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What Wholesale and Retail workers and their employers should know about minimum wages and conditions of employment





The Department of Labour has made a new law, specifically for the Wholesale and Retail Sector:

- Employers will be required to pay the prescribed minimum wage as instructed in the Sectoral Determination for the Wholesale and Retail Sector
- This document briefly covers some of the most important provisions in the Sectoral Determination
- A copy of the Sectoral Determination is available from the Government Printer or the Department of Labour and is also on the Department's website at www.labour.gov.za.

What is the purpose of this Sectoral Determination?

The Sectoral Determination contains conditions of employment for workers in the Wholesale and Retail Sector such as hours of work, leave, particulars of employment and termination of employment. It also prescribes the minimum wage employers are required to pay.

Who is covered in the Sectoral Determination?

- The Sectoral Determination applies to the employment of workers in the Wholesale and Retail Sector in South Africa
- Wholesale and Retail means the Sector in which employers and workers are associated for the purpose of procuring products for sale to any person and includes:
 - Any other activities engaged in by that employer, included, but not limited to merchandising, warehousing or distribution that are incidental to or supportive to the employer's enterprise
 - Any other activity on the same premises whose core business falls within the scope of this Sectoral Determination.

Who is not covered by this Sectoral Determination?

- It does not apply to workers employed in activities covered by another sectoral determination or bargaining council agreement
- Workers who work 24 hours or less per month are excluded, however the **hourly rate** as set out in **Tables 1-3** are applicable
- If any matter not dealt with in this Sectoral Determination – the Basic Conditions of Employment Act (BCEA) provisions will apply to all employers and workers in this Sector.

What does the law say about wages

- The law says that all workers should be paid at least the minimum wage according to **Tables 1 to 3**



Table 1 Minimum wages for workers in the Wholesale and Retail Sector

AREA A

Category	01/02/2006 to 31/01/2007				01/02/2007 to 31/01/2008				01/02/2008 to 31/01/2009			
