

**DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBEID**

No. R. 319

22 March 2002

BASIC CONDITIONS OF EMPLOYMENT ACT

The Minister of Labour has under section 86(1) of the Basic Conditions of Employment Act (Act No. 75 of 1997), after consulting the Employment Conditions Commission, amended the Regulations in terms of the Basic Conditions of Employment Act, 1997 published in Government Notice No. R 1438 of 13 November 1998, as set out in the Schedule.

SCHEDULE

REGULATIONS AMENDMENTS

Amendment to B. Index of forms annexed to regulations

The index is hereby amended the insertion of the following –

BCEA 14A	Inspectors certificate	Section 63(3)
BCEA 14B	Inspectors card	Section 63(3)

Amendment of clause 1 of the regulations

Clause 1 of the principal regulations is hereby amended by the substitution for sub-clause (2) of the following sub-clause –

- “(2) Whenever the expression “Department of Labour” or “Provincial Executive Manager” [“**Provincial Director**”] appears in the Act or in these regulations, it means –
- (a) in the province of KwaZulu/Natal, the “Provincial Executive Manager” [“**Provincial Director**”], Department of Labour, P O Box 940, Durban, 4000;
 - (b) in the province of Northern Cape, the “Provincial Executive Manager” [“**Provincial Director**”], Department of Labour, Private Bag X5012, Kimberley, 8300;
 - (c) in the Northern Province, the “Provincial Executive Manager” [“**Provincial Director**”], Department of Labour, Private Bag X9368, Pietersburg, 0700;
 - (d) in the province of North-West, the “Provincial Executive Manager” [“**Provincial Director**”], Department of Labour, Private Bag X2040, Mmabatho, 8681;
 - (e) in the province of Eastern Cape, the “Provincial Executive Manager” [“**Provincial Director**”], Department of Labour, Private Bag X9005, East London, 5200;

- (f) in the province of Mpumalanga, the "Provincial Executive Manager" [Provincial Director], Department of Labour, Private Bag X7263, Witbank, 1035;
- (g) in the province of the Free State, the "Provincial Executive Manager" [Provincial Director], Department of Labour, P O Box 522, Bloemfontein, 9300;
- (h) in the province of Gauteng:
Gauteng-South: - in the Magisterial Districts of Alberton, Boksburg, Brakpan, Germiston, Heidelberg, Johannesburg, Kempton Park, Oberholzer, Randburg, Roodepoort, Vanderbijlpark, Vereeniging and Westonaria, The "Provincial Executive Manager" [Provincial Director], Department of Labour, P O Box 4560, Johannesburg, 2000;
Gauteng North: - in the Magisterial Districts of Benoni, Bronkhorstspuit, Cullinan, Krugersdorp, Nigel, Pretoria, Randfontein, Soshanguve 1, Soshanguve 2, Springs and Wonderboom, the "Provincial Executive Manager" [Provincial Director], Department of Labour, P O Box 393, Pretoria, 0001; and
- (i) in the Province of the Western Cape, the "Provincial Executive Manager" [Provincial Director], Department of Labour, P O Box 872, Cape Town, 8000.

Amendment of clause 13 of the regulations

The regulations of the principal regulations is hereby amended by the insertion of the following clause—

"13. Inspector certificates in terms of section 63

- (1) A certificate issued to a labour inspector in terms of section 63(3) must be in the form of Annexure 14A
- (2) Every labour inspector who is issued with a certificate in terms of sub-regulation (1) must also be issued with a certificate in the form of an inspector card in the form of Annexure 14B
- (3) Production of a certificate by a labour inspector in the form of either Annexure 14A or Annexure 14 B constitutes
 - (a) Proof that the person identified in the certificate is a labour inspector;
 - (b) Compliance with a request for the productions of a certificate in terms of section 65(3)(a) of the Act."

Amendment of BCEA 6

The BCEA 6 form is hereby amended by the substitution of that form by the following form—

BCEA 6

**BASIC CONDITIONS OF
EMPLOYMENT ACT, 1997**

Section 50(1)(b)

READ THIS FIRST**WHAT IS THE PURPOSE
OF THIS FORM?**

This form is an application for a Ministerial determination to replace or exclude certain provisions of the Act or a Sectoral Determination.

**WHO FILLS IN THIS
FORM?**

The employer.

**WHERE DOES THIS FORM
GO?**

The Executive Manager:
Employment Standards, Private
Bag X117, Pretoria. 0001

INSTRUCTIONS

- The sections of the Act or Sectoral Determination for which variation is sought must be mentioned.
- Proof of any consent to the application by the registered trade union(s) in terms of section 50(7)(a) must be attached to this form.
- If no consent is obtained, proof of service on registered trade union(s) and proof of reasonable steps to bring the application to the notice of employees must be attached.
- Shift roster must be included if applicable.

NOTE

A Department of Labour official may conduct an inspection to verify the information or seek more information in relation to your application.

If there is insufficient space on the form use separate piece of paper.

DEPARTMENT OF LABOUR**APPLICATION FOR MINISTERIAL DETERMINATION****A. EMPLOYER PARTICULARS****1. NAME OF EMPLOYER**

.....

2. CORRESPONDENCE ADDRESS

.....

.....

.....

POSTAL CODE PROVINCE

TEL. NO. (.....) FAX. NO. (.....)

