula for every ordinary hour, or part thereof, worked:

$$\frac{\text{equivalent weekly wage} \times 9}{45 \times 195}$$

- (2) Insert the following new subclause 2 (a) (vi):

"(vi) An employer shall pay to an employee who is absent owing to an injury in an accident in the course of his duties, for which compensation is due under the Compensation for Occupational Injuries and Diseases Act, 1993, 75% of his normal basic wage for a maximum period three months, and recover such payments from the amounts payable to the employee in terms of the said Act."

11. CLAUSE 17: SEVERANCE PAY

- (1) Substitute the following for subclause (1):

"(1) An employer must pay an employee who is dismissed for reasons based on the employer's operational requirements, severance pay calculated in accordance with section 41 (2) of the Basic Conditions of Employment Act, 1997."

12. CLAUSE 23: EXEMPTIONS BY THE COUNCIL

- (1) Substitute the following for subclause (2):

"(2) The Independent Body established by Council in terms of section 32 of the Act shall consider appeals against the refusal by Council's Exemption Body to grant exemptions."

13. CLAUSE 26: LABOUR RELATIONS PROCEDURES

- (1) Delete this clause and substitute the following new clause:

"SUGAR CANE SECTOR

- (a) Employees engaged in the Sugar Cane Sector as defined, and who fall within the definition of "seasonal workers", shall receive a "retainer" payment throughout the "off-crop" period during which they are not required to report for normal duty, equal to 66.6 per cent of their normal basic wage for the first 15 weeks, and thereafter 40 per cent of their normal basic wage: Provided that the period for which the "retainer" is payable shall not include annual leave."
- (b) Employees, while in receipt of "retainer" payment, shall be obliged to hold themselves in readiness to report for normal duty on reasonable notice.
- (c) Any employee who is recalled for normal duty during the "off-crop" period and fails to report shall forfeit the "retainer" payment prescribed in (a) above for the period he is absent without permission.
- (d) An employee shall receive remuneration as prescribed in clauses 4,4(5), 5, 6(6) and 9 for all periods of normal duty worked.

14. CLAUSE 33: SEASONAL EMPLOYMENT

- (1) Substitute the following for subclause (a):

"(a) Employees not employed in the Sugar Cane Sector as defined, but who fall within the Sugar Transport Sector of the Road Freight Industry and the definition of "seasonal worker", shall receive a "retainer" payment during the "off-crop" period equal to 66,6 per cent of their normal wage for all periods, except annual leave periods, during which they are not required to report for normal duty."

15. CLAUSE 37: BARGAINING UNIT

- (1) Substitute the following for subclause (1) (a):

"(a) the Electoral Institute of South Africa or any other organisation agreed upon by the parties to Council, shall be requested to establish by a process agreed to with the parties, the exact number of trade union members in the additional categories with reference to each category and trade union, in an independent and impartial manner."

16. Insert the following new clause 41.

"CLAUSE 41: EMPLOYMENT OF ILLEGAL IMMIGRANTS

- (1) An employer may not employ a person who is "an illegal immigrant."

17. Insert the following new clause 42:

"CLAUSE 42: RELIEF EMPLOYEE

- (1) A relief employee cannot be employed for more than 144 days in a 12 month period unless the employee is given the status of a permanent employee and remunerated accordingly.
- (2) Once a relief employee has worked for more than 90 days in a 12 month period, the employer may reduce the employee's wage by dispensing with the 10% premium on wages, but the employee will be entitled to the benefits detailed in clauses 13 (2) (b), 14 (1) (a) (iii), 15 (1) (a) (iii) and clause 7 (1) (d) of the pro-rata Provident Fund Agreement and is liable for the payment of levies in terms of clause 18.
- (3) The number of relief employees employed by an employer shall, over a 12 month period, on average not exceed 30% of the employers total average workforce."

Signed at Johannesburg, for and on behalf of the parties to the Council, this 9th day of January 2001.

.....
N. J. BADENHORST

for **G. F. VAN NIEKERK**

Chairman of the Council

.....
J. J. DUBE

Vice-Chairman of the Council

.....
B. S. E. GRATZ

Secretary of the Council

No. R. 265

23 Maart 2001

WET OP ARBEIDSVERHOUDINGE, 1995

PADVRAGNYWERHEID: UITBREIDING VAN A- KOLLEKTIEWE WYSIGINGSOOREENKOMS NA NIE-PARTYE

Ek, Membathisi Mphumzi Shepherd Mdladlana, Minister van Arbied, verklaar hierby, kragtens artikel 32 (2) van die Wet op Arbeidsverhoudinge, 1995, dat die kollektiewe ooreenkoms wat in die Bylae hiervan verskyn en wat in die Nasionale Bedingingsraad in die Padvragnywerheid aangegaan is en kragtens artikel 31 van die Wet op Arbeidsverhoudinge, 1995, bindend is op die partye wat die ooreenkoms aangegaan het, bindend is vir die ander werkgewers en werknemers in daardie Nywerheid, met ingang van 1 April 2001 en vir die tydperk wat op 28 Februarie 2002 eindig.

M. M. S MDLADLANA

Minister van Arbied

BYLAE**NASIONALE BEDINGINGSRAAD VR DIE PADVRAGNYWERHEID****A KOLLEKTIEWE OOREENKOMS**

ooreenkomstig die Wet op Arbeidsverhoudinge, 1995, gesluit deur en aangegaan tussen die

Road Freight Employers' Association

(hierna die "werkgewers" of die "werkgewersorganisasie" genoem), aan die een kant, en die

Motor Transport Workers' Union (South Africa)**South African Transport Workers' Union****Professional Transport Workers' Union of South Africa****South African Transport and Allied Workers Union****Transport and General Workers' Union**

en

Transport and Allied Workers' Union

(hierna die "werknemers" of die "vakbonde" genoem), aan die ander kant, wat die partye is by die Nasionale Bedingsraad vir die Padvagnywerheid, tot wysiging van die Ooreenkoms gepubliseer by Goewermentskennisgewing No. R. 186 van 1 Maart 2001.

1. TOEPASSINGSBESTEK

(1) Hierdie Ooreenkoms moet in die Padvagnywerheid nagekom word—

- (a) deur alle werkgewers wat lede van die werkgewersorganisasie is en deur alle werknemers wat lede van die vakbonde is, en wat onderskeidelik daarin betrokke en werksaam is;
- (b) in die Landdrosdistrikte Alberton, Benoni, Boksburg, Brakpan (uitgesonderd die gedeeltes van die Landdrosdistrikte Boksburg en Brakpan wat voor die publikasie van Goewermentskennisgewing No. R. 1779 van 6 November 1964 binne die Landdrosdistrik Heidelberg geval het, en uitgesonderd die gedeeltes van die Landdrosdistrik Brakpan wat voor 1 April 1966 en 1 Julie 1972 (Goewermentskennisgewings Nos. R. 498 en R. 871 van onderskeidelik 1 April 1966 en 26 Mei 1972), binne die Landdrosdistrik Nigel geval het), Delmas, Germiston, Johannesburg, Kempton Park (uitgesonderd die gedeeltes wat voor 29 Maart 1956 en 1 November 1970 (Goewermentskennisgewings Nos. R. 556 en R. 1618 van 29 Maart 1956 en 2 Oktober 1970), binne die Landdrosdistrik Pretoria geval het), Krugersdorp (met inbegrip van die gedeeltes van die Landdrosdistrikte Koster en Brits wat voor onderskeidelik 26 Julie 1963 en 1 Junie 1972 (Goewermentskennisgewings Nos. R. 1105 van 26 Julie 1963 en R. 872 of 26 Mei 1972), binne die Landdrosdistrik Krugersdorp), Oberholzer (uitgesonderd die gedeelte van die Landdrosdistrik Oberholzer wat voor die publikasie van Goewermentskennisgewing No. R. 1745 van 1 September 1978, binne die Landdrosdistrik Potchefstroom, geval het), Randburg (uitgesonderd die gedeelte wat voor die publikasie van Goewermentskennisgewing No. R. 2152 van 22 November 1974, binne die Landdrosdistrik Pretoria geval het), Randfontein (met inbegrip van die gedeelte van die Landdrosdistrik Koster wat voor die publikasie van Goewermentskennisgewing No. R. 1105 van 26 Julie 1963, binne die Landdrosdistrik Randfontein geval het, maar uitgesonderd die plase Moadowns 1, Holfontein 17, Leeuwpan 18, Ireton 19, Pahtiki 20, Bospan 21 en Rietfontein 48), Roodepoort, Springs, Vanderbijlpark, Vereeniging en Westonaria.

2. Ondanks subklousule (1) is hierdie Ooreenkoms van toepassing slegs op werknemers vir wie minimum lone by hierdie Ooreenkoms voorgeskryf word en op die werkgewers van sodanige werknemers.

3. Ondanks subklousule (1) is hierdie Ooreenkoms nie van toepassing nie op—

- (a) 'n eienaar wat sy eie voertuig dryf en die werknemers wat in verband met sodanige voertuig in diens is; en
- (b) 'n werkgewer wat een vragmotor met een drywer bedryf, en die werknemers in diens van sodanige werkgewer.

4. Die bepalings van klousules 1 (1) (a) en 1 A van hierdie Ooreenkoms is nie van toepassing op werkgewers en werknemers wat nie lede is van die werkgewersorganisasie en vakbonde wat die Ooreenkoms aangegaan het nie.

1A. GELDIGHEIDSDUUR VAN OOREENKOMS

Hierdie Ooreenkoms tree in werking op die datum wat die Minister van Arbeid ingevolge artikel 32 van die Wet op Arbeidsverhoudinge 1995, vasstel en bly van krag tot 28 Februarie 2002.

A—OOREENKOMS**1. KLOUSULE 1: TOEPASSINGSBESTEK**

(1) Vervang subklousule (3) met die volgende:

"(3) Ondanks subklousule (1) is hierdie Ooreenkoms nie van toepassing nie op:

- (a) 'n eienaar van slegs een voertuig wat die permanente drywer is van sy/haar eie voertuig en die werknemers wat deur sodanige eienaar in diens geneem is, uitgesonderd tot die mate waar klousule 10 (6) van toepassing is"
- (b) werkgewers in die bosboubedryf en hulle werknemers wat voertuie bestuur wat bome vervoer vanaf die punt waar bome afgekap is tot by die laaipunt:

Met dien verstande dat—

- (i) sodanige vervoer nie 30 kilometer sal oorskry nie; en
- (ii) sodanige vervoer hoofsaaklik op private paaie gedoen word; en
- (iii) sodanige vervoer bykomend tot werkgewers se logistieke dienste aan 'n kliënt in die bosboubedryf verteenwoordig en nie uitsluitlik slegs berus op die vervoer van hout vir sodanige kliënt teen verhuur of vergoeding nie.

2. KLOUSULE 2: WOORDOMSKRYWINGS

(1) Skrap die omskrywing van "los werknemer".

(2) Vervang paragraaf (ii) met die volgende in die omskrywing van "Nagskof".

"(ii) werknemers in die Suikerriet Sektor".

- (3) Voeg die volgende nuwe omskrywing in na "verpakker/laaier"
- "aflos werknemer" 'n werknemer, anders as 'n werknemer van 'n tydelike werkverskaffingsdiens wat in diens is by dieselfde werkgever vir nie meer as 16 dae per maand en nie meer as 144 dae in 'n 12 maande periode. Enige verwysing na 'n los werknemer in die Ooreenkoms sal gesien word as 'n verwysing na 'n "afloswerker".
- (4) Voeg die volgende nuwe omskrywing in na "substantiewe aangeleentheid"
- "Suikerriet Sektor" beteken daardie gedeelte van die Suiker Vervoer Sektor waar werkgevers en werknemers hoofsaaklik met mekaar geassosieer is met betrekking tot die hantering en vervoer van suikerriet en geassosieerde produkte tussen lande en meulens teen verhuring of beloning."
- (5) Vervang die volgende vir die omskrywing van "skof":
- "skof" beteken enige aaneenlopende werkperiode, onderhewig aan die voorwaardes van klousule 6 (1) in die loop van 'n werkdag wat daargestel is deur werkgevers vir die uitvoering van alle werk aktiwiteite opgedra aan 'n werknemer, maar sal nie enige periode van oortyd soos omskryf in klousule 10 (2) insluit nie: Met dien verstande dat elke gespesifiseerde betaalde vakansiedag, elke Sondag waarop die werknemer veronderstel is om te werk, of elke werkdag of afwesigheid met verlof, siekverlof, familie verantwoordelikhedsverlof, studieverlof, of a.g.v. 'n instruksie van die werkgever soos gespesifiseer in die Ooreenkoms sal weergegee word as 'n skof per dag."

