Civil Engineering Sector
What workers and employers should know about minimum wages and conditions of employment
What workers and employers should know about minimum wages and conditions of employment in the Civil Engineering Sector

The conditions of work and prescribed minimum wages in the Civil Engineering Sector

This document briefly covers some of the important provisions in the Sectoral Determination. A copy of the Sectoral Determination is available on the Department of Labour’s website: www.labour.gov.za.

Who is covered?

This Sectoral Determination shall apply to every employer and worker in the Civil Engineering Sector in the Republic of South Africa, excluding any worker who is employed as a Manager or in a position more senior than that of the Manager, foreman or technical, professional and administrative personnel.

What is the purpose of the Sectoral Determination?

It provides the conditions of employment in the Civil Engineering Sector such as:

- Wages
- Hours of work
- Averaging hours of work
- Inclement weather
- Overtime
- Leave
- Bonus
- Cross border allowance
- Procedure to be followed on termination of employment.

Wages

What does the law say about wages?

The Sectoral Determination provides a single minimum wage for workers in the Civil Engineering Sector as per Table 1.
### Table 1: Minimum wages for workers in the Civil Engineering Sector

<table>
<thead>
<tr>
<th>Grade</th>
<th>Rates from 1 September 2009 – 31 August 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Task Grade 1/Patterson A1</td>
<td>15.68</td>
</tr>
<tr>
<td>Task Grade 2/Patterson A2</td>
<td>16.13</td>
</tr>
<tr>
<td>Task Grade 3/Patterson A3</td>
<td>16.58</td>
</tr>
<tr>
<td>Task Grade 4/Patterson B1</td>
<td>17.14</td>
</tr>
<tr>
<td>Task Grade 5/Patterson B2</td>
<td>20.50</td>
</tr>
<tr>
<td>Task Grade 6/Patterson B3</td>
<td>23.30</td>
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<tr>
<td>Task Grade 7/Patterson B4</td>
<td>26.66</td>
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<tr>
<td>Task Grade 8/Patterson B5</td>
<td>29.90</td>
</tr>
<tr>
<td>Task Grade 9/Patterson C1</td>
<td>33.77</td>
</tr>
</tbody>
</table>

### Table 2: Job categories for workers in the Civil Engineering Sector

<table>
<thead>
<tr>
<th>Task Grade</th>
<th>Occupational group</th>
<th>Job Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Task Grade 1/Patterson A1</td>
<td>General Worker</td>
<td>General Worker</td>
</tr>
<tr>
<td>Task Grade 2/Patterson A2</td>
<td>Artisan Aid</td>
<td>Artisan Aid</td>
</tr>
<tr>
<td></td>
<td>Construction Hand Grade IV</td>
<td>Structures Construction Hand</td>
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<tr>
<td></td>
<td></td>
<td>Premix Paving Checker</td>
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<tr>
<td></td>
<td></td>
<td>Steel Bending Machine Operator</td>
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<tr>
<td></td>
<td>Operator Grade V</td>
<td>Civil Construction Bricklayer Grade II</td>
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<tr>
<td></td>
<td>Checker</td>
<td>Checker</td>
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<tr>
<td></td>
<td>Chainman</td>
<td>Chainman</td>
</tr>
<tr>
<td>Task Grade 3/Patterson A3</td>
<td>Construction Hand Grade III</td>
<td>Shutterhand Grade III</td>
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<tr>
<td></td>
<td></td>
<td>Concrete Hand Grade 11</td>
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<tr>
<td></td>
<td>Operator Grade IV</td>
<td>Track Rig Operator (general)</td>
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<tr>
<td></td>
<td></td>
<td>Bore Pile Operator</td>
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<tr>
<td></td>
<td>Site Support</td>
<td>Drilling Supervisor</td>
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<td></td>
<td></td>
<td>Junior Clerk</td>
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<tr>
<td>Task Grade</td>
<td>Occupational group</td>
<td>Job Title</td>
</tr>
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<td>----------------------------</td>
<td>-----------------------------------------</td>
<td>------------------------------------------</td>
</tr>
<tr>
<td>Task Grade 4/Patterson B1</td>
<td>Construction Hand Grade II</td>
<td>Shutterhand Grade II</td>
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<td>Reinforcing Hand Grade II</td>
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<td></td>
<td></td>
<td>Concrete Hand Grade I</td>
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<tr>
<td></td>
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<td>Fence Erector</td>
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<tr>
<td></td>
<td></td>
<td>Guard Rail Erector</td>
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<tr>
<td>Operator Grade III</td>
<td>Concrete Mixer Operator</td>
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<tr>
<td></td>
<td>Continuous Flight Auger Operator</td>
<td></td>
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<td></td>
<td>Batch Plant Operator</td>
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<td></td>
<td>Concrete Dumper Operator</td>
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<td></td>
<td>Concrete Pump Operator</td>
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<tr>
<td></td>
<td>Tower Crane Operator</td>
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<tr>
<td></td>
<td>General Premix Roller Operator</td>
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<tr>
<td></td>
<td>Milling Machine Operator</td>
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<td></td>
<td>Paver Operator</td>
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<td></td>
<td>Excavator Operator</td>
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<td></td>
<td>Front End Loader Operator</td>
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<td></td>
<td>TLB Operator</td>
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<td></td>
<td>Dozer Operator</td>
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<tr>
<td></td>
<td>Grader Operator (general)</td>
<td></td>
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<tr>
<td></td>
<td>Gunite Nozzleman</td>
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<tr>
<td>Driver Grade II</td>
<td>Motorcycle Driver</td>
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<td></td>
<td>Tractor Driver</td>
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<tr>
<td></td>
<td>Light Motor Vehicle Driver</td>
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<tr>
<td></td>
<td>Driver Operator</td>
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<tr>
<td></td>
<td>Heavy Duty Driver (rigid)</td>
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<tr>
<td></td>
<td>Extra Heavy Duty Driver (rigid)</td>
<td></td>
</tr>
<tr>
<td>Site Support</td>
<td>Material Tester</td>
<td></td>
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</tbody>
</table>
Calculation of wages