	R.p.h	R.p.w	R.p.m	27 Hours R.p.h*	R.p.h	R.p.w	R.p.m	27 Hours R.p.h*	R.p.h	R.p.w	R.p.m	27 Hours R.p.h*
Assistant Manager	16.99	764.63	3313.45	17.63	Previous Minimum Wage + CPIX +1%			19.34	Previous Minimum Wage + CPIX +1%			20.44
Cashier	9.91	446.57	1935.15	10.29	Previous Minimum Wage + CPIX +1%			11.29	Previous Minimum Wage + CPIX +1%			11.93
Clerk	11.74	528.76	2291.33	12.19	Previous Minimum Wage + CPIX +1%			13.37	Previous Minimum Wage + CPIX +1%			14.13
Displayer	12.19	548.72	2377.83	12.65	Previous Minimum Wage + CPIX +1%			13.88	Previous Minimum Wage + CPIX +1%			14.67
Driver	Gross Vechile mass <3 500 kg	8.95	402.92	1745.99	9.29	Previous Minimum Wage + CPIX +1%		10.19	Previous Minimum Wage + CPIX +1%			10.77
	Gross Vechile mass 3 501 - <9000kg	10.82	487.53	2112.65	11.23	Previous Minimum Wage + CPIX +1%		12.32	Previous Minimum Wage + CPIX +1%			13.03
	Gross Vechile mass 90001 - <16000kg	11.81	531.41	2302.78	12.25	Previous Minimum Wage + CPIX +1%		13.44	Previous Minimum Wage + CPIX +1%			14.21
	Gross Vechile mass 16 001 kg	12.98	584.54	2533.06	13.47	Previous Minimum Wage + CPIX +1%		14.78	Previous Minimum Wage + CPIX +1%			15.62
Forklift Operator	8.43	379.88	1646.14	8.75	Previous Minimum Wage + CPIX +1%			9.60	Previous Minimum Wage + CPIX +1%			10.15
General Assistant	7.27	347.55	1506.08	8.01	Previous Minimum Wage + CPIX +1%			8.78	Previous Minimum Wage + CPIX +1%			9.29
Manager	18.61	837.78	3630.41	19.32	Previous Minimum Wage + CPIX +1%			21.19	Previous Minimum Wage + CPIX +1%			22.40
Merchandise	9.29	418.17	1812.11	9.64	Previous Minimum Wage + CPIX +1%			10.58	Previous Minimum Wage + CPIX +1%			11.18
Security Guard	7.92	356.46	1544.70	8.22	Previous Minimum Wage + CPIX +1%			9.01	Previous Minimum Wage + CPIX +1%			9.63
Sales Assistant	11.74	528.76	2291.33	12.19	Previous Minimum Wage + CPIX +1%			13.37	Previous Minimum Wage + CPIX +1%			14.13
Sales Person	11.74	528.76	2291.33	12.19	Previous Minimum Wage + CPIX +1%			13.37	Previous Minimum Wage + CPIX +1%			14.13
Shop Assistant	9.29	418.17	1812.11	9.64	Previous Minimum Wage + CPIX +1%			10.58	Previous Minimum Wage + CPIX +1%			11.18
Supervisor	14.44	649.85	2816.04	14.99	Previous Minimum Wage + CPIX +1%			16.44	Previous Minimum Wage + CPIX +1%			17.38
Trainee Manager	15.59	701.58	3040.21	16.18	Previous Minimum Wage + CPIX +1%			17.75	Previous Minimum Wage + CPIX +1%			18.76

