

- (e) any other prescribed information.
- (2) A record in terms of sub clause (1) must be kept by the employer for a period of three years from the date of the last entry in the record.
- (3) No person may make a false entry in a record maintained in terms of sub clause (1).
- (4) An employer who keeps a record in terms of this clause is not required to keep any other record of time worked and remuneration paid as required by any other employment law.

15. PRESUMPTION AS TO WHO IS AN EMPLOYEE

- (1) Until the contrary is proved, a person who works for, provides services to, any other person is presumed to be an employee, if any one or more of the following factors are present-
 - (a) the manner in which the person works is subject to the control or direction of another person;
 - (b) the person's hours of work are subject to the control or direction of another person;
 - (c) in the case of a person who works for an organization, the person forms part of that organization;
 - (d) the person has worked for that person for an average of at least 40 hours per month over the last three months;
 - (e) that person is economically dependant on the person for whom he or she works or provides service;
 - (f) the person is provided with his or her tools of trade or work equipment by another person; or
 - (g) the person only works or supplies services to one person.

16. WEAPONS, UNIFORMS, OVERALLS AND PROTECTIVE CLOTHING

- (1) An employer shall –
 - (a) provide free of charge any weapon, ammunition, tool, whistle or other equipment which a security officer in the performance of the employee's duties, needs or is required to use for self- defence or apprehension;
 - (b) in like manner provide the officer with, or ensure that an employee is provided with, a seat which has a proper back support;
 - (c) supply, free of charge, a jersey, coat or other suitable outer garment for the employee's protection against cold or wet weather, as well as any footwear, uniform, overall, or other protective clothing which an employer requires an employee to wear or which an employer is required by any law to provide for an employee. An employer who provides an employee with any such apparel, may

require the employee to clean it in the employee's own time, in which event the employer shall pay the employee not less than R1.50 per week, which shall however not be payable during periods of absence from work.

- (2) Any article provided by an employer in terms of sub clause (1) shall remain the employer's property.
- (3) No employer shall make any deduction from the wages of any employee in regard to any article provided to that employee in terms of sub clause (1): Provided that where an article is found by a fair procedure to have been lost or damaged by an employee, excluding damage arising from the performance of the employee's duties or normal wear and tear, an employer may, notwithstanding anything to the contrary in this determination recover the cost of such article from the employee by making a deduction over an appropriate period from that employee's wage. Further provided that such monthly deduction shall not exceed one tenth of the employees monthly remuneration.

17. PROHIBITION OF EMPLOYMENT OF CHILDREN

- (1) No person may employ a child -
 - (a) who is under 15 years of age; or
 - (b) who is under the minimum school-leaving age in terms of any law, if this is 15 or older.
- (2) No person may employ a child in employment –
 - (a) that is inappropriate for a person of that age;
 - (b) that places at risk the child's well-being, education, physical or mental health, spiritual, moral or social development.
- (3) A person who employs a child in contravention of sub clauses (1) or (2) commits an offence.

18. PROHIBITION OF FORCED LABOUR

- (1) Subject to the Constitution of the Republic of South Africa, all forced labour is prohibited.
- (2) No person may, for the employee's own benefit or for the benefit of someone else, cause, demand or impose forced labour in contravention of sub clause (1).
- (3) A person who contravenes sub clauses (1) or (2) commits an offence.

19. TERMINATION OF CONTRACT OF EMPLOYMENT

- (1) Subject to sub clause (6) (b), a contract of employment terminable at the instance of a party to the contract may be terminated only on notice of not less than -
 - (a) one week, if the employee has been employed for four weeks or less;
 - (b) two weeks, if the employee has been employed for more than four weeks, but not more than one year;
 - (c) four weeks, if the employee has been employed for one year or more.

