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DEPARTMENT OF LABOUR DEPARTEMENT VAN ARBEID

No. R. 483

4 April 1997

MANPOWER TRAINING ACT, 1981

TRAINING SCHEME FOR THE ROAD TRANSPORT INDUSTRY

I, Tito Titus Mboweni, Minister of Labour, acting in terms of section 39 (5) and (6) of the Manpower Training Act, 1981—

- (a) hereby withdraw Government Notice No. R. 3078 of 20 December 1991 as amended by Government Notices Nos. R. 2833 of 28 December 1984, R. 2823 of 24 December 1987 and R. 169 of 1 February 1991; and
- (b) hereby declare that the provisions of the Scheme which appears in the Schedule hereto, shall be binding with effect from the date of this publication, upon all employers and employees who are engaged or employed in the Road Transport Industry in the Republic of South Africa.

T. T. MBOWENI
Minister of Labour

SCHEDULE

THE ROAD TRANSPORT INDUSTRY SCHEME

In terms of section 39 (4) of the Manpower Training Act, 1981 (Act No. 56 of 1981), created by the Public Carriers Association for the training of employees in the Road Transport Industry, providing for the establishment of a fund for the purposes of the Scheme and the payment of contributions to the Fund by employers in the Industry and the establishment of a Road Transport Industry Training Board to administer the Fund.

1. NAME OF THE SCHEME

The name of the scheme shall be the Road Transport Training Scheme.

2. SCOPE OF APPLICATION OF THE SCHEME

The provisions of the Scheme shall be observed throughout the Republic of South Africa by all employers in the Road Transport Industry who are members of the Public Carriers Association, but excluding those employers by whom a compulsory training levy is payable for the training of employees by any other training scheme or training centre in terms of section 31 (5) (a) of the Manpower Training Act or section 23 of the Labour Relations Act, 1995, for the training of employees as defined herein.

3. DEFINITIONS

Any expressions used in this Scheme which are defined in the Manpower Training Act, 1981 (Act No. 56 of 1981), shall have the same meaning as in that Act, any reference to that Act shall include any amendments to that Act and any regulations made in terms of that Act and, unless inconsistent with the context—

"Act" means the Manpower Training Act, 1981 (Act No. 56 of 1981);

"Board" means the Road Transport Industry Training Board established under clause 6;

"driver" means any person principally employed and used to control a goods vehicle in motion on a public road and includes a trainee driver;

"employee" means both driver and trainer;

"Fund" means the Road Transport Industry Training Fund referred to in clause 5;

"goods" mean all movable property including livestock;

"goods vehicle" means any vehicle—

- (a) designed or adapted for the conveyance of goods on a road; and
- (b) having a gross vehicle mass of more than 3 500 kilograms and designed or adapted for propulsion or haulage by means of any power other than human or animal power and includes any trailer;

"Industry" means the Road Transport Industry;

"member" means, for the purposes of clause 2, and employer in the Road Transport Industry who is an ordinary member in good standing of the Public Carriers Association;

"public carrier" means a natural person or corporate body whose business it is to carry goods for hire or reward, but does not include a bus operator;

"Public Carriers Association" means the association of public carriers registered in terms of section 21 of the Companies Act, 1973;

"public road" means any road declared or recognised as a public road under any law and includes any road, street, thoroughfare or other place (whether or not a thoroughfare) to which the public, or any section of the public, has right of access;

"Road Transport Industry" means the industry in which employers and employees are associated for the purpose of the transportation of goods by means of a goods vehicle for hire or reward on a public road;

"salaries and wages" means the gross payments for work done in the Industry, which includes normal pay, bonuses, payments for overtime, sickness and holidays and payments in kind, but which excludes cash allowances for travel and subsistence or director fees;

"Scheme" means the Road Transport Training Scheme;

"trailer" means any vehicle which is not self-propelled and which is designed or adapted to be drawn by a motor vehicle, and includes a semi-trailer;

"trainer" means any person employed to instruct any person in the driving of a goods vehicle, to teach any person the rules of the road or road traffic signs in connection with the operation of a goods vehicle or to supervise any person in the driving of a goods vehicle; and

"training incentive" means any grant, subsidy, bounty or other benefit, whether financial or otherwise, paid or obtained from the Fund or granted in terms of the Scheme, to an employer for the education and training of his employees.

4. OBJECTS OF THE SCHEME

The objects of the Scheme are—

- (1) to ensure adequate training for all employees in the Industry;
- (2) to secure an improvement in the quality and efficiency of training in the Industry;
- (3) to establish, conduct and control a private training centre as contemplated in terms of section 32 (1) of the Act;
- (4) to encourage and finance research into—
 - (a) the improvement of training; and
 - (b) the development of systems and technologies which reduce training requirements within the Industry;
- (5) to borrow, invest, lend, subscribe or donate money for the furtherance of these objects;

- (6) to acquire any movable property, either by purchase, lease or otherwise, required for the proper administration of the Scheme's affairs or any immovable property required for the purpose of office accommodation for the Scheme or accommodation for training purposes or matters incidental thereto and to sell, let, mortgage, hypothecate or otherwise deal with or dispose of such movable property or immovable property;
- (7) to provide employers in the Industry with training incentives to educate and train their employees;
- (8) to maintain a register of employees in the Industry; and
- (9) to do all such things as may be necessary to achieve the objects set out above.

5. THE ROAD TRANSPORT INDUSTRY TRAINING FUND

- (1) There is hereby established a fund to be known as the Road Transport Industry Training Fund.
- (2) The Fund shall consist of—
 - (a) contributions paid into the Fund in terms of clause 7;
 - (b) interest and/or capital appreciation derived from the investment of any moneys of the Fund; and
 - (c) any other sums to which the Fund may become entitled.

