



# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID AFRIKA

*Regulation Gazette*

**No. 11281**

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**No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.**

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government  
printing

Department:  
Government Printing Works  
REPUBLIC OF SOUTH AFRICA

## HIGH ALERT: SCAM WARNING!!!

### TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

It has come to the attention of the *GOVERNMENT PRINTING WORKS* that there are certain unscrupulous companies and individuals who are defrauding unsuspecting businesses disguised as representatives of the *Government Printing Works (GPW)*.

The scam involves the fraudsters using the letterhead of *GPW* to send out fake tender bids to companies and requests to supply equipment and goods.

Although the contact person's name on the letter may be of an existing official, the contact details on the letter are not the same as the *Government Printing Works*. When searching on the Internet for the address of the company that has sent the fake tender document, the address does not exist.

The banking details are in a private name and not company name. Government will never ask you to deposit any funds for any business transaction. *GPW* has alerted the relevant law enforcement authorities to investigate this scam to protect legitimate businesses as well as the name of the organisation.

Example of e-mails these fraudsters are using:

[PROCUREMENT@GPW-GOV.ORG](mailto:PROCUREMENT@GPW-GOV.ORG)

Should you suspect that you are a victim of a scam, you must urgently contact the police and inform the *GPW*.

*GPW* has an official email with the domain as [@gpw.gov.za](mailto:@gpw.gov.za)

Government e-mails DO NOT have org in their e-mail addresses. All of these fraudsters also use the same or very similar telephone numbers. Although such number with an area code 012 looks like a landline, it is not fixed to any property.

*GPW* will never send you an e-mail asking you to supply equipment and goods without a purchase/order number. *GPW* does not procure goods for another level of Government. The organisation will not be liable for actions that result in companies or individuals being resultant victims of such a scam.

*Government Printing Works* gives businesses the opportunity to supply goods and services through RFQ / Tendering process. In order to be eligible to bid to provide goods and services, suppliers must be registered on the National Treasury's Central Supplier Database (CSD). To be registered, they must meet all current legislative requirements (e.g. have a valid tax clearance certificate and be in good standing with the South African Revenue Services - SARS).

The tender process is managed through the Supply Chain Management (SCM) system of the department. SCM is highly regulated to minimise the risk of fraud, and to meet objectives which include value for money, open and effective competition, equitability, accountability, fair dealing, transparency and an ethical approach. Relevant legislation, regulations, policies, guidelines and instructions can be found on the tender's website.

## Fake Tenders

National Treasury's CSD has launched the Government Order Scam campaign to combat fraudulent requests for quotes (RFQs). Such fraudulent requests have resulted in innocent companies losing money. We work hard at preventing and fighting fraud, but criminal activity is always a risk.

### How tender scams work

There are many types of tender scams. Here are some of the more frequent scenarios:

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to a company to invite it to urgently supply goods. Shortly after the company has submitted its quote, it receives notification that it has won the tender. The company delivers the goods to someone who poses as an official or at a fake site. The Department has no idea of this transaction made in its name. The company is then never paid and suffers a loss.

OR

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to Company A to invite it to urgently supply goods. Typically, the tender specification is so unique that only Company B (a fictitious company created by the fraudster) can supply the goods in question.

Shortly after Company A has submitted its quote it receives notification that it has won the tender. Company A orders the goods and pays a deposit to the fictitious Company B. Once Company B receives the money, it disappears. Company A's money is stolen in the process.

Protect yourself from being scammed

- If you are registered on the supplier databases and you receive a request to tender or quote that seems to be from a government department, contact the department to confirm that the request is legitimate. Do not use the contact details on the tender document as these might be fraudulent.
- Compare tender details with those that appear in the Tender Bulletin, available online at [www.gpwonline.co.za](http://www.gpwonline.co.za)
- Make sure you familiarise yourself with how government procures goods and services. Visit the tender website for more information on how to tender.
- If you are uncomfortable about the request received, consider visiting the government department and/or the place of delivery and/or the service provider from whom you will be sourcing the goods.
- In the unlikely event that you are asked for a deposit to make a bid, contact the SCM unit of the department in question to ask whether this is in fact correct.

Any incidents of corruption, fraud, theft and misuse of government property in the *Government Printing Works* can be reported to:

Supply Chain Management: Ms. Anna Marie Du Toit, Tel. (012) 748 6292.  
Email: [Annamarie.DuToit@gpw.gov.za](mailto:Annamarie.DuToit@gpw.gov.za)

Marketing and Stakeholder Relations: Ms Bonakele Mbhele, at Tel. (012) 748 6193.  
Email: [Bonakele.Mbhele@gpw.gov.za](mailto:Bonakele.Mbhele@gpw.gov.za)

Security Services: Mr Daniel Legoabe, at tel. (012) 748 6176.  
Email: [Daniel.Legoabe@gpw.gov.za](mailto:Daniel.Legoabe@gpw.gov.za)

# Closing times for **ORDINARY WEEKLY** **2021** **GOVERNMENT GAZETTE**

The closing time is **15:00** sharp on the following days:

- **24 December 2020**, Thursday for the issue of Thursday **31 December 2020**
- **31 December 2020**, Thursday for the issue of Friday **08 January 2021**
- **08 January**, Friday for the issue of Friday **15 January 2021**
- **15 January**, Friday for the issue of Friday **22 January 2021**
- **22 January**, Friday for the issue of Friday **29 January 2021**
- **29 January**, Friday for the issue of Friday **05 February 2021**
- **05 February**, Friday for the issue of Friday **12 February 2021**
- **12 February**, Friday for the issue of Friday **19 February 2021**
- **19 February**, Friday for the issue of Friday **26 February 2021**
- **26 February**, Friday for the issue of Friday **05 March 2021**
- **05 March**, Friday for the issue of Friday **12 March 2021**
- **12 March**, Friday for the issue of Friday **19 March 2021**
- **18 March**, Thursday for the issue of Friday **26 March 2021**
- **25 March**, Thursday for the issue of Thursday **01 April 2021**
- **31 March**, Wednesday for the issue of Friday **09 April 2021**
- **09 April**, Friday for the issue of Friday **16 April 2021**
- **16 April**, Friday for the issue of Friday **23 April 2021**
- **22 April**, Thursday for the issue of Friday **30 April 2021**
- **30 April**, Friday for the issue of Friday **07 May 2021**
- **07 May**, Friday for the issue of Friday **14 May 2021**
- **14 May**, Friday for the issue of Friday **21 May 2021**
- **21 May**, Friday for the issue of Friday **28 May 2021**
- **28 May**, Friday for the issue of Friday **04 June 2021**
- **04 June**, Friday for the issue of Friday **11 June 2021**
- **10 June**, Thursday for the issue of Friday **18 June 2021**
- **18 June**, Friday for the issue of Friday **25 June 2021**
- **25 June**, Friday for the issue of Friday **02 July 2021**
- **02 July**, Friday for the issue of Friday **09 July 2021**
- **09 July**, Friday for the issue of Friday **16 July 2021**
- **16 July**, Friday for the issue of Friday **23 July 2021**
- **23 July**, Friday for the issue of Friday **30 July 2021**
- **30 July**, Friday for the issue of Friday **06 August 2021**
- **05 August**, Thursday for the issue of Friday **13 August 2021**
- **13 August**, Friday for the issue of Friday **20 August 2021**
- **20 August**, Friday for the issue of Friday **27 August 2021**
- **27 August**, Friday for the issue of Friday **03 September 2021**
- **03 September**, Friday for the issue of Friday **10 September 2021**
- **10 September**, Friday for the issue of Friday **17 September 2021**
- **16 September**, Thursday for the issue of Thursday **23 September 2021**
- **23 September**, Thursday for the issue of Friday **01 October 2021**
- **01 October**, Friday for the issue of Friday **08 October 2021**
- **08 October**, Friday for the issue of Friday **15 October 2021**
- **15 October**, Friday for the issue of Friday **22 October 2021**
- **22 October**, Friday for the issue of Friday **29 October 2021**
- **29 October**, Friday for the issue of Friday **05 November 2021**
- **05 November**, Friday for the issue of Friday **12 November 2021**
- **12 November**, Friday for the issue of Friday **19 November 2021**
- **19 November**, Friday for the issue of Friday **26 November 2021**
- **26 November**, Friday for the issue of Friday **03 December 2021**
- **03 December**, Friday for the issue of Friday **10 December 2021**
- **09 December**, Thursday for the issue of Friday **17 December 2021**
- **17 December**, Friday for the issue of Friday **24 December 2021**
- **23 December**, Thursday for the issue of Friday **31 December 2021**

# LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

**COMMENCEMENT: 1 APRIL 2018**

## NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

## EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3026.32** per page.

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe Forms*. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

### CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website [www.gpwonline.co.za](http://www.gpwonline.co.za)

All re-submissions will be subject to the standard cut-off times.

**All notices received after the closing time will be rejected.**

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
<i>Extraordinary Gazettes</i>	As required	Any day of the week	<i>Before 10h00 on publication date</i>	<i>Before 10h00 on publication date</i>
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days <b>after</b> submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days <b>after</b> submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days <b>after</b> submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days <b>after</b> submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

### EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

### NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website [www.gpwonline.co.za](http://www.gpwonline.co.za).
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za). The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
  - 8.1. Each of the following documents must be attached to the email as a separate attachment:
    - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
      - 8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
      - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
    - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. (*Please see Quotation section below for further details*)
    - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
    - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (*Please see the Copy Section below, for the specifications*).
    - 8.1.5. Any additional notice information if applicable.

**GOVERNMENT PRINTING WORKS - BUSINESS RULES**

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by “walk-in” customers on electronic media can only be submitted in *Adobe* electronic form format. All “walk-in” customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

**QUOTATIONS**

13. Quotations are valid until the next tariff change.
  - 13.1. **Take note:** **GPW**'s annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.
  - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
  - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
  - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
  - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
    - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
  - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
  - 19.1. This means that **the quotation number can only be used once to make a payment.**

**GOVERNMENT PRINTING WORKS - BUSINESS RULES****COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

**CANCELLATIONS**

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

**AMENDMENTS TO NOTICES**

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

**REJECTIONS**

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

**GOVERNMENT PRINTING WORKS - BUSINESS RULES****APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

**GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY**

27. The Government Printer will assume no liability in respect of—
  - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
  - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
  - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

**LIABILITY OF ADVERTISER**

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

**CUSTOMER INQUIRIES**

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

**GPW** has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

### PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za) before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

### PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website [www.gpwonline.co.za](http://www.gpwonline.co.za) free of charge, should a proof of publication be required.
39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette*(s)

## GOVERNMENT PRINTING WORKS CONTACT INFORMATION

**Physical Address:**
**Government Printing Works**

149 Bosman Street

Pretoria

**Postal Address:**

Private Bag X85

Pretoria

0001

**GPW Banking Details:**
**Bank:** ABSA Bosman Street

**Account No.:** 405 7114 016

**Branch Code:** 632-005

**For Gazette and Notice submissions:** Gazette Submissions:

**For queries and quotations, contact:** Gazette Contact Centre:

**E-mail:** [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za)
**E-mail:** [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)
**Tel:** 012-748 6200

**Contact person for subscribers:** Mrs M. Toka:

**E-mail:** [subscriptions@gpw.gov.za](mailto:subscriptions@gpw.gov.za)
**Tel:** 012-748-6066 / 6060 / 6058

**Fax:** 012-323-9574

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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**

NO. R. 420

14 May 2021

**LIQUOR PRODUCTS ACT, 1989  
(ACT No. 60 OF 1989)****REGULATIONS : AMENDMENT \***

The Minister of Agriculture, Land Reform and Rural Development, acting in terms of section 27 of the Liquor Products Act, 1989 (Act No. 60 of 1989), has made the regulations in the Schedule.

- \* To provide for amendments to the fees payable in respect of anything done under this Act, or which is required to be so done.

**SCHEDULE****Definition**

1. In this Schedule "the Regulations" means the regulations published by Government Notice No. R. 624 of 13 July 2001 as amended by Government Notice No. R. 685 of 17 May 2002, No. R. 618 of 9 May 2003, R.1071 of 17 September 2004, R.284 of 1 April 2005, R. 270 of 31 March 2006, R.162 of 2 March 2007, R 562 of 22 May 2009, R.709 of 9 September 2011, R.234 of 30 March 2012, R.89 of 14 February 2014, R.66 of 6 February 2015, R. 238 of 17 March 2017, R. 202 of 16 March 2018 and R. 301 of 8 March 2019.

### Substitution of regulation 9 of the Regulations

2. The following regulation is hereby substituted for regulation 9 of the Regulations:

#### "9. Appeals

- (1) The amount payable to lodge an appeal referred to in section 22(2) of the Act shall be the fee specified in item 10(a) of the Table.
- (2) The allowances payable to a member of an appeal board referred to in section 22(5) of the Act shall be the fees specified in item 10(b) of the Table.

### Amendment of table of fees payable

2. Substitution for table of fees payable of the following table :

## DEPARTEMENT VAN LANDBOU, GRONDHERVORMING EN LANDELIKE ONTWIKKELING

NO. R. 420

14 Mei 2021

**WET OP DRANKPRODUKTE, 1989  
(WET No. 60 VAN 1989)****REGULASIES : WYSIGING \***

Die Minister van Landbou, Grond Hervorming en Landelike Ontwikkeling, het kragtens artikel 27 van die Wet op Drankprodukte, 1989 (Wet No. 60 van 1989), die regulasies in die Bylae uitgevaardig.

- \* Om voorsiening te maak vir tariefaanpassings ten opsigte van enige iets wat kragtens hierdie Wet gedoen word, of wat verlang word om aldus gedoen te word.

**BYLAE****Woordomskrywing**

1. In hierdie Bylae beteken "die Regulasies" die regulasies gepubliseer by Goewermentskennisgewing No. R. 624 van 13 Julie 2001 soos gewysig deur Goewermentskennisgewing No. R.685 van 17 Mei 2002, R. 618 van 9 Mei 2003, R.1071 van 17 September 2004, R.284 van 1 April 2005, R. 270 van 31 Maart 2006, R.162 van 2 Maart 2007, R.562 van 22 Mei 2009, R.709 van 9 September 2011, R.234 van 30 Maart 2012, R.89 van 14 Februarie 2014, R.66 van 6 Februarie 2015, R.238 van 17 Maart 2017, R.212 van 16 Maart 2018 en R. 301 van 8 Maart 2019.

### Vervanging van regulasie 9 van die Regulasies

2. Regulasie 9 van die Regulasies word hierby deur die volgende regulasie vervang:

#### "9. Appéle

- (1) Die bedrag betaalbaar om 'n appél in te dien bedoel in artikel 22(2) van die Wet sal die gelde wees soos vermeld in item 10(a) van die Tabel.
- (2) Die toelaes betaalbaar aan 'n lid van 'n appélraad bedoel in artikel 22(5) van die Wet sal die gelde wees soos vermeld in item 10(b) van die Tabel.

### Wysiging van tabel van gelde betaalbaar

2. Tabel van gelde betaalbaar word hierby deur die volgende Tabel vervang:

**TABLE OF FEES PAYABLE/ TABEL VAN GELDE BETAALBAAR**

[Section 27(1)(k) of the Act / van die Wet]

<b>Purpose of Payment</b>	<b>Amount</b>	<b>Doel van Betaling</b>	<b>Bedrag</b>
1. Application for the registration of a code number  [reg. 2(1)]	R134,00 per Application	1. Aansoek om die registrasie van 'n kodenommer  [reg. 2(1)]	R134,00 per aansoek
2. Annual maintenance of the registration of a code number  [reg. 2(2)]	R696,00 per Application	2. Jaarlikse instandhouding van die registrasie van 'n kodenommer  [reg. 2(2)]	R696,00 per aansoek
3. Application for an import certificate  (a) In the case of a product intended for importation in bulk;  (b) in the case of product intended for import in the labelled containers in which it will be sold  (c) in the case of a product imported as bona fide trade samples or for purposes other than the sale thereof  [reg. 3]	R482,00 per Application   R282,00 per application   R42,00 per litre or a portion Thereof	3. Aansoek om invoersertifikaat  (a) in die geval van 'n produk wat vir invoer in stortmaat beoog word;  (b) in die geval van 'n produk wat vir invoer beoog word in die geëtiketteerde houers waarin dit verkoop sal word  (c) In die geval van 'n produk wat as bona fide handelsmonster of vir ander doeleindes as die verkoop daarvan ingevoer is.  [reg. 3]	R482,00 per aansoek   R282,00 per aansoek   R42,00 per liter of gedeelte daarvan

Purpose of Payment	Amount	Doel van Betaling	Bedrag
<p>4. Analysis of a sample of a product intended for import and in respect of which an acceptable certificate of analysis was not provided. [reg. 4]</p>	<p>R711,00 plus analysis fee as per general liquor analysis tariffs</p>	<p>4. Aansoek om 'n ontledingssertifikaat [reg. 4]</p>	<p>R711,00 plus ontledingstarief soos per algemene drank ontledingstariewe</p>
<p>5. Application for a removal certificate:</p> <p>(a) in the case of a product imported in bulk</p> <p>(b) in the case of a product that has been imported in the labeled containers in which it will be sold and</p> <p>(c) in the case of a product imported as a bona fide trade sample or for other purposes than the sale thereof [reg. 5]</p>	<p>Nil</p> <p>R141,00 per application plus R5,00 per hl or Portion thereof</p> <p>Nil</p>	<p>5. Aansoek om 'n verwyderingssertifikaat:</p> <p>(a) in die geval van 'n produk in stortmaat ingevoer</p> <p>(b) in die geval van 'n produk wat ingevoer is in die geëtiketteerde houers waarin dit verkoop sal word</p> <p>(c) in die geval van 'n produk wat as 'n bona fide handelsmonster of vir ander doeleindes as die verkoop daarvan ingevoer is. [reg. 5]</p>	<p>Nul</p> <p>R141,00 per aansoek plus R5,00 per hl of gedeelte daarvan</p> <p>Nul</p>

Purpose of Payment	Amount	Doel van Betaling	Bedrag
6(a) Application for a permission for the blending or sale after bottling of a liquor product imported in bulk	R1061,00 per application	6(a)Aansoek om 'n toestemming vir die vermenging of verkoop van bottelering van 'n drankprodukt wat in stortmaat ingevoer is.	R1061,00 per aansoek
6(b)Application for a permission for the blending or sale after bottling of a liquor product imported in bulk, for consecutive bottling batches of the same blend where inspection have not been performed  [reg. 6]	R799,00 per application	6(b)Aansoek om 'n toestemming vir die vermenging of verkoop van bottelering van 'n drankprodukt wat in stortmaat ingevoer is, vir agtereenvolgende bottelingslotte van dieselfde vermenging waar 'n inspeksie nie uitgevoer is nie.. [reg. 6]	R799,00 per aansoek
7. Application for export certificate [Reg 7]:  (a) in the case of a liquor product in respect of which sampling is required under regulation 52(1) of the Liquor Products Act Regulations;	R128,00 per application plus R6,00 per hl or portion thereof, to the first 100 hl, unless a control sample was drawn in terms of Reg 54(5)(a) and an official analyses was not possible, then tariff will be R128 per application plus R4,00 per hl or a portion thereof , to the first 100 hl (analysis fee charged separately).	7. Aansoek om uitvoersertifikaat [Reg 7] :  (a) in die geval van 'n produk wat bemonstering vereis ingevolge regulasie 52(1) van die Wet op Drankprodukte Regulasies;	R128,00 per aansoek plus R6,00 per hl of gedeelte daarvan tot die eerste 100 hl, behalwe as 'n kontrole monster getrek is in terme van Reg 54(5)(a) en 'n amptelike analise was nie moontlik nie, dan is die tarief R128,00 per aansoek plus R4,00 per hl of gedeelte daarvan tot die eerste 100 hl (ontledings tarief word apart gehef)

Purpose of Payment	Amount	Doel van Betaling	Bedrag
<p>(b) in the case of a liquor product in respect of which exemption from sampling is granted under regulation 52(7) of the Liquor Products Regulations</p>	<p>R61,00 per application plus R6,00 per hl or a portion thereof to the first 100 hl, unless a control sample was drawn in terms of Reg 54(5)(a) and an official analyses was not possible, then tariff will be R61 per application plus R4,00 per hl or a portion thereof , to the first 100 hl (analysis fee charged separately).</p>	<p>(b) in die geval van 'n drankprodukt wat vrygestel is van bemonstering ingevolge regulasie 52(7) van die Wet op Drankprodukte Regulasies;</p>	<p>R61,00 per aansoek plus R6,00 per hl of gedeelte daarvan tot die eerste 100 hl, behalwe as 'n kontrole monster getrek is in terme van Reg 54(5)(a) en 'n amptelike analise was nie moontlik nie, dan is die tarief R61,00 per aansoek plus R4,00 per hl of gedeelte daarvan tot die eerste 100 hl (ontledings tarief word apart gehef)</p>
<p>(c) In the case of a liquor product in respect of which a renewal of the sensorial grace period is required under regulation 52(1) and (7) of the Liquor Products Act Regulations</p>	<p>R256,00 per application, plus analysis fee as per general liquor analysis tariffs.</p>	<p>(b) In die geval van 'n drankprodukt wat se sensoriese grasie periode 'n hernuwing vereis ingevolge regulasies 52(1) en (7) van die Wet op Drankprodukte Regulasies;</p>	<p>R256,00 per aansoek, plus ontledingstarief soos per algemene drank-ontledingstariewe</p>

Purpose of Payment	Amount	Doel van Betaling	Bedrag
<p>(d) in the case of liquor products included in domestic or personal possession of a person leaving the Republic temporarily or permanently, or which is intended as a gift or bona fide trade sample and which is not more than 100 litres each of liquor products which differ in container, composition and labelling, or which is exported by a person who is visiting the Republic as a bona fide tourist, or for use by a Head of State or diplomatic Representative of the Republic [reg. 51(4)(a) and (b) of the Liquor Products Act Regulations];</p>	R80,00 per application	<p>(d) in die geval van drankprodukte ingesluit in huishoudelike of persoonlike besittings van 'n persoon wat die Republiek tydelik of permanent verlaat, of wat as 'n geskenk of bona fide handelsmonster bedoel is en wat nie meer as 100 liter elk van drankprodukte wat in houer, samestelling en etikettering verskil, of wat as bona fide toeris besoek uitgevoer word, of vir die gebruik deur Staatshoofde of diplomatieke verteenwoordigers van die Republiek [reg. 51(4)(a) en (b) van die Wet op Drankprodukte Regulasies];</p>	R80,00 per aansoek
<p>(e) in the case of a liquor product, grape juice or concentrated must being exported to a destination in the European Community [reg. 51(2)(c) of the Liquor Products Act Regulations];</p>	R60,00 per Application	<p>(e) in die geval van 'n drankprodukt, druive sap of gekonsentreerde mos wat na 'n bestemming in die Europese Unie uitgevoer word [reg.51(2)(c) van die Wet op Drankprodukte Regulasies];</p>	R60,00 per aansoek

Purpose of Payment	Amount	Doel van Betaling	Bedrag
<p>(f) In the case of inspections being done on export consignments after official working hours [reg. 54 of the Liquor Products Act Regulations]</p> <p>(g) In the case of re-prints requested on Wine Online</p>	<p>R414,00 per 30 minutes or portion thereof (travel time included)</p> <p>R60,00 per application</p>	<p>(f) In die geval van inspeksies wat gedoen word op uitvoer besendings na amptelike werksure [reg. 54 van die Wet op Drankprodukte Regulasies]</p> <p>(g) In die geval van kansellaries of herdruk aansoeke op Wine Online</p>	<p>R414,00 per 30 minute of gedeelte daarvan (reistyd ingesluit)</p> <p>R60,00 per aansoek</p>
<p>8. Application for an authorisation for the sale of a sacramental beverage or an alcoholic beverage obtained by the alcoholic fermentation of the juice of oranges with cane sugar or mead [reg. 8(1)]</p>	<p>R942,00 per application</p>	<p>8. Aansoek om magtiging vir die verkoop van sakramentele drank, 'n alkoholiese drank verkry deur die alkoholiese gisting van die sap van lemoene tesame met rietsuiker of heuningdrank [reg. 8(1)]</p>	<p>R942,00 per aansoek</p>
<p>9. Annual maintenance of an authorisation referred to in Item 8 [reg. 8(2)]</p>	<p>R697,00 per authorization</p>	<p>9. Jaarlikse instandhouding van 'n magtiging in Item 8 bedoel. [reg. 8(2)]</p>	<p>R697,00 per magtiging</p>

Purpose of Payment	Amount	Doel van Betaling	Bedrag
10. (a) Lodging of an appeal against a decision or direction of the administering officer or the Wine and Spirit Board	R7 245,00 per appeal	10. Indiening van 'n appél teen die beslissing of lasgewing deur die Beherende Amptenaar of die Wyn-en-Spiritusraad	R7 245,00 per appél
<p>10. (b) Allowances payable to a member of an appeal board –</p> <p>(i) if the member is an attorney;</p> <p>(ii) if the member is a junior advocate;</p> <p>(iii) if the member is a senior advocate;</p> <p>iv) if none of the above</p> <p>[reg. 9]</p>	<p>75 % of the fees, determined <i>mutatis mutandis</i> as for an attorney according to rule 18 of the Rules Regulating the Conduct of the Supreme Court of Appeal of South Africa published under Government Notice No. R. 1523 of 27 November 1998, as amended from time to time</p> <p>As for an attorney referred to in subparagraph (i) of column 1 plus an additional 25 % of such fees</p> <p>As for an attorney referred to in subparagraph (i) of column 1 plus an additional 50 % of such fees</p> <p>As for an attorney referred to in subparagraph (i) of column 1</p>	<p>10. (b) Toelaes betaalbaar aan 'n lid van 'n appélraad –</p> <p>(i) as die lid 'n prokureur is;</p> <p>(ii) as die lid 'n junior prokureur is;</p> <p>(iii) as die lid 'n senior prokureur is;</p> <p>(iv) as nie een van die bogenoemde nie</p> <p>[reg. 9]</p>	<p>75 % van die gelde word <i>mutatis mutandis</i> bepaal soos vir 'n prokureur volgens reël 18 van die Reëls wat die Gedrag reguleer van die Hoogste Hof van Appél van Suid-Afrika, gepubliseer by Goewermentsken nisingewing R1523 van 27 November 1998, soos van tyd tot tyd gewysig</p> <p>Soos vir 'n prokureur bedoel in subparagraaf (i) of kolom 1 plus 'n addisionele 25 % van sodanige gelde</p> <p>Soos vir 'n prokureur bedoel in subparagraaf (i) van kolom 1 plus 'n addisionele 50 % van sodanige gelde</p> <p>Soos vir 'n prokureur bedoel in subparagraaf (i) van kolom 1</p>

<b>Purpose of Payment</b>	<b>Amount</b>	<b>Doel van Betaling</b>	<b>Bedrag</b>
11. Inspection of export consignments that have been returned to South Africa	R227.00 for 30 minutes or portion thereof	11. Inspeksie van uitvoer besendings wat heringevoer word na Suid-Afrika	R227.00 vir 30 minute of gedeelte daarvan
12. General Liquor  Analysis :  (all analysis fees will be charged separately to the administrative fees for applications as referred to under tariff 7)		12. Algemene Drank  Ontledings :  (alle ontledingstariese sal afsonderlik gehef word van administratiewe tariewe vir aansoeke soos aangedui onder tarief 7)	
(a) Density of sample (pycnometric method)/Specific Gravity/Total Dry Extract/Total Alcoholic Strength/Apparent Alcoholic Strength/Potential Alcoholic Strength/Obscured Alcoholic Strength/Alcoholic Strength	R 62,00 per sample	(a) Digtheid van monster (pycnometriese metode)/Soortgelyke gewig/Totale Droë Ekstrak/Totale Alkoholiese Sterkte/Skynbare Alkoholiese Sterkte/Potensiële Alkoholiese Sterkte/Verbergde Alkoholiese Sterkte/Alkoholiese Sterkte	R62,00 per monster
(b) Alcoholic Strength by Volume (Wine and Spirit Board as client)	R17,00 per sample	(b) Alkoholsterkte per Volume (Wyn-en-Spiritusraad as kliënt)	R17,00 per monster
(c) Reducing Sugar	R55,00 per sample	(c) Reduserende Suiker	R55,00 per monster
(d) Volatile Acidity	R38,00 per sample	(d) Vlughtige Suur	R38,00 per monster
(e) Total Titratable Acidity/pH	R 33,00 per sample	(e) Totale Titreerbare Suur/pH	R 33,00 per monster
(f) Sulphur Dioxide Free (NIR Spectroscopy Method)	R26,00 per sample	(f) Vry Swaweldioksied (NIR spektroskopie metode)	R26,00 per monster

<b>Purpose of Payment</b>	<b>Amount</b>	<b>Doel van Betaling</b>	<b>Bedrag</b>
(g) Sulphur Dioxide Free (Aspiration Reference Method)	R55,00 per sample	(g) Vry Swaweldioksied (Aspirasie Verwysings metode)	R55,00 per monster
(h) Sulphur Dioxide Total (NIR spectroscopy Method)	R26,00 per sample	(h) Totale Swaweldioksied (NIR spektroskopie metode)	R26,00 per monster
(i) Sulphur Dioxide Total (Aspiration Reference Method)	R55,00 per sample	(i) Totale Swaweldioksied (Aspirasie Verwysings Metode)	R55,00 per monster
(j) Esters	R231,00 per sample	(j) Esters	R231,00 per monster
(k) Higher Alcohol	R192,00 per Sample	(k) Hoër Alkohol	R192,00 per monster
(l) Methanol	R192,00 per Sample	(l) Metanol	R192,00 per monster
(m) Sorbic Acid	R192,00 per sample	(m) Sorbiensuur	R192,00 per monster
(n) Ascorbic Acid	R352,00 per sample	(n) Askorbiensuur	R352,00 per monster
(o) Citric Acid	R337,00 per sample	(o) Sitroensuur	R337,00 per monster
(p) Bentonite Addition	R102,00 per sample	(p) Bentoniet Byvoeging	R102,00 per monster
(q) Protein Stability	R38,00 per sample	(q) Proteïen Stabiliteit	R38,00 per monster
(r) Cold Stability (Tartrate Stability)	R38,00 per sampler	(r) Koud Stabiliteit (Tartraat Stabiliteit)	R38,00 per monster
(s) Malic Acid (HPLC)	R227,00 per sample	(s) Appelsuur (HPLC)	R227,00 per monster
(t) Zinc	R24,00 per sample	(t) Sink	R24,00 per monster
(u) Potassium	R24,00 per sample	(u) Kalium	R24,00 per monster

<b>Purpose of Payment</b>	<b>Amount</b>	<b>Doel van Betaling</b>	<b>Bedrag</b>
(v) Calcium	R24,00 per sample	(v) Kalsium	R24,00 per monster
(w) Lead	R43,00 per sample	(w) Lood	R43,00 per monster
(x) Copper	R43,00 per sample	(x) Koper	R43,00 per monster
(y) Cadmium	R43,00 per sample	(y) Kadmium	R43,00 per monster
(z) Iron	R43,00 per sample	(z) Yster	R43,00 per monster
(aa) Phosphate (HPLC)	R141,00 per sample	(aa) Fosfaat (HPLC)	R141,00 per monster
(ab) Colouring Agents	R396,00 per sample	(ab) Kleurmiddels	R396,00 per monster
(ac) Glycerol/Propylene Glycol/Diethylene Glycol	R396,00 per sample	(ac) Gliserol/Propileen Glikol/Dietileen Glikol	R396,00 per monster
(ad) Gas Pressure (1) At -4 degrees C	R228,00 per sample	(ad) Gasdruk (1) By -4 grade C	R228,00 per monster
(2) Standard method	R23,00 per sample	(2) Standaard metode	R23,00 per monster
(ae) Total Sugar	R55,00 per sample	(ae) Totale Suiker	R55,00 per monster
(af) Sucrose	R65,00 per sample	(af) Sukrose	R65,00 per monster
(ag) Butterfat	R247,00 per sample	(ag) Bottervet	R247,00 per monster
(ah) Natamycin	R679,00 per sample	(ah) Natamycin	R679,00 per monster
(ai) Diverse GC analysis not specified above	R680,00 per sample	(ai) Diverse GC analise nie bo gespesifiseer	R680,00 per monster

(aj) Diverse HPLC analysis not specified above	R491,00 per sample	(aj) Diverse HPLC analise nie bo gespesifiseer	R491,00 per monster
(ak) Allergens	R377,00 per sample	(ak) Allergene	R377,00 per monster
(al) Ash	R231,00 per sample	(al) As	R231,00 per monster
(am) Arsenic	R43,00 per sample	(am) Arseen	R43,00 per monster
(an) Pesticides in wine (LC/MS)	R491,00 per sample	(an) Pestisiedes in wyn (LCMS)	R491,00 per monster

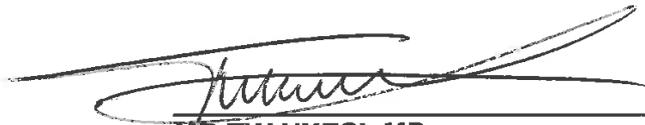
## DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 421

14 May 2021

**NATIONAL BARGAINING COUNCIL FOR THE CLOTHING MANUFACTURING  
INDUSTRY: EXTENSION TO NON-PARTIES OF THE MAIN AMENDING COLLECTIVE  
AGREEMENT**

I, **THEMBELANI WALTERMADE NXESI**, Minister of Employment and 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 Clothing Manufacturing 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 the second Monday after the date of publication and for the period ending 31 August 2024.



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MR TW NXESI, MP  
MINISTER OF EMPLOYMENT AND LABOUR  
DATE: 28/04/2021

**UMNYANGO WEZEMISEBENZI NEZABASEBENZI**

R. ....

USUKU: .....