Wages are calculated using ordinary hours of work:

- Daily wage divided by ordinary hours worked in a day = hourly wage
- Weekly wage divided by ordinary weekly hours = hourly wage
- Monthly wage divided by 4.333 = weekly wage.

Payment of remuneration

Must be paid:

- In South African currency
- In cash or cheque or direct payment in the bank account
- Daily, weekly, fortnightly or monthly
- At the workplace during working hours
- On a normal pay day agreed to by the worker.
**Information concerning pay**

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

- Employers 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 Sunday and Public Holidays
- Wage
- Any other pay
- Deductions
- Net payment.

The payslip is the property of the worker.

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*A typical construction site where numerous activities are taking place.*

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**Prohibited acts concerning pay**

**Permissible deductions:**

- Medical insurance
- Savings
- Pension or provident fund
- Trade union subscription
- Order of account payment to a registered financial institution
- Loan which will not exceed one third of the total remuneration.
Deductions not allowed:
- Amount greater than the actual remuneration received
- Uniform
- Protective clothing
- Training provided.

**Hours of work**

A worker in the Civil Engineering Sector is not required to work more than:
- 45 hours per week
- Nine hours in any day if the worker works for five days or less in a week
- Eight hours in any day if the worker works more than five days in a week.

**Inclement weather**

The employer must pay a worker during inclement weather as follows:
- September 2009: 6 Hours/day
- September 2010: 7 Hours/day
- September 2011: 8 Hours/day
- September 2012: 9 Hours/day.

**Overtime**

What is important to note regarding 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.

**Meal interval**

- A worker must have a meal interval of one hour after five hours of continuous work
- A worker can only perform duties that cannot be left unattended and cannot be performed by another worker and must be paid for such work
- No deduction shall be made in respect of a meal interval to reduce the monthly salary.

**Leave**

What type of leave is a worker entitled to?
- There are four types of leave: annual leave, sick leave, family responsibility leave and maternity leave.
What are the conditions regarding annual leave?

- Workers are entitled to three weeks leave per annual cycle. After a completed period of 12 months of employment, a worker is entitled to 15 working days leave on full pay of which 10 days shall be taken consecutively, especially during the Civil Engineering shut-down period and the remaining days shall be granted at the time agreed by the worker and his or her employer.

What is important to note regarding sick leave?

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

What are the conditions regarding family responsibility leave?

- Workers are entitled to three days per annual cycle if the worker has been employed by an employer for longer than four months and who work at least four days a week for that employer.