6. ESTABLISHMENT AND FUNCTION OF THE ROAD TRANSPORT INDUSTRY TRAINING BOARD

- (1) (a) The Scheme shall be administered by the Road Transport Industry Training Board, which shall consist of a chairman and not less than four and not more than seven members appointed as follows by the Public Carriers Association:
 - (i) The Chairman shall be appointed solely on the grounds of his knowledge and experience of road transport and training.
 - (ii) At least four members shall be nominated by employer associations in the Industry so as to provide the widest representation.
 - (iii) Further members may be appointed on account of their special knowledge or experience of matters pertaining to the objects of the Scheme.
- (b) The Public Carriers Association may at any time remove any member appointed by it and any member may at any time resign by notice of one calendar month in writing to the Chairman of the Board.
- (2) The Board shall have the right to co-opt, in an advisory capacity, such other persons as it may deem necessary.
- (3) The Board shall have the power to—
 - (a) deal with all matters falling within the scope of the objects of the scheme as set out in clause 4; and
 - (b) make such rules and regulations for the proper conduct of its business as it may consider advisable.
- (4) Three members and the Chairman of the Board shall constitute a quorum.

7. RETURNS AND CONTRIBUTIONS TO THE FUND

- (1) Each employer in the Industry that is required to pay a levy to the Scheme shall submit to the Road Transport Industry Training Board by the 15th day of the second month following the end of each quarter a return showing the wages and salaries paid by him in the three calendar months preceding 31 March, 30 June, 30 September and 31 December, each year. The employer shall have such returns certified annually by a public auditor.
- (2) Each employer in the Industry shall pay to the Road Transport Industry Training Fund, P.O. Box 77353, Fontainebleau, 2032, or such other address as may be advised in writing and posted by prepaid registered post to the employer, by the 15th day of the second month following each quarter, a levy of 0,5% of the salaries and wages of employees covered by the return specified in clause 7 (1) of this Scheme.
- (3) Every employer shall in respect of every employee keep a record which contains—
 - (a) the name of the employee;
 - (b) the residential and postal addresses of the employee;
 - (c) the national registration number of the employee;
 - (d) the date of appointment;
 - (e) the designation of the position to which appointed;
 - (f) the training received by the employee while employed by the employer;
 - (g) any educational courses completed by the employee while in the employ of the employer and any examinations passed together with the grade or standard of pass; and
 - (h) the categories of driver's licences held by the employee and the registration numbers of such driver's licences.
- (4) The employer shall furnish the Board by the 15th day of the second month following the end of each quarter with a notice of any change in the name, address, position, training, educational status or driving status of each employee, together with any appointments, transfers, resignations or dismissals of such employees.

8. INFORMATION

(1) The Board shall furnish every employer with details concerning the Scheme in such form as it may from time to time determine: Provided that such details shall include at least the constitution of the Board, the contributions to be made towards the Fund, the training incentives to be provided by the Scheme and the procedure to be followed for the lodging of claims against the Scheme.

(2) The Board shall, within six months after the close of each financial year, submit to the Director-General of Labour and to the Public Carriers Association a report on its activities during that financial year together with a copy of the audited statement of income and expenditure.

(3) A copy of the report and statement of income and expenditure shall be made available to the public at the head office of the Board.

9. FINANCE

(1) All moneys paid into the Fund shall be deposited in a bank account opened in the name of the Fund. Payments from the Fund shall be by cheque or debit order signed by such persons as may from time to time be authorised by the Board.

(2) All moneys not required to meet current payments of the administrative expenses of the Board and the Scheme, less a reasonable operating balance, shall be invested as directed by the Board.

(3) The Board shall appoint a public auditor who shall be paid out of the Fund. The accounts are to be audited annually for the period ending 31 March.

10. DISSOLUTION OF THE FUND

(1) In the event of the termination of the Scheme for any reason whatsoever, the Board members, or the Public Carriers Association in the absence of any Board members, shall forthwith appoint a trustee or trustees to continue to administer the Fund in accordance with the objects of the Scheme until all available moneys have been expended. In the administration of the Fund the trustee or trustees shall have all the powers of the Board.

(2) All administrative charges shall be charges against the Fund.

11. AGENTS

The Board may appoint agents to give effect to the objects of the Scheme on such terms and under such conditions as the Board may deem fit. The appointment of an agent may be revoked by the Board at any time and for any reason. The agent shall be entitled to enter any establishment and may question the employer or any employee and in respect of the record mentioned in clause 7 (3) for the purpose of ascertaining whether or not clause 7 is being observed.

12. INDEMNITY

The members of the Board shall not be liable for any loss to the Fund arising from any improper investment made in good faith, or by any act in their bona fide administration of the Fund, or by negligence or fraud by any person employed by the Board, or by reason of any act or omission by members or by reason of any other matter or thing save individual wilful or fraudulent wrongdoing on the part of such members who can be made liable. Any such member shall be reimbursed by the Fund for any liability incurred by him in defending any proceedings, whether civil or criminal arising out of an allegation involving bad faith in which judgment is given in his favour or in which he is acquitted.

13. EXEMPTIONS

(1) The Minister of Labour or any officer in the service of the Department of Labour to whom any power to grant exemption from a training scheme in terms of section 39 (4) of the Act has been granted, may grant exemption from any provision of clause 7 of the Scheme after consultation with the Board.

(2) Any application for exemption must be lodged with the Training Board, P.O. Box 77353, Fontainebleau, 2032, which must forward such application together with any recommendation by the Board to the Director-General of Labour.

No. R. 484

4 April 1997

MANPOWER TRAINING ACT, 1981

TRAINING BOARD FOR THE DAIRY INDUSTRY: DESIGNATION OF TRADES AND AMENDMENT OF CONDITIONS OF APPRENTICESHIP

I, Tito Titus, Mboweni, Minister of Labour, acting in terms of section 13 of the Manpower Training Act, 1981, hereby amend with effect from the second Monday after the date of this notice, Government Notice No. R. 410 of 17 March 1995, by—

(a) substituting paragraph 1 (a) of the list of Trades by the following paragraph:

“(a) designate in the Dairy Industry in the Republic of South Africa the undermentioned trades as trades in respect of which the Act shall apply with effect from the date of publication of this notice:

TRADES

Condensed Milk Preparer
 Cottage Cheese Maker
 Dairy Powder Maker
 Fermented Dairy Products Preparer
 Fresh Milk Maker
 Sterimilk Preparer."