3. KLOUSULE 4: LONE

- (1) Vervang subklousule (1) (c) met die volgende:
- "(c) **Afloswerknemer:** Lone—'n Werkgever moet 'n afloswerker betaal ten opsigte van elke dag, of gedeelte van 'n dag, nie minder as een vyfde van die weeklikse loon vir sy graad voorgeskryf, plus 'n addisionele premium van 10% van die loon voorgeskryf.
- (2) Vervang subklousule (2) met die volgende:
- "(2) 'n Werknemer, uitgesonderd 'n werknemer van 'n tydelike werkverskaffingsdiens wat op 'n vaste kontrak van 'n periode minder as 2 maande in diens geneem is wat op die datum van inwerkingtreding van hierdie Ooreenkoms of daarna 'n hoër loon ontvang het as wat in die Ooreenkoms vir 'n werknemer van sy klas voorgeskryf word moet steeds sodanige hoër loon ontvang terwyl hy in dieselfde werkgever se diens is en dieselfde werk verrig. Hierdie subklousule is ook van toepassing op 'n werknemer, uitgesonderd 'n werknemer van 'n tydelike werkverskaffingsdiens wie se dienste deur sodanige werkgever beëindig word na die aanvangsdatum van hierdie Ooreenkoms en wat weer deur sodanige werkgever in diens geneem word. Vir die toepassing hiervan sluit "Ooreenkoms" alle wysigings daarvan in."

4. KLOUSULE 5: BETALING VIR OORTYDWERK

- (1) Vervang subklousule (1) (a) met die volgende:
- "(a) in die geval van 'n afloswerker een en 'n derde maal sy uurloon t.o.v. die hele tydperk wat sodanige werknemer aldus op 'n bepaalde dag gewerk het: Met dien verstande dat alle oortyd wat meer is as 6 uur betaal moet word teen een en 'n half maal die uurloon ten opsigte van die hele tydperk wat sodanige werknemer aldus in 'n bepaalde tydperk van drie dae gewerk het;"
- (2) Vervang die syfer "46" in die tweede reël van subklousule (2) met "45".
- (3) Voeg die volgende nuwe subklousules (5) en (6) in:
- "(5) ongeag subklousule (1), gegewe 72 uur geskrewe kennis aan 'n werknemer kan 'n werkgever 'n werknemer nie minder betaal as:
- (a) die gewone basiese loon vir oortyd gewerk en gee die werknemer ten minste 30 minute af met volle betaling vir elke uur gewerk; of
- (b) gee die werknemer ten minste 90 minute se betaalde tyd af vir elke uur gewerk."
- "(6) 'n werkgever moet tyd afgeeë ingevolge subklousule (5) binne 1 maand aan die werknemer toestaan sodra hy daarop geregtig word, met dien verstande dat die periode ter sprake d.m.v. 'n geskrewe ooreenkoms verleng kan word na 12 maande."
- (4) Voeg die volgende nuwe subklousule (7) in:
- "(7) betaalde tyd in die plek van oortyd gewerk mag nie toegestaan word gedurende enige periode waar 'n "kompakte werkswaek" gewerk word nie."
- (5) Voeg die volgende nuwe subklousule (8) in:
- "(8) 'n werkgever wat beoog om 'n betaalde tyd in die plek van oortyd in te stel sal:
- (a) die Sekretaris van die Raad onverwyld skriftelik verwittig van die voorneme van implementering en geraamde duur van die skema,
- (b) afskrifte van kennisgewings uitgereik aan werknemers in ingevolge subklousule (5) hierbo bewaar vir 'n periode van 3 jaar na uitreiking,
- (c) afskrifte van alle kennisgewings uitgereik aan werknemers ingevolge subklousule (6) hierbo bewaar vir 'n periode van 3 jaar na uitreiking,

- (d) 'n register byhou wat inligting bevat aangaande—
 - (i) die datum en oortyd gewerk deur elke werknemer betrokke by die skema.
 - (ii) die berekening van betaalde tyd af aan elke werknemer,
 - (iii) die datum en periode van betaalde tyd af toegestaan aan elke werknemer.

5. KLOUSULE 7: BESOLDIGING VIR WERK OP SONDAE EN BETAALDE VAKANSIEDAE

- (1) Skrap die woorde "of betaalde vakansiedag in klousule 12 voorgeskryf" in die inleidings paragraaf.
- (2) Vervang die subklousule (i) met die volgende:

(i) hy vir agt uur besoldig moet word, ongeag of hy agt uur of minder gewerk het:

Met dien verstande dat as 'n skof gewerk word deur 'n werknemer en dit val op 'n Sondag en 'n ander dag, die hele skof gereken sal word as gewerk op 'n Sondag, tensy die groter gedeelte van die skof op die ander dag gewerk is, in welke geval die hele skof gereken sal word as gewerk op die ander dag."

- (3) Vervang die subklousule (iii) met die volgende:

"(iii) Indien hy in diens is by 'n tydelike werkverskaffingsdiens wat op 'n vaste kontrak van 'n periode minder as 2 maande, hy besoldig sal word vir nie minder as vier ure, ongeag of hy vier ure of minder gewerk het: Met dien verstande dat as 'n skof gewerk word deur 'n werknemer en dit val op 'n Sondag en 'n ander dag, die hele skof gereken sal word as gewerk op 'n Sondag, tensy die groter gedeelte van die skof op die ander dag gewerk is, in welke geval die hele skof gereken sal word as gewerk op die ander dag."

- (4) Voeg die volgende nuwe subklousules (v), (vi), (vii), (viii) en (ix) in:

"(v) ongeag die bepalinge in die eerste paragraaf hierbo en subklousules (i) en (vii), gegewe 72 uur geskrewe kennis aan 'n werknemer kan 'n werkgever 'n werknemer wat op 'n Sondag of betaalde vakansiedag werk, betaalde tyd afgee gelykstaande aan die verskil in waarde tussen die betaling wat 'n werknemer werklik ontvang vir werk verrig op 'n Sondag of betaalde vakansiedag en die besoldiging waarop die werknemer geregtig is ooreenkomstig met die bepalinge in die inleidende paragraaf of subklousule (vii).

(vi) 'n werkgever moet tyd afgee ingevolge subklousule (v) binne 1 maand aan die werknemer toestaan sodra hy daarop geregtig word, met dien verstande dat die periode ter sprake d.m.v 'n geskrewe ooreenkoms verleng kan word na 12 maande.

(vii) 'n werknemer anders as 'n affoswerker wat op 'n betaalde vakansiedag werk moet vergoed word wat hy andersins op 'n gewone werksdag ontvang vir werk op daardie dag.

(a) wanneer 'n werknemer nie op 'n betaalde vakansiedag werk nie, ten minste die loon wat die werknemer andersins op 'n gewone werksdag sou ontvang.

(b) 'n werknemer wat op 'n betaalde vakansiedag werk moet vergoed word teen 'n tarief van—

(i) ten minste dubbel die bedrag waarna verwys word in subklousule (a); of

(ii) indien dit meer is, die bedrag waarna verwys word in subklousule (i) plus die bedrag deur die werknemer vir die tyd gewerk op die dag.

(viii) betaalde tyd in die plek van tyd gewerk op 'n Sondag of betaalde vakansiedag mag nie toegestaan word gedurende enige periode waar 'n kompakte werkswaek gewerk word nie."

(ix) 'n werkgever wat beoog om betaalde tyd in die plek van Sondag en betaalde vakansiedag besoldiging in te stel sal—

(a) die Sekretaris van die Raad onverwyld skriftelik verwittig van die voorneme van implementering en geraamde duur van die skema;

(b) afskrifte van alle kennisgewings uitgereik aan werknemers ingevolge subklousule (v) hierbo bewaar vir 'n periode van drie jaar na uitreiking;

(c) afskrifte van alle kennisgewings uitgereik aan werknemers ingevolge subklousule (vi) bewaar vir 'n periode van drie jaar na uitreiking;

(d) 'n register byhou wat inligting bevat aangaande—

(aa) die datum en ure gewerk op Sondag en/of betaalde vakansiedae deur elke werknemer betrokke by die skema.

(ab) die berekening van betaalde tyd af aan elke werknemer.

(ac) die datum en periode van betaalde tyd afgee aan elke werknemer."

6. KLOUSULE 10: WERKURE EN OORTYDURE

- (1) Voeg die volgende nuwe subklousule (1) (e) in:

"(e) 'n werkgever mag die werkweek aanvangsdag en tyd verander deur aan 'n werknemer 72 uur vooraf 'n geskrewe kennisgewing te gee".

- (2) In subklousule (2) (a) vervang die woord "vyf uur" met "ses".

- (3) Voeg die volgende nuwe subklousule (7) in:
- (7) (a) Kompakte Werkswaek—deur 72 uur geskrewe kennis aan 'n werknemer kan 'n werkgewer van 'n werknemer verlang om tot 15 uur in enige dag, insluitend etenstye ingevolge die bepalings van subklousule (4) te werk, sonder oortydbetaling.
- (b) 'n Werkgewer mag nie van 'n werknemer verlang om—
- (i) meer as die maksimum gewone ure te werk soos voorgeskryf in subklousule (1) gedurende enige week nie;
 - (ii) meer as die maksimum aantal oortydure te werk soos voorgeskryf in subklousule (2) in enige week nie.
 - (iii) gedurende rusperiodes soos voorgeskryf in subklousule (5) te werk nie;
 - (iv) 'n kompakte werkswaek vir meer as 2 agtereenvolgende weke in 5 weke te werk nie.
- (c) 'n werkgewer wat beoog om 'n kompakte werkswaek in te stel moet:
- (i) die Sekretaris van die Raad onmiddellik skriftelik in kennis stel van die verwagte datum van implementering en geraamde duur van die skema,
 - (ii) afskrifte van alle ooreenkomste waartoe ooreengekom was ingevolge subklousule:
 - (a) hierbo vir 'n periode van drie jaar bewaar.
 - (iii) 'n register byhou wat die datum en ure gewerk deur elke werknemer betrokke by die skema bevat."
- (4) Voeg die volgende nuwe subklousules (8) (a) en (8) (b) in:
- "(a) Gemiddelde ure van werk—deur 72 uur se geskrewe kennis aan 'n werknemer te gee kan die werkure en oortyd van 'n werknemer versprei word oor 'n periode van 5 weke met dien verstande dat—
- (i) die werknemer nie meer as die gewone ure voorgeskryf in subklousule (1) en oortydure voorgeskryf in subklousule (2) in die periode waarvoor ooreengekom was mag werk nie.
 - (ii) dat die rusperiodes voorgeskryf in subklousule (5) nagekom word.
- (b) 'n werkgewer wat beoog om 'n gemiddelde skema in te stel t.o.v. werkure moet:
- (i) die Sekretaris van die Raad onverwyld skriftelik in kennis stel van die voorgestelde implementerings datum en geraamde duur van die skema,
 - (ii) afskrifte van alle ooreenkomste waartoe ooreengekom was ingevolge subklousule (a) hierbo, vir 'n periode van drie jaar bewaar.
 - (iii) 'n register byhou wat—
 - (aa) die datum, gewone ure en oortydure gewerk deur elke werknemer in die skema uiteensit.
 - (ab) 'n berekening van die ure se gemiddelde waarde oor 'n periode t.o.v. elke werknemer.
- (5) Voeg die volgende nuwe subklousule (9) in:
- "(9) Algehele beperking van werkure en oortyd—'n werkgewer mag nie toelaat of 'n werknemer aansê om meer as 90 uur in enige week te werk nie, insluitende gewone ure, oortyd ure en ure gewerk op 'n Sondag en betaalde vakansiedag."

7. KLOUSULE 12: VERLOFSOLDYFONDS

- (1) Voeg die volgende nuwe subklousule (5) in:
- "(5) Indien enige betaalde vakansiedag gedurende die tydperk van 'n werknemer se jaarlikse verlof val, die tydperk van die verlof soos voorgeskryf ooreenkomstig klousule 13 (2) (c) verleng word en die werknemer sal besoldig word vir die betaalde vakansiedag bykomend van die verlof geld wat geldig is."

8. KLOUSULE 13: VERLOFSOLDYFONDS

- (1) In subklousule 9 (a) (i) vervang die syfer "12 uur" met "25%."
- (2) Skrap subklousule (9) (b) en hemommer (c) en (d) om onderskeidelik (b) en (c) te lees.

