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GOVERNMENT NOTICE

DEPARTMENT OF LABOUR**No. R. 27****17 January 2013****BASIC CONDITIONS OF EMPLOYMENT ACT, NO 75 OF 1997****AMENDMENT OF SECTORAL DETERMINATION 9: WHOLESALE AND RETAIL SECTOR,
SOUTH AFRICA.**

I, Mildred Nelisiwe Oliphant, Minister of Labour, hereby in terms of section 56(1) of the Basic Conditions of Employment Act, No 75 of 1997, amend Sectoral Determination 9: Wholesale and Retail Sector, South Africa, published under Government Gazette No. 24207, R.1600 and amended by Government Gazette No. 28424 of 25 January 2006, Government Gazette No. 28559, R.182 of 24 February 2006 and further amended by Government Gazette No. 32871, R.8 of 18 January 2010, in accordance with the schedule hereto and fix the 1st February 2013 as the date on which this amendment shall become binding.


M N OLIPHANT, MP**MINISTER OF LABOUR**

14/01/2013

Schedule:

1. Replace the wage tables 1 and 2 in Government Gazette No. 32871, R.8 of 18 January 2010 with wage tables 1 to 3 below:

		Table 1: Area A				Table 2: Area B			
		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
Metropolitan and Local Municipality of: Bergervier, Breederivier, Buffalo City, Cape Agulhas, Cederberg, City of Cape Town, City of Johannesburg Metropolitan Municipality, City of Tshwane, Drakenstein, Ekurhuleni, Emalaheni, Emfuleni, Ethekwini Metropolitan Municipality, Gamagara, George, Hibiscus Coast, Karoo Hoogland, Kgatelopele, Khara Hais, Knysna, Kungwini, Kouga, Langeberg, Lesedi, Makana, Mangaung, Matzikama, Metsimaholo, Middelburg, Midvaal, Mngeni, Mogale, Mosselbaai, Msunduzi, Mtubatuba, Nama Khoi, Nelson Mandela, Nokeng tsa Taemane, Oudtshoorn, Overstrand, Plettenbergbaai, Potchefstroom, Randfontein, Richtersveld, Saldanha Bay, Sol Plaatjie, Stellenbosch, Swartland, Swellendam, Theewaterskloof, Umdoni, uMhlathuze and Witzenberg.		01/02/2013 to 31/01/2014				01/02/2013 to 31/01/2014			
Job Categories	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	27.37	1 231.65	5 336.74	28.37	22.74	1023.30	4433.96	23.72	
Cashier	15.96	718.20	3 111.96	16.53	13.22	594.90	2577.70	13.79	
Clerk	18.92	851.40	3 689.12	19.60	15.81	711.45	3082.71	16.50	
Displayer	19.65	884.25	3 831.46	20.35	15.25	686.25	2973.52	15.89	
Gross Vehicle mass: < 3 500 kg	14.41	648.45	2 809.73	14.93	11.78	530.10	2296.92	12.27	
Gross Vehicle mass: 3 501 <9 000kg	17.43	784.35	3 398.59	18.06	14.25	641.25	2778.54	14.85	
Gross Vehicle mass: 9 0001 <16 000kg	19.03	856.35	3 710.56	19.71	17.22	774.90	3357.64	17.96	
Gross Vehicle mass: 16 001kg >	20.91	940.95	4 077.14	21.66	18.97	853.65	3698.87	19.77	
Forklift operator	13.85	623.25	2 700.54	14.35	11.22	504.90	2187.73	11.71	
General Assistant/Trolley Collectors	12.69	571.05	2 474.36	13.14	11.17	502.65	2177.98	11.62	
Manager	30.01	1 350.45	5 851.50	31.08	24.66	1109.70	4808.33	25.73	
Merchandiser	14.99	674.55	2 922.83	15.53	12.44	559.80	2425.61	12.96	
Security Guard	12.90	580.50	2 515.31	13.37	12.61	567.45	2458.76	13.15	
Sales Assistant	18.92	851.40	3 689.12	19.60	15.81	711.45	3082.71	16.50	
Sales Person	18.92	851.40	3 689.12	19.60	15.81	711.45	3082.71	16.50	
Shop Assistant	14.99	674.55	2 922.83	15.53	12.44	559.80	2425.61	12.96	
Supervisor	23.27	1 047.15	4 537.30	24.11	19.31	868.95	3765.16	20.11	
Trainee Manager	25.14	1 131.30	4 901.92	26.04	20.64	928.80	4024.49	21.52	

Table 3: Minimum wages for year 2 and year 3

Minimum Wages for Years 2 and 3 (with effect from 1 February 2014 and 1 February 2015 respectively)	
(1)	The increase for Forklift Operators, General Assistant and Security Officers in area A will be calculated by adding, the available Consumer Price Index for Quintile 3 as published by Statistics South Africa six weeks prior to the wage increase becoming effective, plus 1% (one per cent) to the previous minimum wage for these categories respectively.
(2)	The increase for all other categories in area A will be calculated by adding the Consumer Price Index for Quintile 3 to the previous minimum wage for these other categories respectively.
(3)	The increase for Forklift Operators, General Assistant and Security Officers in area B will be calculated by adding, the available Consumer Price Index for Quintile 3 as published by Statistics South Africa six weeks prior to the wage increase becoming effective, plus 2% (two per cent) to the previous minimum wage for these categories respectively.
(4)	The increase for all other categories in area B will be calculated by adding the Consumer Price Index for Quintile 3 plus 1% (one per cent) to the previous minimum wage for these other categories respectively.
(5)	If the increases contemplated in paragraphs (1) and (3), result in area B's lowest minimum wage exceeding the lowest minimum wage for Area A, the minimum wages for Area B's lowest categories will be aligned to area A's lowest category minimum wages.

2. Definitions:**Replace the definition of "Supervisor" in Government Gazette No. 24207, R.1600 dated 19 December 2002 which reads:**

"supervisor" means an employee who is authorised by an employer or manager to be responsible for the efficient performance and behaviour of other employees;

With the following definition:

"Supervisor" means an employee who is authorised by an employer or manager to discipline other employees, the responsibility to direct them, to adjust their grievances, and to effectively recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature.

3. Replace clause 37 jj) in Government Gazette No.28424,R.68 dated 25 January 2006 which reads:

jj) packing, placing or stacking goods in cabinets or on counters, gondolas, racks or shelves:

with the following definition:

jj) packers, placing or staking goods at point of sale, or in cabinets or on counters, gondolas, racks or shelves.

4. Insert the following clause in Government Gazette No. 28424 dated 25 January 2006 to read:

ss) Collecting trolleys for the wholesale and retail sector whether in-house or outsourced.

5. Remuneration:

Replace clause 2(7) in Government Gazette No. 24207, R.1600 dated 19 December 2002 which reads:

(7) An employee who works for less than four hours on any day must be paid for four hours work on that day.

With the following:

(7) **With effect from 1 February 2013 an employer must pay an employee, who works for less than six hours on any day for at least six hours on that day.**

6. Insert sub-clause 1(6) in Government Gazette No. 24207, R.1600 dated 19 December 2002 to read:

(6) **The provisions of the Ministerial Determination for Small Business apply to those employers employing less than 10 employees in respect of overtime, averaging of working hours and family responsibility leave**