T. T. MBOWENI

Minister of Labour

No. R. 485

4 April 1997

MANPOWER TRAINING ACT, 1981

HAIRDRESSING AND COSMETOLOGY SERVICES INDUSTRY EDUCATION AND TRAINING BOARD: DESIGNATION OF TRADES AND PRESCRIPTION OF CONDITIONS OF APPRENTICESHIP

1. I, Tito Titus Mboweni, Minister of Labour, acting in terms of section 13 of the Manpower Training Act, 1981, hereby—
- (a) designate the undermentioned trades as trades in respect of which the Act shall apply with effect from the second Monday after the date of publication of this notice in the Hairdressing and Cosmetology Services Industry Education and Training Board, in the Republic of South Africa:

TRADES

1. Africa Hairdressing.
 2. Gent's Hairdressing.
 3. Ladies' Caucasian Hairdressing.
 4. General Hairdressing.
- (b) prescribe, with effect from the second Monday after the date of publication of this notice, the conditions set out hereunder as Conditions of Apprenticeship in respect of the trades designated in paragraph (a) in the industry in the Republic of South Africa; and
- (c) withdraw, with effect from the second Monday after the date of publication of this notice, Government Notices Nos. R. 1677 of 2 August 1985, R. 935 of 3 May 1991, as amended by Government Notices Nos. R. 2456 of 18 October 1991 and R. 1787 of 17 November 1995:

Provided that the Conditions of Apprenticeship contained in the said Government Notices in respect of the trade Ladies' and Gent's Hairdressing shall remain applicable in respect of apprentices in the said trade whose contracts of apprenticeship were entered into prior to the date of coming into operation of this notice and who preferred that the said Conditions of Apprenticeship shall continue to be applicable to their contracts of apprenticeship as provided for in section 53 (4) of the Manpower Training Amendment Act, 1990 (Act No. 39 of 1990).

2. For the purpose of this notice—

- 2.1 "Act" means the Manpower Training Act, 1981;
- 2.2 "Board" means the Hairdressing and Cosmetology Services Industry Education and Training Board;
- 2.3 "Cosmetology" means any one or more of the services usually performed by cosmetologists in a salon and includes, but is not limited to—
 - 2.3.1 manicure, pedicure, nail technology, or the application of artificial nails or nail extensions, whatever the substance used including acrylic; fibre glass or gel;
 - 2.3.2 eyebrow shaping and plucking including the application of false or artificial eyebrows and eyelashes;
 - 2.3.3 cosmetic and camouflage makeup of the face and its features, whether by permanent, semi-permanent or temporary means;
 - 2.3.4 facial skin care;
 - 2.3.5 removal of unwanted or superfluous hair from the head or face by whatever means are used, other than shaving, but including waxing, chemical depilatories, electrical or mechanical means, whether or not by apparatus, appliance, heat, preparation or substance is used in any of these operations;
- 2.4 "hairdressing" means any one or more of the services usually performed by hairdressers in a salon, and includes, but is not limited to—
 - 2.4.1 any service to the scalp or the hair of the head or face, including the following:
 - 2.4.1.1 Shampooing and cleansing, and conditioning and treating;
 - 2.4.1.2 chemical reformation of the hair including permanent waving, relaxing and straightening of the hair;

- 2.4.1.3 hair colouring, including tinting, dyeing and colouring by means of permanent, semi permanent or temporary means, and including the use of colour rinses, shampoos, gels or mousses; and lightening by means of tints, bleaches, highlights or high lifting tints or toners;
 - 2.4.1.4 hair cutting and shaping;
 - 2.4.1.5 barbering services including shaving and singeing of hair;
 - 2.4.1.6 hair styling and arranging, including design, curling, waving (whatever means are used including water, the Marcel method, or heat) blow drying and blow waving and styling, tonging, pressing and silking,
- whether or not any apparatus, appliance, heat, preparation or substance is used in any of these operations;
- 2.4.2 massage or stimulative treatment or exercise of the face, scalp or neck;
 - 2.4.3 the adding to hair of natural and artificial hair and hair extensions, board work, postiche, wigmaking or the performing of any operation referred to in 2.4.1 on any wig or hairpiece to be worn by any person;
 - 2.4.4 trichology and trichology treatment including the treatment of abnormalities and disorders of the hair;
- 2.5 "salon" means a place where any one or more of the following services are performed for gain:
- 2.5.1 any hairdressing service;
 - 2.5.2 any hairdressing service and any cosmetology service;
 - 2.5.3 any cosmetology service mentioned in clause 2.3.1 whether or not it is combined with any hairdressing services;
 - 2.5.4 any cosmetology service mentioned in clause 2.3.1 and any other cosmetology service,
- but excludes any cosmetology service mentioned in clauses 2.3.2 to 2.3.5 if any one or more of those are performed on their own and not together with any hairdressing service or any cosmetology service mentioned in clause 2.3.1.

T. T. MBOWENI

Minister of Labour

CONDITIONS OF APPRENTICESHIP

1. QUALIFICATION REQUIREMENTS FOR COMMENCING APPRENTICESHIP

The minimum age and educational qualifications for commencing apprenticeship are—

- (a) 16 years; and
- (b) Standard 7 or an equivalent adult education and training qualification with the subjects Biology or Science; or
- (c) as an alternative to (b), Modules 1 to 3 of the competency based modular training course prescribed by the Board at the present time for afro or gents or ladies caucasian or general hairdressing.

2. PERIOD OF APPRENTICESHIP

The minimum and maximum periods of apprenticeship for all trades is one year (52 weeks) and three years (156 weeks) respectively. The Board has the right, in consultation with the employer, to extend the apprenticeship by a maximum of six months (26 weeks).