9. KLOUSULE 14: VAKANSIESOLDYBONUSFONDS

- (1) Voeg die volgende nuwe subklousule (1) (a) (iii) in:
- "(iii) 'n werkgewer van 'n afloswerker wat vir meer as 90 dae in 'n 12 maande tydperk in diens was sal 'n bedrag aan die werknemer betaal gebaseer op die volgende formule vir elke gewone uur of gedeelte daarvan gewerk:

$$\frac{4,8 \times \text{ekwivalente jaarlikse loon}}{100 \times 12 \times 195}$$

10. KLOUSULE 15: SIEKTEFONDS

- (1) Voeg die volgende nuwer subklousule (1) (a) (iii) in:

"(iii) 'n werkgewer van 'n afloswerker wat vir meer as 90 dae in 'n 12 maande tydperk in diens was sal 'n bedrag aan die werknemer betaal gebaseer op die volgende formule vir elke gewone uur of gedeelte daarvan gewerk:

$$\frac{\text{ekwivalente weekloon} \times 9}{45 \times 195}$$

- (2) Voeg die volgende nuwer subklousule 2 (a) (vi) in:

"(vi) 'n Werkgewer sal 'n werknemer wat afwesig is a.g.v. 'n besering in 'n ongeluk in die loop van sy pligte, waarvoor vergoeding betaalbaar is onder die Beroepsbesering en Veiligheidswet 1993, 75% van sy normale basiese loon betaal vir 'n maksimum periode van drie maande en sodanige betalings verhaal vanaf die bedrae betaalbaar aan die werknemer ingevolge die genoemde Wet."

11. KLOUSULE 17: SKEIDINGSLOON

- (1) Vervang die subklousule (1) met die volgende:

"(1) 'n Werkgewer moet aan 'n werknemer wat weens redes gegrond op die werkgewer se bedryfsvereistes ontslaan word 'n skeidingsloon betaal in ooreenstemming met die bepalinge van Artikel 41 (2) van die Wet op Basiese Diensvoorwaardes (1997)."

12. VRYSTELLINGS DEUR RAAD

- (1) Vervang subklousule (2) met die volgende:

"(2) Die Onafhanklike Liggaam ingestel deur die Raad ingevolge artikel 32 van die Wet moet aansoeke om appél aanhoor t.o.v. vrystellings wat geweier was deur die Vrystellings Liggaam van die Raad."

13. KLOUSULE 26: ARBEIDSVERHOUDINGSPROSEDURES

- (1) Skrap hierdie klousule en vervang met die volgende nuwer klousule:

"SUIKERRIET SEKTOR

- (a) Werknemers in diens van die Suikerriet Sektor wat kwalifiseer onder die woordoms krywing "Seisoenwerkers" ontvang 'n retensietoelaag gedurende die "naoes"-tydperk gelykstaande aan 66.6 persent van hulle normale basiese loon vir die eerste 15 weke en daarna 40 persent van hulle normale basiese loon waar daar nie verwag word van hulle om vir normale diens aan te meld nie, met dien verstande dat die periode waarvoor die retensietoelaag betaalbaar is nie jaarlikse verlof insluit nie."
- (b) Werknemers, terwyl in ontvangs van 'n "retensietoelaag", is verplig om hulself gereed te hou om ten alle redelike tye vir normale pligte aan te meld.
- (c) Enige werknemer wat teruggeroep word om sy normale pligte uit te voer gedurende die "naoes" tydperk en wat nie aanmeld vir diens nie, verbeur die "retensietoelaag" voorgeskryf in (a) hierbo vir die tydperk wat hy afwesig was sonder toestemming.
- (d) 'n Werknemer ontvang vergoeding soos voorgeskryf in klousules 4, 4 (5), 5, 6 (6) en 9 ten opsigte van alle periodes in die uitvoering van normale pligte.

14. KLOUSULE 33: SEISONALE INDIENSNEMING

- (1) Vervang subklousule (a) met die volgende:

"(a) Werknemers wat nie werksaam is in die Suikerriet Sektor soos omskryf nie, maar in diens is van die Suikervervoersektor van die padvagnywerheid en die omskrywing van "seisonale werknemer" sal 'n retensietoelaag ontvang gedurende die "naoes" tydperk gelykstaande aan 66,6 persent van hulle normale loon van die totale periode uitgesonder jaarlikse verlofperiode waar daar nie van hulle verwag word om vir normale diens aan te meld nie."

15. KLOUSULE 37: BEDINGINGSEENHEID

- (1) Vervang subklousule (1) (a) met die volgende:

"(a) die Verkiesings Instituut van Suid-Afrika of enige ander organisasie waartoe ooreengekom word deur die partye tot die Raad sal versoek word om 'n proses in te stel waartoe die partye instem t.o.v. die bepaling van die presiese aantal vakbondlede in die bykomende klasse, met verwysing na elke klas en vakbond op 'n onafhanklike en onpartydige wyse."

16. Voeg die volgende nuwe klousule 41 in.

"KLOUSULE 41: INDIENSNEMING VAN ONWETTIGE IMMIGRANTE

- (1) "n Werkgewer mag nie 'n persoon in diens neem wat 'n onwettige immigrant is nie.

17. Voeg die volgende nuwer klousule 42 in:

"KLOUSULE 42: AFLOSWERKNEMER

- (1) 'n Afloswerknemer mag nie vir langer as 144 dae in 'n 12 maande periode in diens wees nie, tensy 'n werknemer die status van 'n permanente werknemer bekom en diensooreenkomstig vergoed word.
- (2) Sodra 'n afloswerker vir meer as 90 dae gewerk het in 'n 12 maande periode mag die werkgever die werknemer se loon verlaag deur die afskaffing van die 10% premium op lone, alhoewel die werknemer geregtig sal wees op die pro-rata voordele soos vervat in klousules 13 (2) (b), 14 (1) (a) (iii), 15 (1) (a) (iii) en klousule 7 (1) (d) van die Voorsorgfonds Ooreenkoms asook die betaling van heffings ingevolge klousule 18.
- (3) Die aantal afloswerkers in diens van 'n werkgever oor 'n 12 maande periode sal nie 30% oorskry van die werkgever se totale gemiddelde werksmag nie.

Vir en namens die partye by die Raad, op hede die 9de dag van Januarie 2001 te Johannesburg onderteken.

.....
N. J. BADENHORST

vir **G. F. VAN NIEKERK**

Voorsitter van die Raad

.....
J. J. DUBE

Ondervoorsitter van die Raad

.....
B. S. E. GRATZ

Sekretaris van die Raad

No. R. 269

23 March 2001

LABOUR RELATIONS ACT, 1995

ROAD FREIGHT INDUSTRY: EXTENSION OF B-COLLECTIVE AMENDING AGREEMENT TO NON-PARTIES

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby in terms of section 32 (2) of the Labour Relations Act, 1995, declare that the Collective Agreement which appears in the Schedule hereto, which was concluded in the National Bargaining Council for the Road Freight Industry and is binding in terms of section 31 of the Labour Relations Act, 1995, on the parties which concluded the Agreement, shall be binding on the other employers and employees in that industry, with effect from 1 April 2001, and for the period ending 28 February 2002.

M. M. S. MDLADLANA

Minister of Labour

SCHEDULE

NATIONAL BARGAINING COUNCIL FOR THE ROAD FREIGHT INDUSTRY

B-COLLECTIVE AGREEMENT

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

Road Freight Employer's Association

(hereinafter, referred to as the "employers" or the "employers' organisation"), of the one part, and the

Motor Transport Workers' Union (South Africa)

South African Transport Workers' Union

Professional Transport Workers' Union of South Africa

South African Transport and Allied Workers Union

and

Transport and Allied Workers' Union

(hereinafter referred to as the "employees" or the "trade unions"), of the other part,

being the parties to the National Bargaining Council for the Road Freight Industry,

to amend the Agreement published under Government Notice No. R. 205 of 1 March 2001.

1. SCOPE OF APPLICATION

- (1) The terms of this Agreement shall be observed in the Road Freight Industry—
- (a) by all employers who are members of the employers organisation and by all employees who are members of the trade unions, and who are engaged and employed therein, respectively;
 - (b) in the Republic of South Africa, excluding the following Magisterial Districts: Alberton, Benoni, Boksburg, Brakpan [excluding those portions of the Magisterial Districts of Boksburg and Brakpan which, prior to the publication of Government Notice No. 1779 of 6 November 1964, fell within the Magisterial District of Heidelberg, and excluding those portions of the Magisterial District of Brakpan which, prior to 1 April 1996 and 1 July 1972 (Government Notices Nos. 498 and 871 of 1 April 1996 and 26 May 1972, respectively), fell within the Magisterial District of Nigel], Delmas, Germiston, Johannesburg, Kempton Park [excluding those portions which, prior to 29 March 1956 and 1 November 1970 (Government Notices Nos. 556 and 1618 of 29 March 1956 and 2 October 1970, respectively) fell within the Magisterial District of Pretoria], Krugersdorp [including those portions of the Magisterial Districts of Koster and Brits which, prior to 26 July 1963 and 1 June 1972, respectively (Government Notices Nos. 1105 of 26 July 1963 and 872 of 26 May 1972), fell within the Magisterial District of Krugersdorp], Oberholzer (excluding that portion of the Magisterial District of Oberholzer which, prior to the publication of Government Notice No. 1745 of 1 September 1978, fell within the Magisterial District of Potchefstroom), Randburg (excluding that portion which, prior to the publication of Government Notice No. 2152 of 22 November 1974, fell within the Magisterial District of Pretoria), Randfontein (including that portion of the Magisterial District of Koster which, prior to the publication of Government Notice No. 1105 of 26 July 1963, fell within the Magisterial District of Randfontein, but excluding the farms Moadoons 1, Holfontein 17, Leeuwpan 18, Ireton 19, Pahtiki 20, Bospan 21 and Rietfontein 48), Roodepoort, Springs, Vanderbijlpark, Vereeniging and Westonaria.
- (2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall apply only to employees for whom minimum wages are prescribed on this Agreement and to the employers of such employees.
- (3) Notwithstanding the provisions of subclause (1), the provisions of this Agreement shall not apply to—
- (a) an owner who drives his own vehicle and the employees employed in connection with such a vehicle; and
 - (b) an employer who operates one truck with one driver, and the employees employed by such employer.
- (4) The provisions of clauses 1 (1) (a) and 1A of this Agreement shall not apply to employers and employees who are not members of the employers' organisation and trade unions who entered into this Agreement.

1A. PERIOD OF OPERATION OF AGREEMENT

This Agreement shall come into operation on such date as may be fixed by the Minister of Labour in terms of section 32 of the Labour Relations Act, 1995, and shall remain in force until 28 February 2002.

B-AGREEMENT**1. CLAUSE 1: SCOPE OF APPLICATION**

- (1) Substitute the following for subclause (3):

"(3) Notwithstanding the provisions of subclause (1), the provisions of this Agreement shall not apply to—

- (a) the owner of only one vehicle who is the permanent driver of his/her own vehicle and the employees employed by such owner, except in so far as clause 10 (6) is applicable;
- (b) employers in the timber industry and their employees who drive vehicles which transport trees from the point of felling to a loading point:

Provided that—

- (i) such transport does not exceed 30 kilometres; and
- (ii) such transport is primarily on private roads; and
- (iii) such transport is ancillary to the employers other logistical service to a client in the timber industry and is not exclusively the transport of timber for that client for hire or reward.

2. CLAUSE 2: DEFINITIONS

- (1) Delete the definition of "casual worker".
- (2) Delete the definition of "Goldfields".
- (3) Insert the following new definition after "part-time employee":

"relief employee" means an employee, other than the employee of a temporary employment service, who is employed by the same employer on to more than 16 days per month and not more than 144 days in a 12 month period. Any reference to a casual employee in this Agreement shall be deemed to be a reference to a "relief employee."

- (4) Insert the following new definition after "substantive issues":

"Sugar Cane Sector" means that portion of the Sugar Transport Sector in which employers and employees are primarily associated for the handling and transportation of sugar cane and associated products between the fields and mills for hire or reward."

- (5) Substitute the following for paragraph (ii) in the definition of "Night Shift".

"(ii) employees in the Sugar Cane Sector".

- (6) Substitute the following for the definition of "shift":

"**shift**" means any consecutive period of work, subject to the provisions of clause 6 (1), in the course of a working day that has been set by the employers for the execution of all work activities delegated to an employee, but shall not be deemed to include any period of overtime as defined in clause 6 (5): Provided that each specified paid holiday, each Sunday on which an employee is required to work, or each working day of absence on leave, sick leave, family responsibility leave, study leave, or on the instruction of the employer, as specified in this Agreement, shall be computed as one shift per day."

