



Government Gazette

REPUBLIC OF SOUTH AFRICA

Regulation Gazette

No. 8064

Vol. 472

Pretoria

1

October

2004

No. 26826



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GOVERNMENT NOTICE
GOEWERMENTSKENNISGEWING

DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID

No. R. 1109

1 October 2004

BASIC CONDITIONS OF EMPLOYMENT ACT, 75 OF 1997
CORRECTION NOTICE: SECTORAL DETERMINATION 6:
PRIVATE SECURITY SECTOR, SOUTH AFRICA
CORRECTION NOTICE

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby in terms of Section 56(3)(b) of the Basic Conditions of Employment Act, 1997, effect corrections to the Sectoral Determination published in Government Notice no R.804 dated 13 June 2003:

1. **Substitute clause 3(1)(a)(i) as reflected in Government Gazette No. 25075 with the following clause:**

3. **REMUNERATION**

(1)(a)(i) The hourly equivalents reflected in the table hereunder shall be used solely for the calculation of payment for short time, as defined in Government Gazette No. 22873 or time worked in excess of the ordinary hours or deductions for any unauthorized absenteeism.

2. **Substitute clause 5(3)(a) as reflected in Government Gazette No. 25075 with the following clause:**

(3)(a) more than 48 ordinary hours in any week, with the exception of the arrangements in respect of security officers in terms of sub clause (1)(a)

3. **Substitute clause 6 as reflected in Government Gazette No. 25075 with the following clause:**

6. **ANNUAL BONUS**

6(1) An employer shall pay to every employee in respect of each completed year of service with such employer an annual bonus equal to a full month's salary.

4. **Substitute clause 24 as reflected in Government Gazette No. 25075 with the following clause:**

24. **STUDY LEAVE**

Every employee with a minimum of one year uninterrupted employment with the same employer shall be entitled to a paid study leave of a maximum of 3 (three) days in any year, in respect of any study at a tertiary establishment.

5. Insert clause 10A in Government Gazette No. 22873**10A. PROOF OF INCAPACITY**

- (1) An employer is not required to pay an employee in terms of clause 10 if the employee has been absent from work for more than two consecutive days or on more than two occasions during an eight-week period and, on request by the employer, does not produce a medical certificate stating that the employee was unable to work for the duration of the employee's absence on account of sickness or injury.
- (2) A medical certificate in terms of sub clause (1) must be issued and signed by-
 - (a) a medical practitioner
 - (b) a clinic nurse practitioner
 - (c) a traditional healer
 - (d) a community health worker
 - (e) a psychologist
 - (f) any other person who is certified to diagnose and treat patients and who is registered with a professional council established by an Act of Parliament; or
 - (g) any other health professional authorized to diagnose medical conditions.

3(5) NIGHT SHIFT ALLOWANCE**6. Substitute sub clauses 3(5)(b) and 3(5)(c) as reflected in Government Gazette No. 25075 with the following sub clauses:**

- (b) The night shift allowance for the second year after promulgation of this determination shall be R2.00; and
- (c) The night shift allowance for the third year after promulgation of this determination shall be R2.50

16. WEAPONS, UNIFORMS, OVERALLS AND PROTECTIVE CLOTHING**7. Substitute sub clause 16(1)(c) as reflected in Government Gazette No. 22873 with the following clause:**

- (c) supply, free of charge, a jersey, coat or other suitable outer garment for the employee's protection against cold or wet weather, as well as any footwear, uniform, overall, or other protective clothing which an employer requires an employee to wear or which an employer is required by any law to provide for an employee. An employer who provides an employee with any such apparel, may require the employee to clean it in the employee's own time, in which event the employer shall pay the employee not less than R2.00 for the second year and not less than R3.00 for the third year, which shall however not be payable during periods of absence from work.

25.CONTRIBUTIONS**8.Insert subclauses 25(1)(a)(i) and (a)(ii) in Government Gazette No. 22175**

(a)(i) The employer shall each month deduct from the earnings of each employee in respect of such month, or part thereof, an amount equal to 6.5% (six and a half per cent) of the employee's Fund Salary, as from the third year of validity of this determination, being the employee's contributions to the Provident Fund.

(a)(ii) The employer shall each month contribute in respect of such month, or part thereof, an amount equal to 6.5% (six and a half per cent) of the employee's Fund Salary, as from the third year of validity of this determination, being the employer's contributions to the Provident Fund.



M M S MDLADLANA, MP
Minister of Labour