3. MODULAR COMPETENCY AND TRADE TESTS

- (a) Competency tests, and theory examinations for all training modules, as well as the prescribed Board examination, have to be passed before a trade test may be attempted.
- (b) Overall competence has to be demonstrated in a trade test prior to the expiry of the maximum period of apprenticeship. If this is not attainable, and proof of progress is presented to the Board, it may extend the period of apprenticeship by a maximum of six months (26 weeks).
- (c) An apprentice is required to undergo a theoretical and practical (competency) examination upon the completion of the formal hours (as hereinafter described) for that module and is not entitled to recognition for a pass in a subsequent module until the examinations for the prior module have been passed. An apprentice will not be allowed to repeat the competence test for a module or Board exam or trade test more than three times, and if an apprentice fails any such test or exam for the third time the board may, after consultation with the employer the apprentice, and the guardian of the apprentice (where possible), cancel the apprenticeship contract.
- (d) If an apprentice fails the competency test of more than one module at the first attempt, the Board may, after consultation with the employer and the apprentice, cancel the apprenticeship contract.
- (e) If an apprentice—
 - (i) whose contract has been cancelled pursuant to (c) or (d) above; or
 - (ii) whose contract of apprenticeship has been rescinded before attaining the standard of proficiency which is prescribed in terms of paragraph (a) of this subsection; or

- (iii) who has attained theoretical or practical experience before entering into a contract of apprenticeship, wishes to enter into a new contract of apprenticeship, the Board may require him or her to undergo such tests of competence as it may require in order to decide whether a contract should be granted, and if so, at what level he or she should be allowed to enter the trade.
- (f) The employer and apprentice are jointly responsible for the progress of the apprentice, and the employer is obliged to schedule the apprentice's training in such a way as to ensure that the apprenticeship will be completed within the shortest possible time.
- (g) The prescribed technical courses are to be regarded as modules of the training schedule.
- (h) The apprentice may be required from time to time to undergo training at the training centre of another employer.
- (i) On completion of the modular competency tests for a trade, and after having passed the Board exam for that trade as a pre-entry requirement for the trade test, the apprentice may do a trade test at a centre accredited by the Board.
- (j) The cost of the first attempt at the trade test is to be borne by the Board as a training incentive to employers of apprentices. Thereafter, the cost of any attempt at the trade test is to be borne by the apprentice.

4. CONTRACT OF APPRENTICESHIP

- (a) A contract of apprenticeship is required to be in writing and signed personally by the apprentice and by/or on behalf of the employer. A minor is required to be assisted by his or her guardian in signing such a contract. The contract must be in a form approved by the Board, if it is, and if it complies with these requirements, it may be registered by the Board.
- (b) An employer may not terminate the services of an apprentice or cancel the contract of apprenticeship except by mutual consent, or with the permission of the Board.
- (c) An apprentice is subject to the disciplinary code of the employer, save that dismissal is governed by these Conditions, and suspension of the apprentice for more than one week is not permitted. On every occasion on which an apprentice is suspended, the employer is required to notify the Board within three days of the suspension taking effect.
- (d) A contract of apprenticeship may be transferred from one employer to another by agreement between the parties concerned, and failing agreement, as the Board may decide.
- (e) The matters specified in paragraph (k), (l), (m), (n), (o) and (p) of subsection (2) of section 13 of the Act, will be as regulated by industrial agreement in the hairdressing trade in the area in which the apprentice is employed. If in the area in which the apprentice is employed there is not an industrial agreement which applied, or if there is an industrial agreement which is silent on such matters in the area in which the apprentice is employed, then the provisions of the industrial agreement in the hairdressing trade which applies to Johannesburg, will govern the matter. If in any such industrial agreement as is contemplated by this paragraph no reference is made to an apprentice, then the said provisions of the agreement as they apply to employees generally, will be applicable.
- (f) The minimum number of apprentices who may be employed by an employer shall be two apprentices for every hairdresser employed by that employer and recognised as qualified by the Board's local apprenticeship committee.

5. TECHNICAL AND NON TECHNICAL STUDIES

- (a) An apprentice must undertake such technical and non technical studies (hereinafter called "accredited courses") relevant to the modules as determined by the training committee and sanctioned by the Board from time to time according to its standing procedures, and the apprentice must complete such practical and theoretical training appropriate to the trade as may be prescribed by the Board.
- (b) Accredited courses must be undergone at a training institution accredited by the Board and by a trainer accredited by the Board. The hours to be spent at an accredited training institution must be as specified in the NIC/NSC course specifications for the trade as published by the Minister of Education and Training on the advice, and with the consent, of the Board, and are to be known as "the formal hours".
- (c) Whenever an apprentice is required to attend accredited courses at an accredited training institution, that apprentice's employer must pay him or her the full remuneration for the day or days attended at a rate not less than the ordinary rate of remuneration, as if the apprentice had on such day or days worked his or her average ordinary hours.
- (d) An apprentice is required to attend courses at an accredited training institution on one day per week for the duration of the formal hours specified for each module.
- (e) The fees payable in respect of any test referred to in paragraph 3 (c) will be the fee determined by the Board after consultation with the accredited training institutions.