E-MAIL:

3. NATURE OF BUSINESS CONDUCTED

.....

4. CONTACT PERSON(S)

.....

B. DETAILS OF APPLICATION**1. VARIATION IS APPLIED FOR IN RESPECT OF THE
FOLLOWING SECTION(S) OF THE ACT OR CLAUSE(S) OF
THE FOLLOWING SECTORAL DETERMINATION:**

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2. AREA FOR WHICH VARIATION IS SOUGHT:

.....

3. PERIOD FOR WHICH VARIATION IS SOUGHT:

.....

.....

4. TOTAL NUMBER OF EMPLOYEES:
5. NUMBER OF EMPLOYEES AFFECTED BY APPLICATION:
6. MOTIVATION AND REASONS WHY THE APPLICATION FOR VARIATION SHOULD BE GRANTED:

[illegible]

C. PREREQUISITES

1. IF THIS APPLICATION HAS THE CONSENT OF ALL THE REGISTERED TRADE UNION(S) THAT REPRESENT THE EMPLOYEES IN RESPECT OF WHOM THE DETERMINATION IS TO APPLY, PROOF OF THAT CONSENT SHOULD BE ATTACHED TO THIS FORM.
2. IN THE ABSENCE OF THE CONSENT REFERRED TO IN 1. PROOF OF SERVICE OF A COPY OF THIS APPLICATION ON ALL REGISTERED TRADE UNIONS THAT REPRESENTED EMPLOYEES AFFECTED BY THIS APPLICATION MUST BE ATTACHED.
3. IN ADDITION, IF THE MAJORITY OF EMPLOYEES ARE NOT REPRESENTED BY A REGISTERED TRADE UNION, PROOF OF REASONABLE STEPS TAKEN TO BRING THIS APPLICATION TO THE NOTICE OF EMPLOYEES MUST BE ATTACHED.
4. IF NO AGREEMENT COULD BE REACHED WITH THE PARTIES REFERRED TO IN 1, 2 OR 3 – POINTS OF DISSENSION

NAME:

SIGNATURE:

POSITION:

DATE:



Basic Conditions of
Employment Act, 75 of
1997

Please read the
information before
completing this form

WHAT IS THE PURPOSE OF THIS FORM ?

To provide a certificate of
appointment to inspectors
in terms of Section 63 of
BCEA.

WHO AUTHORISE THIS FORM?

A Provincial Executive
Manager who has been
delegated this power by
the Minister in terms of
section 85(1) of the BCEA

INSTRUCTIONS

- The Provincial Executive Manager, must sign this form.
- The inspector card (Annexure 14B) must contain an inspector's photo, signature of the inspector, signature of the Provincial Executive Manager, office from which the inspector is based.
- Inspector card must bear a serial number allocated by Head Office and issued by the respective Provincial Office

LABOUR DEPARTMENT

BCEA 14 A

CERTIFICATE OF APPOINTMENT IN TERMS OF SECTION 63 OF BASIC CONDITIONS OF EMPLOYMENT ACT.

Discrete Serial Number:

THIS IS TO CERTIFY THAT :-

1. Name :
2. Identity Number :

has been appointed, in terms of section 63 (1) of the Basic Conditions of Employment Act, 75 of 1997, as amended, as a labour inspector to monitor and enforce the following laws-

1. Basic Conditions of Employment Act, 75 of 1997;
2. Compensation for Occupational Injury and Diseases Act, No. 130 of 1993;
3. Employment Equity Act, 55 of 1998;
4. Occupational Health and Safety Act, 85 of 1993;
5. Unemployment Insurance Act, 30 of 1966

and may perform the following functions -

- (a) promote, monitor and enforce compliance with the above laws in terms of section 64 of the Basic Conditions of Employment Act;
- (b) carry out the functions of an inspector in terms of section 29 of the Occupational Health and Safety Act;
- (c) enforce the Employment Equity Act in terms of sections 34 to 38 of that Act;
- (d) exercise the powers of an inspector in term of section 55 of the Unemployment Insurance Act;
- (e) exercise any power delegated or perform any duty assigned by the Director-General: Labour in terms of section 3(1) of the Compensation for Occupational Injuries and Diseases Act.

3. Inspector's signature

3.1 Place :

3.2 Date :

Inspector's Name:

Signature: Labour Inspector

4. Authorising Signature

4.1 Place:

4.2 Date:

Name:

(Provincial Executive Manager)

Signature: Provincial Executive Manager

BCEA 14 B

PHOTO	DEPARTMENT OF LABOUR	
NAME :		
PROVINCIAL OFFICE :		
IDENTIFICATION NUMBER:		
SIGNATURE : _____ (Inspector)		

THIS IS TO CERTIFY THAT
NAME
<i>has, in terms of section 63 (1) of the Basic Conditions of Employment Act, 75 of 1997, as amended, been appointed as a labour inspector to monitor and enforce the following legislation:-</i>
1. Basic Conditions of Employment Act, 75 of 1997; 2. Compensation for Occupational Injury and Diseases Act, 130 of 1993; 3. Employment Equity Act, 55 of 1998; 4. Occupational Health and Safety Act, 85 of 1993; 5. Unemployment Insurance Act, 30 of 1966
PROVINCIAL EXECUTIVE MANAGER