**UMTHETHO WOBUDLELWANO KWEZABASEBENZI KA-1995****UMKHANDLU KAZWELONKE WOKUXOXISANA PHAKATHI KWABAQASHI NABASEBENZI****EMBONINI YOKUKHIQIZWA KWEZIMPAHLA ZOKWEMBATHA: UKWELULWA****KWESIVUMELWANO SABAQASHI NABASEBENZI ESIYINGQIKITHI NESICHIBIYELAYO****SELULELWA KULABO ABANGEYONA INGXENYE YESIVUMELWANO**

Mina, **THEMBELANI WALTERMADE NXESI**, uNgqongqoshe Wezemisebenzi NezabaSebenzi, ngokwesigaba-32(2) soMthetho Wobudlelwano KwezabaSebenzi ka-1995, ngazisa ukuthi isiVumelwano sabaqashi nabasebenzi esitholakala kwiSheduli yesiNgisi exhunywe lapha, esenziwa **uMkhandlu Kazwelonke Wokuxoxisana phakathi Kwabaqashi Nabasebenzi Embonini Yokukhiqizwa Kwezimpahla Zokwembatha**, futhi ngokwesigaba 31 soMthetho Wobudlelwano kwezabaSebenzi, ka 1995 esibopha labo abasenzayo, sizobopha bonke abanye abaqashi nabasebenzi kuleyomboni kusukela ngoMsombuluko wesibili emva kokushicilelwa kwalesiSaziso futhi kuze kube isikhathi esiphela mhlaka 31 kuNcwaba 2024.



**MNUMZANE TW NXESI, MP**  
**UNGOQONGQOSHE WEZEMISEBENZI NEZABASEBENZI**  
**USUKU: 28/04/2021**

**SCHEDULE**

**NATIONAL BARGAINING COUNCIL FOR THE CLOTHING MANUFACTURING  
INDUSTRY  
NATIONAL MAIN COLLECTIVE AGREEMENT**

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

**Apparel and Textile Association of South Africa**

**South African Apparel Association**

**Transvaal Clothing Manufacturers' Association**

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

**Southern African Clothing and Textile Workers' Union**

**(hereinafter referred to as the "employees" or the "trade union"), of the other part,  
being the parties to the National Bargaining Council for the Clothing Manufacturing  
Industry,**

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## 1. SCOPE OF APPLICATION

- (1) The terms of this Agreement shall be observed in the Clothing Manufacturing Industry in all areas of the Republic of South Africa as individually provided for in each of the following Parts:

Part A Provisions for the Eastern Cape Region

Part B Provisions for the Free State and Northern Cape Region

Part C Provisions for the KwaZulu-Natal Region

Part D Provisions for the Northern Region (Clothing)

Part E Provisions for the Northern Region (Knitting)

Part F Provisions for the Western Cape Region (Clothing)

Part G Provisions for the Western Cape Region (Country Areas)

Part H Provisions for the Western Cape Region (Knitting)

Part I Provisions for the Non-Metro Areas

by the employers and employees in the Clothing Industry who are members of the employers' organisations and the trade union, respectively.

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- (2) The provisions contained in Parts A to I of the National Main Collective Agreements published under Government Notice R. 252 of 14 April 2014 in gazette No. 37509, Government Notice R. 230 dated 20 March 2015 in gazette No 38592 and Government Notice R. 989 dated 16 October 2015 in gazette No. 39300, (Hereinafter referred to as the "Former Agreements") shall apply to employers and employees stipulated in the mentioned agreements and who falls under the jurisdiction of the National Bargaining Council for the Clothing Manufacturing Industry.

## 2. PERIOD OF OPERATION OF THIS AGREEMENT

1. This agreement is binding on the parties hereto from 1 September 2018 until 31 August 2024 unless the parties agree otherwise in writing.
2. The parties record that they intend to request the Minister of Labour to extend this agreement to non-parties in the Clothing Industry in terms of section 32 of the Labour Relations Act 66 of 1995. The period of operation of this agreement in respect of non-parties will be determined by the Minister. The Main Agreement as amended by this year's round of negotiations shall, subject to Ministerial approval, remain gazetted and extended to non-parties until 31 August 2024, unless the parties agree otherwise in writing.

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### 3. PART A (PROVISIONS FOR THE EASTERN CAPE REGION)

1. In Clause 3(1), substitute the existing expression, for the following new expression:

**"Complying employer"** means an employer whose company or concern is fully registered with the Council or a council which amalgamated to form the National Bargaining Council, which has given effect to the applicable Council Main and Benefit Fund Collective Agreements in each of its establishments or has received due exemption therefrom, who is up to date with Council and any Benefit Fund contributions, trade union, employer subscriptions or who has implemented a signed Council-approved arrears repayment plan and who has registered all permanent and contract employees with the Council;"

2. In clause 6.1(1), insert the following new expression preceding the existing wording:

"Where any of the Council's prescribed wage rates in the National Main Collective Agreement is less than the National Minimum Wage (NMW) it will be adjusted upwards to at least the NMW. The onus is on the employer to ensure that they are not in contravention of the NMW."

3. In clause 6.1(1), substitute the existing wage schedule with the following new wage schedule (for clothing establishments):

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WAGE SCHEDULE		GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees-on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
(a)	Foreman	2375.00	1900.00	2387.00	1909.50
(b)	Designer:				
	(i) Qualified:	3029.00	2423.00	3043.00	2434.50
	(ii) Learners:				
	first six months of experience	1033.00	872.00	1038.00	872.00
	second six months of experience	1203.50	963.00	1207.50	966.00
	third six months of experience	1440.50	1152.50	1447.00	1157.50
	fourth six months of experience	1603.50	1283.00	1612.00	1289.50
	fifth six months of experience	1783.00	1426.50	1793.50	1435.00
	sixth six months of experience	1934.00	1547.00	1943.00	1554.50
	seventh six months of experience	2105.00	1684.00	2116.00	1693.00
	eighth six months of experience	2274.50	1819.50	2286.50	1829.00
	next four months of experience	2414.50	1931.50	2424.00	1939.00
	Thereafter, the wage specified in (b)(i) i.e.	3029.00	2423.00	3043.00	2434.50
(c)	Grader:				
	(i) Qualified:	2176.00	1741.00	2186.00	1748.00
	(ii) Learners:				
	first six months of experience	1024.00	872.00	1028.00	872.00
	second six months of experience	1113.50	891.00	1118.50	895.00
	third six months of experience	1210.50	988.50	1218.00	974.50
	fourth six months of experience	1270.50	1016.50	1275.00	1020.00
	fifth six months of experience	1468.00	1175.00	1475.50	1180.50
	sixth six months of experience	1571.50	1257.00	1580.00	1284.00
	seventh six months of experience	1658.00	1326.50	1666.50	1333.00
	eighth six months of experience	1742.00	1393.50	1750.00	1400.00
	next four months of experience	1854.00	1483.00	1883.00	1490.50
	Thereafter, the wage specified in (c)(i) i.e.	2176.00	1741.00	2186.00	1748.00
(d)	Marker-in:				
	(i) Qualified:	1658.00	1326.50	1666.50	1333.00
	(ii) Learners:				
	first six months of experience	1024.00	872.00	1028.00	872.00

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WAGE SCHEDULE		GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Eas on incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Eas on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
DESCRIPTION OF OCCUPATION		R	R	R	R
	second six months of experience	1098.50	877.00	1103.00	882.50
	third six months of experience	1170.50	936.50	1176.00	941.00
	fourth six months of experience	1248.00	998.50	1253.00	1002.50
	next four months of experience	1394.00	1115.00	1401.00	1121.00
	Thereafter, the wage specified in (e)(i) i.e.	1658.00	1326.50	1666.50	1333.00
(e)	<b>Band-knife cutter:</b>				
	Qualified	1658.00	1326.50	1666.50	1333.00
Note: Subject to the availability of a band knife, only a qualified cutter-out shall progress to this class of employee					
(f)	<b>Cutter-out:</b>				
	(i) Qualified:	1466.00	1173.00	1472.00	1177.50
	(ii) Learners:				
	first six months of experience	1024.00	872.00	1028.00	872.00
	second six months of experience	1074.00	872.00	1078.00	872.00
	third six months of experience	1107.50	886.00	1112.00	889.50
	fourth six months of experience	1148.00	918.50	1152.00	921.50
	next four months of experience	1197.00	957.50	1203.50	963.00
	Thereafter, the wage specified in (f)(i) i.e.	1466.00	1173.00	1472.00	1177.50
(g)	<b>Layer-up:</b>				
	(i) Qualified:	1149.50	919.50	1153.50	923.00
	(ii) Learners:				
	first six months of experience	1024.00	872.00	1028.00	872.00
	second six months of experience	1047.50	872.00	1051.50	872.00
	third six months of experience	1064.50	872.00	1070.50	872.00
	fourth six months of experience	1080.00	872.00	1087.00	872.00
	Thereafter, the wage specified in (g)(i) i.e.	1149.50	919.50	1153.50	923.00
(h)	<b>Specialised presser:</b>				
	(i) Qualified:	1598.50	1279.00	1607.50	1286.00
	(ii) Learners:				
	first six months of experience	1024.00	872.00	1028.00	872.00

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WAGE SCHEDULE		GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
	second six months of experience	1066.50	872.00	1073.00	872.00
	third six months of experience	1105.00	884.00	1109.50	887.50
	fourth six months of experience	1148.00	918.50	1152.00	921.50
	fifth six months of experience	1194.50	955.50	1198.50	959.00
	sixth six months of experience	1234.50	987.50	1238.50	991.00
	seventh six months of experience	1349.00	1079.00	1357.50	1086.00
	eighth six months of experience	1398.50	1119.00	1405.00	1124.00
	next four months of experience	1429.50	1143.50	1436.00	1149.00
	Thereafter, the wage specified in (h)(i) i.e.	1598.50	1279.00	1807.50	1286.00
(i)	<b>Examiner:</b>				
	(i) Qualified:	1369.00	1095.00	1374.50	1099.50
	(ii) Learners:				
	first six months of experience	1148.00	918.50	1152.00	921.50
	Thereafter, the wage specified in (i)(i) i.e.	1369.00	1095.00	1374.50	1099.50
(j)(a)	<b>Machinist:</b>				
	(i) Qualified:	1342.50	1074.00	1348.00	1078.50
	(ii) Learners:				
	first six months of experience	1024.00	872.00	1028.00	872.00
	second six months of experience	1048.00	872.00	1052.50	872.00
	third six months of experience	1078.50	872.00	1085.50	872.00
	Thereafter, the wage specified in (j)(i) i.e.	1342.50	1074.00	1348.00	1078.50
(j)(b)	<b>Presser, trimmer, factory clerk, embroidery machinist and cloak room attendant:</b>				
	(i) Qualified:	1342.50	1074.00	1348.00	1078.50
	(ii) Learners:				
	first six months of experience	1024.00	872.00	1028.00	872.00
	second six months of experience	1048.00	872.00	1052.50	872.00
	third six months of experience	1078.50	872.00	1085.50	872.00
	fourth six months of experience	1116.00	893.00	1120.00	898.00
	next four months of experience	1145.00	916.00	1150.00	920.00
	Thereafter, the wage specified in (j)(i) i.e.	1342.50	1074.00	1348.00	1078.50

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WAGE SCHEDULE		GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
DESCRIPTION OF OCCUPATION		R	R	R	R
(k)	<b>Progress examiner:</b>				
	(i) Qualified:	1357.50	1086.00	1381.50	1089.00
	(ii) Learners:				
	first six months of experience	1076.50	872.00	1079.50	872.00
	Thereafter, the wage specified in (k)(i) i.e.	1357.50	1086.00	1381.50	1089.00
(l)	<b>Despatcher:</b>				
	(i) Qualified:	1285.00	1028.00	1289.50	1031.50
	(ii) Learners:				
	first six months of experience	1085.50	872.00	1089.00	872.00
	Thereafter, the wage specified in (l)(i) i.e.	1285.00	1028.00	1289.50	1031.50
(m)	<b>Checker in the Knitting section:</b>				
	(i) Qualified:	1140.00	912.00	1147.00	917.50
	(ii) Learners:				
	first six months of experience	1024.00	872.00	1028.00	872.00
	second six months of experience	1047.50	872.00	1051.50	872.00
	third six months of experience	1074.00	872.00	1078.00	872.00
	Thereafter, the wage specified in (m)(i) i.e.	1140.00	912.00	1147.00	917.50
(n)	<b>General Worker:</b>				
	(i) Qualified:	1107.00	885.50	1111.00	889.00
	(ii) Learners:				
	first six months of experience	1024.00	872.00	1028.00	872.00
	second six months of experience	1047.50	872.00	1051.50	872.00
	Thereafter, the wage specified in (n)(i) i.e.	1107.00	885.50	1111.00	889.00
(o)	<b>Steambox pleater:</b>				
	(i) Qualified:	1305.00	1044.00	1310.00	1048.00
	(ii) Learners:				
	first six months of experience	1024.00	872.00	1028.00	872.00
	second six months of experience	1071.00	872.00	1075.50	872.00
	third six months of experience	1105.00	884.00	1109.50	887.50

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WAGE SCHEDULE			GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION			Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
			R	R	R	R
		fourth six months of experience	1147.00	917.50	1151.00	921.00
		Thereafter, the wage specified in (o)(i) i.e.	1305.00	1044.00	1310.00	1048.00
(p)	Plain sewer:					
	(i)	Qualified:	1147.00	917.50	1151.00	921.00
	(ii)	Learners:				
		first six months of experience	1024.00	872.00	1028.00	872.00
		second six months of experience	1036.00	872.00	1040.00	872.00
		third six months of experience	1048.00	872.00	1052.50	872.00
		fourth six months of experience	1064.50	872.00	1070.50	872.00
		next four months of experience	1085.50	872.00	1089.00	872.00
		Thereafter, the wage specified in (p)(i) i.e.	1147.00	917.50	1151.00	921.00
(q)	General assistant		1253.00	1002.50	1258.50	1007.00
(r)	Cleaner		1116.00	893.00	1120.00	896.00
(s)	Tea maker		1116.00	893.00	1120.00	896.00
(t)	Watchman		1357.50	1086.00	1361.50	1089.00
(u)	Motor vehicle driver:					
	(i)	(aa) does not exceed 453 kg	1353.00	1082.50	1358.00	1086.50
		(ab) exceeds 453 kg but does not exceed 2 722 kg	1454.50	1163.50	1461.00	1169.00
		(ac) exceeds 2 722 kg but does not exceed 4 536 kg	1609.00	1287.00	1613.00	1290.50
		(ad) exceeds 4 536 kg	1881.00	1505.00	1891.00	1513.00
	(ii)	Part-time driver of a motor vehicle	1255.50	1004.50	1259.00	1007.00
(v)	Clinker:					
	(i)	Qualified:	2196.00	1757.00	2205.00	1764.00
	(ii)	Learners:				
		first six months of experience	1024.00	872.00	1028.00	872.00
		second six months of experience	1107.50	888.00	1112.00	889.50
		third six months of experience	1197.50	956.00	1205.00	964.00
		fourth six months of experience	1356.00	1084.00	1359.00	1087.00
		fifth six months of experience	1457.00	1165.50	1462.50	1170.00
		sixth six months of experience	1536.50	1229.00	1542.50	1234.00

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WAGE SCHEDULE		GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
	seventh six months of experience	1628.50	1303.00	1638.00	1310.50
	eighth six months of experience	1715.50	1372.50	1722.50	1378.00
	next four months of experience	1808.00	1446.50	1815.00	1452.00
	Thereafter, the wage specified in (v)(i) i.e.	2196.00	1757.00	2205.00	1784.00
( w )	Reader	1369.00	1095.00	1374.50	1099.50
( x )	Chlorinator	1231.00	985.00	1237.50	990.00
( y )	Componder	1457.00	1185.50	1462.50	1170.00
( z )	Dioper				
	(i) Qualified:				
	Category A	1457.00	1185.50	1462.50	1170.00
	Category B	1489.00	1191.00	1496.00	1197.00
	Category C	1539.00	1231.00	1544.00	1235.00
	(ii) Learners:	1108.00	896.50	1113.50	891.00
	first six months of experience to Category A	1457.00	1165.50	1462.50	1170.00
	first six months of experience to Category B	1489.00	1191.00	1496.00	1197.00
	first six months of experience to Category C	1766.50	1413.00	1774.50	1419.50
		1400.50	1120.50	1406.00	1125.00
( aa )	Glove turner	1176.00	941.00	1182.00	945.50
( ab )	Mouldmaker	1847.50	1478.00	1854.50	1483.50
( ac )	Packer	1134.00	907.00	1140.00	912.00
( ad )	Quality product co-ordinator	1781.50	1425.00	1788.50	1431.00
( ae )	A supervisor shall be paid the qualified rate applicable to the employees being supervised, plus 33% per cent:				
	Provided that-				
	(i) a trainee supervisor shall serve a probationary period not exceeding six months and shall be paid the qualified rate applicable to the employees being supervised, plus 10 per cent;				
	(ii) a trainee supervisor, who is not considered suitable for promotion after completion of the probationary period, shall return to his former position at his former wage.				
NB: All employees who employed on 01/11/2012 (New Ees) were placed on probation with the condition that if they do not meet the criteria for the wage for those employees, they shall be placed on the wage for those employees on 01/11/2012.					

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4. In clause 6.1(2), insert the following new expression preceding the existing wording:

"Where any of the Council's prescribed wage rates in the National Main Collective Agreement is less than the National Minimum Wage (NMW) it will be adjusted upwards to at least the NMW. The onus is on the employer to ensure that they are not in contravention of the NMW."

5. In clause 6.1(2), substitute the existing wage schedule with the following new wage schedule (for garment knitting establishments):

WAGE SCHEDULE	GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)				GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)			
	Note: Refer to "2008" Side Agreement between EPCMA & SACTWU. The calculation is based on 95% of Western Cape Knitting Wage Rates per week)		Note: Refer to "2008" Side Agreement between EPCMA & SACTWU		Note: Refer to "2008" Side Agreement between EPCMA & SACTWU. The calculation is based on 95% of Western Cape Knitting Wage Rates per week)		Note: Refer to "2008" Side Agreement between EPCMA & SACTWU	
DESCRIPTION OF OCCUPATION	Wage per week from 1 Mar 2021 to 31 Aug 2021 (Based on 42.5hrs per week)	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 1 Mar 2021 to 31 Aug 2021 (Based on 42hrs per week)	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 1 Mar 2021 to 31 Aug 2021 (Based on 42.5hrs per week)	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 1 Mar 2021 to 31 Aug 2021 (Based on 42hrs per week)	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)

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<b>Part A - Cutting Department</b>									
<b>Pattern Maker</b>									
(a)	Qualified	2585.00	2052.00	2535.00	2028.00	2576.00	2080.00	2544.50	2035.50
(b)	Learner								
	First year								
	First six months of experience	1438.50	1149.00	1419.50	1135.50	1481.00	1185.00	1463.50	1171.00
	Second six months of experience	1586.50	1269.00	1668.00	1254.50	1635.00	1308.00	1616.00	1293.00
	Second year								
	First six months of experience	1735.00	1388.00	1714.50	1371.50	1791.00	1433.00	1770.00	1416.00
	Second six months of experience	1894.50	1515.50	1872.00	1497.50	1955.50	1584.50	1932.50	1548.00
	Third year								
	First six months of experience	2068.50	1653.00	2042.00	1633.50	2132.00	1705.50	2107.00	1686.50
	Next four months of experience	2229.50	1783.50	2203.50	1763.00	2302.00	1841.50	2275.00	1820.00
	Thereafter, the wage specified in (a), i.e.	2585.00	2052.00	2535.00	2028.00	2576.50	2116.50	2514.50	2091.50
<b>Pattern Grader</b>									
(a)	Qualified	2088.50	1655.00	2044.00	1635.00	2133.00	1706.50	2108.00	1686.50
(b)	Learner								
	First year								
	First six months of experience	1350.00	1080.00	1334.00	1067.00	1395.00	1116.00	1378.50	1103.00
	Second six months of experience	1436.50	1149.00	1419.50	1135.50	1481.00	1185.00	1463.50	1171.00
	Second year								
	First six months of experience	1520.50	1216.50	1502.50	1202.00	1572.00	1257.50	1553.50	1243.00
	Second six months of experience	1629.50	1309.50	1610.50	1288.50	1682.00	1345.50	1662.00	1329.50
	Third year								
	First six months of experience	1735.00	1388.00	1714.50	1371.50	1791.00	1433.00	1770.00	1416.00
	Next four months of experience	1847.50	1478.00	1826.00	1461.00	1907.00	1525.50	1884.50	1507.50
	Thereafter, the wage specified in (a), i.e.	2088.50	1655.00	2044.00	1635.00	2133.00	1706.50	2108.00	1686.50
<b>Football Jersey Cutter</b>									
(a)	Qualified	1438.00	1150.50	1421.00	1137.00	1483.50	1187.00	1466.00	1173.00
(b)	Learner								
	First year								
	First six months of experience	1079.50	882.50	1067.00	872.00	1112.50	890.00	1099.50	879.50
	Second six months of experience	1145.00	916.00	1131.50	905.00	1180.00	944.00	1166.00	933.00
	Second year								
	First six months of experience	1203.50	983.00	1189.50	951.50	1242.50	994.00	1228.00	982.50
	Second six months of experience	1268.00	1014.50	1253.00	1002.50	1309.50	1047.50	1294.00	1035.00
	Third year								
	First four months of experience	1330.50	1064.50	1315.00	1052.00	1372.50	1098.00	1366.50	1085.00
	Thereafter, the wage specified in (a), i.e.	1438.00	1150.50	1421.00	1137.00	1483.50	1187.00	1466.00	1173.00
<b>Layer-up</b>									
(a)	Qualified	1240.00	992.00	1225.50	980.50	1278.50	1023.00	1263.50	1011.00
(b)	Learner								
	First year								
	First six months of	1043.50	882.50	1031.00	872.00	1077.00	882.50	1064.50	872.00

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WAGE SCHEDULE	GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)				GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)			
	Note: Refer to "2008" Side Agreement between EPCMA & SACTWU. The calculation is based on 95% of Western Cape Knitting Wage Rates per week)		Note: Refer to "2008" Side Agreement between EPCMA & SACTWU		Note: Refer to "2008" Side Agreement between EPCMA & SACTWU. The calculation is based on 95% of Western Cape Knitting Wage Rates per week)		Note: Refer to "2008" Side Agreement between EPCMA & SACTWU	
DESCRIPTION OF OCCUPATION	Wage per week from 1 Mar 2021 to 31 Aug 2021 (Based on 42.5hrs per week)	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 1 Mar 2021 to 31 Aug 2021 (Based on 42hrs per week)	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 1 Mar 2021 to 31 Aug 2021 (Based on 42.5hrs per week)	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 1 Mar 2021 to 31 Aug 2021 (Based on 42hrs per week)	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
	R	R	R	R	R	R	R	R
experience								
Second six months of experience	1079.50	882.50	1067.00	872.00	1112.50	890.00	1099.50	879.50
Second year								
First six months of experience	1127.50	902.00	1114.00	891.00	1164.00	931.00	1150.50	920.50
Thereafter, the wage specified in (a), i.e.	1240.00	992.00	1225.50	980.50	1278.50	1023.00	1263.50	1011.00
<b>Part B - Factory Operatives</b>								
<b>Grade A employee</b>								
(a) Qualified	1586.50	1269.00	1568.00	1254.50	1635.00	1308.00	1616.00	1293.00
(b) Learner								
First year								
First six months of experience	1116.50	893.00	1103.50	883.00	1150.50	920.50	1137.00	909.50
Second six months of experience	1202.50	962.00	1188.50	951.00	1240.50	992.50	1226.00	981.00
Second year								
First six months of experience	1285.50	1028.50	1270.50	1018.50	1325.50	1080.50	1310.00	1048.00
Second six months of experience	1350.00	1080.00	1334.00	1097.00	1395.00	1116.00	1378.50	1103.00
Third year								
First four months of experience	1438.00	1150.50	1421.00	1137.00	1483.50	1187.00	1466.00	1173.00
Thereafter, the wage specified in (a), i.e.	1586.50	1269.00	1568.00	1254.50	1635.00	1308.00	1616.00	1293.00

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WAGE SCHEDULE		GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)				GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)			
		Note: Refer to "2008" Side Agreement between EPCMA & SACTWU. The calculation is based on 90% of Western Cape Knitting Wage Rates per week)		Note: Refer to "2008" Side Agreement between EPCMA & SACTWU		Note: Refer to "2008" Side Agreement between EPCMA & SACTWU. The calculation is based on 95% of Western Cape Knitting Wage Rates per week)		Note: Refer to "2008" Side Agreement between EPCMA & SACTWU	
DESCRIPTION OF OCCUPATION		Wage per week from 1 Mar 2021 to 31 Aug 2021 (Based on 42.5hrs per week)	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 1 Mar 2021 to 31 Aug 2021 (Based on 42hrs per week)	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 1 Mar 2021 to 31 Aug 2021 (Based on 42.5hrs per week)	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 1 Mar 2021 to 31 Aug 2021 (Based on 42hrs per week)	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R	R	R	R	R
<b>Grade B employee</b>									
(a)	Qualified	1355.00	1084.00	1339.00	1071.00	1397.50	1118.00	1381.00	1105.00
(b)	Learner								
	First year								
	First six months of experience	1099.50	882.50	1086.50	872.00	1136.00	908.00	1121.50	897.00
	Second six months of experience	1157.00	925.50	1143.50	915.00	1193.50	955.00	1179.50	943.50
	Second year								
	First six months of experience	1215.50	972.50	1201.00	961.00	1254.00	1003.00	1239.00	991.00
	Thereafter, the wage specified in (a), i.e.	1355.00	1084.00	1339.00	1071.00	1397.50	1118.00	1381.00	1105.00
(c)	If advanced to Grade A employee:								
	First six months from date of advancement	1355.00	1084.00	1339.00	1071.00	1397.50	1118.00	1381.00	1105.00
	Second six months from date of advancement	1395.50	1116.50	1379.00	1103.00	1440.00	1152.00	1423.00	1139.50
	Third six months from date of advancement	1438.00	1150.50	1421.00	1137.00	1483.50	1187.00	1466.00	1173.00
	Thereafter, the wage specified for a qualified Grade A employee, i.e.	1586.50	1269.00	1568.00	1254.50	1635.00	1308.00	1616.00	1293.00
<b>Grade C employee</b>									
(a)	Qualified	1202.50	982.00	1188.50	951.00	1240.50	992.50	1226.00	981.00
(b)	Learner								

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WAGE SCHEDULE		GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)				GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)			
		Note: Refer to "2008" Side Agreement between EPCMA & SACTWU. The calculation is based on 95% of Western Cape Knitting Wage Rates per week)		Note: Refer to "2008" Side Agreement between EPCMA & SACTWU		Note: Refer to "2008" Side Agreement between EPCMA & SACTWU. The calculation is based on 95% of Western Cape Knitting Wage Rates per week)		Note: Refer to "2008" Side Agreement between EPCMA & SACTWU	
DESCRIPTION OF OCCUPATION		Wage per week from 1 Mar 2021 to 31 Aug 2021 (Based on 42.5hrs per week)	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 1 Mar 2021 to 31 Aug 2021 (Based on 42hrs per week)	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 1 Mar 2021 to 31 Aug 2021 (Based on 42.5hrs per week)	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 1 Mar 2021 to 31 Aug 2021 (Based on 42hrs per week)	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R	R	R	R	R
	First year								
	First six months of experience	1078.00	882.50	1065.50	872.00	1111.50	888.00	1098.50	879.00
	Second six months of experience	1108.00	886.50	1095.00	876.00	1143.50	915.00	1130.00	904.00
	Thereafter, the wage specified in (a), i.e.	1202.50	982.00	1188.50	951.00	1240.50	992.50	1226.00	981.00
(c)	If advanced to Grade B employee:								
	First six months from date of advancement	1202.50	982.00	1188.50	951.00	1240.50	992.50	1226.00	981.00
	Second six months from date of advancement	1216.50	972.50	1201.00	961.00	1254.00	1003.00	1239.00	991.00
	Thereafter, the wage specified for a qualified Grade B employee, i.e.	1356.00	1084.00	1339.00	1071.00	1397.50	1118.00	1381.00	1105.00
<b>Part C - Clerical Employees</b>									
<b>Clerk</b>									
(a)	Qualified	1745.50	1398.50	1725.00	1380.00	1802.00	1441.50	1781.00	1425.00
(b)	Learner								
	First year	1289.00	1031.00	1274.00	1019.00	1328.00	1062.50	1312.50	1050.00
	Second year	1400.50	1120.50	1384.00	1107.00	1445.00	1156.00	1428.00	1142.50
	Third year								
	First four months of experience	1531.00	1225.00	1513.00	1210.50	1580.00	1284.00	1561.50	1249.00
	Thereafter, the wage	1745.50	1398.50	1725.00	1380.00	1802.00	1441.50	1781.00	1425.00

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WAGE SCHEDULE		GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)				GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)			
		Note: Refer to "2008" Side Agreement between EPCMA & SACTWU. The calculation is based on 95% of Western Cape Knitting Wage Rates per week)		Note: Refer to "2008" Side Agreement between EPCMA & SACTWU		Note: Refer to "2008" Side Agreement between EPCMA & SACTWU. The calculation is based on 95% of Western Cape Knitting Wage Rates per week)		Note: Refer to "2008" Side Agreement between EPCMA & SACTWU	
DESCRIPTION OF OCCUPATION		Wage per week from 1 Mar 2021 to 31 Aug 2021 (Based on 42.5hrs per week)	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable to the Minimum Wage Payable plus incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 1 Mar 2021 to 31 Aug 2021 (Based on 42hrs per week)	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable to the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 1 Mar 2021 to 31 Aug 2021 (Based on 42.5hrs per week)	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable to the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 1 Mar 2021 to 31 Aug 2021 (Based on 42hrs per week)	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable to the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
	specified in (a), i.e.	R	R	R	R	R	R	R	R
<b>Factory Clerk</b>									
(a)	Qualified	1309.50	1047.50	1294.00	1035.00	1353.00	1082.50	1337.00	1069.50
(b)	Learner								
	First year	1043.50	882.50	1031.00	872.00	1077.00	882.50	1084.50	872.00
	Second year	1112.00	889.50	1099.00	879.00	1147.50	918.00	1134.00	907.00
	Third year								
	First four months of experience	1202.50	962.00	1188.50	951.00	1240.50	992.50	1228.00	981.00
	Thereafter, the wage specified in (a), i.e.	1309.50	1047.50	1294.00	1035.00	1353.00	1082.50	1337.00	1069.50
<b>Part D - General</b>									
	Boller attendant	1244.00	995.00	1229.50	983.50	1286.00	1028.00	1270.00	1018.00
	Despatch packer	1295.50	1028.50	1270.50	1018.50	1325.50	1060.50	1310.00	1048.00
	General Worker	1202.50	962.00	1188.50	951.00	1240.50	992.50	1226.00	981.00
	Labourer	1216.50	972.50	1201.00	961.00	1254.00	1003.00	1239.00	991.00
Motor vehicle driver of a vehicle, the unladen mass of which, together with the unladen mass of any trailer or trailers drawn by such vehicle -									
(a)	does not exceed 1 380 kg	1285.50	1028.50	1270.50	1018.50	1325.50	1060.50	1310.00	1048.00
(b)	exceeds 1 380 but not 2 720 kg	1334.50	1067.50	1319.00	1055.00	1376.50	1100.50	1359.50	1087.50
(c)	exceeds 2 720 kg	1520.50	1216.50	1502.50	1202.00	1572.00	1257.50	1559.50	1243.00
	Supervisor, quality controller and instructor	1629.50	1303.50	1610.50	1288.50	1682.00	1345.50	1662.00	1328.50
	Traveller's driver	1334.50	1067.50	1319.00	1055.00	1376.50	1100.50	1359.50	1087.50
	Watchman or caretaker, whose ordinary hours of work								

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WAGE SCHEDULE	GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)				GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)			
	Note: Refer to "2009" Side Agreement between EPCMA & SACTWU. The calculation is based on 95% of Western Cape Knitting Wage Rates per week)		Note: Refer to "2009" Side Agreement between EPCMA & SACTWU		Note: Refer to "2009" Side Agreement between EPCMA & SACTWU. The calculation is based on 95% of Western Cape Knitting Wage Rates per week)		Note: Refer to "2009" Side Agreement between EPCMA & SACTWU	
DESCRIPTION OF OCCUPATION	Wage per week from 1 Mar 2021 to 31 Aug 2021 (Based on 42.5hrs per week)	New Ees on incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 1 Mar 2021 to 31 Aug 2021 (Based on 42hrs per week)	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 1 Mar 2021 to 31 Aug 2021 (Based on 42.5hrs per week)	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 1 Mar 2021 to 31 Aug 2021 (Based on 42hrs per week)	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
are -	R	R	R	R	R	R	R	R
(a) less than 60 hours per week	1386.50	1109.00	1370.00	1088.00	1430.00	1144.00	1413.00	1130.50
(b) 60 hours per week	1455.00	1164.00	1438.00	1150.50	1502.50	1202.00	1485.00	1188.00

MB: All employees and employers should refer to the new wage schedule for the 2020/2021 period. The new wage schedule is effective from 1 March 2021. The new wage schedule is available on the website of the Department of Labour, Western Cape: [www.labour.gov.za](http://www.labour.gov.za)

6. In the following table of clauses, substitute the existing expression, for the new expression:

Clause No.	Existing 2019/2020	New 2020/2021
6.3(2)	1 September 2019	1 March 2021
12.1(3)(b)	R1,39	R1,45
12.2	47 cents	49 cents

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Clause No.	Existing 2019/2020	New 2020/2021
12.4	70 cents	73 cents
14.1(1)	R2,99	R3,10
14.1(2)	R4,57	R4,74
15(1)	31 August 2020	31 August 2021
15(1)	1 September 2019	1 September 2020
Annexure C of Clause 19(5)	19 cents	20 cents

7. In clause 6.11, insert the following new paragraph:

"A once-off payment equivalent to one (1) day's pay at the rates applicable as at the end of December 2020 shall be paid to all employees by no later than 1<sup>st</sup> June 2021.", after the expression "in attending to union business".

4. PART B (PROVISIONS FOR THE FREE STATE AND NORTHERN CAPE REGION)

1. In Clause 3(1), substitute the existing expression, for the following new expression:

**"Complying employer"** means an employer whose company or concern is fully registered with the Council or a council which amalgamated to form the National Bargaining Council, which has given effect to the applicable Council

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Main and Benefit Fund Collective Agreements in each of its establishments or has received due exemption therefrom, who is up to date with Council and any Benefit Fund contributions, trade union, employer subscriptions or who has implemented a signed Council-approved arrears repayment plan and who has registered all permanent and contract employees with the Council.”

