



**labour**

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## **DIRECTIVE: NATIONAL MINIMUM WAGE ACT IMPLICATION TO THE PRIVATE SECURITY SECTORAL DETERMINATION**

### **1. PURPOSE:**

The purpose of this Directive is to give clarity in terms of the jurisdiction of the National Minimum Wage Act, 2018 and the Private Security Sectoral Determination No.6.

### **2. WHO NEEDS TO READ THIS SECTION?**

All inspectors, employers, and employees in the Private Security Sector.

### **3. DIRECTIVE:**

#### **3.1 INTRODUCTION**

The amendment to the BCEA published on the 27 November 2018 which came into effect on the 1st January 2019 stipulates that the Basic Conditions of Employment Act to provide for daily wage payments applicable to certain employees; to repeal certain provisions dealing with sectoral determinations and to disestablish the Employment Conditions Commission; to extend the jurisdiction of the Commission for Conciliation, Mediation and Arbitration; to extend the provisions for monitoring and enforcement by the labour inspector; to include enforcement of the provisions of the National Minimum Wage Act, 2018, the Unemployment Insurance Act, 2001 and the Unemployment Insurance Contributions Act, 2002; to provide for claims for underpayment; to provide for transitional arrangements; to regulate sectoral determinations currently in force; to strengthen collective bargaining in respect of the sectors regulated by those sectoral determinations; and to provide for matters connected therewith.

### 3.2 DISCUSSION

As a result of the introduction of the National Minimum Wage Act and the amendment of the Basic Conditions of employment Act, all employers including employers in Private Security Sector should comply with the prescribed minimum wage of R20.00 an hour which came into effect as from 1 January 2019. The Private Security Sectoral Determination is still applicable to the employers and employees in the sector. Therefore employers should consider sectoral determination when finalising contracts of employment.

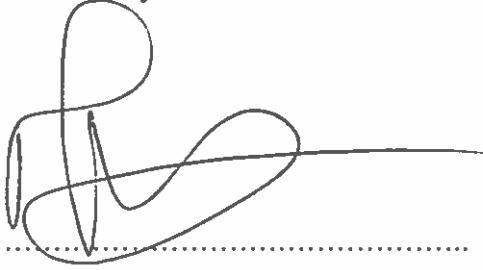
All employees who were earning below R20.00 their wages should then be adjusted as from the 1 January 2019 to at least R20.00 per hour. In terms of the Private Security Sector these categories will be affected: Clerical Assistants in Area 1/2 and 3, Clerks in Area 3, Drivers in Area 3, General workers in Area ½ and 3, Handyman in Area 3, Grade C/D and E, and employee elsewhere not specified. Below find the new adjusted minimum wage table:

| MONTHLY SALARY RATES                                       |   |                 |   |
|--|---|-----------------|---|
|  | AREA 1 & 2  | AREA 3          | Maximum permissible working hours per week for each respective category of employee, subject to clause 5(2), with regard to averaging of working hours. |
| In the Magisterial Districts of                            | Alberton, Bellville, Benoni, Boksburg, Bloemfontein, Brakpan, Camperdown, Chatsworth, Durban, East London, Germiston, Goodwood, Inanda, Johannesburg, Kempton Park, Kimberley, Klerksdorp, Krugersdorp, Kullis River, Mitchell's Plain, Nigel, Oberholzer, Paarl, Pietermaritzburg, Pinetown, Port Elizabeth, Pretoria, Randburg, Randfontein, Roodepoort, Sasolburg, Simon's Town, Somerset West, Springs, Stellenbosch, Strand, The Cape, Ultenhage, Vanderbijlpark, Vereeniging, Westonaria, Wonderboom and Wynberg. | All other areas |   |
|  | Monthly salary  | Monthly salary  |   |
| <b>Artisan</b>   | R7 484  | R6 534          | 45  |
| <b>Clerical Assistant</b>                                  |   |                 | 45  |
| During the first year of experience                        | R3 900  | R3 900          |   |
| During the second year of experience                       | R3 900  | R3 900          |   |
| Thereafter   | R3 900  | R3 900          |   |
| <b>Clerk</b>   |   |                 | 45  |
| During the first year of experience                        | R4 068  | R3 900          |   |
| During the second year of experience                       | R4 325  | R3 900          |   |
| During the third year of experience                        | R4 549  | R3 900          |   |
| Thereafter   | R4 794  | R4 075          |   |
| <b>Control or Communication Centre Operator</b>            | As for relevant security officer grading  |                 | 48  |
| <b>Controller</b>  | As for a clerical assistant   |                 | 45  |
| <b>Driver of a -</b>                                       |   |                 | 45  |
| Light motor vehicle  | R3 925  | R3 900          |   |
| Medium motor vehicle                                       | R4 207  | R3 900          |   |
| Heavy motor vehicle  | R4 392  | R3 900          |   |
| <b>General Worker</b>                                      |   |                 | 45  |
| During the first six months service with the same employer | R3 900  | R3 900          |   |
| Thereafter   | R3 900  | R3 900          |   |
| <b>Handyman</b>  | R4 343  | R3 900          | 45  |
| <b>Security Officer</b>                                    |   |                 | 48  |
| Grade A  | R5 558  | R4 613          |   |
| Grade B  | R4 981  | R4 198          |   |
| Grade C, D & E   | R4 377  | R4 160          |   |
| <b>Employees not elsewhere specified</b>                   | R3 900  | R3 900          | 45  |

### 3.3 CONCLUSION

The sector has to comply with the amendments for both BCEA and NMW. The contravention of these Acts should be condemned. In these cases immediate legal proceedings should be instituted. Where prohibition notices are served, these should be followed up immediately and legal proceedings instituted where applicable.

Yours sincerely

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**T MKALIPI**

**CHIEF DIRECTOR: LABOUR RELATIONS.**