What are the conditions regarding maternity leave?

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

Sunday work and public holidays

- Can only be worked per agreement
- If the public holiday falls on the day on which a worker would ordinary work, an employer must pay a worker who does not work at least the normal wage for that day
- If a worker works on the public holiday, the worker must be paid at least double the rate for that day worked
- If a worker works on the Sunday, the worker must be paid:

    - If the worker works for a period not exceeding four hours, not less than a daily wage
    - If the worker works for more than four hours, a rate not less than a double rate.

Protective clothing

- The employer shall supply and maintain in serviceable condition, free of charge any protective clothing that is required by any law that it should be provided, and such property shall remain the property of the employer.
**Bonus**

**What are the key issues regarding a bonus?**

Employers must pay an annual bonus as follows:

- December 2009: 17 days pay
- December 2010: 18 days pay
- December 2011: 19 days pay
- December 2012: 20 days pay.

**Cross border allowance**

An employer may require or permit a worker to perform cross border work if there is an agreement. The employer must pay a worker an allowance. The terms of the agreement must not be less favourable than stated in the Basic Conditions of Employment Act, No. 75 of 1997.

*Users of expensive equipment should be well trained.*

**Prohibition of child labour and forced labour**

- No person may employ a child in the Civil Engineering Sector who is under 15 years of age
- All forced labour is prohibited.

**Termination of employment**

**How should termination of employment be conducted?**

Either party may terminate the employment relationship.
Important

A worker can challenge unfair dismissals in terms of chapter VIII of the Labour Relations Act, 1995.

Records

What records must be kept?

An employer is required to give a worker a payslip and written particulars of employment.

Workers should be encouraged to always treat equipment of the company they work for with the necessary respect.

Payslip

- Every worker must get a payslip.
- Copies of the payslips must be kept for three years as it will serve as proof that the employer has complied with the monetary provisions of the law.

Information to be on a the payslip:

- Employer’s name and address
- Worker’s name and occupation
- Worker’s wage rate and overtime rate
● Payment in respect of which payment is made
● Number of ordinary hours worked by a worker during that period
● Number of overtime hours worked by the worker during that period
● Number of hours worked by the worker on a paid holiday or on a Sunday
● The worker’s wage
● Details of any other pay arising out of the worker’s employment
● Details of any deductions made
● Worker’s registration number with the Unemployment Insurance Fund and Provident Fund
● Actual amount paid to the worker.

Written particulars of employment

An employer must provide a worker with written particulars of employment. Providing the worker with written particulars of employment will assist when any disputes arise. The following should form part of the written particulars of employment:

● Full name and address of the employer
● Name and occupation of the worker, or a brief description of work for which the worker is employed
● Place of work, and where the worker is required or permitted to work at various places
● Date on which employment began
● Worker’s ordinary hours of work and days of work
● Worker’s wage or the rate and method of payment
● Rate of pay for overtime work
● Any other cash payment or allowances a worker is entitled to be paid
● How frequently wages will be paid
● Any deductions to be made from the worker’s wage
● Leave to which the worker is entitled to
● Period of notice required to terminate employment, or if employment is for a specific period, the date when employment is to terminate.

Attached documents are:

● Written particulars of employment
● Payslip.
Written particulars of employment

Entered into between:

…………………………………………………………………………………………
(Herein after referred to as “the employer”)

Address of employer……………………………………………………………………
…………………………………………………………………………………………
…………………………………………………………………………………………
…………………………………………………………………………………………

and

…………………………………………………………………………………………
(Herein after referred to as “the worker”)

1. Commencement

This contract will begin on …………………………………………………... and
continue until terminated as set out in clause 4.

2. Place of work

…………………………………………………………………………………………

3. Job description

Job title …………………………………………………………………………………
Duties …………………………………………………………………………………
………………………………………………………………………………
………………………………………………………………………………
………………………………………………………………………………
………………………………………………………………………………
………………………………………………………………………………
4. Termination of employment

Termination of this contract will be ................ weeks. Notice must be given in writing. In the case where a worker is illiterate notice may be given by that worker verbally.

- The parties agree that on termination of the contract of employment, the employer shall furnish the worker with a Certificate of Service and the UIF particulars.