3. CLAUSE 4: WAGES

- (1) Substitute the following for subclause 4 (1) (d):

"(d) **Relief employee:** Subject to the proviso of paragraph (a), an employer shall pay a relief employee in respect of each hour or part of an hour (excluding overtime) worked by him on any day other than a paid holiday or a Sunday, not less than the hourly wage prescribed in paragraph (b), read with the definition of "hourly wage" in clause 2, for an ordinary employee who in the same area performs the same class of work as the relief employee is required to do, plus 10%, or not less than the hourly wage or hourly equivalent of the wage actually being paid to the ordinary employee, whichever is the greater amount: Provided that—

- (i) for the purposes of this paragraph the expression "the ordinary employee" means the employee who performs the particular class of work in the employer's full-time employ and who is being paid the lowest wage for that class of work;
- (ii) where the employer requires the relief employee to work for a period of less than four hours on any day, he shall be deemed to have worked for four hours.

- (2) Substitute the following for subclause (7):

"(7) An employee, other than the employee of a temporary employment service employed on a fixed term contract of a duration of less than 2 months, who at the date of coming into operation of this agreement or thereafter, was or is in receipt of a rate of wages higher than that prescribed in this Agreement for an employee of his class, shall continue to receive such higher wages while employed by the same employer on the same work. The provisions of this subclause shall also apply in respect of any employee, other than an employee of a temporary employment service, whose services are terminated by such employer subsequent to the date of commencement of this Agreement and who is re-engaged by such employer. For the purposes hereof, "Agreement" shall include any amendments thereto."

4. CLAUSE 6: ORDINARY HOURS OF WORK, OVERTIME AND PAYMENT FOR OVERTIME

- (1) Substitute the following for subclause (1) (a) to (c):

"(a) a relief employee in an establishment in which the employee normally works on—

- (i) not more than five days in a week, nine on any day;
- (ii) more than five days in a week, eight on any day;
- (iii) in the case of a truck assistant who works overtime, no payment will be due as the wage prescribed in clause 4 (1) (a) is inclusive of payment for overtime worked:

Provided that if such employee performs the duties of a security guard he may, in the case of subparagraph (i), work not more than 9 ordinary hours and, in the case of sub-paragraph (ii), not more than 8 ordinary hours on any day;

(b) a security guard—

- (i) 45 hours in any week from Monday to Saturday, inclusive; and
- (ii) subject to subparagraph (i), in the case of an employee who normally works on—
 - (aa) not more than five days in a week, 9 on any day;
 - (ab) more than five days in a week, 8 on any day;

(c) any other class of employee—

- (i) 45 in any week from Monday to Saturday, inclusive; and
- (ii) subject to subparagraph (i), in the case of an employee who normally works on—
 - (aa) not more than five days in a week, nine on any day;
 - (ab) more than five days in a week, eight on any day."

- (2) Insert the following new subclause (1) (d) (i) and (ii):

- (i) regular daily shift commencement times in respect of employees in the Industry shall be fixed and regulated by individual employers: Provided that no employer shall require any regular shift starting time change unless he has served his employees with at least 12 hours prior verbal notice of such change;

- (ii) an employer may change the working week commencement day and time of an employee by giving 72 hours written notice to the employee.”
- (3) Substitute the following for subclause (3):
 - “(3) Rest intervals:
 - (i) An employer shall grant to each of his employees a rest interval of not less than 10 minutes, as nearly as practicable in the middle of the first work period of the day, and during such intervals such employee shall not be required or permitted to perform any work, and such interval shall be deemed to be part of the ordinary hours of work of such employee.
 - (ii) An employer shall not require or permit an employee so to work that the employee has less than nine consecutive hours for rest in any period of 24 hours, calculated from the time the employee starts work on any one day.”
- (4) Substitute the following for subclause (5) (a):
 - “(a) together with the number of ordinary hours of work shall not exceed 15 hours on any day;”.
- (5) Substitute the following for subclause (6) (a) (i):
 - “(i) in the case of a relief worker, one and a third times his hourly wage in respect of the total period so worked by such employee on any day: Provided that all overtime in excess of six hours paid for at one and a half times his hourly wage in in respect of the total period so worked by such employee in any three-day period;”.
- (6) Insert the following new subclauses (6) (e), (f), (g) and (h):
 - “(e) Despite subclause (6) (a), upon 72 hours written notice to an employee, an employer may pay an employee who works overtime at a rate of not less than—
 - (i) the ordinary basic wage for overtime worked and grant the employee at least 30 minute’s time off on full pay for every hour worked; or
 - (ii) grant an employee at least 90 minute’s paid time off for each hour worked.”.
 - “(f) An employer must grant paid time off in terms of subclause (6) (e) within one month of the employee becoming entitled to it, however an agreement in writing may increase the period contemplated to 12 months.”.
 - “(g) Paid time off in lieu of overtime worked may not be granted during any period during which a “compressed working week” is worked.”.
 - “(h) An employer who intends implementing paid time off in lieu of overtime shall—
 - (i) immediately notify the Secretary of the Council in writing of the anticipated date of implementation and approximate duration of the scheme;
 - (ii) retain copies of all notices issued to employees in terms of subclause (e) above, for a period of 3 years after issue;
 - (iii) retain copies of all agreements entered into in terms of subclause (f), for a period of 3 years.
 - (iv) maintain a register detailing—
 - (i) the dates and overtime hours worked by every employee involved in the scheme.
 - (ii) the calculation of paid time off due to each employee.
 - (iii) the date and period of paid time off granted to each employee.”.
- (7) Insert the following new subclauses (7) (d) (i), (ii) and (iii):
 - “(7) (d) (i) Compressed working week—upon 72 hours written notice to an employee, detailing the dates and times to be worked, an employer may require an employee to work up to fifteen hours in a day, inclusive of meal intervals required in terms of subclause (2), without receiving overtime pay.
 - (ii) An employer may not require an employee to work—
 - (aa) more than the maximum ordinary hours prescribed in subclause (1) in any week;
 - (ab) more than the maximum number of overtime hours prescribed in subclause (5) in any week;
 - (ac) during the rest interval prescribed in subclause (3);
 - (ad) a compressed working week for more than 2 consecutive weeks in 5 weeks.
 - (iii) An employer who intends implementing a compressed working week scheme shall—
 - (aa) immediately notify the Secretary of the Council in writing of the anticipated date of implementation and approximate duration of the scheme;
 - (ab) retain copies of all agreements entered into in terms of subclause (d) (i) above, for a period of three years;
 - (ac) maintain a register detailing the dates and hours worked by every employee involved in the scheme.”.

- (8) Insert the following new subclauses (7) (e) (i), (ii) and (iii):

- "(1) (e) Averaging of hours to work—upon 72 hours written notice to an employee, detailing the date and times to be worked, the ordinary hours of work and overtime of an employee may be averaged over a period of five weeks, provided that—
- (i) the employee may not work more than the ordinary hours prescribed in subclause (1) and overtime hours prescribed in subclause (5), over the agreed period;
 - (ii) the rest intervals prescribed in subclause (3) are adhered to;
 - (iii) an employer who intends implementing an averaging of hours of work scheme shall—
 - (aa) immediately notify the Secretary of the Council in writing of the anticipated date of implementation and approximate duration of the scheme;
 - (ab) retain copies of all agreements entered into in terms of subclause (1) (e) above, for a period of three years;
 - (ac) maintain a register detailing—
 - (ba) the dates, ordinary hours and overtime worked by every employee involved in the scheme;
 - (bb) calculation of how the hours were averaged over the period in respect of each employee."

- (9) Insert the following new subclause (8):

- "(8) **Overall limitation of hours of work and overtime:** An employer shall not require or permit an employee to work more than 90 hours in any one week, inclusive of ordinary hours, overtime hours and hours worked on a Sunday or paid holidays."

5. CLAUSE 7: ANNUAL LEAVE

- (1) Substitute the following for subclause (1):

- "(1) Three consecutive weeks annual leave shall be granted to all employees, except relief employees who have completed 252 shifts with an employer since date of engagement or from the date on which previous annual leave fell due (whichever is the later): Provided that—

- (i) an employee who works a 5-day week shall not exceed 15 working days, and
- (ii) an employee who works a 6-day week shall not exceed 18 working days."

- (2) Delete the opening paragraph of subclause (2) and substitute the following for subclause (2) (a):

- "(2) (a) the employer shall pay his employees in respect of the leave prescribed in subclause (1) not less than three times the normal basic weekly wage the employee was receiving immediately prior to the date on which the leave commenced."

- (3) Insert the following new subclause 2 (b):

- "(b) an employer of a relief employee who has been employed for more than 90 days in a 12-month period, shall pay to the employee an amount based on the following formula, for every ordinary hour, or part thereof, worked:

$$\frac{25 \times \text{equivalent weekly wage}}{100 \times 195}$$

6. CLAUSE 8: SICK LEAVE

- (1) Insert the following new subclauses (4) and (5):

- "(4) An employer shall pay to an employee who is absent owing to an injury in an accident in the course of his duties, for which compensation is due under the Compensation for Occupational Injuries and Diseases Act, 1993, 75% of his normal basic wage for a maximum period of 3 months, and recover such payments from the amounts payable to the employees in terms of the said Act."

- "(5) An employer of a relief employee, who has been employed for more than 90 days in a 12 month period, shall pay to each employee an amount based on the following formula for every ordinary hour, or part thereof, worked:

$$\frac{\text{equivalent weekly wage} \times 9}{45 \times 195}$$

7. CLAUSE 9: PAID HOLIDAYS AND SUNDAYS

- (1) Substitute the following for subclause (1) (a) and (b) and renumber (c) and (b)—

- "(a) if a paid holiday falls on a day on which an employee, other than a relief worker, would ordinarily work, an employer must pay—
- (i) an employee who does not work on the paid holiday, at least the wage that the employee would ordinarily have received for work on that day;

- (ii) an employee who does work on the paid holiday—
 - (aa) at least double the amount referred to in subclause (i); or
 - (ab) if it is greater, the amount referred to in subclause (i) plus the amount earned by the employee for the time worked on that day.”
- (2) Substitute the following for subclause 2 (a):
 - “(a) whenever an employee, other than a relief worker, works on a Sunday and that is also a paid holiday, his employer shall compensate him on the basis set out in subclause (1) (a).”
- (3) Insert the following new subclauses (6), (7), (8) and (9):
 - “(6) Despite the provisions of subclauses (1) (a) and (2) (b), upon 72 hours written notice to an employee, other than a relief employee, an employer may grant an employee who works on a Sunday or paid holiday, paid time off equivalent to the difference in value between the pay actually received by the employee for working on the Sunday or paid holiday, and the pay that the employee is entitled to in terms of subclauses (1) (a) or (2) (b).”
 - “(7) An employer must grant paid time off in terms of subclause (6) within one month of employee becoming entitled to it, however an agreement in writing may increase the period contemplated to 12 months.”
 - “(8) Paid time off in lieu of time worked on a Sunday or paid holiday may not be granted during any period during which a compressed working week is worked.”
 - “(9) an employer who intends implementing paid time off in lieu of Sunday and paid holiday pay shall—
 - (a) immediately notify the Secretary of the Council in writing of the anticipated date of implementation and approximate duration of the scheme;
 - (b) retain copies of all notices issued to employees in terms of subclause (6) above, for a period of three years after issue;
 - (c) retain copies of all agreements entered into in terms of subclause (7) above, for a period of three years;
 - (d) maintain a register detailing—
 - (aa) the dates and hours worked on Sundays and/or paid holidays by every employee involved in the scheme;
 - (ab) the calculation of paid time off due to each employee;
 - (ac) the date and period of paid time off granted to each employee.”

8. CLAUSE 17: SEASONAL EMPLOYMENT

- (1) Substitute the following for subclause (a):
 - “(a) Employees not employed in the sugar Cane Sector as defined, but who fall within the Sugar Transport Sector of the Road Freight Industry and the definition of “seasonal worker”, shall receive a “retainer” payment during the “off-crop” period equal to 66,6 per cent of their normal wage for all periods, except annual leave periods, during which they are not required to report for normal duty.”

9. CLAUSE 22: EXEMPTIONS

- (1) Substitute the following for subclause (2):
 - “(2) The Independent Body established by Council in terms of section 32 of the Act shall consider appeals against the refusal by Council’s Exemption Body to grant exemptions.”