- In clause 4(1), insert the following new expression preceding the existing wording:

“Where any of the Council's prescribed wage rates in the National Main Collective Agreement is less than the National Minimum Wage (NMW) it will be adjusted upwards to at least the NMW. The onus is on the employer to ensure that they are not in contravention of the NMW.”

- In clause 4(1), substitute the existing wage schedule with the following new wage schedule:

WAGE SCHEDULE	GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
	DESCRIPTION OF OCCUPATION	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021
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WAGE SCHEDULE		GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
(i)	(a) Foreman	3912.00	3129.50	3930.00	3144.00
	(b) Supervisor/Quality Controller				
	(i) Qualified	1598.50	1279.00	1607.50	1288.00
	(ii) Learners				
	first six months of experience	1097.50	878.00	1103.00	882.50
	second six months of experience	1310.00	1048.00	1316.50	1053.00
	Thereafter, the wage specified in (i)(i) i.e.	1598.50	1279.00	1607.50	1288.00
	(c) Cloakroom Supervisor/Watchman	1114.50	891.50	1118.00	894.50
	(d) Mechanic	3670.50	2936.50	3688.00	2950.50
	(e) Unqualified Mechanic	1367.50	1094.00	1375.50	1100.50
	(f) Watchman	1114.50	891.50	1118.00	894.50
	(g) Labourer	872.00	872.00	904.50	872.00
	(h) Boiler Attendant	957.00	872.00	961.50	872.00
(ii)	Pattern Grader				
	(i) Qualified	2072.50	1658.00	2082.00	1665.50
	(ii) Learners				
	first six months of experience	904.50	872.00	904.50	872.00
	second six months of experience	969.50	872.00	962.50	872.00
	third six months of experience	1116.50	893.00	1122.50	898.00
	fourth six months of experience	1279.50	1023.50	1285.00	1028.00
	fifth six months of experience	1437.00	1149.50	1441.00	1153.00
	sixth six months of experience	1593.00	1274.50	1600.50	1280.50
	seventh six months of experience	1752.00	1401.50	1759.50	1407.50
	next four months of experience	1910.50	1628.50	1917.50	1534.00
	Thereafter, the wage specified in (i)(i) i.e.	2072.50	1658.00	2082.00	1665.50
(iii)	Marker-In				
	(i) Qualified	1598.50	1279.00	1607.50	1288.00
	(ii) Learners				
	first six months of experience	904.50	872.00	904.50	872.00
	second six months of experience	904.50	872.00	904.50	872.00
	third six months of experience	1004.00	872.00	1007.00	872.00
	fourth six months of experience	1099.50	879.50	1105.00	884.00
	fifth six months of experience	1202.00	961.50	1206.00	965.00
	sixth six months of experience	1298.50	1039.00	1305.00	1044.00
	seventh six months of experience	1399.50	1119.50	1406.50	1125.00
	next four months of experience	1496.50	1197.00	1503.00	1202.50

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WAGE SCHEDULE		GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
	Thereafter, the wage specified in (ii)(i) i.e.	1598.50	1279.00	1607.50	1286.00
(iv)	Shaper & Chopper-out, other than an interlining and/or trimming chopper-out				
	(i) Qualified	1281.00	1025.00	1288.50	1031.00
	(ii) Learners				
	first six months of experience	904.50	872.00	904.50	872.00
	second six months of experience	904.50	872.00	904.50	872.00
	third six months of experience	936.50	872.00	943.00	872.00
	fourth six months of experience	1022.50	872.00	1025.00	872.00
	fifth six months of experience	1107.50	886.00	1114.50	891.50
	next four months of experience	1195.00	966.00	1201.00	961.00
	Thereafter, the wage specified in (iv)(i) i.e.	1281.00	1025.00	1288.50	1031.00
(v)	Checker, Examiner and/or Passer				
	(i) Qualified	1114.50	891.50	1118.00	894.50
	(ii) Learners				
	first six months of experience	904.50	872.00	904.50	872.00
	second six months of experience	904.50	872.00	904.50	872.00
	third six months of experience	936.50	872.00	943.00	872.00
	next four months of experience	1023.00	872.00	1026.00	872.00
	Thereafter, the wage specified in (v)(i) i.e.	1114.50	891.50	1118.00	894.50
(vi)	(a) Invoice Clerk				
	(i) Qualified	1598.50	1279.00	1607.50	1286.00
	(ii) Learners				
	first six months of experience	1152.00	921.50	1167.50	926.00
	Thereafter, the wage specified in (vi)(a)(i) i.e.	1598.50	1279.00	1607.50	1286.00
	(b) Despatch Clerk, Factory Clerk and/or Stores Clerk				
	(i) Qualified	1171.00	937.00	1176.00	941.00
	(ii) Learners				
	first six months of experience	904.50	872.00	904.50	872.00
	second six months of experience	1005.00	872.00	1008.50	872.00
	Thereafter, the wage specified in (vi)(b)(i) i.e.	1171.00	937.00	1176.00	941.00

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WAGE SCHEDULE		GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
(vii)	Sewing Machinist engaged in setting in sleeves and/or sewing round men's and ladies' tailored coats and overcoats:				
	(i) Qualified	1261.50	1009.00	1200.00	1013.00
	(ii) Learners				
	first six months of experience	904.50	872.00	904.50	872.00
	second six months of experience	904.50	872.00	904.50	872.00
	third six months of experience	925.50	872.00	920.00	872.00
	fourth six months of experience	1008.50	872.00	1012.50	872.00
	fifth six months of experience	1091.50	873.00	1098.50	879.00
	next four months of experience	1178.00	942.50	1183.50	947.00
	Thereafter, the wage specified in (vii)(i) i.e.	1261.50	1009.00	1266.00	1013.00
(viii)	Driver of a Motor Vehicle, the unladen mass of which together with the unladen mass of any trailer/trailers drawn by such vehicle—:				
	(a) Does not exceed 2 722 kg	1378.50	1103.00	1385.50	1108.50
	(b) Exceeds 2 722 kg	1603.00	1282.50	1611.00	1289.00
(ix)	Part-time Driver of a Motor Vehicle	1256.00	1005.00	1261.50	1009.00
(x)	Knitting Machine Operator				
	(i) Qualified	1643.00	1314.50	1652.00	1321.50
	(ii) Learners				
	first six months of experience	904.50	872.00	904.50	872.00
	second six months of experience	909.00	872.00	914.50	872.00
	third six months of experience	1055.00	872.00	1058.50	872.00
	fourth six months of experience	1203.00	962.50	1206.50	965.00
	fifth six months of experience	1348.50	1079.00	1353.50	1083.00
	next four months of experience	1497.00	1197.50	1504.50	1203.50
	Thereafter, the wage specified in (x)(i) i.e.	1643.00	1314.50	1652.00	1321.50
(xi)	Maintenance hand				
	(i) Qualified	943.00	872.00	945.50	872.00
	(ii) Learners				
	first six months of experience	904.50	872.00	904.50	872.00
	second six months of experience	904.50	872.00	904.50	872.00
	third six months of experience	904.50	872.00	904.50	872.00
	fourth six months of experience	904.50	872.00	904.50	872.00
	next four months of experience	908.50	872.00	914.00	872.00

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WAGE SCHEDULE		GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Eas on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Eas on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
	Thereafter, the wage specified in (x)(i) i.e.	943.00	872.00	945.50	872.00
<b>B. IN THE MAGISTERIAL DISTRICTS OF BLOEMFONTEIN, KIMBERLEY AND KROONSTAD</b>					
(i)	Sewing Machinist				
(a)	(i) Qualified	1114.50	891.50	1118.00	894.50
	(ii) Learners				
	first six months of experience	904.50	872.00	904.50	872.00
	second six months of experience	904.50	872.00	904.50	872.00
	third six months of experience	904.50	872.00	904.50	872.00
	Thereafter, the wage specified in (i)(i) i.e.	1114.50	891.50	1118.00	894.50
(i)	Invisible Mender, Finisher, Presser, Trimmer, Marker-In and/or Chopper-out of linings and trimmings, Former Scriber and Screen Printer				
(b)	(i) Qualified	1114.50	891.50	1118.00	894.50
	(ii) Learners				
	first six months of experience	904.50	872.00	904.50	872.00
	second six months of experience	904.50	872.00	904.50	872.00
	third six months of experience	904.50	872.00	904.50	872.00
	fourth six months of experience	936.50	872.00	943.00	872.00
	fifth six months of experience	994.50	872.00	999.00	872.00
	next four months of experience	1054.50	872.00	1057.50	872.00
	Thereafter, the wage specified in (i)(i) i.e.	1114.50	891.50	1118.00	894.50
	Set Leader and/or Team Leader	1183.50	947.00	1188.00	950.50
(ii)	General Worker/Plaster				
	(i) Qualified	904.50	872.00	904.50	872.00
	(ii) Learners				
	first six months of experience	904.50	872.00	904.50	872.00
	second six months of experience	904.50	872.00	904.50	872.00
	Thereafter, the wage specified in (ii)(i) i.e.	904.50	872.00	904.50	872.00
(iii)	Despatch Packer and Layer-up				
	(i) Qualified	904.50	872.00	904.50	872.00
	(ii) Learners				
	first six months of experience	904.50	872.00	904.50	872.00
	second six months of experience	904.50	872.00	904.50	872.00

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WAGE SCHEDULE		GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
	Thereafter, the wage specified in (ii)(i) i.e.	904.50	872.00	904.50	872.00
(iv)	Plain Sewer				
	(i) Qualified	909.00	872.00	914.50	872.00
	(ii) Learners				
	first six months of experience	904.50	872.00	904.50	872.00
	Thereafter, the wage specified in (iv)(i) i.e.	909.00	872.00	914.50	872.00
(v)	Sample Machinist	1266.00	1013.00	1273.00	1018.50
<b>C. IN THE MAGISTERIAL DISTRICTS OF FRANKFORT, PARYS AND VREDEFORT</b>					
(i)	Sewing Machinist				
(a)					
	(i) Qualified:	1070.50	872.00	1074.00	872.00
	(ii) Learners:				
	first six months of experience	904.50	872.00	904.50	872.00
	second six months of experience	904.50	872.00	904.50	872.00
	third six months of experience	904.50	872.00	904.50	872.00
	Thereafter, the wage specified in (i)(a)(i) i.e.	1070.50	872.00	1074.00	872.00
(i)	Invisible Mender, Finlether, Presser, Trimmer, Marker-in and/or Chopper-out of linings and trimmings, Former Scriber and Screen Printer.				
(b)					
	(i) Qualified:	1070.50	872.00	1074.00	872.00
	(ii) Learners:				
	first six months of experience	904.50	872.00	904.50	872.00
	second six months of experience	904.50	872.00	904.50	872.00
	third six months of experience	904.50	872.00	904.50	872.00
	fourth six months of experience	905.50	872.00	907.50	872.00
	fifth six months of experience	956.00	872.00	960.50	872.00
	Next four months of experience	1013.00	872.00	1016.00	872.00
	Thereafter, the wage specified in (i)(b)(i) i.e.	1070.50	872.00	1074.00	872.00
	Set Leader and/or Team Leader	1137.50	910.00	1142.00	913.50
(ii)	General Worker/Plaster				
	(i) Qualified	904.50	872.00	904.50	872.00
	(ii) Learners				
	first six months of experience	904.50	872.00	904.50	872.00
	second six months of experience	904.50	872.00	904.50	872.00

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WAGE SCHEDULE		GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Eas on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Eas on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
	Thereafter, the wage specified in (i)(i) i.e.	904.50	872.00	904.50	872.00
(iii)	<b>Despatch Packer</b>				
	(i) Qualified	904.50	872.00	904.50	872.00
	(ii) Learners				
	first six months of experience	904.50	872.00	904.50	872.00
	second six months of experience	904.50	872.00	904.50	872.00
	Thereafter, the wage specified in (iii)(i) i.e.	904.50	872.00	904.50	872.00
(iv)	<b>Layer-Up</b>				
	(i) Qualified	904.50	872.00	904.50	872.00
	(ii) Learners				
	first six months of experience	904.50	872.00	904.50	872.00
	second six months of experience	904.50	872.00	904.50	872.00
	Thereafter, the wage specified in (iii)(i) i.e.	904.50	872.00	904.50	872.00
(v)	<b>Plain Sewer</b>				
	(i) Qualified	904.50	872.00	904.50	872.00
	(ii) Learners				
	first six months of experience	904.50	872.00	904.50	872.00
	Thereafter, the wage specified in (iv)(i) i.e.	904.50	872.00	904.50	872.00
(vi)	<b>Sample Machinist</b>	1215.50	972.50	1219.00	975.00

**NB:** All employers who employed staff on 20 (1) 2012 New Entry Wage Dispensation must, with the coming into effect of this agreement, increase the Weekly Wage for those employees by the agreed Wage Increase of 3.7% (Agreed by Boss)

4. In clause 13(8), insert the following new sub-clause (a):

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- “(a) A once-off payment equivalent to one (1) day’s pay at the rates applicable as at the end of December 2020 shall be paid to all employees by no later than 1<sup>st</sup> June 2021.”

5. In the following table of clauses, substitute the existing expression, for the new expression:

Clause No.	Existing 2019/2020	New 2020/2021
20(1)(a)	R3,04	R3,15
20(1)(b)	R3,27	R3,39
21(3)	R25,23	R26,16
23D(1)	47 cents	49 cents
23E(2)	71 cents	74 cents
35(5)	20 cents	21 cents
36(1)	31 August 2020	31 August 2021
36(1)	1 September 2019	1 September 2020

#### 5. PART C (PROVISIONS FOR THE KWAZULU-NATAL REGION)

1. In Clause 3(1), substitute the existing expression, for the following new expression:

“**Complying employer**” means an employer whose company or concern is fully registered with the Council or a council which amalgamated to form the National Bargaining Council, which has given effect to the applicable Council

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Main and Benefit Fund Collective Agreements in each of its establishments or has received due exemption therefrom, who is up to date with Council and any Benefit Fund contributions, trade union, employer subscriptions or who has implemented a signed Council-approved arrears repayment plan and who has registered all permanent and contract employees with the Council;"

- In clause 4(1)(a), insert the following new expression preceding the existing wording:

"Where any of the Council's prescribed wage rates in the National Main Collective Agreement is less than the National Minimum Wage (NMW) it will be adjusted upwards to at least the NMW. The onus is on the employer to ensure that they are not in contravention of the NMW."

- In clause 4(1)(a), substitute the existing wage schedule with the following new wage schedule (for clothing establishments):

WAGE SCHEDULE	Group A (i.e. Employers contributing to the Productivity Incentive Scheme)		Group B (i.e. Employers NOT contributing to the Productivity Incentive Scheme)		
	Description of Occupation	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R

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*[Handwritten signature]*  
*[Handwritten initials]*

WAGE SCHEDULE		Group A (i.e. Employers contributing to the Productivity Incentive Scheme)		Group B (i.e. Employers NOT contributing to the Productivity Incentive Scheme)	
Description of Occupation		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
<b>GRADE 1</b>					
(a)	Qualified	1430.15	1144.10	1436.75	1149.40
(b)	Learner				
	0 - 6 months	943.95	882.30	948.40	882.30
	7 - 12 months	1044.20	882.30	1049.00	882.30
	13 - 18 months **	1144.25	915.40	1149.60	919.70
	Thereafter, the qualifying wage applies	1430.15	1144.10	1436.75	1149.40
<b>GRADE 2</b>					
(a)	Qualified	1242.90	994.30	1248.80	999.05
(b)	Learner				
	0 - 6 months	938.90	882.30	943.25	882.30
	Thereafter, the qualifying wage applies	1242.90	994.30	1248.80	999.05
<b>GRADE A</b>					
(a)	Qualified	1273.55	1018.85	1279.30	1023.45
(b)	Learner				
	0 - 6 months	989.20	882.30	993.90	882.30
	Thereafter, the qualifying wage applies	1273.55	1018.85	1279.30	1023.45
<b>HEAD CUTTER</b>		2281.70	1825.95	2292.15	1833.70
<b>ASSISTANT HEAD CUTTER</b>		1825.20	1480.15	1833.55	1466.85
<b>CUTTER/TRIMMER</b>					
(a)	Qualified	1433.60	1146.90	1440.30	1152.25
(b)	Learner				
	0 - 6 months	899.20	882.30	903.45	882.30
	7 - 12 months	1004.75	882.30	1009.15	882.30
	13 - 18 months	1105.95	884.75	1111.15	888.90
	19 - 22 months	1226.25	981.00	1231.75	985.40
	Thereafter, the qualifying wage applies	1433.60	1146.90	1440.30	1152.25
<b>BAND KNIFE CUTTER</b>					

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WAGE SCHEDULE		Group A (i.e. Employers contributing to the Productivity Incentive Scheme)		Group B (i.e. Employers NOT contributing to the Productivity Incentive Scheme)	
Description of Occupation		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
(a)	Qualified	1508.75	1207.00	1515.65	1212.50
(b)	Learner				
	0 - 6 months	1006.05	882.30	1010.60	882.30
	7 - 12 months	1117.20	893.75	1122.45	897.95
	13 - 18 months	1219.10	975.30	1224.90	979.90
	19 - 22 months	1335.20	1088.15	1341.30	1073.05
	Thereafter, the qualifying wage applies	1508.75	1207.00	1515.65	1212.50
<b>MECHANIC</b>					
(a)	Qualified	2452.05	1961.65	2463.30	1970.65
(b)	Learner				
	0 - 6 months	1131.35	905.10	1136.40	909.10
	7 - 12 months	1299.15	1039.30	1305.25	1044.20
	13 - 18 months	1490.95	1192.75	1498.10	1198.50
	19 - 24 months	1682.90	1346.30	1690.80	1352.65
	25 - 30 months	1867.45	1509.95	1896.30	1517.05
	31 - 36 months	2075.60	1660.50	2085.15	1688.10
	37 - 40 months	2260.55	1808.45	2271.10	1816.90
	Thereafter, the qualifying wage applies	2452.05	1961.65	2463.30	1970.65
<b>CLERK *</b>					
(a)	Qualified	1532.60	1226.10	1539.75	1231.80
(b)	Learner				
	0 - 6 months	1042.05	882.30	1046.65	882.30
	7 - 12 months	1176.60	841.30	1182.00	845.60
	13 - 18 months	1287.20	1029.75	1293.05	1034.45
	Thereafter, the qualifying wage applies	1532.60	1226.10	1539.75	1231.80
<b>WATCHMAN</b>		1284.55	1027.65	1290.45	1032.35
<b>DRIVER 1</b>		1208.55	965.25	1212.15	969.70
<b>DRIVER 2</b>		1318.40	1054.70	1324.50	1058.60

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WAGE SCHEDULE	Group A (i.e. Employers contributing to the Productivity Incentive Scheme)		Group B (i.e. Employers NOT contributing to the Productivity Incentive Scheme)	
	Description of Occupation	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021
	R	R	R	R
DRIVER 3	1537.30	1229.85	1544.45	1235.55
DRIVER 4	1856.70	1486.35	1865.40	1492.30
FOREPERSON	1757.75	1408.20	1765.95	1412.75
* Provided a registered productivity incentive scheme is in place.				
** Provided that a sewing machinist (grade 1) should be paid the qualified rate of pay after 18 months of experience.				
NB: All employers who employed staff on 20/11/2012 New Entry Wage Dispensation must with the coming into effect of this agreement, increase the Weekly Wage for those employees by the agreed Wage increase of 32% across the Board.				

4. In clause 4(1)(b), insert the following new expression preceding the existing wording:

"Where any of the Council's prescribed wage rates in the National Main Collective Agreement is less than the National Minimum Wage (NMW) it will be adjusted upwards to at least the NMW. The onus is on the employer to ensure that they are not in contravention of the NMW."

5. In clause 4(1)(b), substitute the existing wage schedule with the following new wage schedule (for garment knitting establishments):

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(b)

WAGE SCHEDULE		Group A (i.e. Employers contributing to the Productivity Incentive Scheme)		Group B (i.e. Employers NOT contributing to the Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage rate per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus incentive has been adjusted to comply with the National Minimum Wage)	Wage rate per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
(i)	Foreman:	2684.65	2147.65	2697.00	2157.60
(ii)	Dyer: (See (iv) below)				
(iii)	Storeman:				
	(i) Qualified:	2684.05	2067.25	2695.85	2076.75
	(ii) Learners:				
	first six months of experience	933.55	882.30	937.95	882.30
	second six months of experience	1346.20	1076.95	1352.35	1081.90
	third six months of experience	1769.05	1407.25	1787.15	1413.70
	next four months of experience	2171.50	1737.20	2181.50	1745.20
	Thereafter, the wage specified in (iii)(i) i.e.	2684.05	2067.25	2695.85	2076.75
(iv)	Mechanic/Dyer:				
	(i) Qualified:	2684.55	2147.65	2697.00	2157.60
	(ii) Learners:				
	first six months of experience	833.55	882.30	937.95	882.30
	second six months of experience	1108.35	886.70	1113.70	890.95
	third six months of experience	1283.50	1026.80	1289.60	1031.70
	fourth six months of experience	1458.90	1167.10	1465.80	1172.40
	fifth six months of experience	1634.10	1307.30	1641.85	1313.50
	sixth six months of experience	1808.68	1446.90	1817.00	1453.60
	seventh six months of experience	1984.25	1587.40	1993.45	1594.75
	eighth six months of experience	2159.30	1727.46	2169.40	1735.60
	ninth six months of experience	2334.20	1867.35	2345.05	1876.05
	next four months of experience	2509.30	2007.85	2521.35	2017.10
	Thereafter, the wage specified in (iv)(i) i.e.	2684.55	2147.65	2697.00	2157.60
(v)	Mechanic's Assistant:				
	(i) Qualified:	1752.55	1408.85	1766.75	1413.40
	(ii) Learners:				
	first six months of experience	933.55	882.30	937.95	882.30
	second six months of experience	1015.25	882.30	1019.95	882.30
	third six months of experience	1098.95	882.30	1104.05	882.25
	fourth six months of experience	1180.45	944.35	1185.95	948.75

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WAGE SCHEDULE		Group A (i.e. Employers contributing to the Productivity Incentive Scheme)		Group B (i.e. Employers NOT contributing to the Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage rate per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage rate per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
	fifth six months of experience	1263.45	1010.75	1269.45	1015.55
	sixth six months of experience	1346.30	1077.05	1352.55	1082.05
	seventh six months of experience	1428.35	1142.70	1435.00	1148.00
	eighth six months of experience	1511.30	1209.05	1518.05	1214.45
	ninth six months of experience	1593.35	1274.70	1600.70	1280.55
	next four months of experience	1676.05	1340.85	1683.65	1346.90
	Thereafter, the wage specified in (v)(i) i.e.	1758.55	1406.85	1766.75	1413.40
(vi)	Supervisor:	1859.00	1487.20	1867.60	1494.10
(vii)	Final Examiner of fully-fashioned garments:	1726.35	1381.10	1734.30	1387.45
(viii)	Factory Clerk, Despatch Clerk, Stores Clerk:				
(i)	Qualified:	1690.35	1352.30	1698.25	1358.80
(ii)	Learners:				
	first six months of experience	933.56	882.30	937.95	882.30
	second six months of experience	1122.56	898.05	1127.85	902.30
	third six months of experience	1311.55	1049.50	1318.05	1054.45
	next four months of experience	1501.30	1201.05	1508.25	1206.60
	Thereafter, the wage specified in (viii)(i) i.e.	1690.35	1352.30	1698.25	1358.80
(ix)	Knitting Machine Operator, Warp Knitting Machine Operator, Dyer's Assistant, Colouring Mass-Measurer and/or Cutter or Shaper (Knitting) of fully-fashioned garments, Handyman and Warper:				
(i)	Qualified:	1690.35	1352.30	1698.25	1358.80
(ii)	Learners:				
	first six months of experience	933.55	882.30	937.95	882.30
	second six months of experience	1059.30	882.30	1064.40	882.30
	third six months of experience	1185.30	948.25	1190.85	952.70
	fourth six months of experience	1311.85	1049.50	1318.15	1064.50
	fifth six months of experience	1437.95	1150.35	1444.50	1155.60
	next four months of experience	1564.40	1261.50	1571.65	1267.30

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WAGE SCHEDULE			Group A (i.e. Employers contributing to the Productivity Incentive Scheme)		Group B (i.e. Employers NOT contributing to the Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION			Wage rate per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage rate per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		Thereafter, the wage specified in (x)(i) i.e.	R 1690.35	R 1352.30	R 1698.25	R 1358.60
(x)	Loader of magazine or comb, Linker, Overlocker other than an overlocker of seconds in socks, Sewing Machinist (Knitting) including a button, buttonhole and hemming machinist, Mender and Plain Sewer:					
	(i)	Qualified:	1474.95	1179.95	1481.90	1185.50
	(ii)	Learners:				
		first six months of experience	933.55	882.30	937.95	882.30
		second six months of experience	1068.50	882.30	1073.35	882.30
		third six months of experience	1203.90	863.05	1209.40	867.50
		next four months of experience	1339.70	1071.75	1345.85	1076.70
		Thereafter, the wage specified in (x)(i) i.e.	1474.95	1179.95	1481.90	1185.50
(xi)	Driver of a Motor Vehicle, the unladen mass of which, together with the unladen mass of any trailer or trailers drawn by such vehicle—					
	(a)	does not exceed 453,5 kg	1410.05	1128.05	1416.55	1133.25
	(b)	exceeds 453,5 kg but not 2 721 kg	1664.80	1331.85	1672.55	1338.05
	(c)	exceeds 2 721 kg but not 4 535 kg	1772.85	1418.30	1781.00	1424.80
	(d)	exceeds 4 535 kg	1923.85	1539.10	1932.85	1546.10
(xii)	Security Officer:		2153.50	1722.80	2163.50	1730.80
(xiii)	Watchman:		1881.95	1329.55	1669.80	1335.70
(xiv)	Employee not elsewhere specified:					
	(i)	Qualified:	1730.30	1384.25	1738.15	1390.50
	(ii)	Learners:				
		first six months of experience	933.55	882.30	937.95	882.30
		second six months of experience	1132.30	885.95	1137.75	910.20
		third six months of experience	1332.20	1065.75	1338.25	1070.80
		next four months of experience	1531.05	1224.85	1538.15	1230.50
		thereafter, the wage specified in (xiv)(i) i.e.	1730.30	1384.25	1738.15	1390.50

WAGE SCHEDULE		Group A (i.e. Employers contributing to the Productivity Incentive Scheme)		Group B (i.e. Employers NOT contributing to the Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage rate per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage rate per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
(xv)	Seamer, Mender of socks, Sorter, Cleaner (i.e. an employee engaged in cleaning garments and/or fabrics), Grader, Sampler (i.e. an employee engaged in the making up of sample cards), Winder, Overlocker for seconds in socks and/or Examiner of knitted fabrics and articles, Backwinder, Drawthreater, Pre- and Post-Boarder or Former, Precutter, Presser, Turner, Operator of calendar, slitting, setting or steaming machine, Operator of brushing, raising and/or cropping machine, Operator of dye machine, Operator of drying and/or hydro-extracting machine, employee engaged in Transferring and/or Labelling, Trimming of surplus threads, Folding, Carding and/or Packing, Waxring Maker, Boiler Attendant, Greaser, Despatch Packer, Parcel Maker and Floor Walker/Runner.				
	(i) Qualified:	1212.55	970.05	1218.15	974.50
	(ii) Learners:				
	first six months of experience	933.55	882.30	937.95	882.30
	second six months of experience	1026.25	882.30	1031.05	882.30
	third six months of experience	1120.10	898.10	1125.15	900.10
	Thereafter, the wage specified in (xv) (i) i.e.	1212.55	970.05	1218.15	974.50
(xvi)	Traveller's Assistant, Cloakroom Supervisor and/or Attendant, Teamaker	1212.55	970.05	1218.15	974.50
(xvii)	General Worker (Knitting)	1408.50	1128.80	1418.10	1132.10
NB: All employees who employed staff on 2011/2012 New Entry Wage Dispensation, must with coming into effect of this agreement, increase the Weekly Wage for those employees by the agreed Wage Increase of 3.7% Across the Board.					

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6. In clause 15, insert the following new sub-clause (6):

“(6) A once-off payment equivalent to one (1) day’s pay at the rates applicable as at the end of December 2020 shall be paid to all employees by no later than 1<sup>st</sup> June 2021.”

7. In the following table of clauses, substitute the existing expression, for the new expression:

Clause No.	Existing 2019/2020	New 2020/2021
25(1)	R3,58	R3,71
25(2)	R4,85	R5,03
26(1)	45 cents	47 cents
26(2)	64 cents	66 cents
40(1)	31 August 2020	31 August 2021
40(1)	1 September 2019	1 September 2020
Annexure C of Clause 43(5)	20 cents	21 cents

**6. PART D (PROVISIONS FOR THE NORTHERN REGION (CLOTHING))**

1. In Clause 3(1), substitute the existing expression, for the following new expression:

**“Complying employer” means an employer whose company or concern is fully registered with the Council or a council which amalgamated to form the National Bargaining Council, which has given effect to the applicable Council Main and Benefit Fund Collective Agreements in each of its establishments or has received due exemption therefrom, who is up to date with Council and any Benefit Fund contributions, trade union, employer subscriptions or who has implemented a signed Council-approved arrears repayment plan and who has registered all permanent and contract employees with the Council;”**

2. In clause 4A(1), insert the following new expression preceding the existing wording:

**“Where any of the Council’s prescribed wage rates in the National Main Collective Agreement is less than the National Minimum Wage (NMW) it will be adjusted upwards to at least the NMW. The onus is on the employer to ensure that they are not in contravention of the NMW.”**

3. In clause 4A(1), substitute the existing wage schedule with the following new wage schedule:

WAGE SCHEDULE		GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
<b>(A)</b>	<b>Pattern Maker and/or Grader:</b>				
	(i) Qualified:	2572.50	2058.00	2584.30	2087.40
	(ii) Learners:				
	first six months of experience	926.60	830.40	930.50	830.40
	second six months of experience	1189.00	959.20	1204.70	983.80
	third six months of experience	1475.70	1180.80	1482.50	1186.00
	fourth six months of experience	1727.20	1381.80	1735.20	1388.20
	fifth six months of experience	2027.10	1621.70	2036.80	1629.40
	next four months of experience	2302.30	1841.80	2313.00	1850.40
	Thereafter, the wage specified in (A)(i) i.e.	2572.50	2058.00	2584.30	2087.40
<b>(B)</b>	<b>Marker-In:</b>				
	(i) Qualified:	2135.70	1708.60	2146.00	1718.80
	(ii) Learners:				
	first six months of experience	926.60	830.40	930.50	830.40
	second six months of experience	1128.20	901.00	1131.70	905.40
	third six months of experience	1328.70	1063.00	1335.00	1068.00
	fourth six months of experience	1530.20	1224.20	1537.70	1230.20
	fifth six months of experience	1732.20	1385.80	1740.70	1392.60
	next four months of experience	1934.70	1547.80	1943.40	1554.70
	Thereafter, the wage specified in (B)(i) i.e.	2135.70	1708.60	2146.00	1718.80
<b>(C)</b>	<b>Mechanic:</b>				
	(i) Qualified:	2083.00	1666.40	2092.90	1674.30
	(ii) Learners:				
	first six months of experience	926.60	830.40	930.50	830.40
	second six months of experience	1053.10	842.50	1057.80	846.20
	third six months of experience	1181.90	945.50	1187.60	950.10
	fourth six months of experience	1310.80	1048.60	1316.80	1053.50
	fifth six months of experience	1440.20	1152.20	1446.90	1157.50
	sixth six months of experience	1567.60	1254.10	1575.10	1260.10
	seventh six months of experience	1697.60	1358.10	1705.50	1364.40
	eighth six months of experience	1825.80	1460.60	1834.80	1467.80
	next four months of experience	1955.20	1564.20	1964.30	1571.40
	Thereafter, the wage specified in (C)(i) i.e.	2083.00	1666.40	2092.90	1674.30

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WAGE SCHEDULE		GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
(D)	<b>Chopper Cut, Cutter and/or Re-Cutter, Negative Maker, Screen Maker (Engraver), Screen Printer, Sample Cutter:</b>				
	(i) Qualified:	1547.00	1237.60	1554.60	1243.70
	(ii) Learners:				
	first six months of experience	926.60	830.40	930.50	830.40
	second six months of experience	1080.20	884.20	1085.60	888.50
	third six months of experience	1236.60	989.30	1242.30	993.80
	next four months of experience	1393.90	1115.10	1400.30	1120.20
	Thereafter, the wage specified in (D)(i) i.e.	1547.00	1237.60	1554.60	1243.70
(E1)	<b>Sample Machinist:</b>	1538.30	1230.60	1545.50	1236.40
(E)(a)	<b>Sewing Machinist, Operator of a Linking, Overlocking and/or Sewing Machine, Embroidery Machinist (other than embroidery machine minder):</b>				
	(i) Qualified:	1337.30	1069.80	1343.60	1074.90
	(ii) Learners:				
	first six months of experience	926.60	830.40	930.50	830.40
	second six months of experience	1027.70	830.40	1032.50	830.40
	third six months of experience	1129.10	903.30	1134.70	907.80
	Thereafter, the wage specified in (E)(i) i.e.	1337.30	1069.80	1343.60	1074.90
(E)(b)	<b>Finisher, Invisible Mender Embroiderer, Fagotter, Beader and/or Pleater by hand, Baster, Shaper, Fitter up; Checker, Presser of Garments, Assistant Screen Maker (Engraver), Assistant Screen Printer, Darkroom Assistant, Mixing and Filtering Operator, Oven and Curing Operator, Screen Controlier, Screen Preparer, Squeegee Preparer and Despatch Packer:</b>				
	(i) Qualified:	1337.30	1069.80	1343.60	1074.90
	(ii) Learners:				
	first six months of experience	926.60	830.40	930.50	830.40
	second six months of experience	1027.70	830.40	1032.50	830.40
	third six months of experience	1129.10	903.30	1134.70	907.80
	next four months of experience	1236.90	989.60	1242.40	993.90
	Thereafter, the wage specified in (E)(i) i.e.	1337.30	1069.80	1343.60	1074.90

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WAGE SCHEDULE		GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
(F1)	<b>Machinist promoted to Assistant Supervisor:</b>				
	(i) Qualified:	1589.10	1271.30	1596.70	1277.40
	(ii) Learners:				
	first six months of experience	1337.30	1069.80	1343.60	1074.90
	second six months of experience	1424.30	1139.40	1430.70	1144.80
	third six months of experience	1508.00	1208.40	1515.20	1212.20
	Thereafter, the wage specified in (F1)(i) i.e.	1589.10	1271.30	1596.70	1277.40
(F)	<b>Asst Supervisor, other than a Machinist promoted to Asst. Supervisor; Despatch/Factory Clerk and Storeman:</b>				
	(i) Qualified:	1589.10	1271.30	1596.70	1277.40
	(ii) Learners:				
	first six months of experience	926.60	830.40	930.50	830.40
	second six months of experience	1091.80	873.40	1096.60	877.30
	third six months of experience	1257.80	1006.20	1263.60	1010.90
	next four months of experience	1425.30	1140.20	1432.20	1145.80
	Thereafter, the wage specified in (F)(i) i.e.	1589.10	1271.30	1596.70	1277.40
(G)	<b>Other Pressers, not provided for elsewhere; Underpresser; Presser of shirts, ties, pyjamas and other nightwear; hats, caps, underwear, knitwear, aprons, overalls and blouses without lace, embroidery, tucks and handmade pleats; Machine belt-fixer; Maintenance Assistance; Layer-up; Plain Sewer; Operator of a button covering, zip tacking and/or pleating machine; an employee engaged on the Trubanizing of collars and/or Clicker and Shaper by template; General worker; Applique Cutter; Tracer and/or Marker and/or Framer; Pleater and Embroidery Machine Minder:</b>				
	(i) Qualified:	1109.50	887.60	1114.50	891.60
	(ii) Learners:				
	first six months of experience	926.60	830.40	930.50	830.40
	second six months of experience	971.30	830.40	975.40	830.40
	third six months of experience	1016.60	830.40	1021.80	830.40
	next four months of experience	1082.30	848.80	1087.20	853.80

WAGE SCHEDULE		GROUP A (i.e. employees on the 0.6% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.6% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
	Thereafter, the wage specified in (G)(l) i.e.	1109.50	887.60	1114.50	891.60
(H1)	Foreman:	3509.40	2807.50	3525.70	2820.60
(H2)	Supervisor, Assistant Foreman, Head Cutter:	1914.10	1531.30	1922.80	1538.20
(H3)	Artisan:	4006.40	3205.10	4024.70	3219.80
(H4)	Labourer, Scooter Driver and/or Boiler Attendant:	1232.80	986.20	1238.70	991.00
(H5)	Watchman:	1424.50	1139.60	1431.20	1145.00
(H6)	Driver (Light Motor Vehicle):	1404.20	1123.40	1410.50	1128.40
(H7)	Driver (Medium Motor Vehicle):	1501.50	1201.20	1508.30	1206.60
Sample Machinist. Any employee when called upon to perform the duties of a sample machinist, shall, while so employed be paid the wage of a sample machinist: Provided that such wage shall not be subject to the provision of clause 4 (2) (a) of this Agreement					
NB: All employers who employed staff on 2011/2012 New Entry Wage Dispensation must, with the coming into effect of this agreement, increase the weekly Wage for those employees by the agreed Wage Increase of 3.7% Across the Board.					