* Hourly rate of workers working 27 hours per week or less.



Table 2 Minimum wages for workers in the Wholesale and Retail Sector

AREA B

Category	01/02/2006 to 31/01/2007				01/02/2007 to 31/01/2008				01/02/2008 to 31/01/2009				01/02/2009 to 31/01/2010			
	R.p.h R.p.h	R.p.w	R.p.m	27 Hours R.p.h*	R.p.h	R.p.w	R.p.m	27 Hours R.p.h*	R.p.h	R.p.w	R.p.m	27 Hours R.p.h*	R.p.h	R.p.w	R.p.m	27 Hours R.p.h*
Assistant Manager	13.72	617.78	2677.07	14.24	Previous Minimum Wage + CPIX +1%			15.62	Previous Minimum Wage + CPIX +1%			16.51	Previous Minimum Wage + CPIX +1%			17.45
Cashier	7.98	359.73	1558.83	8.28	Previous Minimum Wage + CPIX +1%			9.09	Previous Minimum Wage + CPIX +1%			9.60	Previous Minimum Wage + CPIX +1%			10.15
Clerk	9.54	429.71	1862.10	9.91	Previous Minimum Wage + CPIX +1%			10.87	Previous Minimum Wage + CPIX +1%			11.49	Previous Minimum Wage + CPIX +1%			12.14
Displayer	9.20	413.86	1793.41	9.54	Previous Minimum Wage + CPIX +1%			10.47	Previous Minimum Wage + CPIX +1%			11.07	Previous Minimum Wage + CPIX +1%			11.70
Driver	Gross Vechile mass <3 500 kg	7.10	319.66	1385.22	7.37	Previous Minimum Wage + CPIX +1%		8.09	Previous Minimum Wage + CPIX +1%			8.55	Previous Minimum Wage + CPIX +1%			9.04
	Gross Vechile mass 3 501 - <9000kg	8.59	386.79	1676.11	8.92	Previous Minimum Wage + CPIX +1%		9.78	Previous Minimum Wage + CPIX +1%			10.34	Previous Minimum Wage + CPIX +1%			10.90
	Gross Vechile mass 90001 - <16000kg	10.39	468.02	2028.09	10.78	Previous Minimum Wage + CPIX +1%		11.83	Previous Minimum Wage + CPIX +1%			12.50	Previous Minimum Wage + CPIX +1%			13.22
	Gross Vechile mass 16 001 kg	11.44	514.81	2230.89	11.87	Previous Minimum Wage + CPIX +1%		13.02	Previous Minimum Wage + CPIX +1%			13.76	Previous Minimum Wage + CPIX +1%			14.55
Forklift Operator	6.68	300.92	1303.99	6.93	Previous Minimum Wage + CPIX +1%			7.61	Previous Minimum Wage + CPIX +1%			8.04	Previous Minimum Wage + CPIX +1%			8.50
General Assistant	6.64	298.99	1295.65	6.89	Previous Minimum Wage + CPIX +1%			7.56	Previous Minimum Wage + CPIX +1%			7.99	Previous Minimum Wage + CPIX +1%			8.44
Manager	14.88	670.06	2903.61	15.45	Previous Minimum Wage + CPIX +1%			16.94	Previous Minimum Wage + CPIX +1%			17.91	Previous Minimum Wage + CPIX +1%			18.93
Merchandiser	7.49	337.34	1461.85	7.78	Previous Minimum Wage + CPIX +1%			8.53	Previous Minimum Wage + CPIX +1%			9.02	Previous Minimum Wage + CPIX +1%			9.53
Security Guard	7.54	339.37	1470.63	7.82	Previous Minimum Wage + CPIX +1%			8.58	Previous Minimum Wage + CPIX +1%			9.07	Previous Minimum Wage + CPIX +1%			9.59
Sales Assistant	9.54	429.71	1862.10	9.91	Previous Minimum Wage + CPIX +1%			10.87	Previous Minimum Wage + CPIX +1%			11.49	Previous Minimum Wage + CPIX +1%			12.14
Sales Person	9.54	429.71	1862.10	9.91	Previous Minimum Wage + CPIX +1%			10.87	Previous Minimum Wage + CPIX +1%			11.49	Previous Minimum Wage + CPIX +1%			12.14
Shop Assistant	7.49	337.34	1461.85	7.78	Previous Minimum Wage + CPIX +1%			8.53	Previous Minimum Wage + CPIX +1%			9.02	Previous Minimum Wage + CPIX +1%			9.53
Supervisor	11.64	523.75	2269.63	12.08	Previous Minimum Wage + CPIX +1%			13.25	Previous Minimum Wage + CPIX +1%			14.00	Previous Minimum Wage + CPIX +1%			14.80
Trainee Manager	12.45	560.54	2429.00	12.92	Previous Minimum Wage + CPIX +1%			14.18	Previous Minimum Wage + CPIX +1%			14.98	Previous Minimum Wage + CPIX +1%			15.84

* Hourly rate of workers working 27 hours per week or less.