5. Wage

5.1 The worker’s wage shall be paid in cash on the last working day of every week/month and shall be: R.......... 

5.2 The worker shall be entitled to the following allowances/payment in kind: R.......... 

5.2.1 A weekly/monthly transport allowance of R.......... 

5.3 The total value of the above remuneration shall be ................................................................. 

5.4 The employer shall review the worker’s salary/wages once a year.

6. Hours of work

6.1 Normal working hours will be from…………….a.m. to………….p.m. on Mondays to Fridays and from .................a.m. to...............p.m. on Saturdays.

6.2 Overtime will only be worked if agreed to between the parties, from time to time.

6.3 The worker will be paid at the rate of one and a third times his/her wage for the first 10 hours overtime worked and at one-and-a-half times for any overtime worked in excess of the 10 hours as set out in clause 5.3.

7. Meal intervals

The worker agrees to a lunch break of one hour/30 minutes (delete the one that is not applicable). Lunchtime will be taken from ............ to................daily.

8. Sunday work

Any work on Sundays will be by agreement between the parties from time to time. If the worker works on a Sunday he/she shall be paid a double wage for each hour worked as set out in clause 5.3.
9. **Public holidays**

The worker will be entitled to all official public holidays on full pay.

If a worker does not work on a public holiday, he/she shall receive normal payment for that day.

If the worker works on a public holiday he/she shall be paid double the wage.

10. **Annual leave**

The worker is entitled to three weeks paid leave after every 12 months of continuous service. Such leave is to be taken at times convenient to the employer and the employer may require the worker to take his/her leave at such times as to coincide with that of the employer.

11. **Sick leave**

11.1 During every leave cycle of 36 months the worker will be entitled to an amount of paid sick leave equal to the number of days the worker would normally work during a period of six weeks.

11.2 During the first six months of employment the worker will be entitled to one day’s paid sick leave for every 26 days worked.

11.3 The worker is to notify the employer as soon as possible in case of his/her absence from work through illness.

12. **Maternity leave**

*(Tick the applicable clauses in the space provided).*

12.1 The worker will be entitled to…………….days maternity leave without pay; or

12.2 The worker will be entitled to…………..days maternity leave on ……………………pay.

13. **Family responsibility leave**

The employee will be entitled to three days family responsibility leave during each leave cycle if he or she works at least four days a week.

14. **Deductions from remuneration**

*The employer may not deduct any monies from the worker’s wage unless the worker has agreed to this in writing on each occasion.*
15. Other conditions of employment or benefits

.................................................................
.................................................................
.................................................................
.................................................................
.................................................................
.................................................................
.................................................................
.................................................................

16. General

Any changes to this agreement will only be valid if they are in writing and have been agreed to and signed by both parties.

Thus done and signed at ........................................ on this

............................................ day of ........................................20......

.................................................................
Employer

.................................................................
Worker

Witness:

.................................................................
Witness:
# Payslip

Name of employer: .................................................................
Address: ..............................................................................
.........................................................................................
.........................................................................................
.........................................................................................

Name of worker: .................................................................
Id No: ............................................ Occupation/grade ..............
Pay period: .................................................................
Basic wage: .................................................................
Manner of payment: □ Per hour □ Per day □ Per week
(Tick applicable block) □ Per fortnight □ Per month

<table>
<thead>
<tr>
<th>Rate</th>
<th>No of hours</th>
<th>Rand earned</th>
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</tbody>
</table>

Ordinary hours worked
Overtime worked
Sundays time worked
Public holidays time worked
Payment in kind
Standby
Allowances (specify)

Subtotal

Deductions: P.A.Y.E
Union
Other (Full detail)

Subtotal

Total amount due
Workers take care of always having good roads in the country.

Contact details

Provincial Offices of the Department of Labour

**Eastern Cape**
East London Tel: (043) 701 3000

**Limpopo**
Polokwane Tel: (015) 290 1744

**Free State**
Bloemfontein Tel: (051) 505 6200

**Mpumalanga**
Witbank Tel: (013) 655 8700

**Gauteng North**
Pretoria Tel: (012) 309 5000

**North West**
Mmabatho Tel: (018) 387 8100

**Gauteng South**
Johannesburg Tel: (011) 853 0300

**Northern Cape**
Kimberley Tel: (053) 838 1500

**KwaZulu-Natal**
Durban Tel: (031) 366 2000

**Western Cape**
Cape Town Tel: (021) 441 8000