

BASIC CONDITIONS OF EMPLOYMENT ACT, 1997

Section 50(1)(b)

DEPARTMENT OF LABOUR

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 Provincial Executive Manager

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.

National applications and applications to vary prescribed minimum wages must be forwarded to the Executive Manager, Employment Standards, P/Bag X117, Pretoria. 0001

APPLICATION FOR MINISTERIAL DETERMINATION

N.B. ALL APPLICABLE FIELDS MUST BE COMPLETED

A. EMPLOYER PARTICULARS

1. FULL NAME OF EMPLOYER OR COMPANY TRADING NAME

.....

UIF REFERENCE NUMBER :.....

SARS NUMBER :.....

COMPANY REGISTRATION NUMBER :.....

COMPENSATION FUND REGISTRATION

NUMBER :.....

2. NATURE OF BUSINESS CONDUCTED

.....

3. CONTACT PERSON(S)

.....

4. POSTAL ADDRESS

.....

.....

.....

POSTAL CODE

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

E-MAIL:

PROVINCE: Eastern Cape Free State Gauteng

KwaZulu-Natal Limpopo Mpumalanga

Northern Cape North-West Western Cape

5. STREET ADDRESS

.....
.....

TOWN/ SUBURB:.....**POSTAL CODE :**.....

- PROVINCE:** Eastern Cape Free State Gauteng
 KwaZulu-Natal Limpopo Mpumalanga
 Northern Cape North-West Western Cape

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(S):

.....
.....
.....
.....

2. AREA AND PROJECT FOR WHICH VARIATION IS SOUGHT:

.....

3. PERIOD FOR WHICH VARIATION IS SOUGHT:

.....

.....

4. TOTAL NUMBER OF EMPLOYEES:

5. NUMBER OF EMPLOYEES AFFECTED BY APPLICATION:

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:

ADDRESSES OF PROVINCIAL EXECUTIVE MANAGERS

| | |
|--|--|
| <p>In the province of KwaZulu/Natal: The Provincial Executive Manager Department of Labour P O Box 940 DURBAN 4000</p> <p>TEL: (031) 336 2022 FAX: (031) 305 9540</p> | <p>In the province of Northern Cape: The Provincial Executive Manager Department of Labour Private Bag X5012 KIMBERLEY 8300</p> <p>TEL: (053) 838 1502 FAX: (053) 832 9386</p> |
| <p>In the Limpopo Province: The Provincial Executive Manager Department of Labour Private Bag X9368 POLOKWANE 0700</p> <p>TEL: (015) 290 1607 FAX: (015) 290 1608</p> | <p>In the province of North-West: The Provincial Executive Manager Department of Labour Private Bag X2040 MMABATHO 2735</p> <p>TEL: (018) 387 8101 FAX: (018) 384 2597</p> |
| <p>In the province of Eastern Cape: The Provincial Executive Manager Department of Labour Private Bag X9005 EAST LONDON 5200</p> <p>TEL: (043) 701 3128 FAX: (043) 722 1012</p> | <p>In the Province of the Western Cape: The Provincial Executive Manager Department of Labour P O Box 872 CAPE TOWN 8000.</p> <p>TEL: (021) 441 8110/8112 FAX: (021) 441 8111</p> |
| <p>In the province of Gauteng: Gauteng-North:</p> <p>In the Magisterial Districts of: Bronkhorstspuit, Cullinan, Krugersdorp, Pretoria, Randfontein, Soshanguve I, Soshanguve 2, and Wonderboom.</p> <p>The Provincial Executive Manager Department of Labour P O Box 393 PRETORIA 0001</p> <p>TEL: (012) 309 5253 FAX: (012) 320 2367</p> | <p>In the province of Gauteng: Gauteng-South:</p> <p>In the Magisterial Districts of: Alberton, Boksburg, Brakpan, Germiston. Heidelberg, Johannesburg, Kempston Park, Oberholza, Randburg, Roodepoort, Nigel, Benoni, Springs, Vanderbijlpark, Vereeniging and Westonaria.</p> <p>The Provincial Executive Manager Department of Labour P O Box 4560 JOHANNESBURG 2000</p> <p>TEL: (011) 853 0302 FAX: (011) 853 0470</p> |
| <p>In the Province of Mpumalanga: The Provincial Executive Manager Department of Labour Private Bag X7263 WITBANK 1035</p> <p>TEL: (013) 655 8700/8701 FAX: (013) 655 8838</p> | <p>In the Province of the Free State: The Provincial Executive Manager Department of Labour PO Box 522 BLOEMFONTEIN 9300</p> <p>TEL: (051) 505 6200/6203 FAX: (051) 447 5329</p> |