10. CLAUSE 31: HOLIDAY PAY BONUS FUND

- (1) Insert the following new subclause (1) (d):
 - “(d) An employer of a relief employee who has been employed for more than 90 days in a 12 month period, shall pay to each employee an amount based on the following formula for every ordinary hour, or part thereof, worked:

$$\frac{4,8 \times \text{equivalent annual wage}}{100 \quad 12 \times 195}$$

11. CLAUSE 36: BARGAINING UNIT

- (1) Substitute the following for subclause (1) (a):
 - “(a) the Electoral Institute of South Africa or any other organisation agreed upon by the parties to Council, shall be requested to establish by a process agreed to with the parties, the exact number of trade union, members in the additional categories with reference to each category and trade union, in an independent and impartial manner.”

12. CLAUSE 40: SEVERANCE PAY

- (1) Substitute the following for subclause (1):
 - “(1) An employer must pay an employee who is dismissed for reasons based on the employer’s operational requirements, severance pay calculated in accordance with section 41 (2) of the Basic Conditions of Employment Act, 1997.”

13. Insert the following new clause 41.

"CLAUSE 41: SUGAR CANE SECTOR

- (a) Employees engaged in the Sugar Cane Sector as defined, and who fall within the definition of "seasonal workers", shall receive a "retainer" payment throughout the "off-crop" period during which they are not required to report for normal duty, equal to 66.6 per cent of their normal basic wage for the first 15 weeks, and thereafter 40 per cent of their normal basic wage; Provided that the period for which the "retainer" is payable shall not include annual leave."
- (b) Employees, while in receipt of "retainer" payments, shall be obliged to hold themselves in readiness to report for normal duty on reasonable notice;
- (c) Any employee who is recalled for normal duty during the "off-crop" period and fails to report shall forfeit the "retainer" payment prescribed in (a) above for the period he is absent without permission.
- (d) An employee shall receive remuneration as prescribed in clauses 4,4 (5), 5,6 (6) and 9 for all periods of normal duty worked.

14. Insert the following new clause 42.

"CLAUSE 42: RELIEF EMPLOYEE

- (1) A relief employee cannot be employed for more than 144 days in a 12 month period unless the employee is given the status of a permanent employee and remunerated accordingly.
- (2) Once a relief employee has worked for more than 90 days in a 12 month period, the employer may reduce the employee's wage by dispensing with the 10% premium on wages, but the employee will be entitled to the pro-rata benefits detailed in clauses 7 (2) (b), 8 (5), 31 (1) (d) and clause 7 (1) (d) of the Provident Fund Agreement and is liable for the payment of levies in terms of clause 21.
- (3) The number of relief employees employed by an employer shall over a 12 month period, on average not exceed 30% of the employers total average workforce."

15. Insert the following new clause 43.

"CLAUSE 43: EMPLOYMENT OF ILLEGAL IMMIGRANTS

- (1) An employer may not employ a person who is an illegal immigrant."

Signed at Johannesburg, for and on behalf of the parties to the Council, this 9th day of January 2001.

N.J. BADENHORST

for **G. F. VAN NIEKERK**—Chairman of the Council

J.J. DUBE

Vice-Chairman of the Council

B.S.E. GRATZ

Secretary of the Council

No. R. 269

23 Maart 2001

WET OP ARBEIDSVERHOUDINGE, 1995

PADVRAGNYWERHEID: UITBREIDING VAN B-KOLLEKTIEWE WYSIGINGSOOREENKOMS NA NIE-PARTYE

Ek, Membathisi Mphumzi Shepherd Mdladlana, Minister van Arbeid, verklaar hierby, kragtens artikel 32 (2) van die Wet op Arbeidsverhoudinge, 1995, dat die kollektiewe ooreenkoms wat in die Bylae hiervan verskyn en wat in die Nasionale Bedingsraad vir die Padvragnywerheid aangegaan is en kragtens artikel 31 van die Wet op Arbeidsverhoudinge, 1995, bindend is op die partye wat die ooreenkoms aangegaan het, bindend is vir die ander werkgewers en werknemers in daardie Nywerheid, met ingang van 1 April 2001 en vir die tydperk wat op 28 Februarie 2002 eindig.

M. M. S. MDLADLANA

Minister van Arbeid

BYLAE

NASIONALE BEDINGSRaad VIR DIE PADVRAGNYWERHEID

B-KOLLEKTIEWE OOREENKOMS

ooreenkomstig die Wet op Arbeidsverhoudinge, 1995, gesluit deur en aangegaan tussen die

Road Freight Employer's Association

(hierna die "werkgewers" of die "werkgewersorganisasie" genoem), aan die een kant, en die

Motor Transport Workers' Union (South Africa)
South African Transport Workers' Union
Professional Transport Workers' Union of South Africa
South African Transport and Allied Workers Union

en

Transport and Allied Workers' Union

(hierna die "werknemers" of die "vakbonde" genoem), aan die ander kant,
 wat die partye is by die Nasionale Bedingsraad vir die Padvragnywerheid,
 tot wysiging van die Ooreenkoms gepubliseer by Goewermentskennisgewing No. R. 205 van 1 Maart 2001.

1. TOEPASSINGSBESTEK

- (1) Hierdie Ooreenkoms moet in die Padvragnywerheid nagekom word—
- (a) deur alle werkgewers wat alle lede van die werkgewersorganisasie is en deur alle werknemers wat lede van die vakbonde is, en wat onderskeidelik in genoemde Nywerheid betrokke en daarin werksaam is;
 - (b) in die Republiek van Suid-Afrika uitgesonderd die volgende landdrostdistrikte: Alberton, Benoni, Boksburg, Brakpan [uitgesonderd die gedeeltes van die landdrostdistrikte van Boksburg en Brakpan wat voor die publikasie van Goewermentskennisgewing No. R. 1779 van 6 November 1964, binne die landdrostdistrik Heidelberg, geval het, en uitgesonderd die gedeeltes van die landdrostdistrik Brakpan wat voor 1 April 1966 en 1 Julie 1972 (Goewermentskennisgewings Nos. R. 498 en R. 871 van onderskeidelik 1 April 1996 en 26 Mei 1972), binne die landdrostdistrik Nigel geval het], Delmas, Germiston, Johannesburg, Kempton Park [uitgesonderd die gedeeltes wat voor 29 Maart 1956 en 1 November 1970 (Goewermentskennisgewings Nos. R. 556 en R. 1618 van onderskeidelik 29 Maart 1956 en 2 Oktober 1970) binne die landdrostdistrik Pretoria geval het], Krugersdorp [met inbegrip van die gedeeltes van die landdrostdistrikte Koster en Brits wat voor onderskeidelik 26 Julie 1963 en 1 Junie 1972 (Goewermentskennisgewings Nos. R. 1105 en R. 872 van onderskeidelik 26 Julie 1963 en 26 Mei 1972), binne die landdrostdistrik Krugersdorp geval het], Oberholzer (uitgesonderd die gedeeltes van die landdrostdistrik Oberholzer wat, voor die publikasie van Goewermentskennisgewing No. R. 1745 van 1 September 1978, binne die landdrostdistrik Potchefstroom geval het), Randburg (uitgesonderd die gedeelte wat voor die publikasie van Goewermentskennisgewing No. R. 2152 van 22 November 1974 binne die landdrostdistrik Pretoria geval het), Randfontein (met inbegrip van die gedeelte van die landdrostdistrik Koster wat voor die publikasie van Goewermentskennisgewing No. R. 1105 van 26 Julie 1963, binne die landdrostdistrik Randfontein geval het, maar uitgesonderd die plase Moadowns 1, Holfontein 17, Leeuwpan 18, Ireton 19, Pahtiki 20, Bospan 21 en Rietfontein 48), Roodepoort, Springs, Vanderbijlpark, Vereeniging en Westonaria.
- (2) Ondanks subklousule (1), is hierdie Ooreenkoms slegs van toepassing op werknemers vir wie minimum lone voorgeskryf word by hierdie Ooreenkoms en op die werkgewers van sodanige werknemers.
- (3) Ondanks subklousule (1) is hierdie Ooreenkoms nie van toepassing nie op—
- (a) 'n eienaar wat sy eie voertuig dryf en die werknemers wat in verband met sodanige voertuig in diens is; en
 - (b) 'n werkgewer wat een vragmotor met een drywer bedryf, en die werknemers in diens van sodanige werkgewer.
- (4) Die bepalinge van klousules 1 (1) (a) en 1A van hierdie Ooreenkoms is nie van toepassing op werkgewers en werknemers wat nie lede van onderskeidelik die werkgewersorganisasie en die vakbonde is wat hierdie Ooreenkoms aangegaan het nie.

1A. GELDIGHEIDSDUUR VAN OOREENKOMS

Hierdie Ooreenkoms tree in werking op die datum wat die Minister van Arbeid ingevolge artikel 32 van die Wet op Arbeidsverhoudinge, 1995, vasstel en bly van krag tot 28 Februarie 2002.

B-OOREENKOMS

1. KLOUSULE 1: TOEPASSINGSBESTEK

- (1) Vervang subklousule (3) met die volgende

"(3) Ondanks subklousule (1) is hierdie Ooreenkoms nie van toepassing nie op:

- (a) 'n eienaar van slegs een voertuig wat die permanente drywer is van sy/haar eie voertuig en die werknemers wat deur sodanige eienaar in diens geneem is, uitgesonderd tot die mate waar klousule 10(6) van toepassing is"
- (b) werkgewers in die bosboubedryf en hulle werknemers wat voertuie bestuur wat bome vervoer vanaf die punt waar bome afgekap is tot by die laaipunt:

Met dien verstande dat—

- (i) sodanige vervoer nie 30 kilometer sal oorskry nie, en

- (ii) sodanige vervoer hoofsaaklik op private paaie gedoen word; en
- (iii) sodanige vervoer bykomend tot werkgewers se logistieke dienste aan 'n kliënt in die bosboubedryf verteenwoordig en nie uitsluitlik slegs berus op die vervoer van hout vir sodanige kliënt teen verhuring of vergoeding nie.

2. KLOUSULE 2: WOORDOMSKRYWINGS

- (1) Skrap die omskrywing van "los werknemer".
- (2) Skra die omskrywing van "Goudveld".
- (3) Voeg die volgende nuwe omskrywing in na "deeltydse werknemer"

"aflos werknemer" 'n werknemer, anders as 'n werknemer van 'n tydelike werkverskaffingsdiens wat in diens is by dieselfde werkgewer vir nie meer nie as 16 dae per maand en nie meer nie as 144 dae in 'n 12 maande periode. Enige verwysing na 'n los werknemer in dié Ooreenkoms sal gesien word as 'n verwysing na 'n "afloswerker".

- (4) Voeg die volgende nuwer omskrywing in na "substantiewe aangeleenthede"

"Suikerriet Sektor" beteken daardie gedeelte van die Suiker Vervoer Sektor waar werkgewers en werknemers hoofsaaklik met mekaar geassosieer is met betrekking tot die hantering en vervoer van suikerriet en geassosieerde produkte tussen lande en meulens teen verhuring of beloning."

- (5) Vervang paragraaf (ii) met die volgende in die omskrywing van "Nagskof".

"(ii) werknemers in die Suikerriet Sektor"

- (6) Vervang die volgende vir die omskrywing van "skof"

"skof" beteken enige aaneenlopende werkperiode, onderhewig aan die voorwaardes van klousule 6(1) in die loop van 'n werkdag wat daargestel is deur werkgewers vir die uitvoering van alle werk aktiwiteite opgedra aan 'n werknemer, maar sal nie enige periode van oortyd soos omskryf in klousule 6(5) insluit nie: Met dien verstande dat elke gespesifiseerde betaalde vakansiedag, elke Sondag waarop die werknemer veronderstel is om te werk, of elke werkdag, afwesigheid met verlof, siekverlof, familie verantwoordelikhedverlof, studie verlof, of a.g.v. 'n instruksie van die werkgewer soos gespesifiseer in die Ooreenkoms weergegee sal word as 'n skof per dag."

3. KLOUSULE 4: LONE

- (1) Vervang subklousule 4 (1) (d) met die volgende:

"(d) **Afloswerknemer**" Onderhewig aan die voorwaardes van paragraaf (a) moet 'n werkgewer 'n afloswerker betaal t.o.v. elke uur of gedeelte van 'n uur (uitgesluit oortyd) gewerk deur hom op enige dag anders as 'n betaalde vakansiedag of 'n Sondag teen nie minder nie as die uurloon voorgeskryf in paragraaf (b) gelees met die woordomschrywing van "uurloon" in klousule 2 vir 'n gewone werknemer wat in dieselfde opsig diens lewer en dieselfde klas werk verrig as 'n afloswerker, plus 10% of nie minder nie as die uurloon of uur ekwivalent van die loon wat werklik betaal word aan die gewone werknemer, watter ook al de groter bedrag is: Met dien verstande dat—

- (i) vir die doel van die paragraaf die uitdrukking "n gewone werknemer" die werknemer beteken wat 'n bepaalde klas werk doen en voltyds in die werkgewer se diens is en wat die laagste loon betaal word vir daardie klas werk;
- (ii) waar die werkgewer verlang dat die afloswerker vir 'n periode van minder as vier uur op enige dag werk sal aanvaar word dat hy vir vier uur gewerk het.

