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GOEWERMENSKENNISGEWING

SUID-AFRIKAANSE VERVOERDIENSTE

No. R. 2355

16 Oktober 1987

PERSONEELREGULASIES WYSIGINGSLYS

Ingevolge die bevoegdheid aan my verleen by artikels 32 en 32A van die Wet op Diensvoorwaardes (Suid-Afrikaanse Vervoerdienste), 1983 (Wet 16 van 1983), verleen ek, Eli van der Merwe Louw, Minister van Vervoerwese van die Republiek van Suid-Afrika, goedkeuring daaraan dat die Personeelregulasies, gepubliseer in Goewermenskennisgewing R. 677 van 11 April 1986, soos gewysig, verder soos volg gewysig word:

REGULASIE 4

In paragraaf (2), skrap die woord "Blanke" in die eerste reël.

Skrap paragrawe (3) en (4).

Voeg die volgende regulasie 4A in:

- 4A. (1) 'n Kleurling-, Indiër- of Swart werknemer in 'n los hoedanigheid op die datum van inwerking-treding van hierdie regulasie word, ondanks enige strydige bepaling vervat in sy dienskontrak, geag om vanaf sodanige datum in tydelike diens soos beoog deur artikel 7 (1) van die Wet te wees en om aan al die vereistes vir aanstelling tot sodanige status te voldoen het, met dien verstande dat hierdie bepaling nóg op sodanige werknemer wat op 'n korttermyngrondslag in diens is in verband met seisoenverkeer of 'n buitengewone situasie of om 'n werknemer af te los wat weens verlof, siekte of 'n ander rede van diens afwesig is, nóg op 'n ongereelde loswerknemer van toepassing is. Sodanige loswerknemer of ongereelde loswerknemer bly in diens in 'n los of 'n ongereelde los hoedanigheid totdat sy kontrak beëindig word of totdat hy op die gebruikelike wyse in tydelike diens aangestel word.

GOVERNMENT NOTICE

SOUTH AFRICAN TRANSPORT SERVICES

No. R. 2355

16 October 1987

PERSONNEL REGULATIONS

SCHEDULE OF AMENDMENTS

Under the powers vested in me by sections 32 and 32A of the Conditions of Employment (South African Transport Services) Act, 1983 (Act 16 of 1983), I, Eli van der Merwe Louw, Minister of Transport Affairs of the Republic of South Africa, do hereby approve of the Personnel Regulations published in Government Notice R. 677 of 11 April 1986, as amended, being further amended as follows:

REGULATION 4

In paragraph (2) delete the word "White" in the first line.

Delete paragraphs (3) and (4).

Insert the following regulation 4A:

- 4A. (1) A Coloured, Indian or Black employee in a casual capacity on the operative date of this regulation shall, notwithstanding anything to the contrary contained in his contract of employment, be deemed to be in temporary employment as contemplated by section 7 (1) of the Act from such date and to have complied with all the requirements for appointment to such status, provided that this provision shall apply neither to such an employee employed on a short-term basis in connection with seasonal traffic or an exceptional situation or to relieve an employee absent from duty due to leave, sickness or other reason, nor to an intermittent casual employee. Such casual or intermittent casual employee shall continue in employment in a casual or intermittent casual capacity until his contract is terminated or until he is appointed to temporary employment in the usual manner.

