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GOVERNMENT NOTICE

DEPARTMENT OF LABOUR

No. R. 598

7 May 1999

MANPOWER TRAINING ACT 1981

CLEANING INDUSTRY TRAINING SCHEME

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, acting in terms of Section 39(5) of the Manpower Training Act, 1981, hereby declare that the provisions of the Scheme which appear in the Schedule hereto shall, with effect from the date of publication of this notice be binding upon all employers and all employees who are engaged or employed in the Cleaning Industry in the Republic of South Africa.

M.M.S. MDLADLANA
Minister of Labour

SCHEDULE

The Training Scheme for the Cleaning Industry has been established in terms of Section 39(4) of the Manpower Training Act 1981, for the training of employees in the Industry. The Scheme provided for the continuation of the Cleaning Industry Training and Development Fund for the purposes of the Scheme, the payment of contributions to the Fund by employers in the Industry and the administration of the Fund by the Cleaning Industry Training Board.

1. Name of the Scheme

The name of the Scheme is the 'Cleaning Industry Training Scheme'

2. Scope of application of the Scheme

The provisions of the Scheme shall be observed by all employers and employees who are engaged or employed in the Cleaning Industry in the Republic of South Africa.

3. Definitions

Any expression which is used in the Manpower Training Act 1981, when used in the Scheme, shall, unless qualified below, or is inconsistent with the context, have the same meaning as the Act, and any reference to the Act shall include any amendments to the Act and any regulation issued in terms of the Act:

- 3.1 "Act" means the Manpower Training Act 1981 (Act No. 56 of 1981);
- 3.2 "Board" means the Cleaning Industry Training Board;
- 3.3 "C.I.T.B". means the Cleaning Industry Training Board;
- 3.4 "Cleaning Industry" means the Industry in which employers and employees are associated to provide cleaning services, or the equipment and products used in the execution thereof.

Cleaning Industry Employers

will include

Contract Cleaners
 Carpet and Upholstery Cleaners
 Window Cleaners
 Car Wash and Valet
 Dry cleaners and launderers
 Other specialist cleaning services
 Distributors of cleaning
 equipment and products

but exclude

Garden services
 Swimming pool cleaning &
 maintenance
 Building restoration
 Municipal waste removal
 Collection of materials for
 recycling

Cleaning Industry Employees will be those employed by Industry Employers.

Employers and Employees having a connection with the Cleaning Industry

1. Employers in other industries for whom cleaning is incidental to, or a consequence of, their operations, who employ their own cleaners as a part of their workforce, will be exempted from paying levies to the C.I.T.B.
2. Occupants of residential properties employing domestic workers for the purpose of cleaning will be exempted from paying levies to the C.I.T.B.
3. The activities of the C.I.T.B. will cater for the training needs of any cleaner, including domestic cleaners. The cost of training for cleaners not employed by a Cleaning Industry Employer will be borne either by the cleaner himself, his employer, or the industry training board to which his employer is affiliated.

Cleaning is defined as any activity that removes dirt and unwanted matter, or makes aesthetic, hygienic or protective improvement.

Equipment and Products means any machine, equipment, consumable or chemical whose purpose is to facilitate cleaning.

- 3.5 “**employee**” means any person who is employed by or who is performing work for an employer in the Industry, and who receives or is entitled to receive remuneration from such employer;
- 3.6 “**employer**” means any person who employs or provides work for any person in the Industry and remunerates him, or who permits any person in any manner to assist him in the carrying on, or conducting of his business; and ‘employ’ and ‘employment’ have corresponding meanings;
- 3.7 “**Fund**” means the Cleaning Industry Training and Development Fund referred to in Clause 5;
- 3.8 “**remuneration**” paid or owed to employees on the grounds of service, i.e. the **payroll**, means gross earnings excluding fringe benefits;
- 3.9 “**Scheme**” means the Cleaning Industry Training Scheme. A reference to an enactment in this Scheme is a reference to that enactment as at the date hereof and as amended or re-enacted from time to time.

4. Objects of the Scheme

The objectives of the Scheme shall be to:

promote the use of training as a means to:

- ☐ upgrade skills in all cleaning related activities;
- ☐ improve productivity;
- ☐ teach new skills;

and

develop, institute and manage a framework of National Qualifications by :

- ☐ creating awareness among employers and employees of the National Qualifications Framework;
- ☐ setting required performance standards in consultation with the Industry;
- ☐ accrediting Training Centres at 'second level' in the Industry;
- ☐ providing assessment procedures for all sectors of the Industry;
- ☐ certifying job performance in accordance with Standards.