Table 3 Minimum wages for workers in the Wholesale and Retail Sector

AREA C

Category	31/01/2006 to 01/02/2007				31/01/2007 to 01/02/2008				31/01/2008 to 01/02/2009				31/01/2009 to 01/02/2010				
	R.p.h R.p.h	R.p.w	R.p.m	27 Hours R.p.h*	R.p.h	R.p.w	R.p.m	27 Hours R.p.h*	R.p.h	R.p.w	R.p.m	27 Hours R.p.h*	R.p.h	R.p.w	R.p.m	27 Hours R.p.h*	
Assistant Manager	12.69	571.45	2476.29	13.17	95% of Area B wage			14.84	97.5% of Area B wage			16.10	100% of Area B wage			17.45	
Cashier	7.38	332.75	1441.92	7.66	95% of Area B wage			8.63	97.5% of Area B wage			9.36	100% of Area B wage			10.15	
Clerk	8.82	397.48	1722.44	9.16	95% of Area B wage			10.32	97.5% of Area B wage			11.20	100% of Area B wage			12.14	
Displayer	8.51	382.82	1658.90	8.83	95% of Area B wage			9.95	97.5% of Area B wage			10.79	100% of Area B wage			11.70	
Driver	Gross Vehicle mass <3 500 kg	6.57	295.69	1281.33	6.82	95% of Area B wage			7.68	97.5% of Area B wage			8.33	100% of Area B wage			9.04
	Gross Vehicle mass 3 501 - <9000kg	7.95	357.78	1550.40	8.25	95% of Area B wage			9.29	97.5% of Area B wage			10.08	100% of Area B wage			10.93
	Gross Vehicle mass 90001 - <16000kg	9.61	432.92	1875.98	9.97	95% of Area B wage			11.24	97.5% of Area B wage			12.19	100% of Area B wage			13.22
	Gross Vehicle mass 16 001 kg	10.58	476.20	2063.57	10.98	95% of Area B wage			12.37	97.5% of Area B wage			13.42	100% of Area B wage			14.55
Forklift Operator	6.18	278.35	1206.19	6.41	95% of Area B wage			7.23	97.5% of Area B wage			7.84	100% of Area B wage			8.50	
General Assistant	6.14	276.57	1198.48	6.37	95% of Area B wage			7.18	97.5% of Area B wage			7.79	100% of Area B wage			8.44	
Manager	13.76	619.81	2685.84	14.29	95% of Area B wage			16.10	97.5% of Area B wage			17.46	100% of Area B wage			18.93	
Merchandiser	6.93	312.04	1352.21	7.19	95% of Area B wage			8.11	97.5% of Area B wage			8.79	100% of Area B wage			9.53	
Security Guard	6.97	313.92	1360.33	7.23	95% of Area B wage			8.15	97.5% of Area B wage			8.84	100% of Area B wage			9.59	
Sales Assistant	8.82	397.48	1722.44	9.16	95% of Area B wage			10.32	97.5% of Area B wage			11.20	100% of Area B wage			12.14	
Sales Person	8.82	397.48	1722.44	9.16	95% of Area B wage			10.32	97.5% of Area B wage			11.20	100% of Area B wage			12.14	
Shop Assistant	6.93	312.04	1352.21	7.19	95% of Area B wage			8.11	97.5% of Area B wage			8.79	100% of Area B wage			9.53	
Supervisor	10.77	484.47	2099.41	11.17	95% of Area B wage			12.59	97.5% of Area B wage			13.65	100% of Area B wage			14.80	
Trainee Manager	11.52	518.50	2246.83	11.95	95% of Area B wage			13.47	97.5% of Area B wage			14.61	100% of Area B wage			15.84	

* Hourly rate of workers working 27 hours per week or less.



Will all Wholesale and Retail workers get the same wage?

- All Wholesale and Retail workers should at least be paid the minimum wage in the above tables, however workers earning more than the prescribed minimum wage will continue to earn the higher wages as conditions of employment cannot be changed unilaterally
- Workers who works for the employer for 27 hours or less per week should be paid as follows:
 - By an agreement -
 - At least an hourly rate as set out in **Tables 1 to 3** for every hour or part of an hour that the worker works, plus 25%
 - Or at least an hourly rate as set out in **Tables 1 to 3** for every hour or part of an hour that the worker works.

Commission work

- An agreement in writing may allow a worker to perform commission work
- The worker must receive at least two thirds of the minimum wage
- The agreement must include the:
 - worker's wage
 - basis for calculation of commission
 - period for which commission will be calculated
 - date when commission will be paid
 - type, description, number, quantity, and profit for which commission will be earned
- If such a worker earned less than the minimum wage due to any act of the employer, he/she must be paid at least the minimum wage.





Calculation of wages

- Calculated using ordinary hours of work
 - Daily wage/hours of work = hourly wage
 - Weekly wage/weekly hours = hourly wage
 - Weekly wage/days worked = daily wage
 - Monthly wage/4.333 = weekly wage
- Weekly wage of a worker whose remuneration is not calculated on the basis of time or whose remuneration fluctuates are calculated on an average over the last 13 weeks.

Payment of remuneration

Must be paid in:

- South African currency
- In cash or cheque or direct payment into banking account
- Daily, weekly, fortnightly or monthly
- At the workplace during working hours in case of cash or cheque
- On a normal pay day
- On termination of employment.