- (2) A collective agreement may permit a notice period shorter than required by sub clause (1).
- (3) No agreement may require or permit an employee to give a period of notice longer than that required of the employer.
- (4)
 - (a) Notice of termination of a contract of employment must be given in writing, except when it is given by an illiterate employee.
 - (b) If an employee who receives notice of termination is not able to understand it, the notice must be explained orally by, or on behalf of, the employer to the employee in an official language the employee reasonably understands.
- (5) Notice of termination of a contract of employment given by an employer or an employee must not -
 - (a) be given during any period of leave to which the employee is entitled in terms of clause 9 (1), and
 - (b) run concurrently with any period of leave to which the employee is entitled in terms of clause 9 (1), except sick leave.
- (6) Nothing in this clause affects the right -
 - (a) of a dismissed employee to dispute the lawfulness or fairness of the dismissal in terms of Chapter VIII of the Labour Relations Act 1995, or any other law; and
 - (b) of an employer or an employee to terminate a contract of employment without notice for any cause recognised by law.
- (7) Instead of giving an employee or employer notice in terms of sub clause (1), either party may pay the other party the remuneration the employee would have received, calculated in accordance with that clause, as if the employee had worked during the notice period.
- (8) If an employee gives notice of termination of employment and the employer waives any part of the notice, the employer must pay the remuneration referred to in sub clause (7), unless the employer and employee agree otherwise.
- (9) On termination of employment, an employer must pay an employee –
 - (a) remuneration in respect of –
 - (i) ordinary time worked, calculated in terms of clause 3 (4);
 - (ii) overtime worked, calculated in terms of clause 5 (9);
 - (ii) time worked on a Sunday, calculated in terms of clause 8 (3); and
 - (iii) time worked on a public holiday or in respect of a public holiday on which the employee would normally have worked if it had not been a public holiday, in terms of clauses 7 (1) and (2);
 - (b) if the employee has been in employment for longer than four months, remuneration calculated in accordance with clause 9 (2) for any period of annual leave due in terms of clause 9 (2) that the employee has not taken.

20. SEVERANCE PAY

- (1) For the purposes of this clause, “operational requirements” means requirements based on the economic, technological, structural or similar needs of an employer.

- (2) An employer must pay an employee who is dismissed for reasons based on the employer's operational requirements severance pay equal to at least one week's remuneration for each completed year of continuous service with that employer, calculated in accordance with clause 3.
- (3) An employee who unreasonably refuses to accept the employer's offer of alternative employment with that employer or any other employer, is not entitled to severance pay in terms of sub clause (2).
- (4) The payment of severance pay in compliance with this clause does not affect an employee's right to any other amount payable according to law.
- (5) If there is a dispute only about the entitlement to severance pay in terms of this clause, the employee may refer the dispute in writing to –
 - (a) a council, if the parties to the dispute fall within the registered scope of that council; or
 - (b) the CCMA, if no council has jurisdiction.
- (6) The employee who refers the dispute to the council or the CCMA must satisfy it that a copy of the referral has been served on all other parties to the dispute.
- (7) The council or the CCMA must attempt to resolve the dispute through conciliation.
- (8) If the dispute remains unresolved, the employee may refer it to arbitration.
- (9) If the Labour Court is adjudicating a dispute about a dismissal based on the employer's operational requirements, the Court may inquire into and determine the amount of any severance pay to which the employee may be entitled and the Court may make an order directing the employer to pay that amount.

21. CERTIFICATE OF SERVICE

- (1) On termination of employment an employee is entitled to a certificate of service substantially in the form of annexure "A" stating –
 - (a) the employee's full name;
 - (b) the name and address of the employer;
 - (c) a description of any council or sectoral employment standard by which the employer's business is covered;
 - (d) the date of commencement and date of termination of employment;
 - (e) the title of the job or a brief description of the work for which the employee was employed at date of termination;
 - (f) the remuneration at date of termination; and
 - (g) if the employee so requests, the reason for termination of employment.