- (2) Vervang subklousule (7) met die volgende:

"(7) 'n Werknemer, uitgesonderd 'n werknemer van 'n tydelike werkverskaffingsdiens wat op 'n vaste kontrak van 'n periode minder as 2 maande in diens geneem is wat op die datum van inwerkingtreding van hierdie Ooreenkoms of daarna 'n hoër loon ontvang het as wat in die Ooreenkoms vir 'n werknemer van sy klas voorgeskryf word moet steeds sodanige hoër loon ontvang terwyl hy in dieselfde werkgewer se diens is en dieselfde werk verrig. Hierdie subklousule is ook van toepassing op 'n werknemer, uitgesonderd 'n werknemer van 'n tydelike werkverskaffingsdiens wie se dienste deur sodanige werkgewer beëindig word na die aanvangsdatum van hierdie Ooreenkoms en wat weer deur sodanige werkgewer in diens geneem word. Vir die toepassing hiervan sluit "Ooreenkoms" alle wysings daarvan in."

4. KLOUSULE 6: GEWONE WERKURE, OORTYD EN BETALING VAN OORTYD

- (1) Vervang subklousule (1) (a) tot (c) met die volgende:

"(a) 'n afloswerker in 'n bedryfsinrigting waarin die werknemer gewoonlik op—

- (i) hoogstens vyf dae in 'n week werk, nege op 'n dag;
- (ii) meer as vyf dae in 'n week werk agt op 'n dag;
- (iii) in die geval van 'n fragmotor-assistent wat oortyd werk sal geen betaling verskuldig wees nie aangesien die loon wat in klousule 4(1)(a) gespesifiseer word, betaling vir oortyd gewerk insluit.

Met dien verstande dat indien sodanige werknemer die pligte van 'n sekuriteitswag verrig, hy in die geval van subparagraaf (i) hoogstens 9 gewone werkure, en in die geval van subparagraaf (ii) hoogstens agt gewone werkure op 'n dag kan werk;

(b) 'n sekuriteitswag—

- (i) 45 uur in 'n week van Maandag tot en met Saterdag; en
- (ii) behoudens subparagraaf (i) in die geval van 'n werknemer wat gewoonlik op—
 - (aa) hoogstens vyf dae in 'n week werk, 9 op 'n dag;
 - (ab) hoogstens vyf dae in 'n week werk, 8 op 'n dag;

(c) enige ander klas werknemer—

- (i) 45 in 'n week van Maandag tot en met Saterdag; en
- (ii) behoudens subparagraaf (i) in die geval van 'n werknemer wat gewoonlik op—
 - (aa) hoogstens vyf dae in 'n week werk, nege op 'n dag;
 - (ab) meer as vyf dae in 'n week werk, agt op 'n dag.

(2) Voeg die volgende nuwe subklousule (1) (d) (i) en (ii) by:

- (i) gewone daaglikse skof aanvangstye t.o.v. werknemers in die Nywerheid sal bepaal en geregleer word deur individuele werkgewers: Met dien verstande dat geen werkgewer sal toelaat dat enige gewone skof begin tyd verander indien hy nie sy werknemers ten minste 12 uur voor die tyd mondelings van die verandering ingelig het nie.
- (ii) 'n werkgewer mag die werkweek aanvangsdag en tyd verander deur aan 'n werknemer 72 uur vooraf 'n geskrewe kennisgewing te gee.

(3) Vervang subklousule (3) met die volgende:

“(3) Rusperiodes:

- (i) 'n Werkgewer moet aan elk van sy werknemers 'n rusperiode van nie minder nie as 10 minute toestaan so na en prakties moontlik aan die middel van die eerste werkperiode van die dag en gedurende sodanige rusperiode mag 'n werknemer nie aangesê of toegelaat word om enige werk te verrig nie. Sodanige rusperiode sal deel vorm van die gewone werkure van sodanige werknemer.
- (ii) 'n Werkgewer sal nie 'n werknemer aansê of toelaat om so te werk dat die werknemer minder as nege aaneenlopende ure het om te rus in enige 24 uur nie, bereken vanaf die tyd waarop die werknemer op enige dag met sy werk begin”.

(4) Vervang subklousule 5 (a) met die volgende:

“(a) tesame met die getal gewone werkure nie 15 uur op enige dag mag oorskry nie;

(5) Vervang subklousule 6 (a) (i) met die volgende:

“(i) in die geval van 'n afloswerker een en 'n derde maal sy uurloon t.o.v. die hele tydperk wat sodanige werknemer aldus op 'n bepaalde dag gewerk het: Met dien verstande dat alle oortyd wat meer is as ses uur in 'n tydperk van drie dae betaal moet word teen een en 'n half maal die uurloon ten opsigte van die hele tydperk wat sodanige werknemer aldus in 'n bepaalde tydperk van drie dae gewerk het;”.

(6) Voeg die volgende nuwe subklousules (6) (e), (f), (g) en (h) by:

“(e) ongeag subklousule (6) (a), gegewe die 72 uur geskrewe kennis aan 'n werknemer kan 'n werkgewer 'n werknemer wat oortyd werk teen 'n skaal betaal van nie minder nie as—

- (i) die gewone basiese loon vir oortyd gewerk en gee die werknemer ten minste 30 minute af met volle betaling vir elke uur gewerk; of
- (ii) gee die werknemer ten minste 90 minute se betaalde tyd af vir elke uur gewerk.”

“(f) 'n Werkgewer moet tyd afgegee ingevolge subklousule (6) (e) binne 1 maand aan die werknemer toestaan sodra hy daarop geregtig word, met dien verstande dat die periode ter sprake d.m.v. 'n geskrewe ooreenkoms verleng kan word na 12 maande.”.

“(g) betaalde tyd in die plek van oortyd gewerk mag nie toegestaan word gedurende enige periode waar 'n “kompakte werkweek” gewerk word nie.”

“(h) 'n Werkgewer wat beoog om betaalde tyd in die plek van oortyd in te stel sal:

- (i) die Sekretaris van die Raad onmiddellik skriftelik verwittig van die voorneme van implementering en beraamde duur van die skema,
- (ii) afskrifte van kennisgewings uitgereik aan werknemers ingevolge subklousule (e) hierbo bewaar vir 'n periode van 3 jaar na uitreiking,
- (iii) afskrifte van alle kennisgewings uitgereik aan werknemers ingevolge subklousule (f) bewaar vir 'n periode van 3 jaar na uitreiking,

- (iv) 'n register byhou wat inligting bevat aangaande—
- (i) die datum en oortyd gewerk deur elke werknemer betrokke by die skema.
 - (ii) die berekening van betaalde tyd af, verskuldig aan elke werknemer.
 - (iii) die datum en periode van betaalde tyd af toegestaan aan elke werknemer.”.
- (7) Voeg die volgende nuwe subklousules (7) (d) (i), (ii) en (iii) in:
- “(7) (d) (i) Kompakte Werkswaek—deur 72 uur geskrewe kennis aan 'n werknemer te gee kan 'n werkgewer van 'n werknemer verlang om tot 15 uur in enige dag, insluitende etenstye ingevolge die bepalings van subklousule (2) te werk, sonder oortydbetaling.
- (ii) 'n Werkgewer mag nie van 'n weerknemer verlang om—
- (aa) meer as die maksimum gewone ure te werk soos voorgeskryf in subklousule (1) gedurende enige week nie;
 - (ab) meer as die maksimum aantal oortydure te werk soos voorgeskryf in subklousule (5) in enige week nie;
 - (ac) gedurende rusperiodes soos voorgeskryf in subklousule (3) te werk nie;
 - (ad) 'n kompakte werksweek vir meer as 2 agtereenvolgende weke in 5 weke te werk nie.
- (iii) 'n Werkgewer wat beoog om 'n kompakte werksweek in te stel moet—
- (aa) die Sekretaris van die Raad onmiddellik skriftelik in kennis stel van die verwagte datum van implementering en beraamde duur van die skema;
 - (ab) afskrifte van alle ooreenkomste waartoe ooreengekom was ingevolge subklousule (d) (i) hierbo vir 'n periode van 3 jaar bewaar;
 - (ac) 'n register byhou wat die datum en ure gewerk deur elke werknemer betrokke by die skema bevat.”.
- (8) Voeg die volgende nuwe subklousules (7) (e) (i), (ii) en (iii) in:
- “(1) (e) Gemiddelde ure van werk—deur 72 uur se geskrewe kennis aan 'n werknemer te gee kan die werkure en oortyd van 'n werknemer versprei word oor 'n periode van 5 weke met dien verstande dat—
- (i) die werknemer is meer as die gewone ure voorgeskryf in subklousule (1) en oortydure voorgeskryf in subklousule (5) in die periode waarvoor ooreengekom was mag werk nie;
 - (ii) dat die rusperiodes voorgeskryf in subklousule (3) nagekom word;
 - (iii) 'n werkgewer wat beoog om 'n gemiddelde skema van werkure in te stel moet—
- (aa) die Sekretaris van die Raad onverwyld skriftelik in kennis stel van die voorgestelde implementeringsdatum en beraamde duur van die skema;
 - (ab) afskrifte van alle ooreenkomste waartoe ooreengekom was ingevolge (1) (e) hierbo bewaar vir 'n periode van 3 jaar;
 - (ac) 'n registrasie byhou wat—
- (ba) die datum, gewone ure en oortydure gewerk deur elke werknemer in die skema uiteensit;
 - (bb) 'n berekening van die ure se gemiddelde waarde oor 'n periode t.o.v. elke werknemer.”.
- (9) Voeg die volgende nuwe subklousule (8) by:
- “(8) **Algehele beperking van werkure en oortyd:** 'n Werkgewer mag nie toelaat of 'n werknemer aansê om meer as 90 uur in enige week te werk nie, insluitende gewone ure, oortyd ure en ure gewerk op 'n Sondag en betaalde vakansiedag.”.

5. KLOUSULE 7: JAARLIKSE VERLOF

- (1) Vervang subklousule (1) met die volgende:
- “(1) Drie aaneenlopende weke jaarlikse verlof moet aan werknemers toegestaan word, uitgesonderd afloswerkers wat 252 skofte voltooi het by 'n werkgewer sedert sy datum van indiensname of vanaf die datum waarop sy vorige jaarlikse verlof in werking getree het (wat ookal die laaste datum is): Met dien verstande dat—
- (i) 'n werknemer wat 'n 5-dag week werk nie 15 werksdae sal oorskry nie, en
 - (ii) 'n werknemer wat 'n 6-dag week werk nie 18 werksdae sal oorskry nie.”.
- (2) Skrap die openingsparagraaf van subklousule (2) en vervang subklousule (2) (a) met die volgende:
- “(2) (a) 'n Werkgewer moet sy werknemers t.o.v. die verlof voorgeskryf in subklousule (1) nie minder betaal nie as drie maal die normale basiese weekloon van 'n werknemer wat hy ontvang het direk voorafgaande die datum waarop sy verlof begin het.”.

(3) Voeg die volgende nuwe subklousule 2 (b) in:

"(b) 'n werkgewer van 'n afloswerker wat vir meer as 90 dae in 'n 12 maande tydperk in diens was sal 'n bedrag van die werknemer betaal gebaseer op die volgende formule vir elke gewone uur of gedeelte daarvan gewerk:

$$\frac{25 \times \text{ekwivalente weekloon}}{100 \times 195}$$

6. KLOUSULE 8: SIEKVERLOF

(1) Voeg die volgende nuwe subklousules (4) en (5) in:

"(4) 'n Werkgewer sal 'n werknemer wat afwesig is a.g.v. 'n besering in 'n ongeluk in die loop van sy pligte, waarvoor vergoeding betaalbaar is onder die Beroepsbesering en Veiligheidswet 1993, 75% van sy normale basiese loon betaal vir 'n maksimum periode van 3 maande en sodanige betalings verhaal vanaf die bedrae betaalbaar aan die werknemer ingevolge die genoemde Wet."