Information concerning wages

Every worker must receive, on payday, a payslip showing:

- Employer's name and address
- Worker's name and occupation
- Period for payment
- Worker's wage and overtime
- Hours worked
- Overtime worked
- Hours worked and pay for a Sunday and a Public Holiday
- Wage
- Any other pay
- Deductions
- Net payment.

The payslip is the property of the worker.

Other important provisions affecting wages

Wage increase

- Wages will increase by the CPIX + 1% for the first period of 12 months
- Wages will increase by the CPIX + 1% for the second year after this
Sectoral Determination comes into effect



- The CPIX is the Consumer Price Index as reported by Statistics South Africa 6 weeks before the wage increase becomes effective
- If the CPIX is 10% or higher, the minimum wage will be increased by the CPIX.

Prohibited acts concerning pay

No employer may hold back any payment from a worker or require a worker to pay the employer or any other person for the:

- Employment or training of that worker
- Supply of any work equipment or tools
- Supply of anything necessary to ensure compliance with health and safety requirements.

What the law says about deductions?

An employer may not make any deductions from a worker's remuneration unless:

- Agreed to in writing
- In terms of a law
- To reimburse an employer for loss of damage only if:
 - It occurred in the course of employment and due to the fault of the worker
 - The employer has followed a fair procedure
 - The deduction is not more than the loss
 - The deduction is not more than one quarter of the remuneration
- A deduction for goods purchased must specify nature and quantity
- A deduction for payment to a third party must be paid over as agreed
- The employer may not require a worker to repay remuneration unless it was in error
- An employer may not require a worker to sign for a greater amount.

Written particulars of employment

An employer must supply a worker with the following:

- Full name and address of the employer
- Name and occupation of the worker or brief description of work
- Various places of work
- Date of employment
- Ordinary hours of work and days of work
- Wage or the rate and method of payment
- The rate of pay for overtime work
- Any other cash payments



- Any payment in kind and the value thereof
- How frequently wages will be paid
- Any deductions
- Leave entitlement
- The period of notice to terminate employment.



Hours of work

- **45 hours** per week
- **9 hours** on any day if the worker works for 5 days or less in a week¹; or
- **8 hours** per day if the worker works **more than 5 days** per week.

Note: Does not apply to senior managers, sales staff who travel, or workers earning in excess of R115 572.

Hours of work for workers working less than 27 hours.

A written agreement may provide that these workers be employed on the following conditions:

- Must receive the wages in terms of **Tables 1 to 3 +25%**
- Granted 2 days off per week
- No allowance for night work
- No paid sick leave and family responsibility leave
- 2 weeks paid annual leave

¹ As a worker may not work more than 45 ordinary hours of work a week, a worker who works for 10 hours on 4 days, for example, may not work more than 8 hours on the fifth day.



- One week unpaid leave
- All other aspects concerning hours of work and leave
- If there is no agreement the worker is entitled to all conditions in this Sectoral Determination where appropriate.



Overtime

- Can only be worked **by agreement concluded by the employer and the worker**
- Not more than **10 hours** overtime **per week** may be worked
- Not more than **12 hours**, including overtime on **any day**
- A written agreement may increase the maximum permitted overtime to 15 hours a week; and
- the agreement may not apply for more than **2 months in any period of 12 months**.

Payment of overtime

- Overtime should be paid at **one and a half times** the worker's wage for overtime worked
- An agreement may provide for an employer to pay a worker not less than the **ordinary wage for overtime worked** and give the worker at least **30 minutes time off** on full pay for each hour worked; or
- Give a worker at least **90 minutes paid time off** for **each hour worked**
- **Paid time off** should be given within **one month** of a worker becoming entitled to it, however an **agreement** in writing may **increase** this period to **12 months**.



Compressed working week

- An agreement in writing may require or permit a Wholesale and Retail worker to work up to 12 hours in a day, inclusive of the meal intervals without receiving overtime pay
- An agreement may not require or permit a Wholesale and Retail worker to work:
 - more than 45 ordinary hours of work in any week
 - more than 10 hours' overtime in any week; or
 - on more than 5 days in any week.