6. PAYMENT OF CLASS, COURSE AND EXAMINATION FEES

- (a) An employer must pay the class, course and examination fees payable by an apprentice to an accredited training institution for accredited courses: Provided that an employer is not required to pay any such amounts in respect of module 1 of the training modules,
- (b) The amounts paid by an employer in terms of (a) may be deducted in equal monthly payments from the apprentice's wages during a period of 12 months commencing from the date that the advanced amount was paid: Provided that—
 - (i) if, at an examination, the apprentice obtains the certificate for which he or she was enrolled, the full amount deducted from his or her wages by the employer shall forthwith be refunded to him or her by the employer; and
 - (ii) if the apprentice fails to obtain the certificate at the first attempt, he or she forfeits any entitlement to have the class, course and examination fees for that certificate paid on his or her behalf by the employer;
 - (iii) nothing in (ii) above shall prevent an employer from refunding such class, course and examination fees for that certificate to an apprentice once the apprentice has obtained the certificate.
- (c) If with the approval of the Board an apprenticeship contract is transferred from one employer ("the transferor") to another ("the transferee"), and the transferor has advanced any amount in respect of class, course and examination fees for that apprentice, and has not yet recovered them from the apprentice by way of the permitted wage deductions, the transferee shall upon registration of the transfer forthwith pay to the Board for payment to the transferor the full amount of such fees, less any amount already deducted by the transferor from the wages of the apprentice, whereupon the rights of the apprentice shall be against the transferee alone, who shall be deemed to have paid the full amount of the said fees, and who shall be deemed to have received from the transferor the amount deducted by the transferor from the wages of the apprentice.
- (d) If—
 - (i) an apprentice, in breach of an apprenticeship contract, deserts an employer; or
 - (ii) an apprenticeship contract is cancelled, for any other reason, the employer of that apprentice may request the Local Apprenticeship Committee of the Board having jurisdiction over the apprentice to direct that the apprentice repay to the employer any amount expended by the employer from the date of conclusion of the contract until the date of desertion or cancellation, as the case may be, in respect of class, course and examination fees for that apprentice, and not recovered by way of deductions from the wages of the apprentice, unless such deductions were refunded to the apprentice in terms of paragraph (b) above, and the Local Apprenticeship Committee may make such order as to it seems just, subject to a right of appeal to the Board.
- (e) Nothing in this paragraph shall be construed as prohibiting any provision in a service contract between an apprentice and his or her employer in terms of which the apprentice is obliged to spend one year in the service of the employer after the termination of her apprenticeship contract, failing which the employer shall be entitled to recover from the apprentice any class, course or examination fees paid by the employer on his or her behalf during the currency of the apprenticeship contract.

7. TRAINING COURSES

- (a) An employer shall ensure that an apprentice obtains the practical training in the trade in which he or she is indentured in accordance with the training schedules approved and published by the Board and issued to the employer from time to time.
- (b) The training schedule in respect of each module must specify the types of work in respect of which the employer is obliged to provide practical training to apprentices, and the number of hours during which such training is to be provided, and these hours shall be known as "the informal hours".
- (c) Training by the employer for the informal hours required for each module must be provided by the employer at the same time as the apprentice is undergoing training in the formal hours at an accredited institution.

8. APPLICATION OF LABOUR RELATIONS ACT, 1995

To the extent that these Conditions of Apprenticeship are terms and conditions relating to the employment of apprentices in the hairdressing and cosmetology services industry, the provisions of the Labour Relations Act shall, **where applicable**, apply to them, and regulate disputes between employers and their apprentices which cannot be conciliated by the Board.

9. WAGES

- (a) For the purposes of this clause—

Area 1 means the Magisterial Districts of Bellville, Goodwood, Simonstown, The Cape and Wynberg;

Area 2 means the Magisterial District of East London;

Area 3 means the Magisterial Districts of Despatch, Port Elizabeth and Uitenhage;

Area 4 means the Magisterial Districts of Pretoria and Wonderboom;

Area 5 means the Magisterial District of Klerksdorp;

Area 6 means the Magisterial Districts of Alberton, Benoni, Brakpan, Delmas, Germiston, Johannesburg, Kempton Park, Krugersdorp, Potchefstroom, Randburg, Randfontein, Roodepoort, Springs, Vanderbijlpark, Vereeniging and Westonaria;

Area 7 means the Magisterial Districts of South Africa other than those listed in Areas 1 to 6 above;

Area 8 means the Magisterial Districts of Durban, Inanda, Pietermaritzburg and Pinetown.

(b) From the date of publication hereof—

(1) An apprentice who came into the trade after 1 May 1995, without having been to an accredited training institution before entering into a contract of apprenticeship in the trade, shall be paid wages at the rates in the following table:

(i)	In Areas 4 and 8 until Module 1 has been passed: R650 p.m.
(ii)	In Areas 1 to 5 inclusive and Area 7 until Module 1 has been passed: R715 p.m.
(iii)	In Area 6 until Module 1 has been passed: R800 p.m.
(iv)	In all areas an additional R30 in respect of the first module passed and an additional R50 per module passed for each other module.

(2) For the purpose of subclause (b) (1), to have passed a module means to have passed the theory and practical examination of that module.

(c) The rights of an apprentice who entered into a contract of apprenticeship in the trade before 1 May 1995, and who had already passed all six modules by the time he or she entered the trade, are not affected by subclause (b), and he or she remains entitled to the wages of an apprentice who has passed all six modules, which is hereby adjusted to—

- (1) R930 per month in Areas 4 and 8;
- (2) R995 per month in Areas 1 to 5 inclusive and Area 7;
- (3) R1 080 per month in Area 6.

(d) The rights of an apprentice who entered into a contract of apprenticeship in the industry before 1 May 1995, and who had already passed some modules, but not all six modules, will not be affected to the extent that he or she has already acquired a right to the wages for a particular module passed, and he or she will be entitled to the new wage for that module set out in the table in subclause (b).

(e) (1) An apprentice who enters into a contract of apprenticeship in the trade after 1 May 1995, and who has already passed all six modules at an accredited training institution, will enter the industry on a basic wage of—

- (i) R650 per month in Areas 4 and 8;
- (ii) R715 per month in Areas 1 to 5 inclusive and Area 7;
- (iii) R800 per month in Area 6.

(2) He or she will receive an increase of R30 after the first three months, and thereafter every three months from the date on which he or she entered the trade he or she shall receive an increase of R50 to bring him or her up at the end of 18 months to—

- (i) R930 per month in Areas 4 and 8;
- (ii) R995 per month in Areas 1 to 5 inclusive and Area 7;
- (iii) R1 080 per month in Area 6.