4. In clause 4A(2)(b), substitute the following table for the existing table:

Wage Category	GROUP A (i.e. employees on the 0.6% Productivity Incentive Scheme)			GROUP B (i.e. employees NOT on the 0.6% Productivity Incentive Scheme)		
	Wage per week from 01 Mar 2021 to 31 Aug 2021	Across the Board Increase 3.7%	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	Across the Board Increase 3.7%	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
	R	R	R	R	R	R

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Wage Category	GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)			GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)		
	Wage per week from 01 Mar 2021 to 31 Aug 2021	Across the Board Increase 3.7%	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	Across the Board Increase 3.7%	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
	R	R	R	R	R	R
A	2572.50	91.80	2,058.00	2584.30	92.20	2067.40
B	2135.70	76.20	1,708.60	2146.00	76.60	1716.80
C	2083.00	74.30	1,666.40	2092.90	74.70	1674.30
D	1547.00	55.20	1,237.60	1554.60	55.50	1243.70
E1	1538.30	54.90	1,230.60	1545.50	55.10	1236.40
E (a)	1337.30	47.70	1,069.80	1343.60	47.90	1074.90
E (b)	1337.30	47.70	1,069.80	1343.60	47.90	1074.90
F1	1589.10	56.70	1,271.30	1596.70	57.00	1277.40
F	1589.10	56.70	1,271.30	1596.70	57.00	1277.40
G	1109.50	39.60	887.60	1114.50	39.80	891.60
H1	3509.40	125.20	2,807.50	3525.70	125.80	2820.60
H2	1914.10	68.30	1,531.30	1922.80	68.60	1538.20
H3	4008.40	142.90	3,205.10	4024.70	143.60	3219.60
H4	1232.80	44.00	986.20	1238.70	44.20	991.00
H5	1424.50	50.80	1,139.80	1431.20	51.10	1145.00
H6	1404.20	50.10	1,123.40	1410.50	50.30	1128.40
H7	1501.50	53.60	1,201.20	1508.30	53.80	1206.60

5. In clause 4B(8), insert the following new expression preceding the existing wording:

"Where any of the Council's prescribed wage rates in the National Main Collective Agreement is less than the National Minimum Wage (NMW) it will be adjusted upwards to at least the NMW. The onus is on the employer to ensure that they are not in contravention of the NMW."

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6. In clause 4B(8), substitute the existing wage schedule with the following new wage schedule (for Millinery Sector establishments):

WAGE SCHEDULE		GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
(a)	Supervisor:	2158.90	1727.10	2164.00	1731.20
(b)	Milliner (Upgrade to Trimmer):				
	(i) Qualified	1712.30	1369.80	1718.90	1373.50
	(ii) Learners:				
	first six months of experience	1213.20	970.80	1218.10	972.90
	second six months of experience	1328.60	1061.30	1329.60	1063.70
	third six months of experience	1458.60	1185.30	1459.90	1167.90
	next four months of experience	1615.20	1292.20	1619.10	1295.30
	Thereafter, the wage specified in (b)(i) i.e.	1712.30	1369.80	1718.90	1373.50
(c)	(1) Blocker-Front (Upgrade from Assistant Blocker):				
	(i) Qualified:	1440.80	1152.60	1444.20	1155.40
	(ii) Learners:				
	first six months of experience	1194.20	955.40	1197.10	957.70
	second six months of experience	1232.90	986.30	1236.70	988.60
	third six months of experience	1310.80	1048.60	1313.80	1051.00
	next four months of experience	1371.70	1097.40	1375.20	1100.20
	Thereafter, the wage specified in (c)(1)(i) i.e.	1440.80	1152.60	1444.20	1155.40
	(2) Driver:	1440.80	1152.60	1444.20	1155.40
(d)	Machine Operator & Chopper-Out:				
	(i) Qualified:	1333.50	1066.80	1336.20	1069.00
	(ii) Learners:				
	first six months of experience	851.20	851.20	851.20	851.20
	second six months of experience	980.70	851.20	983.00	851.20
	third six months of experience	1028.70	851.20	1031.30	851.20

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WAGE SCHEDULE		GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
	next four months of experience	1187.80	950.10	1190.40	962.30
	Thereafter, the wage specified in (d)(i) i.e.	1333.50	1066.80	1336.20	1069.00
(e)	<b>Trimmer/General Worker/Labourer/Assistant Blocker:</b>				
	(i) Qualified:	1136.60	909.30	1139.10	911.30
	(ii) Learners:				
	first six months of experience	851.20	851.20	851.20	851.20
	second six months of experience	921.80	851.20	923.70	861.20
	third six months of experience	989.40	851.20	992.10	851.20
	next four months of experience	1064.80	851.80	1067.10	853.70
	Thereafter, the wage specified in (e)(i) i.e.	1136.60	909.30	1139.10	911.30
(f)	<b>Boiler Attendant &amp; Watchman:</b>	1243.10	994.50	1246.30	997.00

**NB:** All employers who employed staff on 20/1/2012: New Entry Wage Dispensation must, with the coming into effect of this agreement, increase the Weekly Wage for those employees by the agreed Wage Increase of 3.7% Across the Board.

7. In the following table of clauses, substitute the existing expression, for the new expression:

Clause No.	Existing 2019/2020	New 2020/2021
4A(1)	31 August 2019	31 August 2019
27(1)	31 August 2020	31 August 2021
27(1)	1 September 2019	1 September 2020
30(5)	21 cents	22 cents

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Clause No.	Existing 2019/2020	New 2020/2021
33 (1)(a)	R3,04	R3,15
33(1)(b)	R3,27	R3,39

8. In clause 12(8), insert the following new sub-clause (a).

"(a) A once-off payment equivalent to one (1) day's pay at the rates applicable as at the end of December 2020 shall be paid to all employees by no later than 1<sup>st</sup> June 2021."

**7. PART E (PROVISIONS FOR THE NORTHERN REGION (KNITTING))**

1. In Clause 3(1), substitute the existing expression, for the following new expression:

**"Complying employer"** means an employer whose company or concern is fully registered with the Council or a council which amalgamated to form the National Bargaining Council, which has given effect to the applicable Council Main and Benefit Fund Collective Agreements in each of its establishments or has received due exemption therefrom, who is up to date with Council and any Benefit Fund contributions, trade union, employer subscriptions or who has implemented a signed Council-approved arrears repayment plan and who has registered all permanent and contract employees with the Council;"

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2. In clause 4(1)(a), insert the following new expression preceding the existing wording:

"Where any of the Council's prescribed wage rates in the National Main Collective Agreement is less than the National Minimum Wage (NMW) it will be adjusted upwards to at least the NMW. The onus is on the employer to ensure that they are not in contravention of the NMW."

3. In clause 4(1)(a), substitute the existing wage schedule with the following new wage schedule:

WAGE SCHEDULE		GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
(i)	Foreman:	2668.40	2134.70	2681.00	2144.80
(ii)	Dyer: (See (iv) below)				
(iii)	Storeman:				
	(i) Qualified:	2568.50	2054.80	2580.80	2064.50
	(ii) Learners:				
	first six months of experience	927.30	882.30	931.70	882.30
	second six months of experience	1337.60	1070.10	1343.80	1075.00
	third six months of experience	1747.90	1398.30	1758.10	1404.90
	next four months of experience	2158.30	1726.60	2168.40	1734.70
	Thereafter, the wage specified in (iii)(i) i.e.	2568.50	2054.80	2580.80	2064.50
(iv)	Mechanic/Dyer:				
	(i) Qualified:	2668.40	2134.70	2681.00	2144.80
	(ii) Learners:				
	first six months of experience	927.30	882.30	931.70	882.30

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WAGE SCHEDULE				GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION				Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus incentive has been adjusted to comply with the National Minimum Wage)
				R	R	R	R
			second six months of experience	1101.40	882.30	1106.40	885.10
			third six months of experience	1275.40	1020.30	1281.40	1025.10
			fourth six months of experience	1449.80	1159.80	1456.40	1165.10
			fifth six months of experience	1623.70	1299.00	1631.40	1305.10
			sixth six months of experience	1797.70	1438.20	1808.10	1444.90
			seventh six months of experience	1971.90	1577.50	1981.20	1585.00
			eighth six months of experience	2146.10	1716.90	2166.10	1724.90
			ninth six months of experience	2319.80	1855.80	2330.50	1864.40
			next four months of experience	2494.80	1995.80	2508.40	2005.10
			Thereafter, the wage specified in (iv)(i) i.e.	2668.40	2134.70	2681.00	2144.80
(v)	Mechanic's Assistant:						
			(i) Qualified:	1747.40	1397.90	1755.40	1404.30
			(ii) Learners:				
			first six months of experience	927.30	882.30	931.70	882.30
			second six months of experience	1008.40	882.30	1012.90	882.30
			third six months of experience	1072.20	882.30	1096.60	882.30
			fourth six months of experience	1173.00	938.40	1178.20	942.60
			fifth six months of experience	1255.50	1004.40	1281.20	1009.00
			sixth six months of experience	1337.70	1070.20	1344.00	1075.20
			seventh six months of experience	1419.30	1135.40	1426.10	1140.90
			eighth six months of experience	1502.00	1201.60	1508.40	1206.70
			ninth six months of experience	1583.40	1266.70	1590.80	1272.50
			next four months of experience	1665.90	1332.70	1673.30	1338.60
			Thereafter, the wage specified in (v)(i) i.e.	1747.40	1397.90	1755.40	1404.30
(vi)	Supervisor:			1847.60	1478.10	1858.20	1485.00
(vii)	Final Examiner of fully-fashioned garments:			1715.40	1372.30	1723.60	1378.90
(viii)	Factory Clerk, Despatch Clerk, Stores Clerk:						
			(i) Qualified	1679.70	1343.80	1687.70	1350.20
			(ii) Learners:				
			first six months of experience	927.30	882.30	931.70	882.30
			second six months of experience	1115.20	892.20	1120.50	898.40
			third six months of experience	1303.40	1042.70	1309.30	1047.40
			next four months of experience	1491.80	1193.40	1499.00	1199.20
			Thereafter, the wage specified in (viii)(i) i.e.	1679.70	1343.80	1687.70	1350.20

WAGE SCHEDULE		GROUP A (i.e. employees on the 0.6% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.6% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
(ix)	Knitting Machine Operator, Warp Knitting Machine Operator, Dyer's Assistant, Colouring Mass-Measurer and/or Cutter or Shaper of fully-fashioned garments, Handyman and Warper:				
	(i) Qualified:	1679.70	1343.80	1687.70	1350.20
	(ii) Learners:				
	first six months of experience	927.30	882.30	931.70	882.30
	second six months of experience	1052.50	882.30	1056.90	882.30
	third six months of experience	1177.80	942.10	1182.90	946.30
	fourth six months of experience	1303.40	1042.70	1309.30	1047.40
	fifth six months of experience	1428.80	1142.90	1435.80	1148.50
	next four months of experience	1554.50	1243.60	1561.40	1249.10
	Thereafter, the wage specified in (ix)(i) i.e.	1679.70	1343.80	1687.70	1350.20
(x)(a)	Loader of magazine or comb, Linker, Overlocker other than an overlocker of seconds in socks, Mender and Plain Sewer:				
	(i) Qualified:	1465.70	1172.60	1472.40	1177.90
	(ii) Learners:				
	first six months of experience	927.30	882.30	931.70	882.30
	second six months of experience	1061.50	882.30	1066.50	882.30
	third six months of experience	1196.00	956.80	1201.70	961.40
	next four months of experience	1331.10	1064.90	1337.30	1069.80
	Thereafter, the wage specified in (x)(i) i.e.	1465.70	1172.60	1472.40	1177.90
(x)(b)	Sewing Machinist including a button, buttonhole and hemming machinist:				
	(i) Qualified:	1465.70	1172.60	1472.40	1177.90
	(ii) Learners:				
	first six months of experience	927.30	882.30	931.70	882.30
	second six months of experience	1061.50	882.30	1066.50	882.30
	third six months of experience	1196.00	956.80	1201.70	961.40
	Thereafter, the wage specified in (x)(i) i.e.	1465.70	1172.60	1472.40	1177.90
(xi)	Driver of a Motor Vehicle, the unladen mass of which, together with the unladen mass of any trailer or trailers drawn by such vehicle—:				
	(a) does not exceed 453,5 kg	1401.20	1121.00	1407.60	1126.10
	(b) exceeds 453,5 kg but not 2 721 kg	1654.30	1323.40	1661.80	1329.40
	(c) exceeds 2 721 kg but not 4 535 kg	1761.70	1409.40	1770.00	1416.00

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WAGE SCHEDULE		GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
	(d) exceeds 4 535 kg	1911.80	1529.40	1920.90	1536.70
(xii)	Security Officer:	2140.40	1742.30	2150.00	1720.00
(xiii)	Watchman:	1651.40	1321.10	1659.10	1327.30
(xiv)	Employee not elsewhere specified:				
	(i) Qualified:	1719.40	1375.50	1727.30	1381.80
	(ii) Learners:				
	first six months of experience	927.30	882.30	931.70	882.30
	second six months of experience	1124.80	899.80	1130.20	904.20
	third six months of experience	1323.30	1058.60	1329.60	1063.70
	next four months of experience	1521.20	1217.00	1528.20	1222.60
	Thereafter, the wage specified in (xiv)(i) i.e.	1719.40	1375.50	1727.30	1381.80
(xv)	Seamer, Mender of socks, Sorter, Cleaner (i.e. an employee engaged in cleaning garments and/or fabrics), Grader, Sampler (i.e. an employee engaged in the making up of sample cards), Winder, Overlocker for seconds in socks and/or Examiner of knitted fabrics and articles, Backwinder, Drawthreader, Pre and Post-boarder or Former, Precutter, Presser, Turner, Operator of calender, slitting, setting or steaming machine, Operator of brushing, raising and/or cropping machine, Operator of dye machine, Operator of drying and/or hydro-extracting machine, employee engaged in Transferring and/or Labelling, Trimming off surplus threads, Folding, Carding and/or Packing, Waxring Maker, Boiler Attendant, Creeler, Teamaker, Despatch Packer, Parcel Maker, General Worker and Floor Walker/Runner:	1389.50	1119.60	1406.00	1124.80
(xvi)	General Worker/Traveller's Assistant, Cloakroom Supervisor and/or Attendant, Teamaker employed after 30-06-1987:	1204.70	963.80	1210.30	968.20
(xvii)	All employees classified in (xv) and who were employed after 30-06-1987, other than general worker, traveller's assistant, cloakroom supervisor and/or attendant and teamaker:				
	(i) Qualified:	1204.70	963.80	1210.30	968.20

WAGE SCHEDULE		GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
	(ii) Learners:				
	first six months of experience	927.30	882.30	931.70	882.30
	second six months of experience	1019.30	882.30	1024.10	882.30
	third six months of experience	1112.70	890.20	1117.70	894.20
	Thereafter, the wage specified in (xvii) (i) i.e.	1204.70	983.80	1210.30	968.20

**NB:** All employers who employed staff on 20/1/2020 New Entry Wage Dispensation must, with the coming into effect of this agreement, increase the Weekly Wage for those employees by the agreed Wage Increase of 3.7%. Across the Board.

4. In clause 8(8), insert the following new sub-clause (a):

"(a) A once-off payment equivalent to one (1) day's pay at the rates applicable as at the end of December 2020 shall be paid to all employees by no later than 1<sup>st</sup> June 2021."

5. In the following table of clauses, substitute the existing expression, for the new expression:

Clause No.	Existing 2019/2020	New 2020/2021
11(2)(a)	R3,04	R3,15
11(2)(b)	R3,27	R3,39

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Clause No.	Existing 2019/2020	New 2020/2021
13E(1)	46 cents	48 cents
13F(2)	70 cents	73 cents
19(4)	R26,41	R27,39
19(5)	R26,41	R27,39
20(2)(b)	R8,26	R8,57
30(5)	21 cents	22 cents
31(1)	31 August 2020	31 August 2021
31(1)	1 September 2019	1 September 2020

#### 8. PART F (PROVISIONS FOR THE WESTERN CAPE REGION (CLOTHING))

1. In clause 1(2)(b), substitute the new expression "R140 946,00 per annum" for the existing expression "R135 930,00 per annum".
2. In Clause 3(1), substitute the existing expression, for the following new expression:

**"Complying employer"** means an employer whose company or concern is fully registered with the Council or a council which amalgamated to form the National Bargaining Council, which has given effect to the applicable Council Main and Benefit Fund Collective Agreements in each of its establishments or has received due exemption therefrom, who is up to date with Council and any Benefit Fund contributions, trade union, employer subscriptions or who has

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implemented a signed Council-approved arrears repayment plan and who has registered all permanent and contract employees with the Council;"

3. In clause 4(1), insert the following new expression preceding the existing wording:

"Where any of the Council's prescribed wage rates in the National Main Collective Agreement is less than the National Minimum Wage (NMW) it will be adjusted upwards to at least the NMW. The onus is on the employer to ensure that they are not in contravention of the NMW."

4. In clause 4(1)(a), substitute the existing wage schedule with the following new wage schedule (for clothing establishments):

WAGE SCHEDULE		GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
<b>Part A - Cutting Department</b>					
Head Cutter		2700.00	2160.00	2710.50	2168.50
Pattern Maker:					
(a)	Qualified	2700.00	2160.00	2710.50	2168.50
(b)	Leamer				
	First year				
	First six months of experience	1512.00	1209.50	1517.50	1214.00
	Second six months of experience	1670.00	1336.00	1675.50	1340.50
	Second year				
	First six months of experience	1628.50	1461.00	1635.00	1468.00

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WAGE SCHEDULE		GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
	Second six months of experience	1994.00	1595.00	2004.00	1603.00
	Third year				
	First six months of experience	2175.50	1740.50	2184.50	1747.50
	Next four months of experience	2347.00	1877.50	2358.50	1887.00
	Thereafter, the wage specified in (a), i.e.	2700.00	2160.00	2710.50	2166.50
<b>Pattern Grader</b>					
(a)	Qualified	2177.50	1742.00	2188.00	1749.00
(b)	Leamer				
	First year				
	First six months of experience	1421.00	1137.00	1429.50	1143.50
	Second six months of experience	1612.00	1209.50	1517.50	1214.00
	Second year				
	First six months of experience	1600.50	1280.50	1610.50	1288.50
	Second six months of experience	1715.50	1372.50	1723.50	1379.00
	Third year				
	First six months of experience	1826.50	1461.00	1835.00	1468.00
	Next four months of experience	1944.50	1555.50	1954.00	1563.00
	Thereafter, the wage specified in (a), i.e.	2177.50	1742.00	2186.00	1749.00
<b>Cutter, lay-maker:</b>					
(a)	Qualified	2101.00	1681.00	2108.00	1686.50
(b)	Leamer				
	First year				
	First six months of experience	1275.00	1020.00	1282.50	1026.00
	Second six months of experience	1404.50	1123.50	1410.00	1128.00
	Second year				
	First six months of experience	1531.50	1225.00	1539.50	1231.50
	Second six months of experience	1675.50	1340.50	1685.50	1348.50
	Third year				
	First four months of experience	1837.50	1470.00	1847.00	1477.50
	Thereafter, the wage specified in (a), i.e.	2101.00	1681.00	2108.00	1686.50
<b>Interlining cutter, trimmer, leather cutter and tie cutter</b>					
(a)	Qualified	1513.50	1211.00	1520.00	1216.00
(b)	Leamer				
	First year				
	First six months of experience	1136.50	909.00	1140.00	912.00
	Second six months of experience	1205.00	964.00	1209.00	967.00
	Second year				
	First six months of experience	1267.00	1013.50	1273.50	1019.00
	Second six months of experience	1334.50	1067.50	1342.00	1073.50
	Third year				
	First four months of experience	1400.50	1120.50	1406.00	1125.00
	Thereafter, the wage specified in (a), i.e.	1513.50	1211.00	1520.00	1216.00
(c)	If advanced to leamer cutter:				

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WAGE SCHEDULE		GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
	First six months from date of advancement	1640.00	1312.00	1648.50	1319.00
	Second six months from date of advancement	1837.50	1470.00	1847.00	1477.50
	Thereafter, the wage specified for a qualified cutter, i.e.	2101.00	1681.00	2108.00	1688.50
<b>Layer-up:</b>					
(a)	Qualified	1305.00	1044.00	1310.00	1048.00
(b)	Leamer				
	First year				
	First six months of experience	1098.50	882.50	1103.50	883.00
	Second six months of experience	1136.50	909.00	1140.00	912.00
	Second year				
	First six months of experience	1187.00	949.50	1193.00	954.50
	Thereafter, the wage specified in (a), i.e.	1305.00	1044.00	1310.00	1048.00
(c)	If advanced to leamer cutter:				
	First six months from date of advancement	1305.00	1044.00	1310.00	1048.00
	Second six months from date of advancement	1531.50	1225.00	1539.50	1231.50
	Third six months from date of advancement	1675.50	1340.50	1685.50	1348.50
	Fourth six months from date of advancement	1837.50	1470.00	1847.00	1477.50
	Thereafter, the wage specified for a qualified cutter, i.e.	2101.00	1681.00	2108.00	1688.50
(d)	If advanced to leamer interlining cutter, leamer trimmer, leamer leather cutter or leamer tie cutter:				
	First six months from date of advancement	1305.00	1044.00	1310.00	1048.00
	Second six months from date of advancement	1400.50	1120.50	1406.00	1125.00
	Thereafter, the wage specified for a qualified interlining cutter, trimmer, leather cutter or tie cutter, i.e.	1513.50	1211.00	1520.00	1216.00
(e)	If advanced to fitter-up:				
	First six months from date of advancement	1305.00	1044.00	1310.00	1048.00
	Second six months from date of advancement	1353.00	1082.50	1358.00	1086.50
	Third six months from date of advancement	1421.00	1137.00	1429.50	1143.50
	Fourth six months from date of advancement	1513.50	1211.00	1520.00	1216.00
	Thereafter, the wage specified for fitter-up, i.e.	1670.00	1338.00	1675.50	1340.50
<b>Clicker:</b>					
(a)	Qualified	1561.00	1249.00	1568.50	1255.00
(b)	Leamer				
	First year				
	Second year				
	First six months of experience	1170.50	936.50	1176.00	941.00
	Second six months of experience	1334.50	1067.50	1342.00	1073.50
	Thereafter, the wage specified in (a) i.e.	1561.00	1249.00	1568.50	1255.00

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WAGE SCHEDULE		GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivized Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivized Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
Tracer:					
(a)	Qualified	1465.00	1172.00	1470.50	1176.50
(b)	Learner				
	First year				
	First six months of experience	1170.50	936.50	1176.00	941.00
	Second six months of experience	1253.00	1002.50	1258.50	1007.00
	Second year				
	First six months of experience	1326.00	1061.00	1331.00	1065.00
	Thereafter, the wage specified in (a), i.e.	1465.00	1172.00	1470.50	1176.50
<b>Part B - Factory Operatives</b>					
Clothing machine mechanic:					
(a)	Qualified	2700.00	2160.00	2710.50	2168.50
(b)	Learner				
	First year				
	First six months of experience	1512.00	1209.50	1517.50	1214.00
	Second six months of experience	1670.00	1336.00	1675.50	1340.50
	Second year				
	First six months of experience	1826.50	1461.00	1835.00	1468.00
	Second six months of experience	1994.00	1595.00	2004.00	1603.00
	Third year				
	First four months of experience	2175.50	1740.50	2184.50	1747.50
	Second four months of experience	2347.00	1877.50	2358.50	1887.00
	Thereafter, the wage specified in (a), i.e.	2700.00	2160.00	2710.50	2168.50
Clothing technician:					
(a)	Qualified	2700.00	2160.00	2710.50	2168.50
(b)	Learner				
	First year				
	First six months of experience	1512.00	1209.50	1517.50	1214.00
	Second six months of experience	1670.00	1336.00	1675.50	1340.50
	Second year				
	First six months of experience	1826.50	1461.00	1835.00	1468.00
	Second six months of experience	1994.00	1595.00	2004.00	1603.00
	Third year				
	First six months of experience	2175.50	1740.50	2184.50	1747.50
	Next four months of experience	2347.00	1877.50	2358.50	1887.00
	Thereafter, the wage specified in (a), i.e.	2700.00	2160.00	2710.50	2168.50
Grade A employees:					
(a)	Qualified	1670.00	1336.00	1675.50	1340.50
(b)	Learner				
	First year				
	First six months of experience	1175.00	940.00	1179.00	943.00

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WAGE SCHEDULE		GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
	Second six months of experience	1266.00	1013.00	1271.50	1017.00
	Second year				
	First six months of experience	1363.00	1082.50	1358.00	1086.50
	Second six months of experience	1421.00	1137.00	1429.50	1143.50
	Third year				
	First four months of experience	1513.50	1211.00	1520.00	1216.00
	Thereafter, the wage specified in (a), i.e.	1670.00	1336.00	1675.50	1340.50
Grade B employee:					
(a)	Qualified	1426.50	1141.00	1432.00	1145.50
(b)	Learner				
	First year				
	First six months of experience	1167.50	926.00	1163.00	930.50
	Second six months of experience	1218.00	974.50	1223.00	978.50
	Second year				
	First six months of experience	1279.50	1023.50	1285.00	1028.00
	Thereafter, the wage specified in (a), i.e.	1426.50	1141.00	1432.00	1145.50
(c)	If advanced to Grade A employee:				
	First six months from date of advancement	1426.50	1141.00	1432.00	1145.50
	Second six months from date of advancement	1469.00	1175.00	1475.50	1180.50
	Third six months from date of advancement	1513.50	1211.00	1520.00	1216.00
	Thereafter, the wage specified for a qualified Grade A employee, i.e.	1670.00	1336.00	1675.50	1340.50
Grade C employee:					
(a)	Qualified	1266.00	1013.00	1271.50	1017.00
(b)	Learner				
	First year				
	First six months of experience	1134.50	907.50	1139.00	911.00
	Second six months of experience	1166.50	933.00	1172.00	937.50
	Thereafter, the wage specified in (a), i.e.	1266.00	1013.00	1271.50	1017.00
(c)	If advanced to Grade B employee:				
	First six months from date of advancement	1266.00	1013.00	1271.50	1017.00
	Second six months from date of advancement	1279.50	1023.50	1285.00	1028.00
	Thereafter, the wage specified for a qualified Grade B employee, i.e.	1426.50	1141.00	1432.00	1145.50
Underpresser, blocker:					
(a)	Qualified	1279.50	1023.50	1285.00	1028.00
(b)	Learner				
	First year				
	First six months of experience	1098.50	882.50	1103.50	883.00



WAGE SCHEDULE		GROUP A (i.e. employees on the 0,5% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0,5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
	Second six months of experience	1136.50	909.00	1140.00	912.00
	Second year				
	First six months of experience	1187.00	949.50	1193.00	954.50
	Thereafter, the wage specified in (a), i.e.	1279.50	1023.50	1285.00	1028.00
(c)	If advanced to learner presser:				
	First six months from date of advancement	1279.50	1023.50	1285.00	1028.00
	Second six months from date of advancement	1513.50	1211.00	1520.00	1216.00
	Thereafter, the wage specified for a qualified Grade A employee, i.e.	1670.00	1336.00	1675.50	1340.50
<b>Part C - Clerical employees</b>					
<b>Clerk</b>					
(a)	Qualified	1837.50	1470.00	1847.00	1477.50
(b)	Learner				
	First year	1357.00	1085.50	1361.00	1089.00
	Second year	1474.00	1179.00	1481.00	1185.00
	Third year				
	First four months of experience	1611.50	1289.00	1619.00	1295.00
	Thereafter, the wage specified in (a), i.e.	1837.50	1470.00	1847.00	1477.50
<b>Factory Clerk</b>					
(a)	Qualified	1378.50	1103.00	1386.50	1109.00
(b)	Learner				
	First year	1098.50	882.50	1103.50	883.00
	Second year	1170.50	936.50	1176.00	941.00
	Third year				
	First four months of experience	1266.00	1013.00	1271.50	1017.00
	Thereafter, the wage specified in (a), i.e.	1378.50	1103.00	1386.50	1109.00
<b>Part D - General</b>					
<b>Boiler attendant</b>					
		1309.50	1047.50	1316.50	1053.00
<b>Despatch packer</b>					
		1353.00	1082.50	1358.00	1086.50
<b>General Worker</b>					
		1266.00	1013.00	1271.50	1017.00
<b>Labourer</b>					
		1279.50	1023.50	1285.00	1028.00
<b>Motor vehicle driver of a vehicle, the unladen mass of which, together with the unladen mass of any trailer or trailers drawn by such vehicle -</b>					
(a)	does not exceed 1 360 kg	1353.00	1082.50	1358.00	1086.50
(b)	exceeds 1 360 but not 2 720 kg	1404.50	1123.50	1410.00	1128.00
(c)	exceeds 2 720 kg	1600.50	1280.50	1610.50	1288.50
<b>Supervisor, quality controller and instructor</b>					
		1715.50	1372.50	1723.50	1379.00
<b>Traveller's driver</b>					
		1404.50	1123.50	1410.00	1128.00

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WAGE SCHEDULE		GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.6% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
<b>Blocker</b>					
(a)	Qualified	1332.50	1089.00	1337.00	1089.50
(b)	Learner				
	First year				
	First six months of experience	921.50	882.50	927.00	882.50
	Second six months of experience	1028.00	882.50	1033.00	882.50
	Second year				
	First six months of experience	1126.00	901.00	1132.00	905.50
	Second six months of experience	1230.50	984.50	1235.50	988.50
	Thereafter, the wage specified in (a), i.e.	1332.50	1066.00	1337.00	1089.50
<b>Chopper-Out (Millinery)/Trimmer (Millinery)/Packer (Millinery):</b>					
(a)	Qualified	1099.00	882.50	1105.00	884.00
(b)	Learner				
	First year				
	First six months of experience	921.50	882.50	927.00	882.50
	Second six months of experience	957.00	882.50	963.00	882.50
	Second year				
	First six months of experience	991.50	882.50	995.50	882.50
	Second six months of experience	1030.50	882.50	1034.50	882.50
	Third year				
	First four months of experience	1064.00	882.50	1068.00	882.50
	Thereafter, the wage specified in (a), i.e.	1099.00	882.50	1105.00	884.00
<b>Clerk</b>					
(a)	Qualified	1837.50	1470.00	1847.00	1477.50
(b)	Learner				
	First year	1357.00	1085.50	1361.00	1089.00
	Second year	1474.00	1179.00	1481.00	1186.00
	Third year				
	First four months of experience	1611.50	1289.00	1619.00	1295.00
	Thereafter, the wage specified in (a), i.e.	1837.50	1470.00	1847.00	1477.50
<b>General Worker (Millinery)</b>		1088.50	882.50	1092.00	882.50
<b>Grade 1 Employee (Millinery):</b>					
(a)	Qualified	1076.50	882.50	1080.50	882.50

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WAGE SCHEDULE		GROUP A (i.e. employees on the 0.5% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Schemes Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
(b)	Learner				
	First year				
	First six months of experience	921.50	882.50	927.00	882.50
	Second six months of experience	959.50	882.50	966.50	882.50
	Second year				
	First six months of experience	1014.50	882.50	1018.50	882.50
	Thereafter, the wage specified in (a), i.e.	1076.50	882.50	1080.50	882.50
Milliner					
(a)	Qualified	1163.50	931.00	1169.50	935.50
(b)	Learner				
	First year				
	First six months of experience	921.50	882.50	927.00	882.50
	Second six months of experience	979.50	882.50	984.00	882.50
	Second year				
	First six months of experience	982.50	882.50	986.00	882.50
	Second six months of experience	1027.50	882.50	1032.50	882.50
	Third year				
	First six months of experience	1074.00	882.50	1076.00	882.50
	Next four months of experience	1126.00	901.00	1132.00	905.50
	Thereafter, the wage specified in (a), i.e.	1163.50	931.00	1169.50	935.50
Millinery Machinist					
(a)	Qualified	1176.00	941.00	1182.00	945.50
(b)	Learner				
	First year				
	First six months of experience	921.50	882.50	927.00	882.50
	Second six months of experience	1004.50	882.50	1010.00	882.50
	Second year				
	First six months of experience	1065.00	882.50	1071.00	882.50
	Thereafter, the wage specified in (a), i.e.	1176.00	941.00	1182.00	945.50
Motor vehicle driver of a vehicle, the unladen mass of which, together with the unladen mass of any trailer or trailers drawn by such vehicle is as follows -					
(a)	does not exceed 2268 kg	1396.50	1117.00	1404.00	1123.00
(b)	exceeds 2268	1475.50	1180.50	1482.00	1185.50
Plain Sewer (Millinery):					
(a)	Qualified	1099.00	882.50	1105.00	884.00

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WAGE SCHEDULE		GROUP A (i.e. employees on the 0.6% Productivity Incentive Scheme)		GROUP B (i.e. employees NOT on the 0.6% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
(b)	Learner				
	First year				
	First six months of experience	921.50	882.50	927.00	882.50
	Second six months of experience	970.00	882.50	977.00	882.50
	Second year				
	First six months of experience	1033.50	882.50	1038.00	882.50
	Thereafter, the wage specified in (a), i.e.	1099.00	882.50	1105.00	884.00
	Supervisor (Millinery)	1577.00	1261.50	1584.50	1287.50
	Watchman or Caretaker (Millinery)	1691.00	1273.00	1697.50	1278.00

NB: All employees who employed from 20/03/2021 New Entry Wage Dispensation until with the final effect of this provision, the base Weekly Wage for the category is by the stated Wage Increase of 3.0% across the Board.