Averaging of hours of work

- The ordinary hours of work and overtime of a worker may be averaged over a period of up to 4 months in terms of a written agreement
- The employer may require a worker to work more than the:
 - Average of 45 ordinary hours of work in a week
 - Average of 5 hours' overtime in a week
- The agreement will end after a 12-month period.

Meal intervals

- A worker must have a meal interval of one hour after 5 hours of work
- A written agreement may reduce the meal interval to 30 minutes and dispense with a meal interval for workers who work less than 6 hours for the day
- A worker can only perform work that cannot be left unattended and must be paid for such work
- A worker must receive a rest interval of 15 minutes in the morning and afternoon work period
- A second meal interval can be shortened to 15 minutes
- A worker must be paid for the portion of a meal interval that is longer than 75 minutes.

Rest period

An employer must give a worker:

- a **daily rest period** of at least **12 consecutive hours** between ending work and starting work the next day
- a written agreement could lessen it to 10 hours if the worker lives on the premises at which the workplace is situated and whose meal interval lasts for at least 3 hours
- a **weekly rest period** of at least **36 consecutive hours** which, unless



otherwise agreed, must include a Sunday

- a **written agreement** may also provide for a rest period of at least 60 consecutive hours **every second week**.

Work on Sundays

Pay for work on Sundays:

Time worked on a Sunday	Payment
Ordinarily working on Sunday	One and one-half the worker's wage for each hour worked.
Not ordinarily working on Sunday	Double the worker's wage for each hour worked.
If the calculation of the above is less than a daily wage	The worker must be paid up to daily wage.
An agreement may permit an employer to grant a worker who works on a Sunday paid time-off equivalent to the difference in value between the pay received by the worker for working on a Sunday and the pay the worker is entitled to receive.	

Night work

- Night work means work performed after 19:00 and before 07:00 the next day
- Should be by agreement and the worker should be compensated by the payment of an allowance at a rate of at least 10% of the hourly wage
- Transport should be available between the worker's place of residence and the workplace at the beginning and end of the worker's shift
- The worker who regularly works for more than one hour after 23:00 and before 06:00 at least 5 times per month or 50 times per year must be:
 - Informed about health and safety hazards
 - Informed about his/her rights to undergo medical examinations.

Public Holidays

- Workers may only work on a Public Holiday if there is an **agreement**
- If a Public Holiday falls on a day on which a worker would **usually work**, an employer must pay – a worker who **stays absent** on this day, at least the worker's normal wage for work on that day
- A worker who **works** on a Public Holiday which falls on a day that the worker would **usually work** must be paid at least **double** the worker's daily wage





- If a worker works on a Public Holiday on which the worker would **not normally work**, the employer must pay that worker an amount equal to the worker's **ordinary daily wage**; **plus the amount earned** by the worker for the work **performed that day**, whether calculated by reference to time worked or any other method
- An employer must pay a worker for a Public Holiday on the worker's usual payday.



Leave

What type of leave is a worker entitled to?

- Four types of leave, namely: annual, sick, family responsibility and maternity leave.

Annual leave

How many days are workers entitled to?

- Workers are entitled to 3 weeks leave per annual leave cycle.

What happens if a Public Holiday falls within the annual leave cycle?

- An extra day's paid leave should be granted.



Sick leave

What is important to note regarding sick leave?

- The sick leave cycle is 36 months based on the number of days worked over a 6-week period.

Example:

A Wholesale and Retail worker works 5 days per week.
Sick leave days per cycle are 5×6 (number of weeks) = 30 days per three-year cycle

Note

The employer may request a medical certificate when a worker is absent for more than 2 consecutive days, or twice during an 8-week period.

Family responsibility leave

What is family responsibility leave?

- It is leave granted for specific family related matters.

Who qualifies for this type of leave?

- Workers who have been employed by an employer for longer than 4 months; and who works on at least 4 days a week for that employer are entitled to 3 days family responsibility leave during an annual leave cycle.