5. Cleaning Industry Training and Development Fund

5.1 The Cleaning Industry Training and Development Fund is hereby established under the conditions as stipulated in section 39, sub-sections 1 to 7, of the Act.

5.2 The Fund is administered by the Cleaning Industry Training Board.

5.3 Into the Fund shall be paid –

- 5.3.1 training levies in terms of clause 7 of this Scheme;
- 5.3.2 interest and/or capital appreciation from the investment of any monies of the Fund;
- 5.3.3 any other monies to which the Fund may become entitled, and
- 5.3.4 the monies of the Fund shall be used for the attainment of the objects of the Scheme as set out in clause 4.

6. Establishment and functions of the Cleaning Industry Training Board

6.1 The Cleaning Industry Training Board has been established by employers organisations in consultation with employees' organisations in the Cleaning Industry in accordance with a constitution approved by the Registrar.

6.2 The Board shall have the authority to deal with all matters falling within the scope of the objects of this Scheme.

7. Returns and contributions to the Fund

- 7.1 Every employer in the Industry shall for each month, pay by cheque or electronic transfer, by not later than the 21st of the following month, a levy of 1(one)% of remuneration of all employees as defined, and in addition thereto, Value Added Tax at the applicable rate, to the Accountant, Cleaning Industry Training Board.
- 7.2 Every employer in the Industry shall submit to the Accountant at the Board's Head Office, P O Box 19139, Fishers Hill, 1408, or any such other address as he may be notified of from time to time, by the 21st April annually, a return in a form determined by the Board, showing the remuneration paid by him to all his employees in the preceding period 1st April to 31st March. The employer shall have this return certified by a public auditor and shall forward a copy of the auditor's certificate with the return.
- 7.3 Costs incurred in collecting late payments and contributions and any loss of interest as a result of such late payments, shall be charged to and paid by the employer concerned: Provided that the Board may waive payment of such costs and interest or such part thereof as the Board may deem fit.

8. Information

- 8.1 The Board shall furnish every employer in the Industry with details concerning the Scheme in such form as the Board may from time to time determine: Provided that such details shall include at least details of the contributions to be made or the levies payable to the Fund, the financial incentives provided under the Scheme and the procedure to be followed for the lodging of claims against the Fund, as well as other details as may be deemed necessary.
- 8.2 The Board shall within three months after the close of each financial year, furnish the Registrar with a copy of the report of its activities during that financial year, together with a copy of the audited financial statements for that year and shall keep the report and statements open for inspection by any Industry representatives.
- 8.3 A copy of the constitution of the Board shall be made available to employers.

9. Finance

- 9.1 All monies received shall within seven days of receipt thereof, be deposited into a specified banking account opened in the name of the Fund.
- 9.2 Payments on behalf of the Fund shall be by cheque or debit order signed by such officials of the Board as may from time to time be authorised thereto by the Board.

9.3 Funds which are not required for immediate use shall at the discretion of the Board be invested in -

9.3.1 internal registered stock within the meaning of Section 21 of the Exchequer and Audit Act 1975 (Act No. 66 of 1975);

9.3.2 National Savings Certificates;

9.3.3. Post Office savings accounts or certificates;

9.3.4 savings accounts, permanent shares or fixed deposits in building societies or banks;

9.3.5 or in such a manner as may be approved by the Registrar.

9.4 The Board shall appoint a public auditor, who shall be paid out of the fund, to audit the accounts of the Fund annually for the period ending 31st March.

10. Dissolution of the Fund

10.1 Upon the termination of the Scheme, for any reason whatsoever, the assets of the Fund shall be disposed of by the Board in accordance with its constitution.

11. Agents

11.1 The Board may appoint agents or committees to give effect to the objects of the Scheme under such conditions and subject to such control as the Board deems fit.

11.2 An agent shall be empowered to enter any establishment and to question the employer or any employee for the purpose of ascertaining whether or not the provisions of clause 7 are being observed.

11.3 The appointment of an agent may be revoked by the Board at any time and for any reason.

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 the negligence or fraud of any person employed by the Board, or by reason of any act or omission by members or by reason of any other matter, save individual wilful or fraudulent wrongdoing on the part of such members as can be held responsible.

Any such Member shall be reimbursed by the Fund for any liability incurred in defending any proceedings, whether civil or criminal, arising out of an allegation involving bad faith in which judgement is given in favour of the member is acquitted.

13. Exemptions

Any application for exemption from any provision of this Scheme, which may be granted by the Minister in terms of Section 47 of the Act, shall be submitted to the Cleaning Industry Training Board, P O Box 19139, Fishers Hill, 1408, which shall forward such application together with any recommendation by the Board to the Director-General: Labour.

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