7. In clause 4, insert the following new sub-clause (13):

“(13) A once-off payment equivalent to one (1) day’s pay at the rates applicable as at the end of December 2020 shall be paid to all employees by no later than 1<sup>st</sup> June 2021.”

8. In the following table of clauses, substitute the existing expression, for the new expression:

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Clause No.	Existing 2019/2020	New 2020/2021
1(3)	11(4)(b)	11(4)(d)
4(12)	1 September 2019	1 March 2021
5(5)(c)	the Provident Fund Agreement	Clause 50 of this Agreement
15(1)(a)(i)	15 ordinary working days at full wage	16 ordinary working days at full pay
15(6)	subclause (9)	subclause (10)
22(2)(a)	R3,05	R3,16
22(2)(b)	R4,89	R5,07
26(4)(b)	R12,69	R13,16
26(4)(b)	R15,14	R15,70
26(4)(b)	R16,52	R17,13
26(4)(b)	R28,20	R29,24
26(4)(b)	R28,20	R29,24
26(4)(b)	R28,20	R29,24
27(3)	47 cents	49 cents
27(4)	70 cents	73 cents
30(2)(b)	the Collective Agreement of the Provident Fund	Clause 50 of this Agreement
38(5)	31 cents	32 cents
39(3)	55 cents	57 cents
41(1)	31 August 2020	31 August 2021
41(1)	1 September 2019	1 September 2020

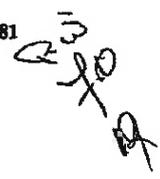
**9. PART G (PROVISIONS FOR THE WESTERN CAPE REGION (COUNTRY AREAS))**

1. In clause 1(2)(b), substitute the new expression "R106 652.00 per annum" for the existing expression "R102 858.00 per annum".
2. In Clause 3(1), substitute the existing expression, for the following new expression;

**"Complying employer" means an employer whose company or concern is fully registered with the Council or a council which amalgamated to form the National Bargaining Council, which has given effect to the applicable Council Main and Benefit Fund Collective Agreements in each of its establishments or has received due exemption therefrom, who is up to date with Council and any Benefit Fund contributions, trade union, employer subscriptions or who has implemented a signed Council-approved arrears repayment plan and who has registered all permanent and contract employees with the Council;"**

3. In clause 4(1), insert the following new expression preceding the existing wording:

**"Where any of the Council's prescribed wage rates in the National Main Collective Agreement is less than the National Minimum Wage (NMW) it will be adjusted upwards to at least the NMW. The onus is on the employer to ensure that they are not in contravention of the NMW."**



4. In clause 4(1), substitute the existing wage schedule with the following new wage schedule (for Country Areas establishments):

WAGE SCHEDULE		Group A (i.e. employees on the 0.5% Productivity Incentive Scheme)		Group B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
DESCRIPTION OF OCCUPATION		R	R	R	R
<b>Part A - Cutting Department</b>					
Head Cutter		2042.50	1634.00	2051.00	1641.00
Pattern Maker:					
(a)	Qualified	2042.50	1634.00	2051.00	1641.00
(b)	Learner				
	First year				
	First six months of experience	1230.00	984.00	1235.50	988.50
	Second six months of experience	1336.00	1069.00	1342.50	1074.00
	Second year				
	First six months of experience	1448.00	1158.50	1455.00	1164.00
	Second six months of experience	1560.00	1248.00	1566.50	1253.00
	Third year				
	First four months of experience	1683.00	1346.50	1688.00	1350.50
	Thereafter, the wage specified in (a), i.e.	2042.50	1634.00	2051.00	1641.00
Pattern Grader					
(a)	Qualified	1687.00	1349.50	1694.50	1355.50
(b)	Learner				
	First year				
	First six months of experience	1158.50	927.50	1163.50	931.00
	Second six months of experience	1230.00	984.00	1235.50	988.50
	Second year				
	First six months of experience	1297.00	1037.50	1302.50	1042.00
	Second six months of experience	1368.50	1095.00	1375.00	1100.00
	Third year				
	First six months of experience	1448.00	1158.50	1455.00	1164.00
	Next four months of experience	1526.50	1221.00	1532.00	1226.50
	Thereafter, the wage specified in (a), i.e.	1687.00	1349.50	1694.50	1355.50
Cutter, lay-maker:					
(a)	Qualified	1630.50	1304.50	1639.00	1311.00

WAGE SCHEDULE		Group A (i.e. employees on the 0.5% Productivity Incentive Scheme)		Group B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
(b)	Learner				
	First year				
	First six months of experience	1083.50	882.50	1086.00	882.50
	Second six months of experience	1154.00	923.00	1159.50	927.50
	Second year				
	First six months of experience	1247.50	998.00	1249.50	999.50
	Second six months of experience	1344.00	1075.00	1350.50	1080.50
	Third year				
	First six months of experience	1457.00	1185.50	1462.50	1170.00
	Next four months of experience	1630.50	1304.50	1639.00	1311.00
	Interlining cutter, trimmer, leather cutter and file cutter				
(a)	Qualified	1235.00	988.00	1238.50	991.00
(b)	Learner				
	First year				
	First six months of experience	971.00	882.50	972.50	882.50
	Second six months of experience	1014.50	882.50	1017.00	882.50
	Second year				
	First six months of experience	1080.00	882.50	1084.50	882.50
	Second six months of experience	1105.00	884.00	1107.00	885.50
	Third year				
	First four months of experience	1152.00	921.50	1154.50	923.50
	Thereafter, the wage specified in (a) i.e.	1235.00	988.00	1238.50	991.00
(c)	If advanced to learner cutter:				
	First six months from date of advancement	1320.00	1056.00	1326.00	1061.00
	Second six months from date of advancement	1457.00	1165.50	1462.50	1170.00
	Thereafter, the wage specified for a qualified cutter, i.e.	1630.50	1304.50	1639.00	1311.00
	Layer-up:				
(a)	Qualified	1083.00	882.50	1087.00	882.50
	First year				
	First six months of experience	947.00	882.50	951.00	882.50
	Second six months of experience	971.00	882.50	972.50	882.50
	Second year				
	First six months of experience	1003.50	882.50	1006.50	882.50
	Thereafter, the wage specified in (a),	1083.00	882.50	1087.00	882.50

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WAGE SCHEDULE			Group A (i.e. employees on the 0.5% Productivity Incentive Scheme)		Group B (i.e. employees NOT on the 0.6% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION			Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
			R	R	R	R
		i.e.				
	(b)	If advanced to learner cutter:				
		First six months from date of advancement	1083.00	882.50	1087.00	882.50
		Second six months from date of advancement	1247.50	998.00	1249.50	999.50
		Third six months from date of advancement	1344.00	1075.00	1350.50	1080.50
		Fourth six months from date of advancement	1457.00	1185.50	1482.50	1170.00
		Thereafter, the wage specified for a qualified cutter, i.e.	1630.50	1304.50	1639.00	1311.00
		<b>Clicker:</b>				
	(a)	Qualified	1267.00	1013.50	1271.50	1017.00
	(b)	Learner				
		First year of experience	994.00	882.50	995.50	882.50
		Second year of experience	1105.00	884.00	1107.00	885.50
		Thereafter, the wage specified in (a), i.e.	1267.00	1013.50	1271.50	1017.00
		<b>Tracer:</b>				
	(a)	Qualified	1200.50	960.50	1203.50	963.00
	(b)	Learner				
		First year				
		First six months of experience	994.00	882.50	995.50	882.50
		Second six months of experience	1048.50	882.50	1051.50	882.50
		Second year				
		First six months of experience	1098.50	882.50	1105.00	884.00
		Thereafter, the wage specified in (a), i.e.	1200.50	960.50	1203.50	963.00
		<b>Part B - Factory Operatives</b>				
		<b>Clothing machine mechanic:</b>				
	(a)	Qualified	2042.50	1634.00	2051.00	1641.00
	(b)	Learner				
		First year				
		First six months of experience	1230.00	984.00	1235.50	988.50
		Second six months of experience	1338.00	1069.00	1342.50	1074.00
		Second year				
		First six months of experience	1448.00	1158.50	1455.00	1164.00

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WAGE SCHEDULE		Group A (i.e. employees on the 0.5% Productivity Incentive Scheme)		Group B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
	Second six months of experience	1560.00	1248.00	1566.50	1253.00
	Third year				
	First six months of experience	1683.00	1346.50	1688.00	1350.50
	Next four months of experience	1804.50	1443.50	1810.50	1448.50
	Thereafter, the wage specified in (a), i.e.	2042.50	1634.00	2051.00	1641.00
<b>Grade A employee:</b>					
(a)	Qualified	1336.00	1089.00	1342.50	1074.00
(b)	Learner				
	First year				
	First six months of experience	997.00	882.50	1003.00	882.50
	Second six months of experience	1058.50	882.50	1063.50	882.50
	Second year				
	First six months of experience	1113.50	891.00	1118.00	894.50
	Second six months of experience	1169.50	935.50	1175.00	940.00
	Third year				
	First four months of experience	1235.00	988.00	1238.50	991.00
	Thereafter, the wage specified in (a), i.e.	1336.00	1089.00	1342.50	1074.00
<b>Grade B employee:</b>					
(a)	Qualified	1132.00	905.50	1147.00	917.50
(b)	Learner				
	First year				
	First six months of experience	997.00	882.50	997.00	882.50
	Second six months of experience	1031.00	882.50	1033.50	882.50
	Second year				
	First six months of experience	1063.00	882.50	1068.00	882.50
	Thereafter, the wage specified in (a), i.e.	1132.00	905.50	1147.00	917.50
(c)	If advanced to Grade A employee:				
	First six months from date of advancement	1132.00	905.50	1147.00	917.50
	Second six months from date of advancement	1139.50	911.50	1154.00	923.00
	Third six months from date of advancement	1190.00	952.00	1209.00	967.00
	Thereafter, the wage specified for a	1325.00	1080.00	1315.00	1052.00

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WAGE SCHEDULE		Group A (i.e. employees on the 0.5% Productivity Incentive Scheme)		Group B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
	qualified Grade A employee, i.e.				
<b>Grade C employee:</b>					
(a)	Qualified	1058.50	882.50	1063.50	882.50
(b)	Learner				
	First year				
	First six months of experience	968.00	882.50	970.00	882.50
	Second six months of experience	993.00	882.50	994.50	882.50
	Thereafter, the wage specified in (a), i.e.	1058.50	882.50	1063.50	882.50
(c)	If advanced to Grade B employee:				
	First six months from date of advancement	1058.50	882.50	1063.50	882.50
	Second six months from date of advancement	1066.00	882.50	1070.50	882.50
	Thereafter, the wage specified for a qualified Grade B employee, i.e.	1159.50	927.50	1163.50	931.00
<b>Underpresser, blocker:</b>					
(a)	Qualified	1066.00	882.50	1070.50	882.50
(b)	Learner				
	First year				
	First six months of experience	947.00	882.50	951.00	882.50
	Second six months of experience	971.00	882.50	972.50	882.50
	Second year				
	First six months of experience	1003.50	882.50	1008.50	882.50
	Second six months of experience	1066.00	882.50	1070.50	882.50
(c)	If advanced to learner presser:				
	First six months from date of advancement	1066.00	882.50	1070.50	882.50
	Second six months from date of advancement	1235.00	988.00	1238.50	991.00
	Thereafter, the wage specified for a qualified Grade A employee, i.e.	1336.00	1069.00	1342.50	1074.00
<b>Part C - Clerical employees</b>					
<b>Clerk</b>					
(a)	Qualified	1457.00	1185.50	1462.50	1170.00
(b)	Learner				

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WAGE SCHEDULE		Group A (i.e. employees on the 0.5% Productivity Incentive Scheme)		Group B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 01 Mar 2021 to 31 Aug 2021	New Eas on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 01 Mar 2021 to 31 Aug 2021	New Eas on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
	First year of experience	1119.50	896.50	1124.00	899.00
	Second year of experience	1207.00	965.50	1214.00	971.00
	Third year				
	First six months of experience	1298.50	1039.00	1305.50	1044.50
	Thereafter, the wage specified in (a), i.e.	1457.00	1165.50	1462.50	1170.00
<b>Factory Clerk</b>					
(a)	Qualified	1136.50	909.00	1140.00	912.00
(b)	Learner				
	First year of experience	945.50	882.50	947.50	882.50
	Second year of experience	994.50	882.50	997.00	882.50
	Third year				
	First six months of experience	1055.50	882.50	1058.50	882.50
	Thereafter, the wage specified in (a), i.e.	1136.50	909.00	1140.00	912.00
<b>Part D - General</b>					
	Boiler attendant	1087.00	882.50	1089.50	882.50
	Despatch packer	1115.50	882.50	1119.50	895.50
	General Worker	1054.00	882.50	1064.50	882.50
	Labourer	1066.00	882.50	1070.50	882.50
Motor vehicle driver of a vehicle, the unladen mass of which, together with the unladen mass of any trailer or trailers drawn by such vehicle is as follows -					
(a)	under 2 720 kg	1160.00	928.00	1164.00	931.00
(b)	2 720 kg and over	1297.00	1037.50	1302.50	1042.00
	Supervisor, quality controller and instructor	1368.50	1095.00	1375.00	1100.00
	Traveller's driver	1160.00	928.00	1164.00	931.00
Watchman or caretaker, whose ordinary hours of work are -					
(a)	less than 60 hours per week	1195.00	956.00	1201.00	981.00
(b)	60 hours per week	1247.50	998.00	1249.50	999.50
NB: All employers who employed staff on 2011/2012 New Entry Wage Dispensation must, with the coming into effect of this agreement, increase the Weekly Wage for those employees by the agreed Wage Increase of 3.7% Across the Board.					

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5. In clause 4, insert the following new sub-clause (13):

"(13) A once-off payment equivalent to one (1) day's pay at the rates applicable as at the end of December 2020 shall be paid to all employees by no later than 1<sup>st</sup> June 2021."

6. In the following table of clauses, substitute the existing expression, for the new expression:

Clause No.	Existing 2019/2020	New 2020/2021
4(12)	1 September 2019	1 March 2021
5(5)(c)	the Provident Fund Agreement	Clause 50 of this Agreement
15(1)(a)(i)	15 ordinary working days at full wage	16 ordinary working days at full pay
15(6)	subclause (9)	subclause (10)
22(2)(a)	R3,31	R3,43
22(2)(b)	R4,80	R4,98
27(3)	45 cents	47 cents
27(4)	70 cents	73 cents
30(2)(b)	the Collective Agreement of the Provident Fund	Clause 50 of this Agreement
38(5)	31 cents	32 cents
39(3)	60 cents	62 cents

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41(1)	31 August 2020	31 August 2021
41(1)	1 September 2019	1 September 2020

#### 10. PART H (PROVISIONS FOR THE WESTERN CAPE REGION (KNITTING))

1. In Clause 3(1), substitute the existing expression, for the following new expression:

**"Complying employer" means an employer whose company or concern is fully registered with the Council or a council which amalgamated to form the National Bargaining Council, which has given effect to the applicable Council Main and Benefit Fund Collective Agreements in each of its establishments or has received due exemption therefrom, who is up to date with Council and any Benefit Fund contributions, trade union, employer subscriptions or who has implemented a signed Council-approved arrears repayment plan and who has registered all permanent and contract employees with the Council;"**

2. In clause 4(1), insert the following new expression preceding the existing wording:

**"Where any of the Council's prescribed wage rates in the National Main Collective Agreement is less than the National Minimum Wage (NMW) it will be adjusted upwards to at least the NMW. The onus is on the employer to ensure that they are not in contravention of the NMW."**

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3. In clause 4(1), substitute the existing wage schedule with the following new wage schedule (for knitting establishments):

WAGE SCHEDULE		Group A (i.e. employees on the 0.5% Productivity Incentive Scheme)		Group B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 1 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 Mar 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 1 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 Mar 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
<b>Part A - Cutting Department</b>					
<b>Pattern Maker:</b>					
(a)	Qualified	2700.00	2160.00	2710.50	2168.50
(b)	Leamer				
	First year				
	First six months of experience	1512.00	1209.50	1517.50	1214.00
	Second six months of experience	1670.00	1336.00	1675.50	1340.50
	Second year				
	First six months of experience	1826.50	1461.00	1835.00	1468.00
	Second six months of experience	1994.00	1595.00	2004.00	1603.00
	Third year				
	First six months of experience	2175.50	1740.50	2184.50	1747.50
	Next four months of experience	2347.00	1877.50	2358.50	1887.00
	Thereafter, the wage specified in (a), i.e.	2700.00	2160.00	2710.50	2168.50
<b>Pattern Grader</b>					
(a)	Qualified	2177.50	1742.00	2186.00	1749.00
(b)	Leamer				
	First year				
	First six months of experience	1421.00	1137.00	1429.50	1143.50
	Second six months of experience	1512.00	1209.50	1517.50	1214.00
	Second year				
	First six months of experience	1600.50	1280.50	1610.50	1288.50
	Second six months of experience	1715.50	1372.50	1723.50	1378.00
	Third year				
	First six months of experience	1826.50	1461.00	1835.00	1468.00
	Next four months of experience	1944.50	1555.50	1954.00	1563.00
	Thereafter, the wage specified in (a), i.e.	2177.50	1742.00	2186.00	1749.00
<b>Football Jersey Cutter</b>					
(a)	Qualified	1513.50	1211.00	1520.00	1216.00

WAGE SCHEDULE		Group A (i.e. employees on the 0.5% Productivity Incentive Scheme)		Group B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 1 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 Mar 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 1 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 Mar 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
(b)	Learner				
	First year				
	First six months of experience	1136.50	909.00	1140.00	912.00
	Second six months of experience	1205.00	964.00	1209.00	967.00
	Second year				
	First six months of experience	1267.00	1013.50	1273.50	1019.00
	Second six months of experience	1334.50	1067.50	1342.00	1073.50
	Third year				
	First four months of experience	1400.50	1120.50	1406.00	1125.00
	Thereafter, the wage specified in (a), i.e.	1513.50	1211.00	1520.00	1216.00
Layer-up					
(a)	Qualified	1305.00	1044.00	1310.00	1048.00
(b)	Learner				
	First year				
	First six months of experience	1098.50	882.50	1103.50	883.00
	Second six months of experience	1136.50	909.00	1140.00	912.00
	Second year				
	First six months of experience	1187.00	949.50	1193.00	954.50
	Thereafter, the wage specified in (a), i.e.	1305.00	1044.00	1310.00	1048.00
Part B - Factory Operatives					
Grade A employee:					
(a)	Qualified	1670.00	1336.00	1675.50	1340.50
(b)	Learner				
	First year				
	First six months of experience	1175.00	940.00	1179.00	943.00
	Second six months of experience	1266.00	1013.00	1271.50	1017.00
	Second year				
	First six months of experience	1353.00	1082.50	1358.00	1086.50
	Second six months of experience	1421.00	1137.00	1429.50	1143.50
	Third year				
	First four months of experience	1513.50	1211.00	1520.00	1216.00
	Thereafter, the wage specified in (a), i.e.	1670.00	1336.00	1675.50	1340.50

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WAGE SCHEDULE		Group A (i.e. employees on the 0.5% Productivity Incentive Scheme)		Group B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 1 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 Mar 2021 = 80% (Where applicable the Minimum Wage Payable plus incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 1 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 Mar 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
<b>Grade B employee:</b>					
(a)	Qualified	1426.50	1141.00	1432.00	1145.50
(b)	Leamer				
	First year				
	First six months of experience	1157.50	926.00	1163.00	930.50
	Second six months of experience	1218.00	974.50	1223.00	978.50
	Second year				
	First six months of experience	1279.50	1023.50	1285.00	1028.00
	Thereafter, the wage specified in (a), i.e.	1426.50	1141.00	1432.00	1145.50
(c)	If advanced to Grade A employee:				
	First six months from date of advancement	1426.50	1141.00	1432.00	1145.50
	Second six months from date of advancement	1469.00	1175.00	1475.50	1180.50
	Third six months from date of advancement	1513.50	1211.00	1520.00	1216.00
	Thereafter, the wage specified for a qualified Grade A employee, i.e.	1670.00	1336.00	1675.50	1340.50
<b>Grade C employee:</b>					
(a)	Qualified	1266.00	1013.00	1271.50	1017.00
(b)	Leamer				
	First year				
	First six months of experience	1134.50	907.50	1139.00	911.00
	Second six months of experience	1166.50	933.00	1172.00	937.50
	Thereafter, the wage specified in (a), i.e.	1266.00	1013.00	1271.50	1017.00
(c)	If advanced to Grade B employee:				
	First six months from date of advancement	1266.00	1013.00	1271.50	1017.00
	Next six months from date of advancement	1279.50	1023.50	1285.00	1028.00
	Thereafter, the wage specified for a qualified Grade B employee, i.e.	1426.50	1141.00	1432.00	1145.50
<b>Part C - Clerical employees</b>					
Clerk					

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WAGE SCHEDULE		Group A (i.e. employees on the 0.5% Productivity Incentive Scheme)		Group B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION		Wage per week from 1 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 Mar 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 1 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 Mar 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
		R	R	R	R
(a)	Qualified	1837.50	1470.00	1847.00	1477.50
(b)	Learner				
	First year	1357.00	1085.50	1361.00	1089.00
	Second year	1474.00	1179.00	1481.00	1185.00
	Third year				
	First four months of experience	1611.50	1289.00	1619.00	1295.00
	Thereafter, the wage specified in (a), i.e.	1837.50	1470.00	1847.00	1477.50
<b>Factory Clerk</b>					
(a)	Qualified	1378.50	1103.00	1386.50	1109.00
(b)	Learner				
	First year	1098.50	882.50	1103.50	883.00
	Second year	1170.50	936.50	1176.00	941.00
	Third year				
	First four months of experience	1266.00	1013.00	1271.50	1017.00
	Thereafter, the wage specified in (a), i.e.	1378.50	1103.00	1386.50	1109.00
<b>Part D - General</b>					
	Boiler attendant	1309.50	1047.50	1316.50	1053.00
	Despatch packer	1363.00	1082.50	1358.00	1086.50
	General Worker	1266.00	1013.00	1271.50	1017.00
	Labourer	1279.50	1023.50	1285.00	1028.00
Motor vehicle driver of a vehicle, the unladen mass of which, together with the unladen mass of any trailer or trailers drawn by such vehicle -					
(a)	does not exceed 1 360 kg	1363.00	1082.50	1358.00	1086.50
(b)	exceeds 1 360 but not 2 720 kg	1404.50	1123.50	1410.00	1128.00
(c)	exceeds 2 720 kg	1600.50	1280.50	1610.50	1288.50
	Supervisor, quality controller and instructor	1715.50	1372.50	1723.50	1379.00
	Traveller's driver	1404.50	1123.50	1410.00	1128.00
Watchman or caretaker, whose ordinary hours of work are -					
(a)	less than 60 hours per week	1459.50	1167.50	1466.00	1173.00
(b)	60 hours per week	1531.50	1225.00	1539.50	1231.50

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WAGE SCHEDULE		Group A (i.e. employees on the 0.5% Productivity Incentive Scheme)		Group B (i.e. employees NOT on the 0.5% Productivity Incentive Scheme)	
DESCRIPTION OF OCCUPATION	Wage per week from 1 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 Mar 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 1 Mar 2021 to 31 Aug 2021	New Employees on Incentivised Scheme Effective 1 Mar 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	
		R	R	R	R
NB: All employers who employed staff on 2019/2020 New Entry Wage Dispensation must, with effect from 1st June 2021, pay the 2020/2021 New Entry Wage for those employees by the agreed Wage Increase of 7.2% across the Board.					

4. In clause 4, insert the following new sub-clause (13):

"(13) A once-off payment equivalent to one (1) day's pay at the rates applicable as at the end of December 2020 shall be paid to all employees by no later than 1<sup>st</sup> June 2021."

5. In the following table of clauses, substitute the existing expression, for the new expression:

Clause No.	Existing 2019/2020	New 2020/2021
4(11)	1 September 2019	1 March 2021

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Clause No.	Existing 2019/2020	New 2020/2021
5(5)(c)	the Provident Fund Agreement	Clause 50 of this Agreement
15(1)(a)(i)	15 ordinary working days at full wage	16 ordinary working days at full pay
15(6)	subclause (9)	subclause (10)
22(2)(a)	R3,05	R3,16
22(2)(b)	R4,89	R5,07
26(4)(b)	R12,69	R13,16
26(4)(b)	R15,14	R15,70
26(4)(b)	R16,52	R17,13
26(4)(b)	R28,20	R29,24
26(4)(b)	R28,20	R29,24
26(4)(b)	R28,20	R29,24
27(3)	47 cents	49 cents
27(4)	70 cents	73 cents
30(2)(b)	the Collective Agreement of the Provident Fund	Clause 50 of this Agreement
38(5)	31 cents	32 cents
39(3)	55 cents	57 cents
41(1)	31 August 2020	31 August 2021
41(1)	1 September 2019	1 September 2020

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**11. PART I (PROVISIONS FOR THE NON-METRO AREAS)**

1. In Clause 3(1), substitute the existing expression, for the following new expression:

**"Complying employer" means an employer whose company or concern is fully registered with the Council or a council which amalgamated to form the National Bargaining Council, which has given effect to the applicable Council Main and Benefit Fund Collective Agreements in each of its establishments or has received due exemption therefrom, who is up to date with Council and any Benefit Fund contributions, trade union, employer subscriptions or who has implemented a signed Council-approved arrears repayment plan and who has registered all permanent and contract employees with the Council;"**

2. In clause 4(1), insert the following new expression after the existing wording "Minimum wages":

**"Where any of the Council's prescribed wage rates in the National Main Collective Agreement is less than the National Minimum Wage (NMW) it will be adjusted upwards to at least the NMW. The onus is on the employer to ensure that they are not in contravention of the NMW."**

3. In clause 4(1), substitute the existing wage schedule with the following new wage schedule:

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Category / Occupation	In the Magisterial Districts of Camperdown, uMzinto, Paarl, Stellenbosch and Uitenhage (Non-Metro A)		All Other Areas (Non-Metro B)	
	Wage per week from 1 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 1 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus incentive has been adjusted to comply with the National Minimum Wage)
	R	R	R	R
<b>Category A</b>				
0 - 6 months	1,004.00	934.00	970.50	934.00
Thereafter	1,074.00	934.00	1,012.50	934.00
<b>Category B</b>				
0 - 6 months	1,002.50	934.00	983.00	934.00
7 - 12 months	1,049.50	934.00	1,011.50	934.00
13 - 18 months	1,098.50	934.00	1,040.00	934.00
Thereafter	1,163.00	934.00	1,075.50	934.00
<b>Category C</b>				
0 - 6 months	1,036.00	934.00	987.50	934.00
7 - 12 months	1,139.50	934.00	1,048.00	934.00
13 - 18 months	1,245.00	934.00	1,109.50	934.00
19 - 22 months	1,345.50	1,076.50	1,175.50	940.50
Thereafter	1,448.50	1,159.00	1,242.00	993.50
<b>Category D</b>				
0 - 6 months	1,036.00	934.00	987.50	934.00
7 - 12 months	1,112.50	934.00	1,033.00	934.00
13 - 18 months	1,215.50	972.50	1,078.50	934.00
19 - 22 months	1,265.00	1,012.00	1,123.00	934.00
Thereafter	1,425.50	1,140.50	1,227.00	981.50
<b>Category E</b>				
0 - 6 months	1,088.00	934.00	1,018.50	934.00
7 - 12 months	1,208.50	967.00	1,090.00	934.00
13 - 18 months	1,348.00	1,078.50	1,176.50	941.00
19 - 22 months	1,484.50	1,187.50	1,266.00	1013.00
Thereafter	1,633.00	1,308.50	1,360.00	1088.00
<b>Band Knife Cutter</b>				
0 - 6 months	995.50	934.00	964.00	934.00

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Category / Occupation	In the Magisterial Districts of Camperdown, uMzinto, Paarl, Stellenbosch and Uitenhage (Non-Metro A)		All Other Areas (Non-Metro B)	
	Wage per week from 1 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)	Wage per week from 1 Mar 2021 to 31 Aug 2021	New Ees on Incentivised Scheme Effective 1 March 2021 = 80% (Where applicable the Minimum Wage Payable plus Incentive has been adjusted to comply with the National Minimum Wage)
	R	R	R	R
7 - 12 months	1,074.00	934.00	1,009.50	934.00
13 - 18 months	1,148.00	934.00	1,054.50	934.00
19 - 22 months	1,230.00	934.00	1,102.00	934.00
Thereafter	1,353.50	1,083.00	1,182.00	945.50
<b>Clerical</b>				
0 - 6 months	1,021.00	934.00	978.00	934.00
7 - 12 months	1,118.50	934.00	1,038.50	934.00
13 - 18 months	1,197.00	957.50	1,082.50	934.00
Thereafter	1,375.00	1,100.00	1,193.00	954.50
<b>Assistant Head Cutter</b>	1,584.50	1,267.50	1,330.00	1064.00
<b>Head Cutter</b>	1,914.00	1,531.00	1,542.50	1234.00
<b>Foreperson</b>	1,716.00	1,373.00	1,452.50	1182.00
<b>Watchperson</b>	1,192.50	954.00	1,079.50	934.00
<b>Driver 1 (454kg)</b>	1,136.50	934.00	1,047.00	934.00
<b>Driver 2 (454 - 2722kg)</b>	1,216.50	979.00	1,094.50	934.00
<b>Driver 3 (2722 - 4540kg)</b>	1,374.00	1,098.00	1,192.50	954.00
<b>Driver 4 (4540kg)</b>	1,603.00	1,282.50	1,342.50	1074.00
<b>NB: All employers who employed staff on 20/11/2012 New Entry Wage Dispensation must, with the coming into effect of this agreement, increase the Weekly Wage for those employees by the agreed Wage Increase of 3.7% Across the Board.</b>				

4. In the following table of clauses, substitute the existing expression, for the new expression:

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Clause No.	Existing 2019/2020	New 2020/2021
4(9)	1 September 2019	1 March 2021
32(2)	R3,84	R3,98
32(2)	1 September 2019	1 March 2021
32(2)	R4,87	R5,05
32(2)	1 September 2019	1 March 2021
36(6)(a)	62 cents	64 cents
40(1)	31 August 2020	31 August 2021
40(1)	1 September 2019	1 September 2020
Annexure C of Clause 43(5)	19 cents	20 cents

5. In clause 4(11), insert the following new sub-clause (d):

"(d) A once-off payment equivalent to one (1) day's pay at the rates applicable as at the end of December 2020 shall be paid to all employees by no later than 1<sup>st</sup> June 2021."

## 12. COLLECTIVE FUND AGREEMENT FOR THE NORTHERN REGION

1. In the following table of clauses, substitute the existing expression, for the new expression:

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*P. J. J. J.*  
*10*  
*A*

Clause No.	Existing 2019/2020	New 2020/2021
4(1)(a)	R3,04	R3,15
4(1)(b)	R3,27	R3,39
5A(2)(b)	R28,45	R29,50
5B(2)(b)	R28,45	R29,50
6(5)	21 cents	22 cents
7A(2)(b)	R13,20	R13,69
7B(2)(b)	R13,20	R13,69
16(1)	47 cents	49 cents
16(2)	71 cents	74 cents

Signed at CAPE TOWN on behalf of the Parties this 26<sup>th</sup> day of February 2021.

