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GOVERNMENT NOTICE

DEPARTMENT OF LABOUR

No. 536

23 April 2004

UNEMPLOYMENT INSURANCE AMENDMENT ACT, 2003**REGULATIONS****PUBLICATIONS OF REGULATIONS IN TERMS OF SECTION 54 OF THE
UNEMPLOYMENT INSURANCE ACT, 2001**

Under section 54 of the Unemployment Insurance Act, 2001 (Act No. 63 of 2001), I MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, Minister of Labour, hereby publish Regulations and forms in the Government Gazette which will come into operation with effect from 1 May 2004.

**MINISTER OF LABOUR**

DEPARTMENT OF LABOUR**UNEMPLOYMENT INSURANCE ACT, 2001 (ACT NO 63 OF 2001)****AMENDMENT OF UNEMPLOYMENT INSURANCE ACT REGULATIONS**

The Minister of Labour Membathisi Mphumzi Shepherd Mdladlana makes the regulations in the Schedule under Section 54 of the Unemployment Insurance Act, 2001 (Act 63 of 2001)

SCHEDULE**DEFINITION**

1. In this Schedule the regulations means the Unemployment Insurance Fund Regulations published in Government Notice No. 7317 dated 28 March 2002 as amended by Government Notice No. _____.

Application of this Act (Section 3(1)(b) of the U I Amendment Act)

2. (1) An employee who enters into an employment contract with an employer for the sole purpose of entering a learnership agreement as contemplated in section 18(2) of the Skills Development Act, 1998 (Act No 97 of 1998) is excluded from contributing to the Fund. However, employees who enter into a learnership agreement in terms of section 18(1) of the Skills Development Act, 1998, are liable to contribute to the Fund in terms of Unemployment Insurance Act.

Application of this Act (Section 3(1)(e) of the U I Amendment Act)

3. (1) Monthly pension from the State refers to a grant given to the aged by the State in terms of the Social Assistance Act 59 (Act 59 of 1992) as amended.

Amendment of regulation 8 of the Regulations.

4. Regulation 8(1) of the Regulations is hereby amended by the substitution of subregulation 1 with the following subregulation:
 - (1) An appeal against a decision of the Commissioner or a claims officer in terms of section 37(1) must be made by submitting a completed UI 12 by hand or registered post to the Regional Appeals Committee at the respective Labour Centres of the Department of Labour.

Amendment of regulation 8(3) of the Regulations

5. Regulation 8(3) of the Regulation is hereby amended by insertion in subregulation 8(3) of the word "Regional" to read as follows:

The Regional Appeals Committee may require the appellant to submit any further information that it considers necessary to deal with the appeal.

Amendment of regulation 9 of the Regulations.

6. Regulation 9 of the Regulations is amended by the substitution of subregulation 1 with the following subregulation:
 - (1) A person who is dissatisfied with the decision of the Regional Appeals Committee may refer the matter to the National Appeals Committee for final decision in terms of section 37(2) by submitting a completed UI 13 to 94 Church Street, Pretoria, 0001, or registered post to Unemployment Insurance Fund, Pretoria, 0052 or by telefax to (012) 337-1893.
7. Regulation 9 is hereby amended by the deletion of subregulation 2.
8. Regulation 9(3) is hereby amended by deleting the word "CCMA" and substitute by the word National Appeals Committee.
9. Regulation 9 is hereby amended by the deletion of subregulation 4.
10. Regulation 9 is hereby amended by the deletion of subregulation 5.

Right to benefits (Section 12(1A) of the U I Amendment Act.)

11.
 - (1) A domestic worker employed in more than one household can be paid benefits if the total income earned from all households falls below the benefit level that the person would have received if wholly unemployed. The term wholly unemployed refers to a domestic employee who is no longer employed by any household.
 - (2) A domestic worker will not be regarded as being wholly unemployed whilst in continued employment with an employer other than a household.
 - (3) An employee who remains in employment in a household shall not be regarded as being wholly unemployed, notwithstanding the fact that they loose employment with an employer other than the household.
 - (4) Only employment lost in the last six months from the date preceding the date of application will be considered when determining if the employee is wholly unemployed or not.

Right to Unemployment Benefits (Section 16(1)(a)(iv) of the U I Amendment Act

12.
 - (1) The date of termination of employment will be the date of death of the employer.
 - (2) The amount of benefits paid shall be determined by the last declaration of the employer and in the absence of the declaration the claims officer shall determine the benefits based on the available documentary proof submitted to the claims officer.

COMMENCEMENT

13. These regulations shall come into operation on 1 May 2004.

UI 12

**NOTICE OF APPEAL AGAINST A DECISION OF THE COMMISSIONER OR A
CLAIMS OFFICER***Application in terms of section 37(1) read with regulation 8(1)*

A person entitled to benefits in terms of the Act may appeal against a decision of the Commissioner to suspend that person's rights to benefits, or a decision of a claims officer relating to the payment or non payment of benefits. This Notice of appeal must be sent to the Regional Appeal Committee, where an application was lodged.

1. Personal details

- 1.1 Name _____
- 1.2 ID number _____
- 1.3 Passport number _____
- 1.4 Residential address _____
- 1.5 Postal address _____
- 1.6 E-mail address _____
- 1.7 Tel number (include the code) _____
- 1.8 Cell number _____

2. Employer details

2. Name of employer (prior to unemployment) _____
- 2.2 UIF reference number _____
- 2.3 Physical address _____
- 2.4 Postal address _____
- 2.5 E-mail address _____
- 2.6 Tel number _____
- 2.7 Fax number _____

3. Decision appealed against

- 3.1 What decision are you appealing against?

- 3.2 Which region made the decision?

- 3.3 When was the decision made?

-

UI 12

3.4 When were you notified about the decision?

3.5 Why are you appealing against the decision

3.6 In what respects do you think the decision is incorrect or unfair?

3.7 What outcome do you seek from this Regional appeal?

Signature _____ Date _____

For official purposes

On the _____-the Regional Appeal Committee decided that the appeal was

Successful

Unsuccessful because _____

Signature of chairperson _____ Date _____

**UNEMPLOYMENT INSURANCE AMENDMENT ACT 32 OF 2003
REFERRAL OF DISPUTE TO NATIONAL APPEAL COMMITTEE**

Application in terms of section 37(2) read with regulation 9(1)

A person who is dissatisfied with the decision of the Regional Appeal Committee may refer a dispute to the National Appeals Committee within 30 days of receiving notification of the decision.

The decision by the National Appeals Committee is final, subject to judicial review.

1. Personal details

- 1.1 Surname _____
- 1.2 First Name _____
- 1.3 ID number _____
- 1.4 Passport number _____
- 1.5 UIF number (Employers reference No) _____
- 1.6 Residential address _____
- 1.7. Postal address _____
- 1.8. E-mail address _____
- 1.9. Tel number (include the code) _____
- 1.10. Fax number (include the code) _____
- 1.11. Cell number _____

2. Dispute details

2.1.1 What is the nature of the dispute (i.e. what is the dispute about?)

UI 13

2.2 What factors do you think the Regional Appeal Committee failed to consider?

2.3 What other information do you want to draw to the National Appeal Committee's attention?

2.4 What outcome do you seek from the National Appeal Committee?

3. Documents to attach to this form:

3.1 Your Notice of appeal against a decision of the Commissioner or a claims officer.

3.2 The decision from the Regional Appeal Committee.

3.3 Use additional pages if required.

SIGNATURE _____ **DATE** _____