(f) (1) An apprentice who enters into a contract of apprenticeship in the trade after 1 May 1995, and who has already passed some modules, but not all six modules, at an accredited training institution enters the trade on a basic wage of—

- (i) R650 per month in Areas 4 and 8;
- (ii) R715 per month in Areas 1 to 5 inclusive and Area 7;
- (iii) R800 per month in Area 6;

(2) He or she will receive an increase of R30 after the first three months, and thereafter every three months from the date on which he or she entered the trade he or she shall receive an increase of R50 to bring him or her up at the end of 18 months to—

- (i) R930 per month in Areas 4 and 8;
- (ii) R995 per month in Areas 1 to 5 inclusive and Area 7;
- (iii) R1 080 per month in Area 6.

(3) Nothing in this clause is to be construed as entitling an apprentice to more than he or she would have been entitled in terms of the Table in subclause (b).

(g) For the purposes of subclauses (c) to (f) to have passed a module means—

- (1) until 1 May 1995, to have completed only the formal hours in respect of that module;
- (2) after 1 May 1995, to have completed the formal hours and to have passed both the theory and practical examination of that module.

No. R. 486

4 April 1997

MANPOWER TRAINING ACT, 1981

PRINTING, NEWSPAPER AND PACKAGING INDUSTRIES TRAINING BOARD: DESIGNATION OF A TRADE AND AMENDMENT OF CONDITIONS OF APPRENTICESHIP

I, Tito Titus Mboweni, Minister of Labour, acting in terms of section 13 of the Manpower Training Act, 1981, hereby amend with effect from the second Monday after the date of this notice, Government Notice No. R. 1936 of 22 December 1995 by—

(a) substituting paragraph (3) of the list of Trades by the following paragraph:

“(3) Machine Minding (Packaging):

- ▶ Specialised Divisions.
- ▶ Bag Making.
- ▶ Can Making.
- ▶ Carton Making.
- ▶ Corrugated Board Manufacturing Machine Minding.
- ▶ Corrugated Board Printing and Finishing Machine Minding.
- ▶ End Making.
- ▶ Laminating.
- ▶ Paper Sack Making.
- ▶ Rotary Printing and Re-Reeling.”.

(b) substituting paragraph (2) of clause 1 of the Conditions of Apprenticeship by the following paragraph:

“(2) Standard 8 in respect of the trades (specialised divisions):

Bagmaking
Bookbinding Craft/cutting
Bookbinding Mechanised/cutting
Can Making
Carton Making
Continuous stationery machine minding
Corrugated Board Manufacturing Machine Minding
Corrugated Board Printing and Finishing Machine Minding
End Making
Flexographic Machine Minding
Gravure Machine Minding
Laminating
Letterpress Machine Minding
Lithography (Metal Decorating)
Lithography (Paper Section)
Paper Sack Making
Printers' Mechanic
Process Engraving
Roll Lable Machine Minding
Rotary Offset Machine Minding
Rotary Printing and Re-Reeling
Ruling/Cutting
Screen Printing
Stationery and Envelope Machine Adjuster”.

T. T. MBOWENI
Minister of Labour

No. R. 520

4 April 1997

LABOUR RELATIONS ACT, 1956

HAIRDRESSING TRADE (KWAZULU-NATAL): AMENDMENT OF AGREEMENT

I, Tito Titus Mboweni, Minister of Labour, hereby—

- (a) in terms of section 48 (1) (a) of the Labour Relations Act, 1956, declare that the provisions of the Agreement (hereinafter referred to as the Amending Agreement) which appears in the Schedule hereto and which relates to the Undertaking, Industry, Trade or Occupation referred to in the heading to this notice, shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 10 May 1998, upon the employers' organisation and the trade union which entered into the Amending Agreement and upon the employers and employees who are members of the said organisation or union, and
- (b) in terms of section 48 (1) (b) of the said Act, declare that the provisions of the Amending Agreement, excluding those contained in clauses 1.1.1 and 2, shall be binding, with effect from the second Monday after the date of publication of this notice and for the period ending 10 May 1998, upon all employers and employees, other than those referred to in paragraph (a) of this notice, who are engaged or employed in the said Undertaking, Industry, Trade or Occupation in the areas specified in clause 1 of the Amending Agreement.

T. T. MBOWENI

Minister of Labour

SCHEDULE**INDUSTRIAL COUNCIL FOR THE HAIRDRESSING TRADE NATAL****AGREEMENT**

in accordance with the provisions of the Labour Relations Act, 1956, made and entered into by and between the

South African Hairdressers' and Cosmetologists' Association

(hereinafter referred to as the "employers" or the "employers' organisation"), of the one part, and the

South African Hairdressers' Employees' Industrial Union

(hereinafter referred to as the "employees" or the "trade union"), of the other part,

being the parties to the Industrial Council for the Hairdressing Trade, Natal,

to amend the Agreement published under Government Notice No. R. 2114 of 24 July 1992, as renewed by Government Notice No. R. 361 of 7 March 1997.

1. SCOPE OF APPLICATION OF AGREEMENT

- 1.1 The terms of this Agreement shall be observed by employers and employees in the Hairdressing Trade (Natal)—
 - 1.1.1 who are members of the employers' organisation and the trade union, respectively; and
 - 1.1.2 who are engaged or employed in the Magisterial Districts of Durban and Inanda, but excluding any portion of that area falling within the self-governing territory of KwaZulu-Natal.
- 1.2 The terms of this Agreement shall apply to apprentices in so far as they are not inconsistent with conditions of apprenticeship published under the Manpower Training Act, 1981.

2. PERIOD OF OPERATION OF AGREEMENT

This Agreement shall come into operation on such date as may be fixed by the Minister of Labour in terms of section 48 of the Labour Relations Act, 1956, and shall remain in force until 10 May 1998 or for such period as the Minister may determine.