  
 \_\_\_\_\_  
**MARTHIE RAPHAEL**  
 Chairperson

  
 \_\_\_\_\_  
**FREDA DOSTHYSEN**  
 Vice-Chairperson

  
 \_\_\_\_\_  
**PAUL WILD**  
 General Secretary

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*A.C.  
F.O.  
R*

## DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 422

14 May 2021

PUBLICATION OF THE OCCUPATIONAL HEALTH AND SAFETY AMENDMENT  
BILL, 2020

1. I, **THEMBELANI WALTERMADE NXESI**, Minister of Employment and Labour, hereby give notice in terms of Rule 276(1)(b) of the Rules of the National Assembly that I intend to introduce the Occupational Health and Safety Amendment Bill, 2020 in the National Assembly shortly.
2. The explanatory summary of the Bill is hereby published in accordance with Rule 276(1)(c) of the Rules of the National Assembly.

The Bill seeks to amend the Occupational Health and Safety Act, 1993, so as to delete, substitute and insert certain definitions; to effect certain technical corrections; to make further provision in respect of the health and safety of persons at work and for the health and safety of persons in connection with the use of plant and machinery; to further regulate the protection of persons other than persons at work against hazards to health and safety arising out of or in connection with the activities of persons at work; to further regulate the composition of an advisory council for occupational health and safety; and to provide for matters connected therewith.

A copy of the Bill can be found on the website of the Department of Employment and Labour at <http://www.labour.gov.za/legislation/bills/proposed-amendment-bills> and that of the Parliamentary Monitoring Group at <http://www.pmg.org.za> and, after introduction, may also be obtained from: Government Printers: Cape Town (Telephone number: (021) 465-7531).



MR TW NXESI, MP  
MINISTER OF EMPLOYMENT AND LABOUR  
DATE: 13/04/2021

**REPUBLIC OF SOUTH AFRICA**

**OCCUPATIONAL HEALTH AND SAFETY AMENDMENT BILL**

-----  
*(As introduced in the National Assembly (proposed section 75); explanatory  
summary of Bill published in Government Gazette No.     of     ) (The English text  
is the official text of the Bill)*  
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**(MINISTER OF EMPLOYMENT AND LABOUR)**

**[B - 2020]**

**GENERAL EXPLANATORY NOTE:**

- [            ] Words in bold type in square brackets indicate omissions from existing enactments.
- \_\_\_\_\_ Words underlined in solid line indicate insertions in existing enactments.
- 

**BILL**

**To amend the Occupational Health and Safety Act, 1993, so as to delete, substitute and insert certain definitions; to effect certain technical corrections; to make further provision in respect of the health and safety of persons at work and for the health and safety of persons in connection with the use of plant and machinery; to further regulate the protection of persons other than persons at work against hazards to health and safety arising out of or in connection with the activities of persons at work; to further regulate the composition of an advisory council for occupational health and safety; and to provide for matters connected therewith.**

**BE IT ENACTED** by the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 1 of Act 85 of 1993 as amended by section 1 of Act 181 of 1993**

1. (1) Section 1 of the Occupational Health and Safety Act, 1993(Act No. 85 of 1993) (hereinafter referred to as the principal Act) is hereby amended—
- (a) by the substitution for the definition of “approved inspection authority” of the following definition:
- “approved inspection authority”** means an accredited organisation approved by the chief inspector as an inspection authority with respect to any particular service in terms of this Act:
- (b) by the substitution for the definition of “danger” of the following definition:
- “ ‘danger’** means anything which may cause injury, adverse health effects or damage to persons or property.”;
- (c) by the substitution for the definition of “Department” of the following definition:
- “ ‘Department’** means the Department of **[Manpower] Employment and Labour.**”;
- (d) by the substitution for the definition of “employee” of the following definition:
- “ ‘employee’** means[, **subject to the provisions of subsection (2),**] any person who is employed by or works for an employer and who receives or is entitled to receive any remuneration **[or] and** who works under the direction or supervision of an employer **[or any other person].**”;
- (e) by the substitution for the definition of “employer” of the following definition:

" 'employer' means any person, institution or organisation, including government who employs and provides work to an employee, and supervises, remunerates or tacitly or expressly undertakes to remunerate such employee for services rendered by such employee.":

(f) by the substitution for the definition of "employers' organisation" of the following definition:

" 'employers' organisation' means an employers' organisation as defined in section [1] 213 of the Labour Relations Act, [1956 (Act No. 28 of 1956)] 1995 (Act No. 66 of 1995);"

(g) by the insertion after the definition of "hazard" of the following definition:

" 'hazardous substance' means a toxic, harmful, erosive, corrosive irritant or an asphyxiate substance or a mixture of such substances which creates a hazard to health;"

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

" 'incident' means an [incident] occurrence as contemplated in section 24 (1);

(i) by the deletion of the definition "industrial court";

(j) by the substitution for the definition of "listed work" of the following definition:

" 'listed work' means any work [declared to be listed work under section 11] which poses a risk to health and safety which requires specific precautionary measures to be implemented;"

(k) by the substitution for the definition of "local authority" of the following definition:

" 'local authority' means a local municipality as defined in section 1 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).";

(l) by the substitution for the definition of "Minister" of the following definition:

" 'Minister' means the [Minister of Manpower] Cabinet member responsible for labour.";

(m) by the insertion after the definition of "Minister" of the following definition:

" 'occupational disease' means occupational disease as defined in section 1 of the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993).";

"'occupational health standard" means a standard, which, if applied for the purposes of this Act, will promote the occupational health of employees or the health of any other person in terms of this Act.";

(n) by the insertion after the definition of "occupational hygiene" of the following definition:

" 'occupational hygienist' means a person who is registered with a body recognised by the chief inspector and who has the knowledge, training, skills, experience and the required qualification in the field of occupational hygiene techniques, to assess and evaluate levels of health and safety hazards that an employee is or may be exposed to at work.";

(o) by the deletion of the definition "office";

(p) by the substitution for the definition of "officer" of the following definition:

" **'officer'** means an officer or employee as defined in section 1 (1) of the Public Service Act, **[1984 (Act No. 111 of 1984)] 1994** (Proclamation No. 103 of 1994);";

(q) by the insertion after the definition of "organism" of the following definition:

" **'permanent disablement'** means the permanent disablement as defined in section 1 of the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993);";

(r) by the substitution for the definition of "risk" of the following definition:

" **'risk'** means the probability that personal injury, illness or the death of the employee or any other person or damage to property will occur;

(s) by the insertion after the definition of "risk" of the following definitions:

" **'risk assessment'** means, the process of evaluating the risks to an employee's health and safety from workplace hazards and is a systematic assessment of all aspects of work that considers:

- (a) a complete hazard identification;
- (b) identification of all who may be affected by the hazard;
- (c) how the person is affected;
- (d) the analysis and evaluation of the risks; and
- (e) prioritisation of risks;

**'risk management'** means the identification and mitigation of risks by the application of appropriate control measures;";

(t) by the insertion after the definition of "safe" of the following definitions:

" **'safety management system'** or **'health and safety management system'** means, a co-ordinated, comprehensive set of interrelated or

interacting elements to establish occupational health and safety policy and objectives in order to optimally manage health and safety.";

" 'safety standard' means any standard, which, if applied for the purposes of this Act, will promote the safety of employees or any other person in terms of this Act;

'SANAS' means the South African National Accreditation System;

"self-employed" means an individual who earns income through conducting profitable operations from a trade or business, which that individual operates directly;

(u) by the substitution for the definition of "standard" of the following definition:

" 'standard' means any provision occurring—

(a) in a specification, compulsory specification, code of practice or standard method as defined in section 1~~[(16)]~~ of the Standards Act, ~~[1993 (Act No. 3 of 1993(17))]~~ 2008 (Act No. 8 of 2008); or

(b) in any specification, code or any other directive having standardisation as its aim and issued by an institution or organisation inside or outside the Republic which, whether generally or with respect to any particular article or matter and whether internationally or in any particular country or territory, seeks to promote standardisation: Provided that, anything that is required to conform to this Act shall first be subjected to the required tests by SANAS accredited to do such tests to ensure conformance to a particular standard;"

(v) by the substitution for the definition of "trade union" of the following definition:

" 'trade union' means a trade union as defined in section 213 of the Labour Relations Act, 1995 (Act No. 66 of 1995);"

(w) by the substitution for the definition of "user" of the following definition:

" 'user' [in relation to plant or machinery], means a person who uses the premises, articles, substances, plant or machinery, for his or her own benefit or [who] has the exclusive right of control over the use of the premises, articles, substances, plant or machinery but does not include a lessor of, or any person employed in connection with that premises, articles, substances, plant or machinery."

(x) by the insertion after the definition of "user" of the following definition:

" 'volunteer' means a person, who willingly provides a service to an institution or organisation, including a government body or organisation, or a non-governmental organisation without being remunerated for services rendered."

(y) by the substitution for the definition of "work" of the following definition:

" 'work' means work as an employee or as a self-employed person and for such purpose an employee is deemed to be at work during the time that he or she is in the course of his or her employment, and a self-employed person is deemed to be at work during such time as he or she devotes to work as a self-employed person;

(z) by the substitution for the definition of "workplace" of the following definition:

" 'workplace' means any premises or place where a person performs work in the course of [his] employment."

(aa) by the deletion of subsection (2);

(bb) by the substitution in subsection (3) for paragraph (a) of the following paragraph:

"(a) a mine, a mining area or any works as defined in the **[Minerals Act, 1991 (Act No. 50 of 1991)]** Mines Health and Safety Act, 1996 (Act No. 29 of 1996), except in so far as that Act provides otherwise;"

and

(cc) by the addition in subsection (3) of the following paragraphs:

"(c) aircraft as indicated in section 2 of the Civil Aviation Act, 2009 (Act No. 13 of 2009); and

(d) any nuclear installation as defined in the Nuclear Energy Act, 1993, (Act No. 131 of 1993);"

#### **Amendment of section 3 of Act 85 of 1993**

2. Section 3 of the principal Act is hereby amended—

(a) by the substitution for subsection (3) of the following subsection:

"(3) The Council may for the purposes of the performance of any of its functions, with the approval of the Minister, and with the concurrence of the Minister of **[State Expenditure]** Finance, enter into an agreement for the performance of a particular act or particular work or for the rendering of a particular service, on such conditions and at such remuneration as may be agreed upon, with anybody who in the opinion of the Council is fit to perform such act or work or to render such service."; and

(b) by the substitution for subsection (4) of the following subsection:

"(4) (a) The chief inspector shall, with the approval of the Minister, appoint an officer or employee of the Department in terms of the Public Service Act, 1994(Proclamation No.103 of 1994), to assist the Council and its sub-committees in the performance of the Council's functions.

(b) The remuneration, allowances, benefits and other terms and conditions of employment of personnel appointed under subsection (1) shall be determined in terms of the Public Service Act, 1994."

#### **Substitution of section 4 of Act 85 of 1993**

4. The following section is hereby substituted for section 4 of the principal Act:

**"[Constitution] Composition of Council**

(1) The Council shall consist of **[20]** 23 members,

namely—

- (a) the chief inspector, **[ex officio, who shall be the chairman];**
- (aA) the Chairperson;
- (b) **[one officer serving in]** three persons nominated by the Department;
- (c) the **[Workmen's]** Compensation Commissioner, or his or her nominee;
- (d) one person nominated by the Minister **[for National]** of Health **[and Welfare];**

- (e) one person nominated by the Minister of **[Mineral and Energy]** Mineral Resources;
- (f) six persons to represent the interests of the employers from a list of the names of persons nominated by employers organisations or federations of employers organisations;
- (g) six persons to represent the interests of the employees from a list of the names of persons nominated by trade unions or federations of trade unions organisations;
- (h) one person who in the opinion of the Minister has extensive knowledge of occupational health and safety matters;
- (i) one person who in the opinion of the Minister has extensive knowledge of occupational medicine and **[was]** is recommended by the Minister **[for National Health and Welfare]** of Health;
- (j) one person who in the opinion of the Minister has extensive knowledge of occupational hygiene.

(2) The members referred to in subsection (1) **[(b) up to and including (j)]** shall be appointed in writing by the Minister."

#### **Amendment of section 5 of Act 85 of 1993**

5. Section 5 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

"(1) The members of the Council referred to in section 4(2), shall be appointed for a period of **[three]** five years, and on such

conditions as the Minister may determine with the concurrence of the Minister of **[State Expenditure] Finance**”;

(b) by the substitution for subsection (2) of the following subsection:

“(2) A member of the Council whose term of office has expired shall be eligible for reappointment for a further term, but not exceeding two terms.”;

(c) by the substitution for subsection (3) of the following subsection:

“(3) A member referred to in section 4 (1) **[(f), (g), (h), (i) or (j)]** who is not an officer may be paid from money appropriated for such purpose by Parliament, such allowances as the Minister may determine with the concurrence of the Minister of **[State Expenditure] Finance**.”;

#### **Substitution of section 6 of Act 85 of 1993**

6. The following section is hereby substituted for section 6 of the principal Act:

#### **“Establishment of technical committees of Council and sectoral advisory forums**

6. (1) The Council may **[with the approval of the Minister]** establish one or more technical committees to advise the Council on any matter regarding the performance by the Council of its functions.

(2) A member of a technical committee shall be appointed by the Council by **[reason of his knowledge]** virtue of his or her knowledge and experience for the matter for which the committee **[was]** is established, and such a member need not be a member of the Council.

(3) A meeting of a technical committee shall be held at such time and place as may be determined by the **[chairman]** chairperson of the **[Council]** technical committee and in accordance with rules approved by the Council.

(4) A member of a technical committee who is not an officer, may be paid from money appropriated for such purpose by Parliament, such allowances as the Minister may determine with the concurrence of the Minister of **[State Expenditure]** Finance.

(5) A person may not be nominated to serve on more than two technical committees at a given time.

(6) A sectoral advisory forum may be established by the chief inspector to advise the chief inspector on matters relating to any regulation made under section 43."

#### **Substitution of section 7 of Act 85 of 1993**

7. The following section is hereby substituted for section 7 of the principal Act:

**"Health and safety management system**

7. (1) The chief inspector may direct an employer or group of employers in writing to develop and implement a health and safety management system.

(2) A directive under subsection (1) shall be accompanied by guidelines concerning the contents of the health and safety management system concerned."

#### **Amendment of section 8 of Act 85 of 1993**

8. Section 8 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) Every employer shall provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risk to the health of his or her employees.";

(b) by the substitution in subsection (2) for paragraphs (a), (b), (c), (d), (e), (f), (g), (i) and (j) of the following paragraphs:

"(a) conducting a workplace specific risk assessment and thereafter developing and implementing a risk management plan in writing, in respect of every risk identified;

(b) ensuring that the workplace specific risk assessment is conducted, by a person or persons who are competent to pronounce on all the risks associated with that workplace;

(c) ensuring that the workplace specific risk management plan is in place and is available at the workplace when requested by an inspector;

- (d) ensuring that no work is undertaken unless the control measures contained in the risk management plan are complied with;
- (e) providing **[such]** information, instructions, training and supervision as may be necessary to ensure, as far as is reasonably practicable, the health and safety at work of **[his]** employees;
- (f) **[as far as is reasonably practicable, not permitting any]** ensuring that no employee is permitted to do any work or to produce, process, use, handle, store or transport any article or substance or to operate any plant or machinery, unless the precautionary measures contemplated in paragraphs (b) and (d), or any other precautionary measures which may be prescribed, have been taken;
- (g) taking all necessary measures to ensure that the requirements of this Act are complied with by every **[person]** employee in his or her employment or by any person on premises under his or her control where plant or machinery is used;
- (i) ensuring that work is performed and that plant or machinery is used under the general supervision of a person trained to understand the hazards associated with it and who have the authority to ensure that precautionary measures taken by the employer are implemented; **[and]**
- (j) causing all employees to be informed regarding the scope of their authority **[as contemplated in section 37 (1) (b).]; and "**

(c) by the addition of the following paragraph:

"(k) ensuring communication of the relevant components of the risk management plan to every employee."

#### **Amendment of section 9 of Act 85 of 1993**

9. Section 9 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) Every employer shall conduct [his] an undertaking in such a manner [as] to ensure [,as far as is reasonably practicable that persons other than those in his employment who may be directly affected by his activities are not thereby exposed to hazards to their health or safety] that the risk posed by identified hazards to persons other than those in the direct employ of the organisation who may be directly affected by the organisation's activities are not thereby exposed to hazards to their health or safety and the risk is managed in line with the risk management plan contemplated in section 8(2)(a)."

(b) by the substitution for subsection (2) of the following subsection:

"(2) Every self-employed person shall conduct [his] an undertaking in such a manner as to ensure [, as far as is reasonably practicable that he and other persons who may be directly affected by his activities are not thereby exposed to hazards to their health or safety] that the risks posed by identified hazards to that self employed person and any other persons who may be directly

CONTINUES ON PAGE 130 OF BOOK 2

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affected by the activities of the work performed on that premises, are managed in line with the specific risk management plan as contemplated in section 12(1)."

#### **Amendment of section 10 of Act 85 of 1993**

10. Section 10 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection :

"(1) Any person who designs, manufactures, imports, sells, leases or supplies any article for use at work shall ensure, **[as far as is reasonably practicable,]** that—

(a) the article is safe and without risks to occupational health and safety when properly used;

(b) the article is accompanied by the instructions which include precautionary measures to be adhered to; and

(c) **[that]** it complies with all the prescribed requirements.

(b) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

"Any person who **[manufactures,]** imports, sells or supplies any substance for use at work shall—";

(c) by the substitution for subsection (4) of the following subsection:

"(4) A person who manufactures, imports, sells or supplies a substance for use at work shall ensure that the substance is classified, labelled and packaged, in the prescribed manner ."

**Amendment of section 11 of Act 85 of 1993**

11. Section 11 of the principal act is hereby amended by—

- (a) by the substitution in subsection (2) for paragraph (a) of the following paragraph:

"(a) Before the Minister declares any work to be listed work, he or she shall, after consultation with the Council, cause to be published in the *Gazette* a draft of his or her proposed notice and at the same time invite interested persons to submit to him or her in writing within a specified period, comments and representations in connection with the proposed notice.

- (b) by the substitution for subsection (4) of the following subsection:

"(4) A notice **[under]** referred to in subsection (1) may at any time be amended or withdrawn by like notice.

**Amendment of section 12 of Act 85 of 1993**

12. Section 12 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) (a) An employer shall conduct a risk assessment in relation to such listed work and develop and implement a risk management plan in respect of the risks identified for that work.

(b) A risk assessment conducted for that workplace, shall be conducted by a person or persons who are competent to pronounce

on all the risks associated with that work and where the risk is complex in nature, a risk assessment shall be conducted by specialists who are competent to pronounce on all the risks associated with that particular work.

(c) The employer shall ensure that a workplace specific risk management plan is in place and is available at the workplace when requested by an inspector.

(d) An employer may not permit any listed work to be undertaken unless the control measures contained in the risk management plan are complied with."

#### **Amendment of section 13 of Act 85 of 1993**

13. Section 13 of the principal Act is hereby amended by the substitution in subsection (1) for paragraphs (a) and (b) of the following paragraphs, respectively:

"(a) **[as far as is reasonably practicable, cause]** ensure that every employee **[to be made]** is conversant with the **[hazards]** risks to his or her health and safety attached to—

- (i) any work which **[he]** that employee has to perform;
- (ii) any article or substance which he or she has to produce, process, use, handle, store or transport; and
- (iii) any plant or machinery which he or she is required or permitted to use,

as well as with the precautionary measures which should be taken and observed with respect to those hazards;

- (b) inform the health and safety representatives concerned beforehand of inspections, investigations or formal inquiries of which **[he]** the employer has been notified by an inspector, and of any application for exemption made by him or her in terms of section 40."

#### **Substitution of section 14 of Act 85 of 1993**

14. The following section is hereby substituted for section 14 of the principal Act:

##### **"General duties of employees at work**

14. Every employee shall at work—
- (a) take reasonable care for the employee's own health and safety **[of himself]** and of other persons who may be affected by his or her acts or omissions;
- (b) as regards any duty or requirement imposed on his or her employer or any other person by this Act, co-operate with **[such]** the employer or other person to enable that duty or requirement to be performed or complied with;
- (c) **[carry out any]** execute a lawful order given to him or her, and obey the health and safety rules and procedures laid down by his or her employer or by **[anyone]** a person authorised thereto by his or her employer, in the interest of health or safety;

- (d) **[if any situation which is unsafe or unhealthy comes to his attention]** when he or she becomes aware of an unsafe or unhealthy situation, as soon as practicable, report such situation to his or her employer or to the health and safety representative for his or her workplace or section thereof, as the case may be, who shall report it to the employer; and
- (e) **[if]** where he or she is involved in any incident which may affect his or her health or which has caused an injury to himself or herself, report such incident to his or her employer or to anyone authorised thereto by the employer, or to his or her health and safety representative, as soon as practicable but not later than the end of the particular shift during which the incident occurred, unless the circumstances were such that the reporting of the incident was not possible, in which case he or she shall report the incident as soon as it is reasonably practicable thereafter.

#### **Amendment of section 16 of Act 85 of 1993**

15. Section 16 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

"(1) **[Every]** A chief executive officer shall **[as far as is reasonably practicable]** ensure that the duties of his or her employer as contemplated in this Act, are properly discharged".

- (b) by the insertion after subsection (1) of the following subsection:

"(1A) The chief executive officer shall develop, implement and continuously review the health and safety management system as the employer may be directed in terms of section 7(1);

(2) Without derogating from his or her responsibility or liability in terms of subsection (1) and (1A), a chief executive officer may **[assign]** in writing, delegate any duty contemplated in the said **[subsection]** subsections, to any person under his or her control, which person shall act subject to the control and direction of the chief executive officer, in the interest of occupational health and safety.";

(c) by the insertion after subsection (2) of the following subsection:

"(2A) A person so delegated in terms of subsection (2) may not further delegate the duty to any other person."; and

(d) by the substitution for subsection (3) of the following subsection:

"(3) The provisions of subsection (1) shall not, **[subject to the provisions of section 37]**, relieve an employer of any responsibility, accountability or liability under this Act."

#### **Amendment of section 17 of Act 85 of 1993**

16. Section 17 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) Subject to the provisions of subsection (2), every employer who has more than 20 employees in his or her employment at any workplace, shall, within four months after the commencement of this Act or after commencing business, or from such time as the

number of employees exceeds 20, as the case may be, designate in writing for a specified period health and safety representatives for such workplace, or for different sections thereof.";

(b) by the substitution for subsection (2) of the following subsection:

"(2) An employer and the representatives of his or her employees recognized by **[him]** such employer or, where there are no such representatives, the employees shall consult in good faith regarding the arrangements and procedures for the nomination or election, period of office and subsequent designation of health and safety representatives in terms of subsection (1): Provided that if such consultation fails, the matter shall be referred for arbitration to **[a person mutually agreed upon, whose decision shall be final: Provided further that if the parties do not agree within 14 days on an arbitrator, the employer shall give notice to this effect in writing to the President of the Industrial Court, who shall in consultation with the chief inspector designate an arbitrator, whose decision shall be final.]** the Commission for Conciliation, Mediation and Arbitration. ";

(c) by the deletion of subsection (3);

(d) by the substitution for subsection (5) of the following subsection:

"(5) The number of health and safety representatives for a workplace or section thereof shall in the case of shops and offices be at least one health and safety representative for every 100 employees or part thereof, and in the case of all other workplaces at least one health and safety representative for every 50 employees or

part thereof: Provided that **[those employees]** an employee performing work at a workplace other than that where the employee ordinarily report for duty, shall be deemed to be working at the workplace where the employee so reports for duty;"; and

(e) by the substitution for subsection (6) of the following subsection:

"(6) If an inspector is of the opinion that the number of health and safety representatives for any workplace or section thereof, including a workplace or section with 20 or fewer employees, is inadequate, **[he]** the inspector may by notice in writing direct the employer to designate such number of employees as the inspector may determine as health and safety representatives for that workplace or section thereof in accordance with the arrangements and procedures referred to in subsection (2)."

#### **Amendment of section 18 of Act 85 of 1993**

17. Section 18 of the principal Act is hereby amended—

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

"A health and safety representative may perform the following functions in respect of the workplace **[or section of the workplace]** for which he or she has been designated, namely—";

(b) by the substitution in subsection (1) for paragraphs (c), (d), (f), (g), (i) and (j) with the following paragraphs:

- (c) in collaboration with **[his]** the employer, examine the causes of incidents at the workplace;
- (d) investigate complaints by **[any]** an employee relating to that employee's health or safety at work;
- (f) make representations to the employer on general matters affecting the health or safety of **[the employees]** an employee at the workplace;
- (g) inspect the workplace, including any article, substance, plant, machinery or health and safety equipment at that workplace with a view to the health and safety of employees, at such intervals as may be agreed upon with the employer: Provided that the health and safety representative shall give reasonable notice of **[his]** any intention to carry out such an inspection, to the employer, who may be present during the inspection;
- (i) receive information from inspectors as contemplated in section 36[;] and where such information is not made available within 14 days of the inspection the information will be requested from the chief inspector;
- (j) **[in his capacity as a health and safety representative]** attend meetings of the health and safety committee **[of which he is]** as a member, in connection with any of the above functions [;]; and";
- (c) by the addition of the following paragraph:
- "(k) report on instances of non compliance with this Act to the employer or health and safety committee."

(d) by the substitution for subsection (2) of the following subsection:

"A health and safety representative shall, in respect of the workplace or section of the workplace for which he or she has been designated, be entitled to—

(a) visit the site of an incident or where an employee was directed to leave the workplace at all reasonable times and attend **[any]** an inspection in loco;"

"(aA) attend regular meetings with the employees at the workplace to:

(i) address health and safety in the workplace;

(ii) provide feedback information to the employees they represent;

(iii) discuss reports by the health and safety representatives on the performance of their functions; and

(iv) receive mandates from employees to be presented when attending the health and safety committee meetings;

(b) attend **[any]** an investigation or formal inquiry held in terms of this Act;"

(bA) attend a special meeting with employees they represent after an incident in order to—

(i) provide information on the incident;

(ii) inform employees regarding arrangements for undertaking the investigation of the incident;

(iii) gather information from employees relevant to the incident.

- (c) in so far as it is reasonably necessary for performing **[his] the** functions of a health and safety representative, inspect any document which the employer is required to keep in terms of this Act;
  - (d) accompany an inspector on any inspection;
  - (e) with the approval of the employer **[(which approval shall not be unreasonably withheld)]**, be accompanied by a technical adviser, on any inspection;
  - (f) participate in any internal health or safety audit;
  - (g) request and have access to inspect any document which the employer is required to keep in terms of this Act and where the document is not made available within 14 days of the inspection the information may be requested from the chief inspector subject to section 36;
  - (i) report on instances of non compliance with this Act to the employer or health and safety committee."; and
- (e) by the substitution for subsection (4) of the following subsection:

"(4) A health and safety representative shall not incur any civil liability by reason of the fact only that he or she failed to do anything which he or she may do or is required to do in terms of this Act."

#### **Amendment of section 19 of Act 85 of 1993**

18. Section 19 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) A workplace with one or more health and safety representatives designated shall establish one or more health and safety committee.”:

(b) by the substitution in subsection (2) for the words preceding the proviso of the following words:

"(2) A health and safety committee shall consist of **[such]** the number of members **[as the employer may from time to time determine]** in accordance with a collective agreement, where one exists or as may be determined by the employer and employees or the employee representatives, for the efficient and effective operation of the health and safety management system.”:

(c) by the substitution for subsection (3) of the following subsection:

"(3) The persons nominated by an employer on a health and safety committee shall be designated in writing by the employer for such period as may be determined by **[him]** that employer, while the health and safety representatives shall be members of the committee for the period of their designation **[terms of section 17 (1)]** in accordance with their collective agreement, only where one exists or as shall be determined between employer and employees.”:

(d) by the substitution for subsection (4) of the following subsection:

"(4) A health and safety committee shall hold meetings as often as may be necessary, but at least once every **[three]** two months, at a time and place determined by the committee: Provided

that an inspector may by notice in writing direct the members of a health and safety committee to hold a meeting at a time and place determined by him or her: Provided further that, if more than 10 per cent of the employees at a specific workplace has handed a written request to an inspector, the inspector may by written notice direct that such a meeting be held.";

(e) by the substitution in subsection (6) for paragraph (a) of the following paragraph:

"(a) A health and safety committee may co-opt one or more persons by reason of his or her or, their particular knowledge of health or safety matters as an advisory member or as advisory members of the committee.";

(f) by the substitution for subsection (7) of the following subsection:

"(7) If an inspector is of the opinion that the number of health and safety committees established for any particular workplace is inadequate, he or she may in writing direct the employer to establish for such workplace such number of health and safety committees as the inspector may determine.".

#### **Amendment of section 20 of Act 85 of 1993**

19. Section 20 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) A health and safety committee—

- (a) may make recommendations to the employer or, where the recommendations fail to resolve the matter, to an inspector regarding any matter affecting the health or safety of persons at the workplace or any section thereof for which such committee has been established or to the representative trade union, in which event —
- (i) the inspector shall attend to the matter in terms of section 29; or
- (ii) the representative trade union may declare a dispute in accordance with the collective agreement where one exists;
- (b) shall discuss any incident at the workplace or section thereof in which or in consequence of which any person was injured, became ill or died, and may in writing report on the incident to an inspector; **[and]**
- (c) **[shall perform such other functions as may be prescribed.]** shall identify all occupational health and safety regulations that are relevant to the workplace activities or substances;
- (d) shall ensure that the relevant information, training assessment, monitoring and recording provisions are in place;
- (e) shall make recommendation for inclusion in a workplace the health and safety management system and safe work procedures;

(f) shall review the training and information provided to employees regarding any hazardous substance or condition as spelt out in the regulations; and

(g) shall perform such other functions as may be prescribed or agreed to in a collective agreement, where such agreement exists.”; and

(b) by the substitution for subsection (3) of the following subsection:

“(3) A health and safety committee or a member thereof shall not incur any civil liability by reason of the fact only that it or he or she failed to do anything which it or he or she may or is required to do in terms of this Act.”.

#### **Amendment of section 21 of Act 85 of 1993**

20. Section 21 of the principal Act is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) (a) The Minister shall before he or she publishes a notice under subsection (1), consult with the Council and cause a draft of **[his]** the proposed notice to be published in the *Gazette* and at the same time invite interested persons to submit to him or her in writing, within a specified period, comments and representations in connection with the proposed notice.

(b) The provisions of paragraph (a) shall not apply if the Minister, in pursuance of comments and representations

received, decides to publish the notice referred to in subsection (1) in an amended form.";

(c) by the substitution for subsection (3) of the following subsection:

"(3) A notice **[under]** referred to in subsection (1) may at any time be amended or withdrawn by like notice.";

(d) by the substitution for subsection (4) of the following subsection:

"(4) A notice shall not be issued under subsection (1) or (3) unless the Minister **[for National Health and Welfare]** of Health and the Council have been consulted.".

(e) by the deletion of subsection (5).

**Amendment of section 23 of Act 85 of 1993 as amended by section 6 of Act 181 of 1993**

21. Section 23 of the principal Act is hereby amended by the substitution for section 23 of the following section:

"No employer shall in respect of anything which **[he]** the employer is in terms of this Act required to provide or to do, in the interest of the health or safety of an employee, make **[any]** a deduction from **[any]** an employee's remuneration or require or permit **[any]** an employee to make **[any]** a payment to **[him or any other]** another person."

**Amendment of section 24 of Act 85 of 1993**

22. Section 24 of the principal Act is hereby amended by—

(a) the substitution in subsection (1) for paragraphs (a), (b) and (c) of the following paragraphs:

"(a) any person dies, becomes unconscious, suffers the loss of a limb or part of a limb or is otherwise injured or becomes ill to such a degree that **[he]** the person is likely either to die or to suffer a permanent physical defect or likely to be unable for a period of at least 14 days either to work or to continue with the activity for which **[he]** the person was employed or is usually employed;

- (b) **[a major incident occurred;]** in the course of an employee's employment, an incident occurred which resulted in personal injury, illness or death of the employee: or
- (c) the health or safety of any person was endangered and where—
- (i) a **[dangerous]** hazardous substance or biological agent was spilled or released ;
  - (ii) the uncontrolled release of any substance under pressure took place;
  - (iii) machinery or any part thereof fractured or failed resulting in flying, falling or uncontrolled moving objects; or
  - (iv) machinery ran out of control,
- shall, within the prescribed period and in the prescribed manner, be reported to an inspector by the employer or the user of the plant or machinery concerned, as the case may be.”;
- (b) the substitution for subsection (3) of the following subsection:
- “(3) The provisions of subsections (1) and (2) shall not apply in respect of—
- (a) a traffic incident on a public road.
  - (b) an incident occurring in a private household, provided the householder forthwith reports the incident to the South African Police; or
  - (c) any incident which is to be investigated under section **[12 of the Aviation Act, 1962 (Act No. 74 of 1962)]** 39 of the Civil Aviation Act, 2009(Act No.13 of 2009).”.
- (c) the substitution for subsection (4) of the following subsection:

"(4) A member of the South African Police Service to whom an incident was reported in terms of **[subsection (3) (b)]** this Act shall forthwith notify an inspector thereof." and

(d) the addition of the following subsection:

(5) (a) The employer or user or self-employed person shall provide the Department with a copy of incident statistics annually, on the first day of March of each year.

(b) The incident statistics referred to in paragraph (a) shall be provided in the prescribed format.

(c) The incident statistics shall include statistics for Contractors that occurred while working on the employer premises: Provided that, the contractors are required to provide incident statistics to the Department as well."

**Amendment of section 25 of Act 85 of 1993 as substituted by section 7 of Act 181 of 1993**

23. The following section is hereby substituted for section 25 of the principal Act:

**"Report to chief inspector regarding occupational disease**

25. **[Any] A** medical practitioner who examines or treats a person for a disease described in the **[Second Schedule to the Workmen's Compensation Act, 1941 (Act No. 30 of 1941)]** Compensation for

Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993), or any other disease which **[he]** the medical practitioner believes arose out of that person's employment, shall within the prescribed period and in the prescribed manner report the case to the person's employer and to the chief inspector, and inform that person accordingly."

**Substitution of section 26 of Act 85 of 1983 as amended by 58 of Act 181 of 1993**

24. The following section is hereby substituted for section 26 of the principal act:

**"[Victimization] Victimisation forbidden**

26. (1) An employer may not discriminate against an employee for exercising a right conferred in terms of this Act.