"(5) 'n werkgewer van 'n afloswerker wat vir meer as 90 dae in 'n 12 maande tydperk in diens was sal 'n bedrag aan die werknemer betaal gebaseer op die volgende formule vir elke gewone uur of gedeelte daarvan gewerk:

$$\frac{\text{ekwivalente weekloon} \times 9}{45 \times 195}$$

7. KLOUSULE 9: BETAALDE VAKANSIEDAE EN SONDAE

(1) Vervang subklousule (1) (a) en (b) met die volgende en hernommer (c) vir (b):

"(a) wanneer 'n werknemer nie op 'n betaalde vakansiedag werk nie en sodanige dag val op wat vir die werknemer andersins 'n gewone werksdag is moet die werkgewer hom ten opsigte van daardie dag 'n bedrag betaal—

(i) ten minste gelyk aan die loon van die werknemer wat hy normaalweg sou ontvang indien hy op die dag sou werk; en

(ii) 'n werknemer wat op 'n betaalde vakansiedag werk moet vergoed word teen 'n tarief van—

(aa) ten minste dubbel die bedrag waarna verwys word in subklousule (i); of

(ab) indien dit meer is, die bedrag waarna verwys word in subklousule (i) plus die bedrag verdien deur die werknemer vir die tyd gewerk op die dag."

(2) Vervang subklousule 2 (a) met die volgende:

"(a) wanneer 'n werknemer anders as 'n afloswerker op 'n Sondag werk en daardie dag ook 'n betaalde vakansiedag is, moet sy werkgewer hom vergoed op die grondslag soos in subklousule (1) (a) uiteengesit."

(3) Voeg die volgende nuwe subklousules (6), (7), (8) en (9) in:

"(6) Ongeag die voorwaardes van subklousules (1) (a) en (2) (b), mag 'n werkgewer deur middel van 'n geskrewe kennisgewing aan 'n werknemer uitgesonder 'n afloswerknemer kennisgewing gee, 72 uur voordat 'n werknemer op 'n Sondag of betaalde vakansiedag werk vir betaalde tyd af gelykstaande aan die verskil in waarde tussen die betaling werklik ontvang deur die werknemer vir werk verrig op 'n Sondag of betaalde vakansiedag en die betaling waartoe die werknemer geregtig is ingevolge die bepalings van subklousule (1) (a) of (2) (b)."

"(7) 'n Werkgewer moet tyd afgee ingevolge subklousule (6) binne 1 maand aan die werknemer toestaan sodra hy daarop geregtig word, met dien verstande dat die periode ter sprake d.m.v. 'n geskrewe ooreenkoms verleng kan word na 12 maande."

"(8) Betaalde tyd in die plek van tyd gewerk op 'n Sondag of betaalde vakansiedag mag nie toegestaan word gedurende enige periode waar 'n kompakte werkswaek gewerk word nie."

"(9) 'n werkgewer wat beoog om betaalde tyd in die plek van betaalde vakansiedae en Sondae in te stel sal:

(a) die Sekretaris van die Raad onverwyld skriftelik verwittig van die voorneme van implementering en beraamde duur van die skema,

(b) afskrifte van alle kennisgewings uitgereik aan werknemers ingevolge subklousule (6) hierbo bewaar vir 'n periode van 3 jaar na uitreiking,

(c) afskrifte behou van alle ooreenkomste waartoe ooreengekom was ingevolge subklousule (7) hierbo vir 'n periode van 3 jaar.

(d) 'n register byhou wat inligting bevat aangaande:

(aa) die datum en ure gewerk op 'n Sondag en/of betaalde vakansiedae deur elke werknemer betrokke by die skema.

(ab) die berekening van betaalde tyd af aan elke werknemer.

(ac) die datum en periode van betaalde tyd afgee aan elke werknemer."

8. KLOUSULE 17: SEISOENALE INDIENSNEMING

- (1) Vervang subklousule (a) met die volgende:

"(a) Werknemers wat nie werksaam is in die Suikerriet Sektor soos omskryf nie, maar val onder die Suiker Vervoersektor van die padvragnywerheid en die omskrywing van "seisoenale werknemer" sal 'n retensietoelaag ontvang gedurende die "naoes" tydperk gelykstaande aan 66,6 persent van hulle normale loon van die totale periode uitgesonder hulle jaarlikse verlofperiode waar daar nie van hulle verwag word om vir normale diens aan te meld nie."

9. KLOUSULE 22: VRYSTELLINGS

- (1) Vervang subklousule (2) met die volgende:

"(2) Die Onafhanklike Liggaam ingestel deur die Raad ingevolge artikel 32 van die Wet moet aansoeke om appél aanhoor t.o.v. vrystellings wat geweier was deur die Vrystellings Liggaam van die Raad."

10. KLOUSULE 31: VAKANSIESOLDYBONUSFONDS

- (1) Voeg die volgende nuwe subklousule (1) (d) in:

"(d) 'n werkgewer van 'n afloswerker wat vir meer as 90 dae in 'n 12 maande tydperk in diens was sal 'n bedrag aan die werknemer betaal gebaseer op die volgende formule vir elke gewone uur of gedeelte daarvan gewerk

$$\frac{4,8 \times \text{ekwivalente jaarlikse loon}}{100 \quad 12 \times 195"}$$

11. KLOUSULE 36: BEDINGINGSEENHEID

- (1) Vervang subklousule (1) (a) met die volgende:

"(a) die Verkiesings Instituut van Suid Afrika of enige ander organisasie waartoe ooreengekom was deur die partye tot die Raad sal versoek word om 'n proses in te stel waartoe die partye instem t.o.v. die bepaling van die presiese aantal vakbondlede in die bykomende klasse, met verwysing na elke klas en vakbond op 'n onafhanklike en onpartydige wyse."

12. KLOUSULE 40: SKEIDINGSLOON

- (1) Vervang subklousule (1) met die volgende:

"(1) 'n Werkgewer moet aan 'n werknemer wat weens redes gegrond op die werkgewer se bedryfsvereistes ontslaan word, 'n skeidingsloon betaal in ooreenstemming met die bepalings van Artikel 41 (2) van die Wet op Basiese Diensvoorwaardes (1997)."

13. Voeg die volgende nuwe klousule 41 in.

"KLOUSULE 41: SUIKERRIET SEKTOR

- (a) Werknemers in diens van die Suikerriet Sektor wat kwalifiseer onder die woordomskrywing "Seisoenwerkers" ontvang 'n retensietoelaag gedurende die "naoes"-tydperk gelykstaande aan 66,6 persent van hulle normale basiese loon vir die eerste 15 weke en daarna 40 persent van hulle normale basiese loon wat daar nie verwag word van hulle om vir normale diens aan te meld nie, met dien verstande dat die periode waarvoor die retensietoelaag betaalbaar is nie jaarlikse verlof insluit nie."
- (b) Werknemers, terwyl in ontvangs van 'n "retensietoelaag", is verplig om hulself gereed te hou om ten alle redelike tye vir normale pligte aan te meld.
- (c) Enige werknemer wat teruggeroep word om sy normale pligte uit te voer gedurende die "naoes" tydperk en wat nie aanmeld vir diens nie, verbeur die "retensietoelaag" voorgeskryf in (a) hierbo vir die tydperk wat hy afwesig was sonder toestemming.
- (d) 'n Werknemer ontvang vergoeding soos voorgeskryf in klousules 4,4 (5), 5, 6 (6) en 9 ten opsigte van alle periodes in die uitvoering van normale pligte.

14. Voeg die volgende nuwe klousule 42 in.

"KLOUSULE 42: AFLOSWERKNEMER

- (1) 'n Afloswerknemer mag nie vir langer as 144 dae in 'n 12 maande periode in diens wees nie, tensy 'n werknemer die status van 'n permanente werknemer bekom en dienooreenkomstig vergoed word.
- (2) Sodra 'n afloswerker vir meer as 90 dae gewerk het in 'n 12 maande periode mag die werkgewer die werknemer se loon verlaag deur die afskaffing van die 10% premium op lone, alhoewel die werknemer geregtig sal wees op die pro-rata voordele soos vervat in klousules 7 (2) (b), 8 (5), 31 (1) (d) en klousule 7 (1) (d) van die Voorsorgfonds Ooreenkoms asook die betaling van heffings ingevolge klousule 21.
- (3) Die aantal afloswerkers in diens van 'n werkgewer oor 'n 12 maande periode sal nie 30% oorskry van die werkgewer se totale gemiddelde werksmag nie.

15. Voeg die volgende nuwe klousule 43 in.

"KLOUSULE 43: INDIENSNEMING VAN ONWETTIGE IMMIGRANTE

(1) 'n Werkgewer mag nie 'n persoon in diens neem wat 'n onwettige immigrant is nie.

Vir en namens die partye by die Raad, op hede die 9de dag van Januarie 2001 te Johannesburg onderteken.

N.J. BADENHORST

vir **G. F. VAN NIEKERK**—Voorsitter van die Raad

J.J. DUBE

Ondervoorsitter van die Raad

B.S.E. GRATZ

Sekretaris van die Raad

**MINISTRY FOR SAFETY AND SECURITY
MINISTERIE VIR VEILIGHEID EN SEKURITEIT**

No. R. 249

23 March 2001

SECURITY OFFICERS ACT, 1987 (ACT No. 92 OF 1987)

EXEMPTION IN TERMS OF SECTION 10 (5) (a) OF THE ACT

By virtue of the powers vested in the Minister for Safety and Security by section 10 (5) (a) of the Security Officers Act, 1987 (Act No. 92 of 1987), which power has been delegated to me in terms of section 36 of the Act, I, Jacobus Johannes Bothma, the Head: Central Firearms Register of the South African Police Service, hereby determine that the security officer listed below is exempted from the provisions of the Act as indicated with respect to his name:

Security Officer

Mr A. Cawood
Id No. 841022 5008 088

Provisions of the Act

Section 12 (1) (a)

Signed at Pretoria on this 5th day of March 2001.

J. J. BOTHMA

Director, The Head: Central Firearms Register: SAPS

No. R. 249

23 Maart 2001

WET OP SEKURITEITSBEAMPTES, 1987 (WET No. 92 VAN 1987)

VRYSTELLING INGEVOLGE ARTIKEL 10 (5) (a) VAN DIE WET

Kragtens die bevoegdheid verleen aan die Minister vir Veiligheid en Sekuriteit ingevolge artikel 10 (5) (a) van die Wet op Sekuriteitsbeamptes, 1987 (Wet No. 92 of 1987), welke bevoegdheid ingevolge artikel 36 van die Wet aan my gedelegeer is, bepaal ek, Jacobus Johannes Bothma, Die Hoof: Sentrale Vuurwapens Register van die Suid-Afrikaanse Polisie, hierby dat die ondervermelde sekuriteitsbeampte vrygestel word van die bepalings van die Wet soos teenoor sy naam aangedui:

Sekuriteitsbeampte

Mnr. A. Cawood
Id No. 841022 5008 088

Bepalings van die Wet

Art 12 (1) (a)

Geteken te Pretoria op hierdie 5de dag van Maart 2001.

J. J. BOTHMA

Direkteur, Die Hoof: Sentrale Vuurwapens Register: SAPD

DEPARTMENT OF SOCIAL DEVELOPMENT

No. R. 254

23 March 2001

AMENDMENT: REGULATIONS REGARDING GRANTS AND FINANCIAL AWARDS TO WELFARE ORGANISATIONS AND TO PERSONS IN NEED OF SOCIAL RELIEF OF DISTRESS IN TERMS OF THE SOCIAL ASSISTANCE ACT, 1992 (ACT No. 59 OF 1992)

The Minister for Social Development intends, in terms of section 19 of the Social Assistance Act, 1992 (Act No. 59 of 1992), to make the regulations set out in the Schedule hereto.

Interested parties are invited to submit comments on the proposed regulations to the Director-General: Social Development, Private Bag X901, Pretoria, 0001, Fax (012) 312-7897 or e-mail: patn@welspta.pwv.gov.za (for attention: Ms P. Naicker), within 60 days of the date of publication of this notice.

