

Online system for national minimum wage exemptions

The Department of Labour is developing an online system to help analyse data submitted by employers when applying for national minimum wage exemptions.



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Exemptions cover employers who can demonstrate that they are not able to pay the national minimum wage.

This is according to the Department of Labour's Director of Collective Bargaining, Thembinkosi Mkalipi.

He said while exemptions were not new, as the department was currently dealing with them on sectoral determinations, he cautioned employers that there were serious consequences in the case of misrepresentation of facts.

Mkalipi was addressing a briefing session at the Premier Hotel Regent in East London on Thursday to inform trade unions/shop stewards on the implementation of the national minimum wage and amendments to the Basic Conditions of Employment Act (BCEA), the Labour Relations Act (LRA), the coming into effect of the Accord on Collective Bargaining and Industrial Action and the Code of Good Practice on Collective Bargaining, Industrial Action and Picketing.

He explained that the minimum wage, once it comes into force, will affect all workers who work in South Africa.

The national minimum wage is set for implementation from 1 May 2018.

The agreed national minimum wage at Nedlac is pegged at R20 an hour for major sectors, with the exception of sectors such as farm workers, domestic workers and Expanded Public Works Programme workers.

According to the National Minimum Wage Bill, employers may not pay wages that are below the minimum wage and the national minimum wage cannot be varied by contract, collective agreement or law.

The Bill further states that national minimum wage constitutes a term of the worker's contract except to the extent that the contract provides for a more favourable wage.

The Bill further states that it is unfair labour practice for an employer to unilaterally alter hours of work or other conditions of employment in implementing the national minimum wage.

Mkalipi said the national minimum wage was an outcome of a compromise.

"There are things in this Bill that business does not like, and there are things in this Bill that labour does not like.

"This Bill is an outcome of a compromise. It is an agreement of win-win and lose-lose for all parties. At Nedlac we managed to strike a balance in that while we do not destroy jobs we also save jobs," he said.

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