(2) No person shall do, or threaten to do, anything that —

(a) requires an employee not to exercise a right conferred in terms of this Act;

(b) prevents an employee from exercising a right conferred in terms of this Act; or

(c) prejudices an employee because of a past or present—

(i) failure or refusal to do anything that an employer may not lawfully permit or require an employee to do;

(ii) disclosure of information that the employee is lawfully entitled or required to give to another person; or

(iii) exercise of a right conferred in terms of this Act.

(3) No employer shall favour, or promise to favour, an employee in exchange for the employee not to exercise a right conferred in terms of this Act."

#### **Amendment of section 27 of Act 85 of 1993**

25. Section 27 of the principal Act is hereby amended by:

(a) the substitution for subsection (2) of the following subsection:

"(2) The chief inspector shall perform **[his]** any functions prescribed subject to the control and supervision of the Director-General of the Department and may perform any function assigned to an inspector by this Act;"

(b) the substitution for subsection (3) of the following subsection:

"(3) (a) The chief inspector may delegate any power conferred upon him or her by this Act, excluding a power referred to in section 35(1) or delegated to him or her under section 42, to any other officer or authorise any such officer to perform any duty assigned to him or her by this Act;"

"(b) No delegation of **[a]** power under paragraph (a) shall prevent the exercise of such power by the chief inspector **[himself]**;"

(c) the substitution for subsection (4) of the following subsection:

"(4) Whenever the chief inspector is absent or unable to perform his or her functions as chief inspector or whenever the designation of a chief inspector is pending, the Minister may designate any other officer serving in the Department to act as chief inspector during the chief inspector's absence or incapacity or until a chief inspector is designated."; and ADD by the deletion of subsection (d) by the deletion of subsection (5).

#### **Amendment of section 28 of Act 85 of 1993**

26. Section 28 of the principal Act is hereby amended by:

(a) the substitution of subsection (1) of the following subsection:

"(1) The Minister may designate permanently or temporarily any person as an inspector to perform, subject to the control and directions of the chief inspector, any or all of the functions assigned to an inspector by this Act.

(b) the substitution of subsection (2) of the following subsection:

"(2) **[Each] An** inspector designated **[under] in terms of** subsection (1) shall be furnished with a **[certificate] card** signed by or on behalf of the Minister **[and stating] stipulating** that **[he] the bearer of the card** has been designated as an inspector **[: Provided that if his designation as inspector is limited to any particular function or functions, his certificate shall state such limitation].**";

(c) the insertion after subsection (2) of the following subsection:

"(2A) The card shall include—

- (a) the name;
- (b) a unique number;
- (c) an identity number;
- (d) a photo of the bearer; and
- (e) a designation.”;

(d) the substitution of subsection (3) of the following subsection:

“(3) Whenever an inspector designated under subsection (1) performs a function under this Act in the presence of **[any]** a person affected thereby, the inspector shall on demand by such person, produce to **[him]** that person the **[certificate]** card referred to in subsection (2).”; and

(e) the deletion of subsection 4.

#### **Amendment of section 29 of Act 85 of 1993**

27. Section 29 of the principal Act is hereby amended by:

(a) the substitution of subsection (1) of the following subsection:

“(1) An inspector may, for the purposes of this Act—

- (a) without previous notice, at all reasonable times, enter **[any]** the premises which **[are]** is occupied or used by an employer or on or in which an employee performs any work or any plant or machinery is used, or which **[he]** the inspector suspects to be such premises;

- (b) question any person who is or was on or in such premises, either alone or in the presence of any other person, on any matter to which this Act relates;
- (c) require from any person who has control over or custody of a book, record or other document on or in those premises, to produce to **[him]** the inspector forthwith, or at such time and place as may be determined by **[him]** the inspector, such book, record or other document;
- (d) examine any such book, record or other document or make a copy thereof or an extract there from;
- (e) require from such a person an explanation of any entry in such book, record or other document;
- (f) inspect any article, substance, plant or machinery which is or was on or in those premises, or any work performed on or in those premises or any condition prevalent on or in those premises or remove for examination or analysis any article, substance, plant or machinery or a part or sample thereof;
- (g) seize any such book, record or other document or any such article, substance, plant or machinery or a part or sample thereof which in **[his]** the opinion of the inspector may serve as evidence at the trial of any person charged with an offence under this Act or the common law: Provided that the employer or user of the article, substance, plant or machinery concerned, as the case may be, may make copies of such book, record or document before such seizure;

- (h) direct any employer, employee or user, including any former employer, employee or user, to appear before **[him]** the inspector at such time and place as may be determined by **[him]** the inspector and question such employer, employee or user either alone or in the presence of any other person on any matter to which this Act relates;
- (i) **[perform any other function as may be prescribed]** issue an administrative fine in terms of section 37(A) as indicated by Schedule 2; and;
- (j) when so required, take photographs or make audio-visual recordings of any workplace, anything or any person within the workplace which may be relevant to an inspection or an investigation being conducted by the inspector.";
- (b) the substitution of subsection (2) of the following sub section:
- "(2) **[(a)]** An interpreter, a member of the South African Police Services or any other assistant may, when required by an inspector, accompany **[him when he performs]** the inspector to perform his or her functions under this Act[.] where the assistance is reasonably required.
- [(b)] For the purposes of this Act an inspector's assistant shall, while he acts under the instructions of an inspector, be deemed to be an inspector.]"**;
- (c) the substitution of subsection (3) of the following subsection:
- "(4) When an inspector enters any premises under subsection (1), the employer occupying or using those premises and

each employee performing any work thereon or therein and any user of plant or machinery thereon or therein, shall at all times provide such facilities as are reasonably required **[by the inspector]** to enable **[him]** the inspector and **[his]** the inspector's assistant, **[if any]**, to perform effectively and **[safely his or their]** in a safe and healthy manner their functions under this Act.";

(d) the substitution of subsection (4) of the following subsection:

"(4) When an inspector removes or seizes any article, substance, plant, machinery, book, record or other document as contemplated in subsection (1) (f) or (g), **[he]** the inspector shall issue a receipt to the owner or person in control thereof [.]Provided that the inspector shall as soon as reasonably possible or at the conclusion of any proceedings in terms of this Act, return whatever he or she has seized.";

(e) by the addition of the following subsection:

"(5) Subject to section 40, when an inspector has undertaken an inspection, the inspector shall provide a copy of the inspection report or copies of any notice and correspondence that was issued during the inspection to—

(a) the employer, the health and safety representatives and the representative trade union for that workplace; and

(b) in the case of construction site, the construction client, principal contractor, any other contractor on site, if applicable and all persons in paragraph (a)."

**Amendment of section 30 of Act 85 of 1993**

28. Section 30 of the principal Act is hereby amended by:

(a) the substitution in subsection (1) for paragraph (c) of the following paragraph:

"(c) An inspector may in writing prohibit an employer from requiring or permitting an employee or any employee belonging to a category of employees specified in the prohibition to be exposed in the course of **[his]** employment for a longer period than a period specified in the prohibition, to any article, substance, organism or condition which in the opinion of an inspector threatens or is likely to threaten the health or safety of that employee or the employee belonging to that category of employees, as the case may be.";

(b) the substitution for subsection (3) of the following subsection:

"(3) Whenever an inspector is of the opinion that the health or safety of any person at a workplace or in the course of **[his]** that person's employment or in connection with the use of plant or machinery is threatened on account of the refusal or failure of an employer or a user, as the case may be, to take reasonable steps in the interest of such person's health or safety, the inspector may in writing direct that employer or user to take such steps as are specified in the direction within a specified period.";

(c) the substitution for subsection (4) of the following subsection:

"(4) Whenever an inspector is of the opinion that an employer or a user has failed to comply with a **[provision of a]** regulation applicable to him or her the inspector may in writing direct

that employer or user to take, within a period specified in the direction, such steps as in the inspector's opinion are necessary to comply with the said **[provision]** regulation, and are specified in the direction.";

(d) the substitution for subsection (5) of the following subsection:

"(5) A period contemplated in subsection (3) or (4) may at any time be extended for a specified period by an inspector by notice in writing to the person concerned.";

(e) the substitution for subsection (6) of the following subsection:

"(6) An employer or user shall forthwith bring the contents of a prohibition, direction or notice under this section to the attention of the health and safety representatives and employees or any other affected person concerned.".

#### **Amendment of section 31 of Act 85 of 1993**

29. Section 31 of the principal Act is hereby amended by:

(a) the substitution for subsection (1) of the following subsection:

"(1) An inspector **[may]** shall investigate the circumstances of any incident which has occurred at or originated from a workplace or in connection with the use of plant or machinery which has resulted, or in the opinion of the inspector could have resulted, in the injury, illness or death of **[any]** a person **[in order to determine whether it is necessary to hold a formal investigation in terms of section 32]**.";

(b) the insertion after subsection (1) of the following subsection:

"(1A) For the purposes of an investigation referred to in subsection (1), an inspector may subpoena any person to—

(a) appear before the inspector concerned on a day and at a place specified in the subpoena; and

(b) give evidence or to produce any book, document or item which in the opinion of the inspector has a bearing on the subject of the investigation."

(c) the substitution for subsection (2) of the following subsection:

"(2) After completing the investigation in terms of subsection (1), the presiding inspector shall submit a written report thereon, together with all relevant sworn statements, documents and information gathered **[by him,]** during the investigation to the **[attorney-general within whose area of jurisdiction such incident occurred and he shall at the same time submit a copy of the report, statements and documents to the chief inspector]** provincial control inspector within whose area of jurisdiction such incident occurred, who will, after consultation with the chief inspector, submit the report to the National Prosecution Authority."

(d) the substitution for subsection (3) of the following subsection:

"(3) Upon receipt of a report referred to in subsection (2), the **[attorney-general]** National Prosecuting Authority shall deal therewith in accordance with the provisions of the Inquests Act, 1959 (Act No. 58 of 1959) **[or]** and the Criminal Procedure Act, 1977 (Act No. 51 of 1977) **[as the case may be]**."

(e) the substitution for subsection (4) of the following subsection:

"(5) An inspector **[holding]** conducting an investigation shall not incur any civil liability by virtue of anything contained in the report referred to in subsection (2)."

**Amendment of section 32 of Act 85 of 1993**

30. Section 32 of the principal Act is hereby amended by:

(a) the substitution for the heading of the following heading:

**"32. Formal [inquiries] inquiry:"**

(b) the substitution for subsection (1) of the following subsection:

"(1) The chief inspector may, and **[he]** shall when so requested, by a person producing prima facie evidence of an offence, **[direct an]** appoint a presiding inspector to conduct a formal inquiry into any incident which has occurred at or originated from a workplace or in connection with the use of plant or machinery which has resulted, or in the opinion of the chief inspector could have resulted, in the injury, illness or death of any person;"

(c) the substitution for subsection (2) of the following subsection:

"(2) For the purposes of an inquiry referred to in subsection (1), **[an]** a presiding inspector may subpoena any person to appear **[before him on a day and]** at a predetermined place on a day specified in the subpoena and to give evidence or to produce any book, document or thing which in the opinion of the inspector has a bearing on the subject of the inquiry."

(d) the substitution for subsection (4) of the following subsection:

"(4) Any inquiry under this section shall be held in public: Provided that the presiding inspector may exclude from the place where the inquiry is held, **[any]** a person whose presence is, in **[his]** the opinion of the presiding inspector, undesirable or not in the public interest.";

(e) the substitution for subsection (7) of the following subsection:

"(7) An affidavit made by any person in connection with the incident in respect of which the inquiry is held, shall at the discretion of the presiding inspector upon production, be admissible as proof of the facts stated therein, and the presiding inspector may, **[at his discretion,]** if so required, subpoena the person who made such an affidavit to give oral evidence at the inquiry or may submit written interrogatories to **[him]** that person for reply, and such interrogatories and any reply thereto purporting to be a reply from such person shall likewise be admissible in evidence at the inquiry: Provided that the presiding inspector shall afford any person present at the inquiry the opportunity to refute the facts stated in such document, evidence or reply.

(f) the substitution for subsection (10) of the following subsection:

"(10) The evidence given at any inquiry under this section shall be recorded and a copy thereof shall be submitted by the presiding inspector together with his or her report to the chief inspector, and in the case of an incident in which or as a result of which any

person died or was seriously injured or became ill, the presiding inspector shall submit a copy of the said evidence and the report to the **[attorney-general within whose area of jurisdiction such incident occurred]** chief inspector.”;

(g) the insertion after subsection (10) of the following subsection:

“(10A) The chief inspector shall submit the report to the National Prosecuting Authority within whose area of jurisdiction such incident occurred, within 90 days of the conclusion of the inquiry.”;

(h) the substitution for subsection (12) of the following subsection:

“(12) Upon receipt of a report referred to in subsection (10), the **[attorney-general]** National Prosecution Authority shall deal therewith in accordance with the provisions of the Inquests Act, 1959 (Act No. 58 of 1959), or the Criminal Procedure Act, 1977 (Act No. 51 of 1977), as the case may be.”.

#### **Amendment of section 34 of Act 85 of 1993**

**31.** Section 34 of the principal Act is hereby amended by—

(a) the substitution in subsection (1) for paragraphs (a) (b), (c), (d), (e) and (f) of the following paragraphs:

“(a) without reasonable justification, fail to comply with **[any]** a lawful direction, subpoena, request or order issued or given by the inspector or presiding inspector;

(b) refuse or fail to answer **[to the best of his knowledge]** any question lawfully put to him or her by or with the concurrence of

the inspector or presiding inspector: Provided that no person shall be obliged to answer any question whereby he or she may incriminate himself or herself;

- (c) in any manner whatsoever advise, encourage, incite, order or persuade any person who has been directed, subpoenaed, requested or ordered to do something by the presiding inspector, not to comply with such direction, subpoena, request or order or in any manner prevent **[him]** any person from doing so;
  - (d) refuse or fail, when required thereto by the presiding inspector, to furnish **[him or her]** the presiding inspector with the means or to render **[him or her]** the necessary assistance for holding such inquiry;
  - (e) refuse or fail, when required thereto by the inspector or presiding inspector, to attend a meeting, an investigation or an inquiry; **[or]**;
  - (f) intentionally insult the inspector or presiding inspector or **[his]** an assistant or intentionally interrupt the proceedings thereof<sup>[.]</sup>;
- or

(c) the addition of the following paragraph:

"(g) refuse or fail, when required thereto by the inspector or presiding inspector, to provide any information or produce a book, item, document or item which is within a person's possession or control." or

**Amendment of section 35 of Act 85 of 1993**

32. Section 35 of the principal Act is hereby amended by:

(a) the substitution for subsection (1) of the following subsection:

"(1) **[Any]** A person aggrieved by [any] a decision taken by an inspector in relation to a notice or and a directive served under a provision of this Act, may appeal against such decision to the chief inspector [and the chief inspector shall, after he has considered the grounds of the appeal and the inspector's reasons for the decision, confirm, set aside or vary the decision or substitute for such decision any other decision which the inspector in the chief inspector's opinion ought to have taken].";

(b) the substitution for subsection (2) of the following subsection:

"(2) **[Any]** A person who wishes to appeal in terms of subsection (1), shall within [60] 14 days after the delivery of the inspector's decision [was made known], lodge [such] an appeal with the chief inspector in writing, setting out clearly the grounds on which [it] the appeal is [made] based.";

(c) the insertion after subsection (2) of the following subsection:

"(2A) The chief inspector shall, after considering the grounds of the appeal and the inspector's reasons for the decision, —  
(a) confirm, set aside or vary the decision; or  
(b) substitute the decision with any other decision deemed appropriate under the circumstances;";

(d) the deletion of subsections (3), (4) and (5).

**Insertion of sections 35A and 35B in Act 85 of 1993**

33. The following sections are inserted in the principal Act after section 35:

**"Right to review decision of chief inspector**

35A. (1) A person aggrieved by a decision taken by the chief inspector under section 35 or in the exercise of any power under this Act, may apply for such decision to be reviewed, by the High Court.

(2) The High Court may confirm, set aside or vary the decision or substitute the decision with another decision.

(3) A person who wishes to review a decision referred to in subsection (1), shall, within 60 days after the delivery of the chief inspector's decision, lodge the application with the registrar of the High Court in accordance with the rules of the High Court."

**Appeal does not suspend decision of chief inspector**

35B. (1) An appeal or review under section 35 (1) or 35A (1), in connection with a prohibition imposed under section 30(1)(a); (b) or (c) does not suspend the operation of such prohibition.

(2) Despite subsection (1), the High Court may suspend the operation of the decision being appealed against, pending the determination of the matter, if there are reasonable grounds for doing so."

### **Substitution of section 36 of Act 85 of 1993**

34. The following section is hereby substituted for section 36 of the principal Act:

#### **"Disclosure of information**

36. (1) Subject to the provisions of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000), whenever an inspector performs any function in terms of section 31 or the presiding inspector conducts an inquiry in terms of section 32 and is required by the provision of this Act to supply information or report to a health and safety representative, health and safety committee or third party, the inspector or presiding inspector—

(a) shall not disclose information that is private or personal information relating to an employee, unless the employee consents in writing to the disclosure of the information; and

(b) is not required to supply any information that is—

(i) legally privileged; and

(ii) confidential and, if disclosed, may cause substantial harm to an employee or the employer.

(2) No person shall disclose any information concerning the affairs of **[any other]** another person obtained **[by him]** in carrying out **[his]** specified functions in terms of this Act, except—

- (a) **[to the extent to which it may be necessary for the proper administration of a provision of this Act]** if the information is disclosed in compliance with the provisions of any law;
- (b) for the purposes of the administration of justice;**[or]**
- (c) at the request of a health and safety representative or a health and safety committee entitled thereto**[.]**, where such request is made in writing, clearly specifying the reasons for the request;
- (d) where the information is disclosed to enable a person to perform any function in terms of this Act; or
- (e) where the person is ordered to disclose the information by a court;".

#### **Amendment of section 37 of Act 85 of 1993**

35. Section 37 of the principal Act is hereby amended by—

- (a) the substitution in subsection (1) for paragraph (c) of the following paragraph:

"(c) all reasonable steps were taken by the employer or any such user to prevent any act or omission of the kind in question, the employer or any such user **[himself]** shall be presumed to have done or omitted to do that act, and shall be liable to be convicted and sentenced in respect hereof; and the fact that he or she issued instructions forbidding any act or omission of the kind in question shall

not, in itself, be accepted as sufficient proof that he or she took all reasonable steps to prevent the act or omission."; and

(b) the deletion of subsections (3), (4), (5) and (6).

### **Insertion of sections 37A to 37F in Act 85 of 1993**

36. The following sections are hereby inserted in the principal Act after section 37:

#### **"Administrative fines**

37A. (1) If a person commits a breach of this Act, the inspector may by written notice to that person impose an administrative fine in accordance with Schedule 2.

(2) An administrative fine may, instead of a criminal prosecution, be imposed on a person who becomes liable to prosecution for any breach of this Act.

(3) An inspector shall serve a copy of the written notice contemplated on subsection (2) on the employer, self-employed person or person who conducts a business or undertaking concerned.

(4) The amount of the fine stipulated in the notice referred to in subsection (2) may not exceed the amount—

(a) prescribed for the offence; and

(b) which a court would presumably have imposed in the circumstances.

(5) An administrative fine imposed in terms of subsection (1) shall be paid to the Director-General of the Department of Labour on or before a date stated in the notice referred to in that subsection.

(6) Sections 56, 57 and 57A of the Criminal Procedure Act, 1977(Act No. 51 of 1977) apply, subject to such modifications as the context may require, to the written notice referred to in this section."

**"Criminal liability**

37B. (1) An employer, chief executive officer, manager, agent or employee commits an offence by contravening or failing to comply with a provision of this Act, thereby causing a person's—

(a) death;

(b) permanent disablement; or

(c) illness.

(2) The chief executive officer, manager, agent or employer of the employee commits an offence by performing or omitting to perform an act, if the act or omission falls within the scope of the authority or employment of the employer or employee concerned."

**"Hindering of administration of justice**

37C. (1) A person who—

(a) hinders or obstructs an inspector in the performance of the inspector's functions;

- (b) refuses or fails to comply with any requirement or request made by an inspector in the performance of the inspector's functions;
- (c) persuades an inspector to accept a bribe; or
- (d) assaults or swears or victimises an inspector in the performance of the inspector's functions,
- commits an offence.

(2) No person may prevent an inspector from entering the premises where work is being performed, during normal working hours.

#### **Furnishing false information**

37D. A person who wilfully furnishes a record, information, application or other document or makes a statement, which is false in any material respect, under this Act, commits an offence.

#### **Failure to attend meeting, inspection, investigation, inquiry when directed or summoned**

37E. (1) A person who, having been directed or summoned to attend a meeting, inspection, investigation or inquiry given in terms of section 34, respectively—

(a) without sufficient cause, fails—

(i) to appear at the time and place specified; or

(ii) to remain in attendance until excused by the inspector or presiding inspector at the meeting, inspection, investigation or inquiry;

(b) attends as required, but without sufficient cause—

(i) fails to comply with an instruction in terms of section 31(1A); or

(ii) refuses to be sworn in or to make an affirmation; or

(c) attends as required and having been sworn in or having been affirmed—

(i) without sufficient cause, fails to answer any question fully and to the best of that person's knowledge and ability :Provided that

the person is made aware of the law relating to privilege; or

(ii) gives evidence, knowing or believing it to be false,

commits an offence.

#### **Failure to comply with provisions of this Act**

37F. (1) A person, commits an offence, if that person, contravenes or fails to comply with, any—

(a) provision of this Act;

(b) condition of an exemption in terms of section 40(1);

(c) requirement to produce a book, item, document or thing under the person's control; and

(d) request to answer to the best of the person's knowledge and ability any question which an inspector may put to the person;

(2) A person commits an offence when the person—

- (a) willfully furnishes to an inspector information which is false or misleading;
- (b) presents himself or herself as an inspector;
- (c) tampers with or discourages, threatens, deceives or in any way unduly influences any person with regard to evidence to be given;
- (d) fails to produce a book, item, document or thing before an inspector or presiding inspector in terms of section (31), (32), (33) or (34);
- (e) prejudices or influences the proceedings or findings of an investigation or inquiry in terms of sections (31) or (32);
- (f) tampers with or misuses any health and safety equipment installed or provided to any person by an employer or user;
- (g) fails to use any safety equipment at a workplace or in the course of employment or in connection with the use of plant or machinery, which was provided by an employer or such a user; and
- (h) willfully or recklessly does anything at a workplace or in connection with the use of plant or machinery which threatens the health or safety of any person."

#### **Substitution of section 38 of Act 85 of 1993**

37. The following section is hereby substituted for section 38 of the principal Act:

**"Penalties**

"38. (1) A person convicted of an offence in terms of a section indicated in Schedule 1, may be sentenced to a fine or to imprisonment for a period not exceeding the period mentioned in the Schedule 1.

(2) A person convicted of an offence in terms of this Act for which no penalty is otherwise or expressly determined, may be sentenced to a fine of R100 000 or to imprisonment for a period not exceeding one year, or to both."

**Amendment of section 39 of Act 85 of 1993**

38. Section 39 of the principal Act is hereby amended by:

(a) the substitution for subsection (1) of the following subsection:

"(1) Whenever in any legal proceedings in terms of this Act, it is proved that **[any]** a person was present on or in any premises, that person shall, unless the contrary is proved, be presumed to be an employee in terms of section 83A of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997)."

(b) the substitution for subsection (2) of the following subsection:

"(2) In the absence of satisfactory proof of age, the age of **[any]** a person shall, in any legal proceedings in terms of this Act, be presumed to be that stated as an opinion by an inspector to be **[in his opinion]** the probable age of the person; but any person having an

interest who is dissatisfied with that statement of opinion may, at **[his own]** that person's expense, require that the person whose age is in question appear before and be examined by a district surgeon, and a statement contained in a certificate by a district surgeon who examined that person as to what in **[his]** the district surgeon's opinion is the probable age of that person shall, but only for the purpose of the said proceedings, be conclusive proof of the age of that person;"

(c) the substitution for subsection (3) of the following subsection:

"(3) In any legal proceedings in terms of this Act, **[any]** a statement or entry contained in any book or document kept by any employer or user or by **[his]** the employee or mandatory, or found on or in any premises occupied or used by that employer or user, and any copy or reproduction of any such statement or entry, shall be admissible in evidence against **[him]** such person as an admission of the facts set forth in that statement or entry, unless it is proved that that statement or entry was not made by that employer or user or by any employee or mandatory of that employer or user within the scope of **[his]** such person's authority;"

(d) the substitution for subsection (4) of the following subsection:

"(4) Whenever in any legal proceedings in terms of this Act it is proved that any untrue statement or entry is contained in any record kept by **[any]** a person, he or she shall be presumed, until the contrary is proved, wilfully to have falsified that record.";

(e) the substitution in subsection(5) for paragraph (a) of the following paragraph:

" (a) Whenever at the trial of **[any]** a person charged with a contravention of section 22 it is proved that the accused sold or marketed any article, substance, plant, machinery or health and safety equipment contemplated in that section, it shall be presumed, until the contrary is proved, that **[such]** the article, substance, plant, machinery or health and safety equipment did not at the time of the sale or marketing thereof comply with the said requirements.";

(f) the substitution for subsection (6) of the following subsection:

"(6) Notwithstanding the provisions of section **[31 or 33(3)]** 28 of the Standards Act, **[1993 (Act No. 29 of 1993)]** 2008 (Act No.8 of 2008), whenever in any legal proceedings in terms of this Act the question arises whether any document contains the text of a health and safety standard incorporated in the regulations under section 44, any document purporting to be a statement by a person who in that statement alleges that **[he]** the person is an inspector and that a particular document contains the said text, shall on its mere production at those proceedings by any person be *prima facie* proof of the facts stated therein."; and

(g) the substitution for subsection (7) of the following subsection:

"(7) The records to be kept by a health and safety committee in terms of section 20 (2), including any document purporting to be certified by an inspector as a true extract from any such records, shall on **[their]** the mere production at any legal proceedings by any person be admissible as evidence of the fact that a

recommendation or report recorded in such records was made by a health and safety committee to an employer or inspector concerned."

### **Amendment of section 40 of Act 85 of 1993**

39. Section 40 of the principal Act is hereby amended by—

(a) the substitution for subsection (1) of the following subsection:

"(1) The Minister may, for such period and on such conditions as may be determined by him or her exempt **[any] an** employer or user or **[any] a** category of employers or users, generally or with respect to **[any] a** particular employee or category of employees or users or with respect to any matter, from **[any of or all the provisions] a provision** of this Act or **[the] a** provision of a notice or direction issued under this Act.";

(b) the substitution for subsection (3) of the following subsection:

"(3) An exemption under subsection (1) shall —

(a) in the case of the exemption of a particular employer or user, be granted by issuing to **[such]** the employer or user a certificate of exemption in which **[his]** the employer's name and the scope, period and conditions of the exemption are specified;

"(b) in the case of the exemption of a category of employers or of a category of such users, be granted by the publication in the *Gazette* of a notice in which that category of employers or users

is described and the scope, period and conditions of the exemption are specified:

Provided that the Minister may grant exemption—

- (i) to an organisation of employers or an organisation of users in accordance with the requirements of either paragraph (a) or paragraph (b); or
  - (ii) from **[any]** a health and safety standard incorporated in the regulations under section 44, in any manner which **[he]** the Minister may deem expedient.";
- (c) the substitution for subsection (6) of the following subsection:

"(6) An application for exemption shall be finalised within 30 days."

#### **Substitution of section 41 of Act 85 of 1993**

40. The following section is hereby substituted for section 41 of the principal Act:

#### **"This Act not affected by agreements**

41. (1) **[Subject to the provisions of sections 10 (4) and 37 (2), a]** A provision of this Act or a condition specified in any notice or direction issued thereunder or subject to which exemption was granted to any person under section 40, shall not be affected by any condition of any agreement, whether such agreement was entered into before or after the commencement

of this Act or before or after the imposition of any such condition, as the case may be.

#### **Amendment of section 42 of Act 85 of 1993**

**41.** Section 42 of the Principal Act is hereby amended by—

(a) the substitution for subsection (1) of the following subsection:

"(1) The Minister may delegate any power conferred **[upon him]** to the Minister by or under this Act, except the power contemplated in section 43, to an officer.";

(b) the substitution for subsection (2) of the following subsection:

"(2) A delegation under subsection (1) shall not prevent the exercise of the relevant power by the Minister **[himself]**."; and

(c) the substitution for subsection (4) of the following subsection:

"(4) An **[authorization]**authorisation under subsection (3) shall not prevent the performance of the relevant function by the Minister, the chief inspector or an inspector, as the case may be.".

#### **Amendment of section 43 of Act 85 of 1993**

**42.** Section 43 of the principal Act is hereby amended by—

(a) the substitution in subsection (1) for paragraph (b)(iii),(iv) and (v) of the following subparagraphs:

"(iii) the training, safety equipment or facilities to be provided by **[employers]** an employer or **[users]** user, the **[persons]** person

to whom and the circumstances in which **[they are]** it is to be provided and the application thereof;"

"(iv) the health or safety measures to be taken by **[employers]** an employer or **[users]** user;"

"(v) the occupational hygiene measures to be taken by **[employers]** an employer or **[users]** user;

(j) the addition of the following paragraphs:

"(l) the classification and labelling of hazardous chemical substances in the workplace;

"(m) the consultations and negotiations to conclude collective agreements between an employer, employees and representative trade unions on matters of health and safety."

(k) the substitution for subsection (2) of the following subsection:

"(2) No regulation shall be made by the Minister except after consultation with the Council and no regulation relating to State income or expenditure or to any health matter shall be made by the Minister except after consultation **[also]** with the Minister of **[State Expenditure]** Finance and the Minister **[for National]** of Health [and Welfare], respectively.";

(n) the substitution for subsection (3) of the following subsection:

"(3) In making regulations the Minister may apply any method of differentiation that **[he]** the Minister may deem advisable: Provided that no differentiation on the basis of race or colour shall be made.";

(o) the substitution for subsection (4) of the following subsection:

"(4) A regulation may in respect of any contravention thereof or failure to comply therewith, prescribe a penalty of a fine[,] to a maximum of R5 000 000.00 or imprisonment for a period not exceeding **[12 months, and, in the case of a continuous offence, not exceeding an additional fine of R200 or additional imprisonment of one day for each day on which the offence continues: Provided that the period of such additional imprisonment shall not exceed 90 days]** five years or both;"

(p) the insertion after subsection (4) of the following subsection:

"(4A). The Minister may by regulation specify offences in terms of this Act in respect of which alleged offenders may pay a prescribed admission of guilt fine instead of being tried by a court for the offence."

#### **Substitution of section 44 of Act 85 of 1993**

43. The following section is hereby substituted for section 44 of the principal Act:

#### **"Incorporation of health and safety standards in regulations**

44. (1) The Minister may by notice in the *Gazette* incorporate in the regulations **[any health and safety standard or part thereof, without stating the text thereof, by mere reference to the number, title and year**

of issue of that health and safety standard or to any other particulars by which that health and safety standard is sufficiently identified] a South African National Standard or any provision thereof that has been published in terms of section 28 of the Standards Act, 2008 (Act No. 8 of 2008) in respect of a commodity, product or service which may affect health or safety by referring to the title and number.

(2) **[No health and safety standard shall be incorporated in the regulations except after consultation with the Council]** If the South African National Standard or a provision thereof contemplated in subsection (1) is amended, the amended South African National Standard is deemed to be incorporated.

(2A) Any South African National Standard or any provision thereof incorporated in terms of subsection (1) may be withdrawn.

(3) Any **[health and safety standard]** South African National Standard or a provision incorporated in the regulations under subsection (1) shall for the purposes of this Act, in so far as it is not repugnant to any regulation made under section 43, be deemed to be a regulation, but not before the expiry of two months from the date of incorporation thereof.

**[(4) Whenever any health and safety standard is at any time after the incorporation thereof as aforesaid, amended or substituted by the competent authority, the notice incorporating that health and safety standard shall, unless otherwise stated therein, be deemed to refer to that health and safety standard as so amended or substituted, as the case may be.]**

**[(5) The chief inspector shall keep a register of particulars of every publication in which a health and safety standard incorporated in the regulations under subsection (1), and every amendment or substitution of any such health and safety standard, was published, and also of the place in the Republic where such publication is obtainable or otherwise available for inspection, and he shall make that register or an extract therefrom available free of charge to persons having an interest, for inspection.]**

**[(6) The provisions of section 31 of the Standards Act, 1993 (Act No. 29 of 1993), shall not apply to any incorporation of a health and safety standard or of any amendment or substitution of a health and safety standard under this section.]**

**[(7) Any safety standard which was immediately prior to the commencement of this Act incorporated under section 36 of the Machinery and Occupational Safety Act, 1983 (Act No. 6 of 1983), in the regulations made under that Act, shall be deemed to be a health and safety standard incorporated under this section.]**

#### **Insertion of section 44A into Act 85 of 1993**

**44.** The following section is hereby inserted in the principal Act after section 44:

**"Approved inspection authority**

44A. (1) The chief inspector may in writing approve an organisation, that has been accredited by the SANAS in terms of the Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act, 2006 (Act No. 19 of 2006), as an approved inspection authority for specifically defined work.

(2) An approved inspection authority referred to in subsection (1) shall have specialised knowledge and equipment to—

(a) conduct investigations, tests, sampling or analyses as the approved inspection authority may consider necessary; and

(b) make specific findings, purporting to be objective findings, as to—

(i) the health of any person;

(ii) the safety or risk to health of any work, article, substance, plant or machinery, or of any condition prevalent on or in any premises; or

(iii) the question of whether a particular standard has been or is being complied with, with respect to any work, article, substance, plant or machinery, or with respect to work or a condition prevalent on or in any premises, or with respect to any other matter,

and by issuing a report, stating such findings, to the person to whom the service is rendered.

(3) The chief inspector may at any time request information from an approved inspection authority in a prescribed format for the purposes of the administration of this Act.

(4) An approved inspection authority may be required to operate within a prescribed guideline as may be determined by the chief inspector from time to time.

(5) An approved inspection authority shall be subjected to an annual audit by an inspector.

