



labour

Department:
Labour
REPUBLIC OF SOUTH AFRICA

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Reference LR 8/5

12 December 2017

Dear Sir/Madam,

**BASIC CONDITIONS OF EMPLOYMENT ACT, 1997
RE: REQUEST FOR WITHDRAWAL OF A MINISTERIAL DETERMINATION**

The Department of Labour received an application by Sasbo requesting the withdrawal of a Ministerial Determination issued in 2016. The application raised numerous issues and complaints about non-compliance of the granted ministerial determination, and the application was brought to your attention.

In terms of section 50(9)(a) of the Basic Conditions of Employment Act (the BCEA), the Minister may on application by any affected party and after allowing other affected parties a reasonable opportunity to make representations, amend or withdraw a determination issued in terms of subsection (1). Both parties were given an opportunity to make written representations and the Department of Labour held meetings to listen to both parties as required by the BCEA.

After deliberations and consideration of the provisions of the BCEA on payment of annual leave, sick leave, family responsibility leave, payment instead of notice and payment on termination, the Department of Labour is hereby withdrawing the Ministerial Determination granted on 25 November 2016 with effect from 12 December 2017. Employees should be paid in terms of sections 21(1), 22(5), 27(3), 38(2) and 40(c) as prescribed by the BCEA.

Yours faithfully


DIRECTOR GENERAL: LABOUR

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