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GOVERNMENT NOTICE

DEPARTMENT OF LABOUR

No. R. 467

25 May 2001

BASIC CONDITIONS OF EMPLOYMENT ACT, NO 75 OF 1997**AMENDMENT OF SECTORAL DETERMINATION 1: CONTRACT CLEANING
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, No. 75 of 1997, amend Sectoral Determination 1: Contract Cleaning Sector, South Africa, published under Government Notice R.622 of 14 May 1999, in accordance with the schedule hereto and fix the 1st June 2001 as the date from which the said amendment shall be binding.



M M S MDLADLANA, MP
MINISTER OF LABOUR

SCHEDULE

1. In clause 2 –

- (a) substitute the following for the definition of “cleaner”:

“cleaner” means a person where a significant portion of the work to be performed requires that person so employed to clean office, school, business, factory, residential or any other premises, or any airplanes, trucks, cars, buses, trains or any other vehicle requiring to be so cleaned on a contractual basis and/or to clean the furniture and any other object(s) in such premises and vehicles, and/or to perform any work incidental thereto”;

- (b) substitute the following for the definition of “contract cleaning sector”:

“Contract cleaning sector” means the sector in which employers and employees are associated on a fixed-term or fixed project contract for the purpose of cleaning or washing by hand or machine, of furniture, windows, carpets, doors, floors, tools, machinery, under supervision at the premises of a client, including but not limited to state, industrial, commercial, business premises, residential premises, buildings, and the flats that are let commercially or any air-planes, trucks, cars, buses, trains or any other vehicle requiring to be so cleaned.”

2. In clause 3 –

Substitute the following for clause 3 –

“3. REMUNERATION

- (1) An employer shall pay an employee in respect of each hour or part thereof (excluding overtime) worked by the employee on any day other than a paid holiday or a Sunday, not less than the hourly wage prescribed in the schedule below, commencing on 1 June 2001: Provided that in the case of an employer who was previously excluded from the scope of Area A, such wages may be reduced by not more than 10% during the period ending 31 May 2002:

MINIMUM WAGE RATES FOR EMPLOYEES IN THE CONTRACT CLEANING SECTOR

AREA A		AREA B		AREA C	
Metropolitan Councils: City of Cape Town, Greater East Rand Metro, City of Johannesburg, Tshwane and Nelson Mandela.		In the rest of KwaZulu-Natal excluding any area covered by a bargaining council.		In the rest of the RSA.	
Local Councils: Emfuleni, Merafong, Mogale City, Metsimaholo, Randfontein, Stellenbosch, Westonarea.					
RATES PER HOUR		RATES PER HOUR		RATES PER HOUR	
01/06/2001 to 31/05/2002	R6,55	01/06/2001 to 31/05/2002	R5,72	01/06/2001 to 31/05/2002	R5,25

“(2) An annual bonus will be paid during the month of December each year. This bonus will be calculated as follows –

- (a) An employee shall receive an amount equivalent to the employee's weekly wage as at 1 June each year;
- (b) In the year 2001 the bonus should be pro-rated from the date of promulgation to 31 December, calculated on the number of full calendar months service divided by 12 and multiplied by the employees' weekly wage as at 1 June;
- (c) Should an employee be employed after the 1st December in any year, the bonus will be pro-rata calculated on the number of full calendar months service divided by 12 and multiplied by his or her weekly wage as at 31 December; and

- (d) Should an employee resign or be dismissed for misconduct, no bonus pro-rata or otherwise would be payable”.

3. In clause 4 –

Substitute the following for sub clause (1)(a):

“(a) The daily wage of an employee shall be the employee’s hourly wage multiplied by the number of ordinary hours worked for that day by such employee, provided that if an employee worked for less than four hours per day, such an employee shall be deemed to have worked four hours on that day and an employee shall be paid accordingly”.

4. In clause 6 –

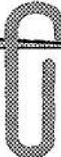
Substitute the following for sub clause (1)(g)(iv):

“(iv) the number of overtime hours worked by the employee;”

5. Add clause 31 –

31. DURATION OF EMPLOYMENT

- (1) For the purposes of determining the length of an employee’s employment with an employer for any provision of this determination, previous employment with the same employer must be taken into account if the break between the periods of employment is less than one year.
- (2) Any payment made or any leave granted in terms of this determination to an employee contemplated in sub clause (1) during a previous period of employment must be taken into account in determining the employee’s entitlement to leave or to a payment in terms of this determination.



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