



labour

Department:
Labour
REPUBLIC OF SOUTH AFRICA

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The Member of Close Corporation
Berea Nurses Institute Pretoria CC
P O Box 31030
Wonderboom
Pretoria
0033

Enquiries: **John de Klerk**
Tel Direct: **(012) 309 4259**
Reference: **LR 8/5 E**

29 July 2019

John.deklerk@labour.gov.za

Dear Sir/Madam

TEL. (012) 328 7335

**BASIC CONDITIONS OF EMPLOYMENT ACT, 1997
APPLICATION FOR MINISTERIAL DETERMINATION**

Your application to vary certain sections of the Act refers.

Attached please find the approved determination. Please ensure that you comply with section 50 (10) of the Act, which reads as follows:

An employer in respect of whom a determination has been made, or whose employees are covered by a determination in terms of subsection (1), must—

- (a) Display a copy of the notice conspicuously at the workplace where it can be read by the employees to whom the determination applies;
- (b) Notify each employee in writing of the fact of the determination and of where a copy of the notice has been displayed; and
- (c) Give a copy of the notice to every—
 - (i) registered trade union representing those employees;
 - (ii) trade union representative representing those employees; and
 - (iii) employee who requests a copy.

Yours faithfully

DIRECTOR GENERAL: LABOUR



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DETERMINATION IN TERMS OF SECTION 50

The Minister of Labour, make the following determination in terms of Section 50(8)(c) of the Act:

1. The following section of the Act is replaced or excluded:

Sections 20(11) and 22 (1) & (2) of the Act.

2. Extent of the variation:

- a) That the employees be paid a collectively bargained "all inclusive" rate in respect of payment for annual leave; and
- b) That during every sick leave cycle, an employee is entitled to one day's sick leave for every 26 days worked.

3. Employers or employees in respect of whom the determination applies:

Employees employed on a 'short term' basis by Berea Nurses Institute Pretoria nationally.

4. Conditions on which determination is granted:

- a) That all other sections of the Act are complied with; and
- b) That affected employees be provided the opportunity to choose whether to remain on the "all inclusive" remuneration package or to restructure it into a contract of employment that complies with the BCEA.

5. Period for which the determination is granted:

From 24 July 2019 for a period of 12 months

*short term: means a placement at a specific institution for a period of up to eight (8) months

SIGNED under delegated powers in terms of section 85 of the Basic Conditions of Employment Act, 1997 at Pretoria on the 29th day of July 2019.

DIRECTOR GENERAL: LABOUR