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## GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

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### DEPARTMENT OF LABOUR DEPARTEMENT VAN ARBEID

No. R. 219

17 March 2006

#### BASIC CONDITIONS OF EMPLOYMENT ACT, NO 75 OF 1997

#### SECTORAL DETERMINATION 12: FORESTRY SECTOR, SOUTH AFRICA

I, Membathisi Mphumzi Shepherd Mdladlana, Minister of Labour, hereby in terms of section 51(1) of the Basic Conditions of Employment Act, 1997, make a Sectoral Determination establishing conditions of employment and wages for employers and employees in the Forestry Sector, South Africa, in the schedule hereto and determine 1st April 2006 as the date from which provisions of the said Sectoral Determination shall become binding.



**MMS MDLADLANA, MP**  
**MINISTER OF LABOUR**

No. R. 219

17 Maart 2006

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#### WET OP BASIESE DIENSVOORWAARDES, NO 75 VAN 1997

#### SEKTORALE VASSTELLING 12: BOSBOU SEKTOR, SUID-AFRIKA

Ek, Membathisi Mphumzi Shepherd Mdladlana, Minister van Arbeid, maak ingevolge artikel 51(1) van die Wet op Basiese Diensvoorraades, No. 75 van 1997, 'n Sektorale Vasstelling met diensvoorraades vir werknemers en werkgewers ten opsigte van die Bosbou Sektor, Suid-Afrika wat in die bylae hier verskyn en bepaal 1ste April 2006 as die datum waarop die bepalings van die genoemde Sektorale Vasstelling bindend word.



**MMS MDLADLANA, LP**  
**MINISTER VAN ARBEID**

**PART A: APPLICATION****1. SCOPE OF APPLICATION**

- (1) The determination applies to the employment of forestry workers **in** all forestry activities in the Republic of South Africa.
- (2) For the purpose of this determination Forestry Sector refers to forestry operations related to planting, growing, tending and harvesting of trees. Without limiting its meaning, 'forestry activities' includes:
  - a) commercial timber growers;
  - b) emergent timber growers;
  - c) contractors where the majority of time is spent in relation to forestry contracting activities;
  - d) all transportation within the sector not covered by the Road Freight Bargaining Council;
  - e) a domestic worker employed in a home on a plantation where forestry activities take place;
  - f) a security guard employed to guard a plantation or other premises where forestry activities are conducted, who is not employed in the private security sector.
- (3) The determination does not apply to:
  - a) mixed farming employers where majority of the time is spent In relation to farming activities;
  - b) community forestry employers and employees;
  - c) employers where the majority of the time is spent in relation to conservation forestry activities;
  - d) any person employed or engaged in forestry activities covered by another sectoral determination or by a bargaining council agreement in terms of the Labour Relations Act, 1995 and includes but is not limited **to**:

- (i) transportation covered by the Road Freight Bargaining Council;
- (ii) the forest products sector, which includes all primary and secondary timber processing activities including the pulp and paper sector and whose operations are currently covered by bargaining council agreements.

## PART B: MINIMUM WAGES

### 2. MINIMUM WAGE LEVELS

- (1) With effect from 1 April 2006, an employer must pay the forestry worker at least the minimum wage prescribed in terms of table 1.
- (2) An employer must pay a forestry worker who works **45** ordinary hours of work per week –
  - (a) at least the weekly or monthly wage set out in Table 1; or
  - (b) by agreement between the employer and the forestry worker, at least an hourly rate set out in Table 1 for every hour or part of an hour that the forestry worker works.

Table 1: Minimum wages for employees in the Forestry Sector				
Minimum rate for the period			Minimum rate for the period	Minimum rate for the period
1 April 2006 to 31 March 2007			1 April 2007 to 31 March 2008	1 April 2008 to 31 March 2009
Monthly	Weekly	Hourly		
R836-00	R192,93	R4,28	Previous year's wage +CPIX*+2%	Previous year's wage +CPIX*+2%
* CPIX is the Consumer Price index, excluding interest rates on mortgage bonds for metropolitan and other urban areas as reported by Statistics SA six weeks before the increases become effective.				

### **3. ANNUAL WAGE INCREASES**

- (1) The annual wage increases must be equal to the Consumer Price Index plus two percentage points at a point **six** weeks before the wage increase comes into effect.

### **4. MINIMUM WAGES FOR FORESTRY WORKERS UNDER 18 YEARS OF AGE.**

- (1) An employer must pay a forestry worker who is 15 years of age or older, but less than **18** and **who** works for **35** hours per week or less at least the hourly rate or remuneration, specified in Table **1**.

### **5. TASK-BASED PAYMENT**

- (1) An employer and forestry worker may agree in writing that the forestry worker will perform task-based work on a regular basis.
- (2) An employer must pay a forestry worker who is employed on such a task-based system, remuneration at not less than the wage prescribed in clause 2 (2), plus the rates applicable under such system.
- (3) An employer shall not require or permit a forestry worker to undertake any work for him or her solely **on** the basis of the quantity of work done. Any amount payable to a forestry worker for task-based work in terms of sub-clause (2) shall be aside ~~from~~ and in addition to his or her wage, which shall not be less than the wage prescribed in clause 2 (2).
- (4) An agreement to perform task-based work in terms **of** this clause must be concluded before the work is commenced and must include-
  - (a) the forestry worker's wage and rate per task;
  - (b) the basis for calculating task-based payments;
  - (c) the period over which task-based payments are calculated which may not be longer than one month;

- (d) when the employer must pay task-based payments to the forestry worker which may not be longer than seven days after the end of the period in which the payment is earned; and
  - (e) the type, description, number, quantity, margin, profit, or orders (individual, weekly, monthly or otherwise) for which the forestry worker is entitled to earn wages.
- (5)
  - (a) An employer must ensure that a schedule reflecting the wage and rates referred to in clause 5 (2) is accessible to the forestry workers at **all** times.
  - (b) The employer must supply the forestry worker with a copy of the agreement to perform task-based work.
- (6) An employer who intends to cancel or amend any task-based system in operation or the rates applicable there under shall give the affected forestry workers not less than one month notice of such intention. The parties may agree in writing on a longer notice period.
- (7) A forestry worker who performs task-based work, or otherwise, his/her ordinary hours of work may be reduced on account of short-time provided that:
  - (a) A deduction made in the case of short time should not exceed one third of the forestry worker's weekly wage, irrespective of the number of hours by which the ordinary hours of work were reduced.
  - (b) Short time is applicable when unforeseen circumstances such as machinery breakdowns, weather fluctuations, and slackness of trade or shortage of raw materials exist.
  - (c) No deductions shall be made in the case of short time arising from machinery breakdowns, slackness of trade or shortage of raw materials unless the employer has given notice on the previous working day.