

DEPARTMENT OF LABOUR

Tel: (012) 309 4000
www.labour.gov.za
Fax: (012) 309 4709
HEAD OFFICE



215 Laboria House
Cnr Paul Kruger &
Schoeman Str, PRETORIA

Private Bag X117
PRETORIA, 0001

M.E. Personnel Consultants Pty Ltd
P O Box 751199
GARDEMVIEW
2047

Enquiries: *Thobani Mbonambi*
Tel Direct: (012) 309 4259
Fax: (086) 620 3962
E-mail: *Thobani.mbonambi@labour.gov.za*

9 July 2013

Dear Sir/Madam

**BASIC CONDITIONS OF EMPLOYMENT ACT, 1997
APPLICATION FOR MINISTERIAL DETERMINATION**

The application to vary certain sections of the Act refers.

Attached please find the approved determination. Please ensure that you comply with section 50 (10) of the Act, which reads as follows:

An employer in respect of whom a determination has been made, or whose employees are covered by a determination in terms of subsection (1), must—

- (a) Display a copy of the notice conspicuously at the workplace where it can be read by the employees to whom the determination applies;
- (b) Notify each employee in writing of the fact of the determination and of where a copy of the notice has been displayed; and
- (c) Give a copy of the notice to every—
 - (i) registered trade union representing those employees;
 - (ii) trade union representative representing those employees; and
 - (iii) employee who requests a copy.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Dadi'.

DIRECTOR GENERAL: LABOUR

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Reference: **LR 8/5**

DEPARTMENT OF LABOUR

DETERMINATION IN TERMS OF SECTION 50

The Minister of Labour, make the following determination in terms of Section 50(8)(c) of the Act:

1. The following section of the Act is replaced or excluded:

Sections 21(1), 22(1), 27(3), and 37(2)(b) of the Act.

2. Extent of the variation:

- (a) To retain the individually bargained arrangements in respect of payment for annual and family responsibility leave; and
- (b) That during every sick leave cycle, an employee is entitled to one day's paid sick leave for every 26 days worked.
- (c) That an individual agreement may permit a notice period of four weeks required by section 37(1)(c)(1) to be reduced to not less than two weeks.

3. Employers or employees in respect of whom the determination applies:

High-level managerial, professional and technical staff engaged by M.E. Personnel Consultants Pty Ltd on a short-term/temporary contract of employment.

4. Conditions on which determination is granted:

- (a) That all other sections of the Act are complied with; and
- (b) That affected employees be provided the opportunity to choose whether to remain on the "all inclusive" remuneration package or to restructure it into a contract of employment that complies with the BCEA.
- (c) That the full compliment of sick leave be granted for serious illness or accidents; and
- (d) That the company ensures that employee's utilized their leave not later than six months after the end of the annual leave cycle.

5. Period for which the determination is granted:

From 1 July 2013 to 31 June 2016.

SIGNED under delegated powers in terms of section 85 of the Basic Conditions of Employment Act, 1997 at Pretoria on this 9th day of July 2013.

A handwritten signature in black ink, appearing to read 'Dadi'.

DIRECTOR GENERAL: LABOUR