
GOVERNMENT NOTICE

DEPARTMENT OF LABOUR

No. R. 370

16 May 2014

LABOUR RELATIONS ACT, 1995

CORRECTION NOTICE

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

The following corrections to *Government Notice* No. R. 252 appearing in *Government Gazette* No. 37509 of 14 April 2014, are hereby published for general information:

In part H of the collective agreement after page 635 of the *Government Gazette* which is page H – 30, add the following page H – 31 which will be the continuation of “**Clause 10: OVERTIME**” and thereafter “**Clause 11: PAYMENT FOR OVERTIME AND WORK ON SATURDAYS, SUNDAYS AND PUBLIC HOLIDAYS**” begin.

- (ii) provides such employee with an adequate meal before he has to commence overtime; or
 - (iii) pays such employee an allowance of R5.00 to enable the employee to obtain a meal before the overtime is due to commence.
 - (c) Overtime shall be voluntary.
 - (d) Before overtime is commenced on any day (Monday to Friday), the employer shall grant his employees a 10 minute paid meal interval (regarded as part of the overtime hours) or an unpaid meal interval of 30 minutes duration, depending on the wishes of the majority of the employees concerned.
 - (e) An employee shall not be required to work overtime without his consent and an employee shall not be dismissed by reason of his refusal to work overtime.
- (3) An employee shall be deemed to be working in the employment of an employer in addition to any period during which he is actually working -
- (a) during any period during which, in accordance with the requirements of his employer, he is present upon or in any premises in which the Industry is being carried on;
 - (b) during any period during which he is present on or in any such premises; and
 - (c) during any period during which he is in charge of any vehicle used in the Industry, whether or not it is being driven: Provided that if it is proved that during any portion of any such period as is referred to in paragraph (b) or (c) any such employee did not actually work in his employment, the presumption established by this subclause shall not apply in respect of that employee in relation to that period.
- (4) Overtime accrues daily and shall be reckoned as time worked outside of the ordinary working hours as specified in Clause 9. All overtime of a lesser period than 15 minutes shall be paid for as a quarter of an hour overtime.
- (5) **Day of rest:** An employer shall grant to each of his shift workers one full day of rest in any week: Provided that if an employer requires or permits such an employee to work on his day of rest, the hours so worked shall be deemed not to be part of the ordinary hours of work specified in clause 9 (1) (b);
- (6) Overtime shall apply to all employees in an establishment except travellers' drivers.
- (7) Under no circumstances shall an employee be refused the opportunity to work overtime on the grounds of having been absent.

11: PAYMENT FOR OVERTIME AND WORK ON SATURDAYS, SUNDAYS AND PUBLIC HOLIDAYS

- (1) **Overtime:** An employer shall pay his employee, other than a twilight shift worker, in respect of all overtime worked by him, not less than:-
- (a) in the case of an employee other than a boiler attendant, watchman or caretaker and casual employee, one and a half times his wage divided by 42½ for each hour or part of an hour so worked;
 - (b) in the case of a boiler attendant, one and a half times his wage, divided by 46, for each hour or part of an hour so worked;