When may this leave be taken?

- This leave may be taken for the birth of a child, when a child is sick or when a spouse, parent, grandparent, child, grandchild, brother or sister dies.





Maternity leave

What are the key issues relating to maternity leave?

- Maternity leave is a 4-month period, which starts 4 weeks before the expected date of birth
- A worker may only resume work 6 weeks after the birth of a child; unless a medical practitioner certifies that the worker may begin work.

Note:

- Where possible, notice of leave and date of return to work must be provided before the leave begins.

Prohibition of child labour and forced labour

- No person may employ a child in the Wholesale and Retail Sector who is under 15 years of age
- No person may employ a child in any employment in the Wholesale and Retail Sector that is inappropriate for a person of that age; or that places at risk the child's well-being, education, physical or mental health, or spiritual, moral or social development
- An employer must maintain for 3 years, a record of the name, date of birth and address of every worker under the age of 18 years employed by him/her.

Termination of employment

How should termination of employment be conducted?

- Either party may terminate the contract of service. If a worker worked for 6 months or less, one weeks' notice must be given
- If the worker has been employed for more than 6 months but not more than a year, 2 weeks' notice must be given
- If the worker has been employed for one year or more, 4 weeks' notice must be given.

N.B. Notice must be given in writing, except when it is given by an illiterate worker.

Note

The worker may not give notice during a leave period or let it run at the same time with any period of leave, except sick leave. Payment instead of notice may be paid, provided it is equal to the period of notice.



Payment on termination

- If the employer terminates the service of a worker based on operational requirements, severance of one week for every completed year of service amongst other payments is payable
- No severance is payable if the worker resigns.

On termination an employer should pay:

- All outstanding monies due
- Accrued annual leave
- Any time-off not granted
- One weeks' severance pay for every completed year of service if the employer terminates service based on operational requirements.

Certificate of service

The employer must give the worker a certificate of service on termination of employment.

The following should be indicated on the certificate:

- The full name of the worker
- The name and address of the employer
- The date the worker started working
- The date the work ended
- A description of the work
- Any training provided
- The wage received
- The reason for leaving (if the worker wants it included).

Uniforms, overalls and protective clothing

An employer must provide free of charge:

- 2 overalls or washing coats per year to workers engaged in handling foodstuff
- Rain gear to workers exposed to weather
- Kneepads to workers washing floors by hand
- The worker must maintain clothing in a clean and serviceable condition
- A worker responsible for the maintaining and cleaning of clothing must receive R2.60 per week per item
- Clothing remains the property of the employer
- An employer may offer to supply outfits of specified colour, design and style under the following conditions:
 - Price paid by worker not to exceed the cost
 - Employer may require worker to wear outfit while on duty
 - Worker may wear outfit while off-duty
 - Worker may pay for the outfit in 4 installments.



Attendance register

- Does not apply to:
 - A driver or a worker accompanying a driver
 - A worker earning in excess of R115 577 per annum.
- An employer shall provide an attendance register indicating the following:
 - Name of worker
 - Day of the week
 - Time of work commencement
 - Meal interval
 - Time of work conclusion
 - Overtime for the day
 - Worker's signature.

Note:

- Employers should keep copies of payslips for 3 years
- Attendance registers should be kept, unless there is an agreement to the contrary.



Temporary employment service

- A person whose services have been procured for or provided to a client by a temporary employment service will be employed by that temporary employment service
- The temporary employment service and client are jointly and severally liable if the temporary employment service does not comply with this Sectoral Determination.

Duration of employment

For determining the length of a worker's employment with an employer, previous employment with the same employer must be taken into account if the break between the periods of employment is less than one year.

General provisions

Keeping of the Sectoral Determination

Every employer on whom this Sectoral Determination is binding must keep a copy of the Sectoral Determination or an official summary, available in the workplace in a place to which the worker has access.



Contact details

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Eastern Cape

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Grahamstown Tel: (046) 622 2104

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KaMhluhwa Tel: (013) 785 0010
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