(6) An approved inspection authority shall, in the prescribed format, report to the chief inspector every six months on all activities relating to the approval granted and all recommendations made to the employer.

(7) The chief inspector may, in writing, at any time withdraw the approval of an approved inspection authority.”.

#### Amendment of section 45 of Act 85 of 1993

45. The following section is hereby substituted for section 45 of the principal Act:

##### “Serving of [notices] notice

45. Unless another method is prescribed, a notice under this Act shall be served—

- (a) by delivering a copy thereof to the person upon whom it is to be served;”;
- (b) by leaving such a copy at the usual **[or last known]** place of residence or business of such a person; or
- (c) by sending **[such]** a copy by registered post to the usual **[or last known]** place of residence or business of such a person.”.

**Substitution of section 46 of Act 85 of 1993**

46. The following section is hereby substituted for section 46 of the principal Act:

**"Jurisdiction of magistrates' court**

**46 (1)** Notwithstanding anything to the contrary contained in any law [—

**(a)]** a magistrate's court shall have jurisdiction to impose any penalty or to make any order provided for in this Act[;].

**[(b) no magistrate's court shall be competent to pronounce upon the validity of any regulation made under this Act.]**

**(2)** The Labour Court or High Court has exclusive jurisdiction to determine a particular dispute about the interpretation or application of any provision of this Act, except where this Act provides otherwise.

**(3)** The Labour Court has no jurisdiction in respect of offences in terms of this Act."

**Insertion of section 46A into Act 85 of 1993**

47. The following section is hereby inserted in the principal Act after section 46:

**"Stating of case to High Court**

46A. (1) If any question of law arises concerning the application of this Act, the Director-General may or at the request of a party with sufficient interest in this matter, state a case for decision by the High Court.

(2) The Director-General shall set out in the stated case—

(a) the facts that were found to be proved; and

(b) the view of the law which was adopted in relation to those facts.

(3) If the Director-General has any doubt as to the correctness of a decision given by the High Court, regarding a question of law, concerning the application of this Act, the Director-General may submit such a decision to the Supreme Court of Appeal."

**Short title and commencement**

48. This Act is called the Occupational Health and Safety Amendment Act, 2019, and takes effect on a date to be determined by the President by proclamation in the *Gazette*.

**Insertion of Schedules 1 and 2 to Act 85 of 1993**

The principal Act is hereby amended by the insertion of the following Schedules:

**Schedule 1**

This Schedule sets out the maximum fine that may be imposed in terms of this Act for the contravention of certain provisions of this Act.

**SCHEDULE 1****MAXIMUM FINES OR PERIOD OF IMPRISONMENT THAT CAN BE IMPOSED FOR OFFENCES**

<b>Column 1 Section under which convicted</b>	<b>Column 2 Maximum fine and period of imprisonment</b>
2B	R 1 000 000 or 3 years imprisonment
8	R 5 000 000 or 5 years imprisonment
9	R 5 000 000 or 5 years imprisonment
10	R 1 000 000 or 3 years imprisonment
12	R 1 000 000 or 3 years imprisonment
13	R 200 000 or 2 years imprisonment
14	R 1 000 000 or 3 years imprisonment
15	R 1 000 000 or 3 years imprisonment
16	R 1 000 000 or 3 years imprisonment
17 (1) ; 17 (4)	R 1 000 000 or 3 years imprisonment
18 (3)	R 1 000 000 or 3 years imprisonment
22	R 500 000 or 3 years imprisonment
30 (2)	R 500 000 or 3 years imprisonment
31(1B)	R 1 000 000 or 3 years imprisonment
34	R 5 000 000 or 5 years imprisonment
36	R 500 000 or 3 years imprisonment
37	R 5 000 000 or 5 years imprisonment
38	R 5 000 000 or 5 years imprisonment
40	R 1 000 000 or 3 years imprisonment
41	R 1 000 000 or 3 years imprisonment
42	R 1 000 000 or 3 years imprisonment

**SCHEDULE 2****Administrative fines**

<b>Column 1 Section contravened</b>	<b>Column 2 Maximum fine</b>
7	R 50 000
19 (1);	R 50 000
20 (4);	R 50 000
21;	R 50 000
24(1);(2)	R 25 000
25;	R 50 000
29(3);	R 25 000
30(6)	R50 000

## DEPARTMENT OF TRANSPORT

NO. R. 423

14 May 2021

**CROSS-BORDER ROAD TRANSPORT ACT, 1998 (ACT NO. 4 OF 1998)****PUBLICATION FOR COMMENTS: DRAFT AMENDMENTS TO THE CROSS-BORDER ROAD TRANSPORT REGULATIONS, 2020**

The Minister of Transport, in terms of section 51 of the Cross-Border Road Transport Act, 1998 (Act No. 4 of 1998) as amended, hereby publishes for comments the draft Amendment to the Cross-Border Road Transport Regulations, 2020.

Interested persons are invited to submit written comments on these draft Regulations to the Director-General, Department of Transport for the attention of Ms Lindiwe Twala or Ms Reniee Govender within 30 days after the date of publication of this notice:

The Department of Transport  
Private Bag X 193  
PRETORIA  
0001

Ms Lindiwe Twala  
Email: [TwalaL@dot.gov.za](mailto:TwalaL@dot.gov.za)  
Tel: (012) 309 3214  
Or  
Ms Reniee Govender  
E-mail: [Reniee.govender@cbrta.co.za](mailto:Reniee.govender@cbrta.co.za)  
Tel: (012) 471 2115

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**CROSS-BORDER ROAD TRANSPORT ACT, 1998 (ACT NO. 4 OF 1998)****DRAFT AMENDMENTS TO THE CROSS-BORDER ROAD TRANSPORT  
REGULATIONS, 2020**

The Minister of Transport under sections 51 of the Cross-Border Road Transport Act, 1998 (Act No. 4 of 1998), section 27 of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002) and section 75(4) of the National Land Transport Act, 2009 (Act No. 5 of 2009) as amended intends to make the Regulations set out in the Schedule:

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**SCHEDULE****Definitions**

1. (a) In these Regulations any word or expression to which a meaning has been assigned in the Act has the meaning so assigned unless the context indicates otherwise  
(b) In this Schedule the term “**Regulations**” means the Cross-Border Road Transport Regulations published by Government Notice No. R464 of 3 April 1998 as amended by Government Notices R.988 of 13 August 1999, R. 682 of 7 July 2000, R.677 of 2 June 2003 and R.284 of 31 March 2011 and R.342 of 6 May 2014.

**Amendment of regulation 1 of the Regulations**

2. Regulation 1 of the Regulations is hereby amended by-

(a) the insertion of the following definition after the definition of “application fee” :

**“approved application”** means an application submitted on the digital platform for the issue of permits and the submission of consignment notes and passenger lists to the Regulatory Committee;”;

(b) the insertion of the following definition after the definition of “Department” :

**“digital platform”** means the software and hardware system of the Agency that enables the submission of applications, issuing of permits and other documents and all matters related thereto that is available on the website”; and

(c) by the insertion of the following definitions after the definition of “transport year” :

**“video-or voice-conferencing”** means a live, visual or audio connection between two or more persons located in different places for the purpose of communication between them;

**“website”** means the website of the Agency that hosts the digital platform at the web address [www.cbrta.co.za](http://www.cbrta.co.za).”.

### **Substitution of regulation 2 of the Regulations**

3. Regulation 2 of the Regulations is hereby substituted for the following regulation:

#### **“2.Applications**

(1) Subject to subregulation (1A), an application for a permit contemplated in section 25 of the Act must be done by the owner of the motor vehicle, as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996), or by a person who has leased a motor vehicle from another person in terms of a written agreement by-

(a) completing the relevant portions of the form provided by the Regulatory Committee and by handing the form in person or through a representative to the Regulatory Committee;

(b) posting or faxing it to the Regulatory Committee;

- (c) transmitting it by means of electronic mail, to the Regulatory Committee; or
- (d) completing the online application on the digital platform.

(1A) If an owner or lessee as contemplated in subregulation (1) makes use of a consultant or agent to submit an application in terms of the Act, such consultant or agent must be appointed by means of a written agreement in the format as provided in Form ..... as shown in Schedule 6.

(1B) Where application is made by the same person for permits for more than one vehicle the application need only include one set of documents where they are common to all of the vehicles to which the application relates, when submitting an application in terms of sub-regulation (1).

(2) The applicant must furnish the following information, particulars and documents in respect of each application referred to in subregulation (1) on form CBRTA 1 as shown in Schedule 6—

- (a) in the case of a natural person, the full name and identity number, and a copy of the first page of the identity document of the applicant;
- (b) in the case of a partnership—
  - (i) the National Traffic Information System number of the partnership; and
  - (ii) the full name and identity number, and a copy of the first page of the identity document, of the partner responsible for the vehicle fleet;
- (c) in the case of a company or close corporation—
  - (i) the full name and the registration number of the body;
  - (ii) the original business registration certificate or a copy of it; and
  - (iii) the identity number, and a copy of the first page of the identity document, of the person responsible for the vehicle fleet;
- (d) a description of the type of business operated by the applicant;

- (e) the postal address, street address, telephone number, fax number and place for serving notices on the applicant;
- (f) in respect of the mechanically propelled vehicle to be used, the licence number, vehicle identification number, vehicle make, tare and gross vehicle mass in the case of freight transport, or the maximum number of passengers for which such a vehicle has been designed or adapted in the case of passenger transport;
- (fA) the information required to determine the status of the entity in terms of the Broad Based Black Economic Empowerment Act, 2003 (Act No. 54 of 2003) ;
- (fB) in the case of a leased vehicle, the lease agreement as contemplated in subregulation (1);
- (fC) in the case of a renewal application, the old permit or in the case of a permit issued on the digital platform, proof that the permit has been deleted from the electronic device on which it was stored;
- (g) the valid roadworthy and clearance certificate in respect of the mechanically propelled vehicle, or a copy thereof;
- (h) the type of transport, country of origin, country of transit, if applicable, country of destination and a route description of the journey or journeys, as the case may be;
- (i) the number of journeys required in the case of transport to Botswana, Lesotho, Namibia or Eswatini; and
- (j) any other information or document that the Regulatory Committee may require in relation to particulars furnished in the application.

(3) Information and documents submitted under sub-regulation (2) and stored on the digital platform in terms of sub-regulation (5B) need not be resubmitted where application is made for the renewal of a permit, a duplicate permit, additional authorisation or an amendment of the route, unless the information has changed since

the original application, but a current certificate referred to in subregulation (2) (g) must be submitted with every application.

(4) Each application must be accompanied by the application fee referred to in regulation 7, and such application fee is non-refundable regardless of whether the application is granted, refused or withdrawn.

(5) Where applications are lodged by electronic mail or on the digital platform, they must include a scanned version of the required documents, and where they are faxed all supporting documents must also be faxed.

(5A) Information submitted in terms of subregulation (2)(b), (f) and (g) must be verified by the Regulatory Committee on the National Traffic Information System as defined in regulation 1 of the National Road Traffic Regulations, 2000 made in terms of the National Road Traffic Act, 1996.

(5B) Information submitted by an applicant must be recorded and stored by the Regulatory Committee on the digital platform and may be used for future applications of an applicant if the applicant confirms that the information is still valid and current.

(6) The Regulatory Committee may reject an application where the application form is not fully and properly completed, or to which required documents have not been attached, or where the required fee has not been paid, and may require the applicant to submit the original of any document before accepting the application, if it has doubts about the validity or authenticity of the document.

(7) In the case of an application for a cabotage permit or a South African Carrier who loads passengers on the way to the border at a rank, stand or terminal, the Regulatory Committee must, by electronic mail, fax or on the digital platform notify every planning authority, as defined in the National Land Transport Act, 2009 (Act No. 5 of 2009), in whose area passengers will be picked up or set down, of the application, and those planning authorities must supply comments or representations to the Regulatory Committee by electronic mail fax or on the digital platform within the time specified in the notice.

(8) Where such a planning authority fails to respond to such a notice within the specified time, the Regulatory Committee may proceed to process and decide upon the application without its input.

### **Substitution of Regulation 3 of the Regulations**

4. Regulation 3 of the Regulations is hereby substituted for the following regulation:

#### **“3. Publication**

(1) (a) For the purposes of section 33 (1) of the Act, the following particulars must be published in the *Gazette* at least four weeks prior to the application being heard as contemplated in regulation 4—

- (i) the name of the applicant and the name of the applicant’s representative, if applicable;
- (ii) the general route description on which the road transport is conducted or the proposed transport is to be conducted giving origin and destination points;
- (iii) the countries of departure, destination and, where applicable, transit;
- (iv) a statement that full particulars of the application are available at the offices of the Agency and on the website .

(2) The following information regarding each application must be available to any interested person at the Agency’s offices and on the website:

- (i) the applicant’s postal address or, in the case of a representative applying on behalf of the applicant, the representative’s postal address;
- (ii) the number and type of vehicles, including the carrying capacity of each vehicle; and
- (iii) the detailed route description on which the road transport is conducted or the proposed transport is to be conducted.

(3) Particulars concerning any existing authorisation of the applicant must be available for scrutiny at the offices of the Agency and on the website.

(4) If any interested party wants to object to an application being granted, he or she must do so by putting the reasons therefor in writing and handing them to the Regulatory Committee by hand or sending them electronically to the address provided by the Agency or by submitting them on the digital platform and handing or sending a copy thereof to the applicant or his or her representative in the same manner, within 21 days of the publication in the *Gazette*.

#### **Amendment of regulation 4 of the Regulations**

5. Regulation 4 of the Regulations is hereby amended by the substitution for the regulation of the following regulation:

##### **“4. Hearings**

(1) In the case of a public hearing, the Regulatory Committee must advise the applicant and objectors, if any, of the date of the hearing by the Regulatory Committee.

(1A) Where the applicant, witness or the objector does not reside in the area of the Regulatory Committee, that Committee may consent that a person may appear via a video – or voice-conferencing facility: Provided that the Committee may direct the applicant, witness or objector to appear in person before the Committee if it deems it necessary and provided further that the applicant, witness or objector may elect to appear in person if he or she so wishes.

(2) Any notice in terms of section 17 (1) (b) of the Act must be in the form provided by the Regulatory Committee.

(3) A notice referred to in subregulation (2) must be—

- (a) handed over in person;
- (b) posted by registered post;

(bA) sent by electronic mail;

(bB) submitted via the digital platform: or

(d) faxed,

to the person to whom the notice applies.

(4) The Chief Executive Officer must verify the information provided by an applicant for a permit authorising freight transport, and present the information contemplated in section 27 of the Act to the Regulatory Committee.

(5) Without derogating from the provisions regarding the onus of proving the considerations in respect of an application for a permit authorising passenger transport, the Chief Executive Officer must verify the information provided by an applicant for a permit authorising transport, and present the information contemplated in section 28 of the Act to the Regulatory Committee.

(6) The person presiding at the hearing must allow the applicant to present his or her case first, whereafter the objectors must be afforded an opportunity to present their cases, and thereafter the applicant must be afforded an opportunity to respond to any allegations made by the objectors.

(7) After considering the application the Regulatory Committee may, subject to the provisions of these Regulations—

- (a) grant the application in full or in part;
- (b) grant the application subject to certain conditions or requirements; or
- (c) refuse the application.

(8) The Regulatory Committee must, upon request, provide written reasons for each decision.

(9) In respect of passenger transport, the permit may be granted subject to certain conditions or requirements that may include, but which are not limited to—

- (a) the determination of specific routes;
- (b) the identification of specific loading or offloading points;
- (c) service frequency;

- (d) specified ranking facilities; and
- (e) the affixing of distinctive logos.

(10) The procedure for the consideration of applications contemplated in section 32 (a) of the Act is that the Chief Executive Officer or another member of staff with delegated power must, subject to sections 26, 27 or 28, only ensure that the application complies with regulation 2, and no hearing is required.

### **Substitution of regulation 5 of the Regulations**

6. Regulation 5 of the Regulations is hereby amended by the substitution for the regulation of the following regulation:

#### **“5. Issuing\_of permits**

(1) Where the Regulatory Committee has granted an application for a permit or renewal of a permit and upon payment of the prescribed permit fee referred to in regulation 7(3) and the furnishing of documentation requested by the Regulatory Committee and proof of payment, a permit must be issued, which must be -

- (a) handed to the applicant or to his or her representative,;
- (b) posted to the applicant by registered post;
- (c) forwarded to the applicant by such other means as requested by the applicant; or
- (d) sent electronically to the applicant by means of the digital platform and the driver of the vehicle to which such permit relates must be keep it in that vehicle, either stored on an electronic device as provided for on the digital platform or in hard copy, as required by section 47(5)(a) of the Act.

(1A) An official from the Regulatory Committee must sign the permit before it is issued to the applicant and in the case of an electronic permit issued via the digital platform an electronic signature as defined in section 1 of the Electronic

Communications and Transactions Act, 2002 (Act No. 25 of 2002) must be applied to the permit.

(2) (a) If the applicant fails to pay the prescribed permit fee contemplated in subregulation (1) within 60 days after having been informed of the decision of the Regulatory Committee that the permit was granted, the authorization to issue the permit expires, subject to paragraph (b).

(b) The 60 days period mentioned in paragraph (a) may be extended where the applicant applies in writing within the 60 days period for an extension and application is approved by the Regulatory Committee.

(3) If the expiry date contemplated in subregulation (2) falls on a Saturday, Sunday or public holiday, the authorisation expires at the end of the first working day following that Saturday, Sunday or public holiday.

(4) A permit issued in accordance with subregulation (1) expires—

- (a) on the date specified on the permit; or
- (b) as soon as the permit holder has completed the journeys that he or she has been authorised to undertake.

(5) The holder of a permit valid for a period longer than one year must submit the documentation as required in terms of subsection 47 (6) of the Act on or before each annual anniversary date of the first issue of the permit.

(6) Where a permit is valid for a period of longer than one year, an annual compliance fee must be paid annually on or before the annual anniversary date of the first issue of the permit.

(7) The Regulatory Committee may not refuse to renew a permit unless –

(a) the Regulatory Committee is satisfied that the applicant is no longer a fit and proper person to provide cross-border road passenger transport or lacks the ability to do so for a reason contemplated in the Act;

(b) the applicant has failed to provide proof of registration, licensing, roadworthiness or leasing of the vehicle, as the case may be, as required by the Act by handing the documents to the Regulatory Committee, posting or faxing them.

transmitting them by means of electronic mail or submitting them via the digital platform to the Regulatory Committee;

(bA) where applicable, the applicant has failed to provide proof of the roadworthiness of the vehicle or other proof contemplated in section 47(6) of the Act;

(c) the services authorised by the permit have not been provided continuously for the previous 180 days, unless the holder has provided acceptable reasons for not doing so;

(d) the planning authority has directed the Regulatory Committee to refuse the application as a result of a lack of public transport facilities;

(e) the permit holder has not submitted the previous permit to the Regulatory Committee for destruction or, in the case of a permit issued on the digital platform, has not provided proof that the permit has been deleted from the electronic device on which it was stored; or

(f) there is any other reason in the Act not to grant the renewal.

(7A) The Regulatory Committee must cancel or delete a permit on or from the digital platform if the permit has not been used for a period of 12 months from the date of issue or if the permit has expired and is not returned to the Regulatory Committee.

(8) The Regulatory Committee may—

(a) recall a permit that is issued with errors by notice in the manner contemplated in regulation 4(3); and

(b) re-issue the permit as corrected in the manner contemplated in subregulation (1).

(9) A permit holder who receives a notice contemplated in subregulation (8) must return the permit by handing or posting it to the Regulatory Committee and in the case of an electronic permit provide proof that the permit has been removed from the storage of the electronic device on which it was stored.

**Insertion of regulation 6A in the Regulations**

1. The following regulation is hereby inserted in the Regulations after regulation 6.

**“6A. Submission of roadworthy certificates**

Where the National Road Traffic Regulations require vehicles to be submitted for roadworthy tests more frequently than annually, such as in the case of buses, the holders of permits contemplated in section 37(6) of the Act for such vehicles must submit a roadworthy certificate to the Regulatory Committee every six months upon expiry of the certificate.”

**Substitution of regulation 9 of the Regulations**

8. Regulation 9 of the Regulations is hereby amended by the substitution for the regulation of the following regulation:

**“9. Consignment notes and passenger lists**

(1) A consignment note, as prescribed by the South African Revenue Service and as provided by the Regulatory Committee, must be completed before commencement of a journey for the carriage of freight in terms of a permit.

(2) A passenger list, as provided by the Regulatory Committee, must be completed before the commencement of a journey for the conveyance of passengers in terms of a permit.

(4) In terms of section 27 of the Electronic Communications and Transactions Act, 2002 (Act, No. 25 of 2002) every consignment note and passenger list as contemplated in subregulations (1) and (2) may be submitted to the Regulatory Committee by submission on the digital platform despite section 49 of the Act or by email message.

**9. Insertion of section 16A in the Regulations**

The following regulation is inserted after regulation 16 in the Regulations

**“16A. Requirements for the integrity, security and inter-operability of the electronic system**

- (1) The Regulatory Committee must develop rules and procedures in terms of section 28 of the Electronic Communications and Transactions Act, 2002 (Act, No. 25 of 2002) to ensure the integrity and security of the digital platform.
- (2) The Regulatory Committee must ensure that the digital platform is inter-operable with the electronic Transport Registers and Information Platform System (TRIPS) being established by the Tripartite Transport and Transit Facilitation Programme once that System is operational.

**Short title**

10. These Regulations are called the 2019 Amendment to the Cross-Border Road Transport Regulations, 1998 and are published for comments

**New Form ... to be inserted in Schedule 6**

**Form .....**

**CROSS-BORDER ROAD TRANSPORT AGENCY (“the Agency”)**

**CONSENT FOR APPOINTMENT OF CONSULTANT OR AGENT BY OPERATOR**

I, the undersigned ..... [operator/applicant]

Identity/registration number .....

hereby confirm that I have appointed .....

Identity/registration number .....

as my consultant/agent to represent me in making any application to the Agency and to appear on my behalf before the Regulatory Committee of the Agency in any proceedings as fully and effectively as if I had made the application or appeared in the matter myself.

Signed at ..... on .....

.....

Operator/applicant

Signed at ..... on .....

.....

Consultant/agent

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**PROCLAMATION NOTICES • PROKLAMASIE KENNISGEWINGS**

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**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**

NO. R. 20

14 May 2021

**by the  
PRESIDENT of the REPUBLIC of SOUTH AFRICA****SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT**

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as “the Act”), have been made in respect of the affairs of the East London Industrial Development Zone, situated in the Eastern Cape Province (hereinafter referred to as “the ELIDZ”);

AND WHEREAS the ELIDZ or the State may have suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule, in respect of the ELIDZ, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

(a) serious maladministration in connection with the affairs of the ELIDZ;

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- (b) improper or unlawful conduct by officials or employees of the ELIDZ;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;
- (e) intentional or negligent loss of public money or damage to public property;
- (f) offence referred to in Parts 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the ELIDZ; or
- (g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof,

which took place between 1 January 2011 and the date of publication of this Proclamation or which took place prior to 1 January 2011 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the ELIDZ or the State, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Johannesburg this 22<sup>nd</sup> day of April Two thousand and twenty-one.

**CM Ramaphosa**

**President**

By Order of the President-in-Cabinet:

**RO Lamola**

**Minister of the Cabinet**

**SCHEDULE**

1. Irregularities, malpractices or maladministration in the affairs the ELIDZ in relation to the—
- (a) management of the Infrastructure Maintenance and Renewals Fund (“IMRF”) and the appropriation of the funds of the IMRF;
  - (b) management or appropriation of funds received from the Department of Trade and Industry;
  - (c) appropriation of funds earmarked for the IMRF for other purposes;
  - (d) settlement that was paid to a former Chief Financial Officer of the ELIDZ;
  - (e) keeping of proper financial records of all assets, liabilities, income, expenses and any other financial transactions related to the ELIDZ;
  - (f) manipulation of the financial records of the ELIDZ relating to the—
    - (i) capital appreciation of, or income generated by, investment property;
    - (ii) expenditure, including fruitless and wasteful expenditure, incurred by the ELIDZ; or
    - (iii) financial position of the ELIDZ;
  - (g) approval of variation orders that exceed the allowable percentage of the original contract price in respect of the following contracts:
    - (i) MST Projects in 2012 and 2013; and
    - (ii) Social Housing Development Project for a future residential complex in Zone 1B of the ELIDZ between 2012 and 2015;
  - (h) failure to recover the full amount that was due and owing in terms of a loan agreement entered into between the ELIDZ and a service provider and/or to account for amount that was loaned to, or recovered from, the service provider in question;
  - (i) business transactions that were concluded by the ELIDZ and which were not viable or in the best interests of the ELIDZ;
  - (j) mismanagement of the finances, assets or liabilities of the ELIDZ;
  - (k) disposal of state land;
  - (l) payment of excessive fees, salaries and bonuses to the ELIDZ Board and executive staff members, despite severe financial constraints in the 2013/2014 and 2014/2015 financial years; or
  - (m) acquisition of immovable property, including—
    - (i) the causes of such irregularities, malpractices or maladministration; and

- (ii) any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the ELIDZ or the State as a result of such irregularities, malpractices or maladministration.

2. The procurement by ELIDZ of the Alexander Golf Course, three properties situated at Berlin, property at Fort Jackson and four properties at Bridger Farm and payments made in relation thereto—

(a) in a manner that was—

(i) not fair, competitive, transparent, equitable or cost-effective; or

(ii) contrary to—

(aa) applicable legislation;

(bb) applicable manuals, guidelines, practice notes, circulars or instructions issued by the National Treasury or the applicable Provincial Treasury; or

(cc) manuals, guidelines, codes, policies, procedures, instructions or practices of, or applicable to the ELIDZ; or

(b) which was conducted or facilitated by the unlawful, irregular or improper intervention of—

(i) employees or officials of the ELIDZ; or

(ii) any other person or entity,

to corruptly or unduly benefit themselves or any other person or entity,

and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the ELIDZ or the State.

3. The procurement of, or contracting for—

(a) three 40MVA transformers for the Kemba Substation in terms of Actom Contract Z6/E1/TRF/03/11;

(b) feasibility studies and tests in respect of a Biofuel site in the Berlin area; and

(c) one 20MVA transformer for a Biofuel site in the Berlin area,

by ELIDZ and payments made in relation thereto—

(i) in a manner that was—

(aa) not fair, competitive, transparent, equitable or cost-effective;

(bb) contrary to—

(aaa) applicable legislation;

(bbb) applicable manuals, guidelines, practice notes, circulars or instructions issued by the National Treasury or the

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applicable Provincial Treasury; or  
(ccc) manuals, guidelines, codes, policies, procedures, instructions or practices of, or applicable to the ELIDZ; or  
(ii) which was conducted or facilitated by the unlawful, irregular or improper intervention of—  
(aa) employees or officials of the ELIDZ; or  
(bb) any other person or entity,  
to corruptly or unduly benefit themselves or any other person or entity,  
and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the ELIDZ or the State.

4. Any improper or unlawful conduct by—  
(a) officials or employees of the ELIDZ; or  
(b) any other person or entity,  
in relation to the allegations set out in paragraphs 1 to 3 of this Schedule.

## DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 20

14 Mei 2021

van die

**PRESIDENT van die REPUBLIEK van SUID AFRIKA****WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996  
(WET NO. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA  
BESTAANDE SPESIALE ONDERSOEKEENHEID**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna na verwys as “die Wet”), gemaak is in verband met die aangeleentheid van die Oos-Londen Nywerheidsontwikkeling Sone, geleë in die Oos-Kaap Provinsie (hierna na verwys as “die OLNOS”);

EN AANGESIEN die OLNOS of die Staat verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleentheid in die Bylae vermeld ten opsigte van die OLNOS, vir ondersoek na die Spesiale Ondersoekeenheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleentheid, die opdrag van die Spesiale Ondersoekeenheid is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

- (a) ernstige wanadministrasie in verband met die aangeleentheid van die OLNOS;
- (b) onbehoorlike of onregmatige optrede deur beamptes of werknemers van die

OLNOS;

- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), en welke misdrywe gepleeg is in verband met die sake van die OLNOS; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 Januarie 2011 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Januarie 2011 of na die datum van publikasie van hierdie Proklamasie, wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekeenheid toegewys of opgedra is, uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, insluitend die verhaal van enige verliese wat deur die OLNOS of die Staat gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Johannesburg op hede die 22ste dag van April Twee duisend-een-en-twintig.

**CM Ramaphosa**

**President**

Op las van die President-in-Kabinet

**RO Lamola**

**Minister van die Kabinet**

**BYLAE**

1. Onreëlmatighede, wanpraktyke of wanadministrasie in die sake van die OLNOS ten opsigte van die—
- (a) bestuur van die “Infrastructure Maintenance and Renewals” Fonds (“IMRF”) en die toekenning van die fondse van die IMRF;
  - (b) bestuur of toekenning van fondse ontvang van die Departement van Handel en Nywerheid;
  - (c) toekenning van fondse geormerk aan die IMRF vir ander doeleindes;
  - (d) skikking betaal aan ‘n voormalige Hoof-Finansiële Beampte van die OLNOS;
  - (e) hou van behoorlike finansiële rekords van alle bates, laste, inkomste, uitgawes en enige ander finansiële rekords van toepassing op die OLNOS;
  - (f) manipulasie van die finansiële rekords van die OLNOS ten opsigte van die—
    - (i) kapitale waardevermeerdering van, of inkomste gegeneer deur, beleggingseiendom;
    - (ii) besteding, insluitend vrugtelose en verspilde uitgawes, deur die OLNOS aangegaan; of
    - (iii) OLNOS se finansiële posisie;
  - (g) goedkeuring van variasieopdragte wat die toelaatbare persentasie van die oorspronklike kontraksprys oorskry ten opsigte van die volgende kontrakte:
    - (i) MST Projekte in 2012 en 2013; en
    - (ii) Gemeenskapsbehuising Ontwikkelingsprojek vir ‘n toekomstige residensiële kompleks in Sone 1B van die OLNOS, tussen 2012 en 2015;
  - (h) versuim om die volle bedrag wat betaalbaar en opeisbaar was ingevolge ‘n leningsooreenkoms aangegaan tussen die OLNOS en ‘n diensverskaffer en/of om rekenskap te geen van die bedrag wat geleen is aan, of gevorder is van, die betrokke diensverskaffer;
  - (i) besigheidstransaksies wat aangegaan is deur die OLNOS en wat nie lewensvatbaar was of in die beste belang van die OLNOS was nie;
  - (j) wanbestuur van die finansies, bates of laste van die OLNOS;
  - (k) vervreemding van staatsgrond;
  - (l) betaling van buitensporige fooie, salarisse en bonusse aan die OLNOS Raad en uitvoerende personeellede, ten spyte van ernstige finansiële beperkings in die 2013/2014 en 2014/2015 finansiële jare; of

(j) verkryging van onroerende eiendom, insluitend—

- (i) die oorsake van sodanige onreëlmatighede, wanpraktyke of wanadministrasie, en
- (ii) enige verbandhoudende ongemagtigde, onreëlmatige of vrugtelose en verspilde uitgawes wat deur die OLNOS of die Staat aangegaan is as 'n gevolg van sodanige onreëlmatighede, wanpraktyke of wanadministrasie.

2. Die verkryging deur OLNOS van die Alexander Golfbaan, drie eiendomme geleë te Berlin, eiendom te Fort Jackson en vier eiendomme te Bridger Farm en betalings gemaak ten opsigte daarvan—

(a) op 'n wyse wat—

- (i) nie billik, mededingend, deursigtig, billik of koste-effektief was nie;
- (ii) strydig was met toepaslike—

(aa) toepaslike wetgewing;

(bb) toepaslike handleidings, riglyne, praktyknotas, omsendskrywes of instruksies wat deur die Nasionale Tesourie of die plaaslike Provinsiale Tesourie uitgevaardig is; of

(cc) handleidings, riglyne, kodes, beleid, prosedures, instruksies of praktyke van, of wat op die OLNOS van toepassing is; of

(b) wat gedoen of gefasiliteer was deur die onwettige, onbehoorlike of onreëlmatige tussenkoms van—

(i) werknemers of beamptes van die OLNOS; of

(ii) enige ander persoon of entiteit,

om hulself of enige ander persoon of entiteit op 'n korrupte of onbehoorlike wyse te bevoordeel,

en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verspilde uitgawes wat deur die OLNOS of die Staat aangegaan is.

3. Die aanskaffing van, of kontraktering vir—

(a) drie 40MVA transformators vir die Kemba Substasie ingevolge Actom Kontrak Z6/E1/TRF/03/11;

(b) lewensvatbaarheidstudies en toetse ten opsigte van 'n Biobrandstof perseel in die Berlin gebied; en

(c) een 20MVA transformator vir 'n Biobrandstof perseel in die Berlin gebied,

deur OLNOS en betalings gemaak ten opsigte daarvan—

- (i) op 'n wyse wat—
  - (aa) nie billik, mededingend, deursigtig, billik of koste-effektief was nie;
  - (bb) strydig was met—
    - (aaa) toepaslike wetgewing;
    - (bbb) toepaslike handleidings, riglyne, praktyknotas, omsendskrywes of instruksies wat deur die Nasionale Tesourie of die plaaslike Provinsiale Tesourie uitgevaardig is; of
    - (ccc) handleidings, riglyne, kodes, beleid, prosedures, instruksies of praktyke van, of wat op die OLNOS van toepassings is; of
- (ii) wat gedoen of gefasiliteer is deur die onwettige, onbehoorlike of onreëlmatige tussenkoms van—
  - (aa) werknemers of beamptes van die OLNOS; of
  - (bb) enige ander persoon of entiteit, om hulself of enige ander persoon of entiteit op 'n korrupte of onbehoorlike wyse te bevoordeel,

en enige verbandhoudende ongemagtigde, onreëlmatige of vrugtelose en verspilde uitgawes wat deur die OLNOS of die Staat aangegaan is.

4. Enige onwettige of onbehoorlike optrede deur—

- (a) beamptes of werknemers van die OLNOS; of
- (b) enige ander persoon of entiteit,

ten opsigte van die bewerings uiteengesit in paragrawe 1 tot 3 van hierdie Bylae.







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