3. CLAUSE 11: PAYMENT OF WAGES

- (1) Substitute the following for the existing clause 11.1:

"11.1 No employer shall pay and no employee shall accept wages lower than those prescribed hereunder:

CODE:

COTT — Certificate of trade test.

MC — Master certificate.

ACTT — Afro Certificate of trade test.

ABE — Afro—with Board examination certificate.

QET — Completed contract of apprenticeship (effluxion of time).

CC — Certificate of competency.

MC — Manicurist.
 BC — Beauty culturist.
 REC — Receptionist.
 AUQ — Afro unqualified.
 SH — Shampooist.
 SH1 — Shampooist (with module 1).
 GA — General assistant.
 CE — Council exemption.
 TH — Trainee hairdresser.
 NW — Non-working employer.

* Subject to attendance allowance of R20 per month.

Employee	Wage per month	Wage per week	Wage per hour
Hairdresser (qualified) with code COTT, MC or ACTT:			
First year after qualifying	1 050,00	242,31	5,38
Thereafter	1 200,00	276,92	6,15
Hairdresser (qualified) with code QET, CC or ABE:			
First year after qualifying	1 000,00	230,77	5,13
Thereafter	1 100,00	253,85	5,64
Manicurist and/or beauty culturist:			
First six months of experience	726,00	167,54	3,72
Thereafter	907,50	209,42	4,65
Receptionist and/or telephonist	907,50	209,31	4,65
Trainee hairdresser with code TH:			
TH/0 (on commencement)	625,00	144,23	3,20
TH/1 (with module 1)	655,00	151,15	3,36
TH/2 (with module 2)	705,00	162,69	3,62
TH/3 (with module 3)	755,00	174,23	3,87
Shampooist*:			
First year as a learner	715,00	165,00	3,67
Thereafter	770,00	177,69	3,95
Passed module one	803,00	185,31	4,12
General assistant*	715,00	165,00	3,67
Casual or part-time employee.....	Time and one third (1,33) of prescribed hourly Hrs. worked x 1,33 hourly rate". rate as per job category.		

(2) In clause 11.2, substitute the expression "R20" for the expression "R15".

4. CLAUSE 12: HOURS OF WORK AND PAYMENT FOR OVERTIME AND WORK ON SUNDAYS AND PUBLIC HOLIDAYS

(1) In clause 12.1, substitute the expression "45 hours" for the expression "46 hours".

(2) In clause 12.9.1, Step 2, substitute the expression "45" for the expression "46".

5. CLAUSE 17: EXPENSES OF THE COUNCIL

In clause 17.1.1, substitute the following table for the existing table:

"A" Category	B Employees' contribution per month
COTT, MC, AQH, ABE, QET, CC, CE, BC, MC, SH1 and apprentices and/or trainees (with Module 2 to 6).....	24,00
GA, SH.....	20,00."

6. CLAUSE 24: SICK BENEFIT FUND

(1) In clause 24.8.2, substitute the following table for the existing table:

"CATEGORY OF MEMBERS"		SCHEME A	SCHEME B			
		Member only	Member only	Member with 1 dependant	M+2	M+3
NW	Y	R34,00	R75,00	R138,00	R202,00	R267,00
COTT, MC, AQH, ABE, QET, CC, CE, BC, MC, SH1	X	R34,00	R75,00	R138,00	R202,00	R267,00
Apprentice Mod. 1 to 6.....	Y	R17,00	R17,00	R 17,00	R 17,00	R 17,00
Trainee hairdresser Mod. 2 to 6						
TH with Mod. 0 to 1.....	X	R28,00	R75,00	R138,00	R202,00	R267,00
SH & GA	Y	R14,00	R14,00	R 14,00	R 14,00	R 14,00."

(2) In Note 3.1, substitute the expressions "R17,00" and "R202,00" for the expressions "R6,00" and "R124,00", respectively.

Signed at Durban, on behalf of the parties, this 22nd day of October 1996.

M. J. WILMANS

Chairman of the Council

K. BURTON

Vice-Chairman of the Council

H. L. McCLURE

Secretary of the Council

No. R. 520

4 April 1997

WET OP ARBEIDSVERHOUDINGE, 1956

HAARKAPPERSBEDRYF (KWAZULU-NATAL): WYSIGING VAN OOREENKOMS

I, Tito Titus Mboweni, Minister van Arbeid, verklaar hierby—

- (a) kragtens artikel 48 (1) (a) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalings van die Ooreenkoms (hierna die Wysigingsooreenkoms genoem) wat in die Bylae hiervan verskyn en betrekking het op die Onderneming, Nywerheid, Bedryf of Beroep in die opskrif by hierdie kennisgewing vermeld, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 10 Mei 1998 eindig, bindend is vir die werkgewersorganisasie en die vakvereniging wat die Wysigingsooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasie of vereniging is; en

- (b) kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms, uitgesonderd dié vervat in klousules 1.1.1 en 2, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 10 Mei 1998 eindig, bindend is vir alle ander werkgewers en werknemers as dié genoem in paragraaf (a) van hierdie kennisgewing wat betrokke is by of in diens is in genoemde Onderneming, Nywerheid, Bedryf of Beroep in die gebiede in klousule 1 van die Wysigingsooreenkoms gespesifiseer.

T. T. MBOWENI

Minister van Arbeid

BYLAE

NYWERHEIDSRAAD VIR DIE HAARKAPPERSBEDRYF NATAL

OOREENKOMS

ooreenkomstig die bepalings van die Wet op Arbeidsverhoudinge, 1956, gesluit deur en aangegaan tussen die

South African Hairdressers' and Cosmetologists' Association

(hierna die "werkgewers" of die "werkgewersorganisasie" genoem), aan die een kant, en

South African Hairdressers' Employees' Industrial Union

(hierna die "werknemers" of die "vakvereniging" genoem), aan die ander kant,

wat die partye is by die Nywerheidsraad vir die Haarkappersbedryf, Natal,

tot wysiging van die Ooreenkoms gepubliseer by Goewermentskennisgewing No. R. 2114 van 24 Julie 1992, soos verleng deur Goewermentskennisgewing No. R. 361 gedateer 7 Maart 1997.

