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**GOVERNMENT NOTICE**

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**DEPARTMENT OF LABOUR****No. R. 422****13 May 2011****BASIC CONDITIONS OF EMPLOYMENT ACT, 1997  
DETERMINATION: EARNINGS THRESHOLD**

I, Mildred Nelisiwe Oliphant, Minister of Labour, in terms of Section 6(3) of the Basic Conditions of Employment Act, No. 75 of 1997, (the Act), determine that all employees earning in excess of R172 000 (one hundred and seventy two thousand rand) per annum be excluded from sections 9, 10, 11, 12, 14, 15, 16, 17(2), 18(3) of the Act with effect from 1 July 2011.

For the purposes of this notice:

"Earnings" means the regular annual remuneration before deductions, i.e. income tax, pension, medical and similar payments but excluding similar payments (contributions) made by the employer in respect of the employee: Provided that subsistence and transport allowances received, achievement awards and payments for overtime worked shall not be regarded as remuneration for the purpose of this notice.

This determination replaces the determination published under Government Notice R 300 in Government Gazette No 30872 on 14 March 2008.

**M N OLIPHANT, MP****MINISTER OF LABOUR****3/5/2011**

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