SCHEDULE

1. In these regulations "the Regulations" means the regulations published by Government Notice No. R. 418 of 31 March 1998, as amended by the regulations published by Government Notice No. R. 813 of 25 June 1999.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended—

(a) by the substitution for the definition of "approved" of the following definition:

" 'approved' for the purpose of regulations 8 (4) (a) and 12 (1) (i), means approved by the Minister with the concurrence of the Minister of Finance, and "approve" has a corresponding meaning;"

(b) by the insertion before the definition of "attesting officer" of the following definition:

" 'assessment panel' means a group consisting of individuals appointed by the Director-General who have the relevant experience and expertise to assess disability for the purposes of awarding social grants;"

(c) by the substitution for the definition of "biometric identification" of the following definition:

" 'biometric identification' means a fingerprint or, where a fingerprint cannot be obtained, such other form of identification as may be determined by the Director-General with the concurrence of the Director-General of Home Affairs;"

(d) by the substitution for the definition of "custodian" of the following definition:

" 'custodian' means a person who is responsible for the supervision and care of a child, and "custody" has a corresponding meaning;"

(e) by the deletion of the definitions of "household", "household income" and "identity document";

(f) by the insertion before the definition of "implied consent" of the following definition:

" 'identity card' means the identity card referred to in section 14 of the Identification Act, 1997 (Act No. 68 of 1997) and, unless clearly inconsistent with the provisions of that Act, includes an identity document referred to in section 25 (1) or (2) of that Act;"

(g) by the substitution for the definition of "life certificate" of the following definition:

" 'life certificate' means a certificate or an affidavit signed and produced by a beneficiary or signed by both a beneficiary and a person referred to in regulation 17 (4) and produced by such a person to confirm that the beneficiary is alive or a biometric identification produced by a beneficiary or produced by a person referred to in regulation 17 (4);"

(h) by the substitution for the definition of "personal income" of the following definition:

" 'personal income' means the income of the primary care-giver and his or her spouse, as referred to in regulation 14 (1), after all the permissible deductions referred to in regulation 15 have been made;"

(i) by the insertion before the definition of "rural area" of the following definition:

" 'review' means the appearance of a beneficiary before an attesting officer to verify that the beneficiary complies with the prescribed conditions for the continuation of the grant;"

Amendment of regulation 2 of the Regulations

3. Regulation 2 of the Regulations is hereby amended—

(a) by the substitution for paragraph (a) of subregulation (1) of the following paragraph:

"(a) he or she and his or her spouse pass the means test as prescribed in regulation 12;"

(b) by the substitution for paragraph (a) of subregulation (3) of the following paragraph:

"(a) he or she is a disabled person who has attained the age of 18 years and whose disability is confirmed by the assessment panel: Provided that the assessment panel has confirmed whether the disability is—

(i) permanent in that the disability will continue for more than 12 months; or

(ii) temporary in that the disability will continue for a continuous period of not more than six months or not more than 12 months as the case may be;"

(d) by the deletion of paragraphs (b) and (d) of subregulation (3).

Amendment of regulation 3 of the Regulations

4. Regulation 3 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

"(1) A person shall be eligible for a child support grant in respect of a maximum of six children."

Amendment of regulation 4 of the Regulations

5. Regulation 4 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

"(1) A foster parent shall be eligible for a foster child grant if the child was placed in the custody of the foster parents in terms of the Child Care Act, 1983 (Act No. 74 of 1983) and if the child is a South African citizen: Provided that if the income of the child exceeds twice the annual amount of a foster child grant determined by the Minister with the concurrence of the Minister of Finance such grant shall not be payable."

Amendment of regulation 5 of the Regulations

6. Regulation 5 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

"(1) A parent or parents or a foster parent or foster parents shall be eligible for a care-dependency grant in respect of a care-dependent child for a maximum amount per annum as approved by the Minister with the concurrence of the Minister of Finance: Provided that the assessment panel appointed by the Director-General confirms that the child in question is a care-dependent child as defined in the Act and the combined annual income of the family, after all permissible deductions referred to in regulation 15, shall not exceed R48 000 or such higher amount as the Minister may from time to time determine."

Amendment of regulation 8 of the Regulations

7. Regulation 8 of the Regulations is hereby amended—

- (a) by the substitution in paragraph (b) of subregulation (2) of the word "certified" for the word "verified";
- (b) by the deletion of paragraph (c) of subregulation (2);
- (c) by the substitution in paragraph (a) of subregulation (3) of the word "certify" for the word "verify";
- (d) by the addition in subregulation (3) of the following paragraph:

"(c) verified by a second attesting officer.";
- (e) by the substitution for paragraph (a) of subregulation (4) of the following paragraph:

"(a) The Director-General may approve that another person may apply for a grant on behalf of the applicant, in which case the provisions of subregulation (2) shall apply to such person: Provided that such person shall not apply for a grant on behalf of more than five applicants and provided further that such person shall furnish the Director-General with proof that he or she is resident in South Africa;" and.

Amendment of regulation 9 of the Regulations

8. Regulation 9 of the Regulations is hereby amended—

- (a) by the substitution for paragraph (b) of subregulation (2) of the following paragraph:

"(b) in the case of a disabled person, a medical report and a report on the personal circumstances of the applicant;"
- (b) by the substitution for paragraph (b) of subregulation (5) of the following paragraph:

"(b) a medical report in respect of the care-dependent child;" and
- (c) by the substitution for subregulation (6) of the following subregulation:

"(6) The Director-General may accept alternative proof of any of the documents required in terms of subregulations (1) (c) to (5), including, where applicable, a statement or statements made by the applicant under oath."

Substitution of regulation 10 of the Regulations

9. Regulation 10 of the Regulations is hereby substituted by the following regulation:

"Date of application for grants"

10. (1) The date on which an application for a grant is signed in accordance with regulation 8 (2) (b) and verified by the attesting officer shall be deemed the date on which the application was made.

(2) Notwithstanding the provisions of subregulation (1), the date of the court order in terms of which the child was placed in foster care shall be deemed to be the date of application."

Amendment of regulation 11 of the Regulations

10. Regulation 11 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

"(1) The date of accrual of a grant shall be the date on which the application is deemed to have been made in terms of regulation 10 (1)."

Amendment of regulation 13 of the Regulations

11. Regulation 13 of the Regulations is hereby amended by the substitution for paragraph (d) of subregulation (1) of the following paragraph:

"(d) the municipal value of immovable property owned and occupied by the applicant and his or her spouse shall not be taken into account: Provided that the outstanding bond on the property may be deducted for grant purposes."

Amendment of regulation 14 of the Regulations

12. Regulation 14 of the Regulations is hereby amended—

- (a) by the substitution for the heading to regulation 14 of the following heading:

"Determining income in respect of social grants, foster child grants, care-dependency grants and child support grants";

- (b) by the substitution in subregulation (1) for the words preceding paragraph (a) of the following words:

"(1) for the purposes of determining means regarding a social grant or a foster child grant or a care-dependency grant or a child support grant, "income" shall mean—";

- (c) by the addition in subregulation (1) of the following paragraph:

"(j) Notwithstanding the provisions of paragraphs (a) to (i) of subregulation (1), the income from social assistance shall not be taken into consideration."

Amendment of regulation 15 of the Regulations

13. Regulation 15 of the Regulations is hereby amended—

- (a) by the substitution for the heading to regulation 15 of the following heading:

"Permissible deductions in calculating income";

- (a) by the substitution for the words preceding paragraph (1) of the following words:

"15. The Director-General shall, on submission of acceptable documentary proof when determining the income of an applicant and a spouse in the case of a social grant, the income of the family in the case of a care-dependency grant and the personal income of the primary care-giver and his or her spouse in the case of a child support grant, allow the following deductions or contributions:"

Amendment of regulation 22 of the Regulations

14. Regulation 22 of the Regulations is hereby amended by the deletion of paragraph (c).

Amendment of regulation 24 of the Regulations

15. Regulation 24 of the Regulations is hereby amended—

- (a) by the deletion of paragraph (c) of subregulation (1);

- (b) by the substitution for paragraph (d) of subregulation (2) of the following paragraph:

"(d) on the last day of the month in which the child is no longer in the custody of the primary care-giver;"

- (c) by the deletion of subregulation (6).

Amendment of regulation 26 of the Regulations

16. Regulation 26 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

"(1) Subject to the provisions of the Act, a person in need of temporary material assistance may qualify for social relief of distress if he or she complies with one or more of the following conditions:

- (a) The person is awaiting approval of his or her grant;
- (b) the person has, for a period of up to and including four months, been found by a medical officer to be medically unfit to undertake remunerative work;
- (c) the breadwinner is deceased and insufficient means are available;
- (d) the breadwinner has been admitted to a State institution for up to and including four months;
- (e) the person is not receiving any material assistance from any other organisation; and
- (f) the person has appealed the rejection or the suspension of his or her grant."

Amendment of regulation 27 of the Regulations

17. Regulation 27 of the Regulations is hereby amended by the deletion of paragraphs (c) and (d) of subregulation (6).

Amendment of regulation 29 of the Regulations

18. Regulation 29 of the Regulations is hereby amended—

- (a) by the substitution for subregulation (2) of the following subregulation:

"(2) Social relief of distress shall be issued monthly by the Director-General or a person assigned by him or her for a maximum period of four consecutive months within a year calculated as from the date of application;"

- (b) by the deletion of subregulations (3), (4) and (5).

SOUTH AFRICAN REVENUE SERVICE SUID-AFRIKAANSE INKOMSTEDIENS

No. R. 267

23 March 2001

CUSTOMS AND EXCISE ACT, 1964.- AMENDMENT OF SCHEDULE NO. 1 (NO. 1/1/1092)

Under section 48 of the Customs and Excise Act, 1964, Part 1 of Schedule No. 1 to the said Act is hereby amended to the extent set out in the Schedule hereto.

M. MPAHLWA

DEPUTY MINISTER OF FINANCE

SCHEDULE

Head=ing	Subheading	C D	Article Description	Statistical Unit	Rate of Duty		
					General	EU	SADC
17.01			By the substitution for heading No. 17.01 of the following:				
"17.01			Cane or beet sugar and chemically pure sucrose, in solid form:				
	1701.1		- Raw sugar not containing added flavouring or colouring matter:				
	1701.11	6	-- Cane sugar	kg	66,6c/kg	66,6c/kg	66,6c/kg
	1701.12	2	-- Beet sugar	kg	66,6c/kg	66,6c/kg	66,6c/kg
	1701.9		- Other:				
	1701.91	2	-- Containing added flavouring or colouring matter	kg	66,6c/kg	66,6c/kg	66,6c/kg
	1701.99	3	-- Other	kg	66,6c/kg	66,6c/kg	66,6c/kg"

No. R. 267

23 Maart 2001

**DOEANE- EN AKSYNSWET, 1964.-
WYSIGING VAN BYLAE NO. 1 (NO. 1/1/1092)**

Kragtens artikel 48 van die Doeane- en Aksynswet, 1964, word Deel 1 van Bylae No. 1 by genoemde Wet hiermee gewysig in die mate in die Bylae hierby aangetoon.

M. MPAHLWA

ADJUNKMINISTER VAN FINANSIES

BYLAE

Pos	Subpos	T S	Artikel Beskrywing	Statis= tiese Eenheid	Skaal van Reg		
					Algemeen	EU	SAOG
17.01			Deur pos No. 17.01 deur die volgende te vervang:				
"17.01			Rietsuiker of beetsuiker en chemies suiwer sukrose, in soliede vorm:				
	1701.1		- Rou suiker wat nie bygevoegde geursel of kleursel bevat nie:				
	1701.11	6	-- Rietsuiker	kg	66,6c/kg	66,6c/kg	66,6c/kg
	1701.12	2	-- Beetsuiker	kg	66,6c/kg	66,6c/kg	66,6c/kg
	1701.9		- Ander:				
	1701.91	2	-- Wat bygevoegde geursel of kleursel bevat	kg	66,6c/kg	66,6c/kg	66,6c/kg
	1701.99	3	-- Ander	kg	66,6c/kg	66,6c/kg	66,6c/kg"

No. R. 268

23 March 2001

**CUSTOMS AND EXCISE ACT, 1964.-
AMENDMENT OF SCHEDULE NO. 3 (No. 3/487)**

Under section 75 of the Customs and Excise Act, 1964, Schedule No. 3 to said Act is hereby amended, with retrospective effect to 3 November 2000, to the extent set out in the Schedule hereto.

M. MPAHLWA

DEPUTY MINISTER OF FINANCE

SCHEDULE

I Rebate Item	II				III Extent of Rebate	Anno= tations
	Tariff Heading	Rebate Code	C D	Description		
304.08				By the insertion after tariff heading No. 2918.12 of the following: Stoppers of plastics, used in the bottling of wine	Full duty	
	"3923.50	01.06	60			

No. R. 268

23 Maart 2001

**DOEANE- EN AKSYNSWET, 1964.-
WYSIGING VAN BYLAE NO. 3 (No. 3/487)**

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 3 by genoemde Wet hiermee gewysig, met terugwerkende krag tot 3 November 2000, in die mate in die Bylae hierby aangetoon.

M. MPAHLWA

ADJUNKMINISTER VAN FINANSIES

BYLAE

I Korting= item	II				III Mate van Korting	Anno= tasies
	Tarief= pos	Korting= kode	T S	Beskrywing		
304.08				Deur na tariefpos No. 2918.12 die volgende in te voeg: Proppe van plastieke, gebruik by die bottelering van wyn	Volle reg	
	"3923.50	01.06	60			

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