22. ATTENDANCE REGISTER

- (1) An employer shall maintain an attendance register in any form of attendance documentation which is acceptable substantially in the form of annexure "B", in which the employer shall record in ink or indelible pencil the name and class of each of the employees for each day worked and on that day make the necessary entries in respect of

- items (i) to (vi) of sub clause (3)(a).
- (2) An employer may, instead of an attendance register, provide a semi-automatic time recorder which records substantially the same information as is required to be kept in the attendance register specified in sub clause (1).
- (3) Every employer shall, in respect of each day worked by an employee on that day
- (a) record in ink or indelible pencil in such attendance register referred to in sub clause (1) -
- (i) the day of the week;
 - (ii) the time an employee commenced work;
 - (iii) the time of commencement and termination of all meal or other intervals, which are not reckonable as ordinary hours of work;
 - (iv) the time of finishing work for the day;
 - (v) the time of commencement and termination of overtime worked for the day; and
 - (vi) the total amount of hours worked for the day.
- (b) in an establishment where a semi-automatic time recorder is provided, make an entry by means of such recorder to show the following:
- (i) the time of commencement of work;
 - (ii) the time of commencement and termination of all meal or other intervals which are not reckonable as ordinary hours of work; and
 - (iii) the time of finishing work for the day.
- (4) An employer shall retain such attendance register referred to in sub clause (1) or the information recorded by a semi-automatic time recorder referred to in sub clause (2), as case may be, for a period of not less than three years after the date of the last entry therein or thereon.

23. VARIATION BY MINISTER

The Minister may, if it is consistent with the purpose of the Basic Conditions of Employment Act No. 75 of 1997, make a determination to replace or exclude any basic condition of employment provided for in this Determination in terms of section 50 of that Act, on the advise of the Commission.

All the provisions of Sectoral Determination 3: Private Security Sector, South Africa published under Government notice Nr 196 of 25 February 2001 and clarification notice published under Government notice Nr 45 of 19 January 2001, will be superseded by this determination with effect from the date of implementation.

PRIVATE SECURITY SECTOR,
SOUTH AFRICA
READ THIS FIRST



WHAT IS THE PURPOSE OF THIS FORM?

This form is proof of employment with an employer.

WHO FILLS IN THIS FORM?

The employer.

WHERE DOES THIS FORM GO?

To the employee.

INSTRUCTIONS

This form may be issued upon termination of employment.

NOTE

The reason for termination of employment must only be given if requested by the employee.

This is only a model and not a prescribed form. Completing a document in another format containing the same information is sufficient compliance with the clause 21.

ANNEXURE "A"

CERTIFICATE OF SERVICE

I
(Name and designation of person)

of

.....
(Full name of employer)

Address:
.....

in the (Trade)

declare that

.....
(Full name of employee)

.....
(I.D. no.)

was in employment

from until

as

.....
(Type of work/occupation)

any other information.....

On termination of service this employee was earning: R.....

..... (Amount in words)

per hour per day per week per fortnight per month per year

.....
Employer's signature

.....
Date

	<ul style="list-style-type: none"> An employer who keeps a record in terms of this section is not required to keep any other record of time worked and remuneration paid as required by any other employment law [section 31(4)]. <p style="text-align: center;">NOTE</p> <p>Whenever an employee has in terms of section 16 of the Act required or permitted an employee to perform work on a Sunday and grants the employee a day off in the next succeeding week [in terms of section 16(3), the day off or day's leave must be clearly indicated in the date column on the day concerned.</p> <p><i>This is only a model and not a prescribed form. Completing a document in another format e.g. electronic clock card, containing the same information is sufficient compliance with the regulation.</i></p>
--	---

Dog ate your Gazette?
... read it online



www.SA Gazettes.co.za
.....

A new information Portal keeping you up to date with news, legislation, the Parliamentary programme and which is the largest pool of SA Gazette information available on the Web.

- Easily accessible through the www!
 - Government Gazettes - from January 1994
 - Compilations of all Indexes pertaining to the past week's Government Gazettes
 - All Provincial Gazettes - from September 1995
 - Parliamentary Bills - as of January 1999
- Available in full-text, with keyword searching
- Sabinet Online scans, formats, edits and organize information for you. Diagrams and forms included as images.
- No stacks of printed gazettes - all on computer. Think of the storage space you save.
- Offers Bill Tracker - complementing the SA Gazettes products.

For easy electronic access to full-text gazette info, subscribe to the SA Gazettes from Sabinet Online. Please visit us at www.sagazettes.co.za

Sabinet
Online



*Looking for back copies and out of print issues of
the Government Gazette and Provincial Gazettes?*

The National Library of SA has them!