1. TOEPASSINGSBESTEK VAN OOREENKOMS

1.1 Hierdie Ooreenkoms moet nagekom word deur die werkgewers en werknemers in die Haarkappersbedryf (Natal)—

1.1.1 wat lede van onderskeidelik die werkgewersorganisasie en die vakvereniging is; en

1.1.2 wat betrokke is by of in diens is in die landdrostdistrikte Durban en Inanda, maar uitgesonderd enige gedeeltes van die gebied wat binne die selfregerende gebied KwaZulu-Natal val.

1.2 Hierdie Ooreenkoms is van toepassing op vakleerlinge slegs sover dit nie onbestaanbaar is nie met die Wet op Mannekragopleiding, 1981.

2. GELDIGHEIDSDUUR VAN OOREENKOMS

Hierdie Ooreenkoms tree in werking op 'n datum wat die Minister van Mannekrag, kragtens artikel 48 van die Wet op Arbeidsverhoudinge, 1956, bepaal en bly van krag tot 30 September 1992 of vir 'n tydperk wat die Minister vaststel.

3. KLOUSULE 11: BETALING VAN LONE

(1) Vervang die huidige klousule 11.1 deur die volgende:

"11.1 Geen lone laer as die onderstaande mag deur 'n werknemer aanvaar word nie:

KODE:

COTT—Vaktoetssertifikaat.

MC—Meestersertifikaat.

ACTT—Afro-vaktoetssertifikaat.

ABE—Afro-Raadseksamensertifikaat.

QET—Voltooide vakleerlingkontrak (tydsverloop).

CC—Raadsbevoegdheidsertifikaat.

MC—Manikuris.

BC—Skoonheidskundige.

REC—Ontvangsdame.

AUQ—Afro-ongekwalfiseerd.

SH—Sjampoeis.

SH1—Sjampoeis (saam met module 1).

GA—Algemene assistent.

CE—Raadsvrystelling.

TH—Leerlinghaarkapper.

NW—Nie-werkende werkgewer.

* Behoudens 'n bywoningstoelae van R20 per maand.

Werknemer	Loon per maand	Loon per week	Loon per uur
Haarkapper (gekwalfiseerd) met kode COTT, MC of ACTT:			
Eerste jaar na kwalifikasie.....	1 050,00	242,31	5,38
Daarna.....	1 200,00	276,92	6,15
Haarkapper (gekwalfiseerd) met kode QET, CC of ABE:			
Eerste jaar na kwalifikasie.....	1 000,00	230,77	5,13
Daarna.....	1 100,00	253,85	5,64
Manikuris en/of skoonheidskundige:			
Eerste ses maande ondervinding.....	726,00	167,54	3,72
Daarna.....	907,50	209,42	4,65
Ontvangsdame en/of telefoniste.....	907,50	209,31	4,65
Leerlinghaarkapper met kode TH:			
TH/0 (met aanvang)	625,00	144,23	3,20
TH/1 (saam met module 1)	655,00	151,15	3,36
TH/2 (met module 2)	705,00	162,69	3,62
TH/3 (met module 3)	755,00	174,23	3,87
Sjampoeis:*			
Eerste jaar: (As 'n leerling).....	715,00	165,00	3,67
Daarna.....	770,00	177,69	3,95
Module een geslaag.....	803,00	185,31	4,12
Algemene assistent*	715,00	165,00	3,67
Los en/of deelydse werknemer..... Tyd en een derde (1,33) van die voorgeskrewe Uur x 1,33 x werkbeskrywing". uurlikse loontarief ooreenkomstig die werkbe- skrywing			

(2) In klousule 11.2 vervang die uitdrukking "R15" deur die uitdrukking "R20".

4. KLOUSULE 12: WERKURE EN BETALING VIR OORTYD EN WERK OP SONDAE EN OPENBARE VAKANSIEDAE

- (1) In klousule 12.1 vervang die uitdrukking "46 uur" deur die uitdrukking "45 uur":
- (2) In klousule 12.9.1 Stap 2, vervang die uitdrukking "46 uur" deur die uitdrukking "45 uur".

5. KLOUSULE 17: UITGAWES VAN DIE RAAD

In klousule 17.1.1, vervang die bestaande tabel deur die volgende:

"A"	B
Kategorie	Werknemers se bydrae per mand
COTT, MC, AQH, ABE, QET, CC, CE, BC, MAN, SH1 en vakleerling en/of leerling (met Module 2 to 6)	24,00
GA, SH.....	20,00."

6. KLOUSULE 24: SIEKTEBYSTANDSFONDS

(1) In klousule 24.8.2 vervang hierdie tabel deur die volgende:

"KATEGORIE VAN LEDE		SKEMA A	SKEMA B			
		Slegs lid	Slegs lid	Lid met 1 afhanklike	L+2	L+3
NW	Y	R34,00	R75,00	R138,00	R202,00	R267,00
COTT, MC, AQH, ABE, QET, CC, CE, BC, MAN, SH1	X	R34,00	R75,00	R138,00	R202,00	R267,00
Vakleerling Mod. 1 tot 6	Y	R17,00	R17,00	R 17,00	R 17,00	R 17,00
Leerlinghaarkapper Mod. 2 tot 6						
TH met Mod. 0 tot 1	X	R28,00	R75,00	R138,00	R202,00	R267,00
SH & GA	Y	R14,00	R14,00	R 14,00	R 14,00	R 14,00."

(2) In Nota 3.1 vervang die uitdrukkings "R6,00 en R124,00" deur die uitdrukkings "R17,00 en R202,00" onderskeidelik. Namens die partye op hede die 22ste dag van Oktober 1996 te Durban onderteken.

M. J. WILMANS

Voorsitter

K. BURTON

Ondervoorsitter

H. L. McCLURE

Sekretaris

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