

**DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID****No. R. 96****9 February 2007****BASIC CONDITIONS OF EMPLOYMENT ACT, ACT 75 OF 1977****AMENDMENT OF SECTORAL DETERMINATION 6: PRIVATE SECURITY
SECTOR, SOUTH AFRICA**

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby, in terms of Section 56(1) of the Basic Conditions of Employment Act, Act 75 of 1997, amend Sectoral Determination 6: Private Security Sector, South Africa, published under Government Notice No. R. 879 of 9 September 2005, in accordance with the schedule hereto and fix the second Monday after publication as the date from which the provisions of this amendment shall become binding.



**M M S MDLADLANA, MP
MINISTER OF LABOUR**

1. Insert new sub – clause 3(1)(e) to read:

“(e) Armed response officers:

A security officer who is employed to conduct duties as an armed response officer shall be remunerated at not less than the level of a Grade C security officer.”

2. Replace sub – clause 3(5) to read:

“(5) Night shift allowance:

If at least half of the shift ordinarily falls between the hours of 18:00 on one day and 06:00 the next day that employee will be entitled to and shall receive an allowance in respect of each night shift worked:

- (a) the night shift allowance payable in terms of this sub – clause shall be R2.50 per shift; and
- (b) the night shift allowance payable in terms of this sub – clause as from 1 September 2007 shall be R3.00 per shift.”

3. Insert new sub clause 3(7)

“(7) Transfer allowance

- (a) An employer shall pay a security officer a transfer allowance of not less than R100.00 (one hundred rand) per month under the following circumstances –
 - (i) if the transfer is permanent, the employee shall be entitled to the transfer allowance for a period of not more than 12 (twelve) months after the date of transfer; and
 - (ii) if the transfer is for more than 6 (six) months but less than 12 (twelve) months, the security officer shall be entitled to receive the transfer allowance for the equivalent number of months of the transfer.
- (b) All transfer allowance payments are subject to the following conditions:
 - (i) the employer requires the security officer to transfer on a permanent basis or for a period exceeding six months; and
 - (ii) the security officer is transferred to a site or other such workplace which is in excess of 250 kilometers away from the deployment of

the security officer at the time of the transfer:

- (c) This sub – clause does not apply in the event of –
 - (i) a transfer arising from an offer of alternative employment by the employer during a consultation process conducted in terms of Section 189 of the Labour Relations Act (Act 66 of 1995); or
 - (ii) that the transfer of an employee is as a result of a request for such transfer by the employee.”

4. Replace sub – clause 5(4) to read:

“(4) Meal interval

- (a) An employer must give an employee who works continuously for more than five hours a meal interval of at least one continuous hour.
- (b) During a meal interval, an employee may be required or permitted to perform only duties that cannot be left unattended and cannot be performed by another employee.
- (c) An employee must be remunerated –
 - (i) for a meal interval in which the employee is required to work or is required to be available for work; and
 - (ii) for any portion of a meal interval that is in excess of 75 minutes, unless the employee lives on the premises at which the workplace is situated.
- (d) For the purpose of sub-clause (a), work is continuous unless it is interrupted by an interval of at least 60 minutes.
- (e) An agreement in writing may –
 - (i) reduce the meal interval to not less than 30 minutes;
 - (ii) dispense with a meal interval for an employee who works fewer than six hours on a day.”

5. Insert new sub – clause 6(4) to read:

- “(4) In the event that the employee’s contract of employment ends before the end of 12 months of employment with the same employer for any reason other than dismissal for misconduct, poor performance not related to incapacity for ill health, or resignation, the employee must receive a prorated share of the bonus for the period of the year that he or she has worked.”

6. Clause 12: Maternity leave

Insert new clause 12A to read:

“12A. Maternity benefits

- (1) An employee who remains in continuous employment with the same employer for a period of at least three years from the date on which this amendment becomes binding, shall be entitled to the following benefits:
 - (a) from the first year of eligibility, a payment equivalent to 50% (fifty percent) of the difference between the employee's basic salary and the amount due to the employee from the Unemployment Insurance Fund (UIF), for one month;
 - (b) from the second year of eligibility, a payment equivalent to 50% (fifty percent) of the difference between the employee's basic salary and the amount due to the employee from the Unemployment Insurance Fund (UIF), for two months; and
 - (c) from the third year of eligibility, a payment equivalent to 50% (fifty percent) of the difference between the employee's basic salary and the amount due to the employee from the Unemployment Insurance Fund (UIF), for three months.
- (2) If the employee's unemployment insurance fund (UIF) benefits are reduced as a result of this payment, the employer's contribution shall be reduced to enable the employee to obtain full Unemployment Insurance Fund (UIF) benefits.”

7. Replace clause 13 to read:

“13 Study leave

- (1) All employees with a minimum of one year uninterrupted employment with the same employer shall be entitled to study leave on full pay of a maximum of:
 - (a) 4 days study leave per year in the first year of operation of this amendment;

- (b) 5 days of study leave per year in the second year of operation of this amendment; and
 - (c) 6 days of study leave per year in the third year of operation of this amendment, and thereafter.
- (2) Study leave shall not be limited to tertiary education only, but shall be extended to include education at all accredited education and training providers.”

8. Insert a new clause 27 to read:

“(27) Service benefits

- (1) Each security officer shall, upon completion of the following period of uninterrupted service with the same employer, receive a once-off service benefit payment of not less than –
- (a) R500.00 (five hundred rand) after 5 (five) years;
 - (b) R1 000.00 (one thousand rand) after 10 (ten) years; and
 - (c) R5 000.00 (five thousand rand) after 20 (twenty) years of service.
- (2) The accumulation of service will come into effect on the date this amendment comes into effect.”

9. Insert new clause 2(66) to read:

2 Definitions:

- “(66) Armed response officer:** means a security officer who in case of an emergency or alarm activation may respond to a call from a client of a private security company normally at the premises or property of the client.”