Let us make your day with the information you need ...

National Library of SA, Pretoria Division

PO Box 397

0001 PRETORIA

Tel.:(012) 321-8931, Fax: (012) 325-5984

E-mail: infodesk@nlsa.ac.za



*Soek u ou kopieë en uit druk uitgawes van die
Staatskoerant en Provinsiale Koerante?*

Die Nasionale Biblioteek van SA het hulle!

Met ons hoef u nie te sukkel om inligting te bekom nie ...

Nasionale Biblioteek van SA, Pretoria Divisie

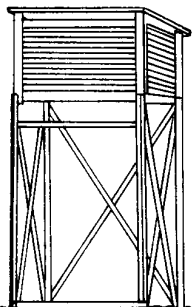
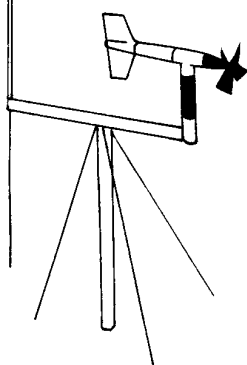
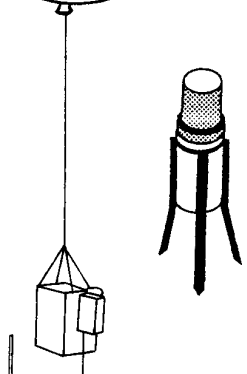
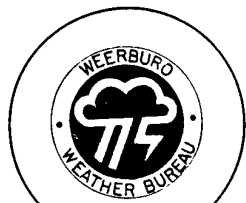
Posbus 397

0001 PRETORIA

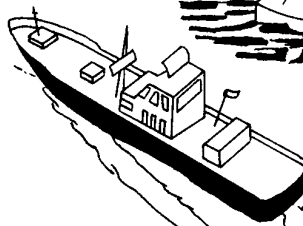
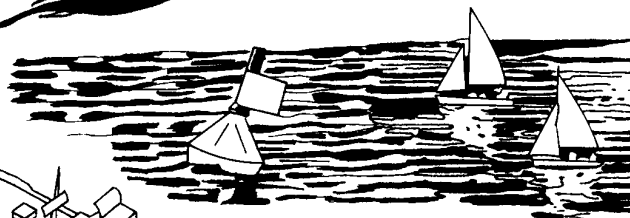
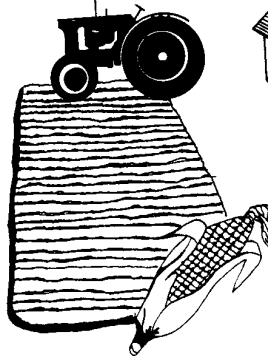
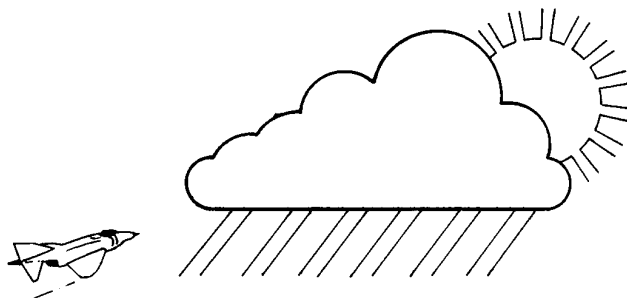
Tel.:(012) 321-8931, Faks: (012) 325-5984

E-pos: infodesk@nlsa.ac.za

SA WEATHER BUREAU SA WEERBURO



**W
E
A
T
H
E
R
·
S
E
R
V
I
C
E
S
·
W
E
E
R
D
I
E
N
S
T
E**





THE WEATHER BUREAU: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

LIVE IN HARMONY WITH NATURE



THE WEATHER BUREAU: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Publications: Tel: (012) 334-4508, 334-4509, 334-4510
Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504
Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737
Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001
Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510
Advertensies: Tel: (012) 334-4673, 334-4674, 334-4504
Subskripsies: Tel: (012) 334-4735, 334-4736, 334-4737
Kaapstad-tak: Tel: (021) 465-7531