- (2) 'n Kleurling-, Indiër- of Swart werknemer in 'n gereelde hoedanigheid op die datum van inwerkingtreding van hierdie regulasie wat nog nie twee jaar diens voltooi het nie, word, ondanks enige strydige bepaling vervat in sy dienskontrak, geag om vanaf sodanige datum in tydelike diens soos beoog deur artikel 7 (1) van die Wet te wees en om aan al die vereistes vir aanstelling tot sodanige status te voldoen het.
 - (3) 'n Kleurling-, Indiër- of Swart werknemer in 'n gereelde hoedanigheid op die datum van inwerkingtreding van hierdie regulasie wat twee jaar diens voltooi het, word, ondanks enige strydige bepaling vervat in sy dienskontrak, geag om vanaf sodanige datum in vaste diens soos beoog deur artikel 7 (1) van die Wet te wees en om aan al die vereistes vir aanstelling tot sodanige status te voldoen het.
 - (4) 'n Kontrakwerknemer op die datum van inwerkingtreding van hierdie regulasie gaan voort in sodanige hoedanigheid en sy diensvoorwaardes word steeds deur sy dienskontrak bepaal, met dien verstande dat vir sover as die Instruksies insake die Diensvoorwaardes van Kleurling-, Indiër- en Swart Werknemers op sodanige werknemer van toepassing is, word dit deur die ooreenstemmende voorwaardes van die Wet en hierdie regulasies vervang.
 - (5) Die diensvoorwaardes van 'n werknemer genoem in paragrafe (1) tot (4) moet nie ongunstiger wees as dié wat voor die datum van inwerkingtreding van hierdie regulasie op hom van toepassing was nie.
 - (6) 'n Dissiplinêre aanklag ingevolge die Departementale Dissiplinêre Kode van toepassing op Kleurling-, Indiër- en Swart Werknemers wat voor die datum van inwerkingtreding van hierdie regulasie op 'n werknemer beteken is, word, onderworpe aan die bepalings van paragraaf (7), ooreenkomstig voormelde kode behandel.
 - (7) 'n Appèl wat voortvloei uit 'n dissiplinêre aanklag gemeld in paragraaf (6) wat—
 - (a) voor die datum van inwerkingtreding van hierdie regulasie ingedien is, maar wat nie voor daardie datum afgehandel is nie, word behandel ingevolge die voormelde kode; en
 - (b) op of na die datum van inwerkingtreding van hierdie regulasie ingedien word, word behandel ingevolge die bepalings van die Wet en hierdie regulasies, met inbegrip van die voorwaardes daarvan met betrekking tot appèlkanale.
 - (8) 'n Appèl wat ingedien word ingevolge die Instruksies insake die Diensvoorwaardes van Kleurling-, Indiër- en Swart Werknemers voor die inwerkingtreding van hierdie regulasie, maar nie voor daardie datum afgehandel is nie, word behandel ingevolge die bepalings van voormelde instruksies. Indien sodanige appèl nie slaag nie, word die werknemer se verdere appèlregte en appèlkanale bepaal deur die toepasslike bepalings van die Wet en hierdie regulasies.
- (2) A Coloured, Indian or Black employee in a regular capacity on the operative date of this regulation who has not completed two years' service, shall, notwithstanding anything to the contrary contained in his contract of employment, be deemed to be in temporary employment as contemplated by section 7 (1) of the Act from such date and to have complied with all the requirements for appointment to such status.
 - (3) A Coloured, Indian or Black employee in a regular capacity on the operative date of this regulation who has completed two years' service, shall, notwithstanding anything to the contrary contained in his contract of employment, be deemed to be in permanent employment as contemplated by section 7 (1) of the Act from such date and to have complied with all the requirements for appointment to such status.
 - (4) A contract employee on the operative date of this regulation shall continue in such capacity and his conditions of employment shall continue to be governed by his contract of employment, provided that insofar as the Instructions in connection with the Service Conditions of Coloured, Indian and Black Employees are applicable to such an employee, the equivalent provisions of the Act and these regulations shall be substituted therefor.
 - (5) The service conditions of an employee referred to in paragraphs (1) to (4) shall not be less favourable than those that were applicable to him prior to the operative date of this regulation.
 - (6) A disciplinary charge in terms of the provisions of the Departmental Disciplinary Code applicable to Coloured, Indian and Black Employees, served upon an employee prior to the operative date of this regulation shall, subject to the provisions of paragraph (7) be dealt with in terms of the aforementioned Code.
 - (7) An appeal resulting from a disciplinary charge referred to in paragraph (6) which is lodged—
 - (a) prior to the operative date of this regulation, but not disposed of prior to that date, shall be dealt with in terms of the aforementioned Code; and
 - (b) on or after the operative date of this regulation, shall be dealt with in terms of the provisions of the Act and these regulations, including the provisions thereof relating to avenues of appeal.
 - (8) An appeal in terms of the Instructions in connection with Service Conditions of Coloured, Indian and Black Employees which is lodged prior to the operative date of this regulation but not disposed of prior to such date shall be dealt with in terms of the aforementioned Instructions. Should such appeal fail, the employee's further rights and avenues of appeal shall be governed by the applicable provisions of the Act and these regulations.

BELANGRIK!!

Plasing van tale:

Staatskoerante

1. Hiermee word bekendgemaak dat die omruil van tale in die *Staatskoerant* jaarliks geskied met die eerste uitgawe in Oktober.
2. Vir die tydperk 1 Oktober 1987 tot 30 September 1988 word Afrikaans EERSTE geplaas.
3. Hierdie reëling is in ooreenstemming met dié van die Parlement waarby koerante met Wette ens. die taalvolgorde deurgaans behou vir die duur van die sitting.
4. *Dit word dus van u, as adverteerder, verwag om u kopie met bogenoemde reëling te laat strook om onnodige omskakeling en stylredigering in ooreenstemming te bring.*

—oOo—

IMPORTANT!!

Placing of languages:

Government Gazettes

1. Notice is hereby given that the interchange of languages in the *Government Gazette* will be effected annually from the first issue in October.
2. For the period 1 October 1987 to 30 September 1988, Afrikaans is to be placed FIRST.
3. This arrangement is in conformity with Gazettes containing Acts of Parliament etc. where the language sequence remains constant throughout the sitting of Parliament.
4. *It is therefore expected of you, the advertiser, to see that your copy is in accordance with the above-mentioned arrangement in order to avoid unnecessary style changes and editing to correspond with the correct style.*

INHOUD

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GOEWERMENTSKENNISGEWING

Suid-Afrikaanse Vervoerdienste

Goewermentskennisgewing

R. 2355 Wet op Diensvoorwaardes (Suid-Afrikaanse
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