



NEWSFLASH / NUUSFLITS

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Investigation into the Abattoir Sector, South Africa.

The Department of Labour published in the Government Gazette no. 38788 on 12 May 2015 in terms of the Basic Conditions of Employment ACT, no 75 of 1997 to investigate conditions of employment and wages in the Abattoir Sector, South Africa.

The industry take note of the intended investigation and are committed to comply with all the requirements of the applicable law.

The legislature must constantly take into account the interests of both employees and employers.

The industry is of the opinion that the background of any investigation that may lead to new legislation should be communicated to the industry. In this regard it should be kept in mind that there is already legislation specifically for this industry. Additional legislation will be a further administrative burden, resulting in possible financial implications. It should be kept in mind that the additional guidelines should not lead to job losses. The abattoir legislation already provides for the operation of low throughput and rural abattoirs, mostly in rural areas.

Employers play a very important role in the creation and maintenance of employment opportunities thus contributing to the quality of life in the community. It must be emphasized that employers in the industry has committed to comply with applicable legislation in the industry. This includes the development of skills in order to provide a safe product to the industry and the consumers.

If the legislation results in the employers losing competitiveness the industry will no longer be able to create new employment opportunities and / or protect and maintain the current employment within the industry.

The Red Meat Abattoir Association and their members are willing to consult with industry experts, experts in the field of labour law, as well as to consult with the Department of Labour, in order to find sustainable solutions.

Although the association received proposed dates for visits to the individual abattoirs in the respective provinces, no dates for the public hearing has yet been determined.

The Government Gazette and the press release of the Department are below.

Please contact me should you require additional information

Ondersoek na die Abattoir Sektor, Suid-Afrika

Die Departement van Arbeid het in die Staatskoerant no. 38788 op 12 Mei 2015 gepubliseer in terme van die Basiese Diensvoorwaardes, Wet 75 van 1997 om die diensvoorwaardes en lone in die Abattoir Sektor, te ondersoek.”

Die bedryf neem kennis van voorgenome ondersoek en is reeds daartoe verbind om aan al die vereistes van toepaslike wetgewing te voldoen.

Die wetgewer moet deurlopend die belange van beide werknemers en werkgewers in ag geneem.

Die bedryf is van die opinie dat die agtergrond van enige ondersoek wat moontlik kan lei tot nuwe wetgewing sinvol aan die bedryf gekommunikeer behoort te word. In hierdie verband moet daar in gedagte gehou word dat daar reeds wetgewing bestaan wat spesifiek toepassing vind op hierdie bedryf. Bykomende wetgewing gaan 'n verdere administratiewe las, met moontlike finansiële implikasies, tot gevolg hê. Daar moet deurlopend in gedagte gehou word dat die bykomende riglyn nie tot werkverliese moet lei nie. Die abattoir wetgewing maak alreeds voorsiening vir die bedryf van lae deurset en landelike abattoirs, meesal in plattelandse areas.

Werkgewers speel 'n baie belangrike rol ten einde werkgeleenthede te skep en in stand te hou, waardeur 'n belangrike bydrae tot die kwaliteit van lewe van die gemeenskap in breë gemaak word. Dit word weereens beklemtoon dat werkgewers in die bedryf reeds daartoe verbind is om aan toepaslike wetgewing in die bedryf te voldoen. Dit sluit die ontwikkeling van vaardighede in om n veilige produk aan die bedryf te verskaf en dus die verbruiker.

Indien wetgewing daartoe bydra dat werkgewers in hierdie bedryf se besighede nie meer kompetender kan wees nie en dus die vermoë om mededingend op te tree verloor, sal die bedryf dit moeiliker vind om nuwe werkgeleenthede te skep en/of bestaande werkgeleenthede te beskerm en te behou.

Die Rooivleis Abattoir Vereniging en sy lede is bereid om met kundiges in die bedryf, met kundiges op die gebied van arbeidsreg, asook met die Departement van Arbeid te konsulteer, ten einde volhoubare oplossings te vind.

Die Vereniging he die voorgestelde datums ontvang vir die besoeke aan die individuele abattoirs in die onderskeie provinsies, maar het nog geen datums vir die publieke verhoore nie.

Die Staatskoerant en die persverklaring van die Departement is hier onder.

Kontak my asseblief indien u meer inligting benodig

Vriendelike groete



**DR GERHARD NEETHLING
GENERAL MANAGER
RED MEAT ABATTOIR ASSOCIATION**

GOVERNMENT NOTICE

DEPARTMENT OF LABOUR

No. 387

12 May 2015

BASIC CONDITIONS OF EMPLOYMENT ACT, NO 75 OF 1997**INVESTIGATION INTO THE ABATTOIR SECTOR, SOUTH AFRICA**

I, Mildred Nelisiwe Oliphant, Minister of Labour, give notice in terms of section 52 (3) of the Basic Conditions of Employment Act, 75 of 1997, of the commencement of an investigation into wages and conditions of employment in the Abattoir Sector, South Africa.

The terms of reference for this investigation shall be:

“to investigate conditions of employment and wages in the Abattoir Sector, South Africa”.

Interested persons are hereby given the opportunity of making written representations. Such representations should reach the Director: Employment Standards Directorate, Department of Labour, Private Bag X 117, Pretoria, 0001, within 60 days of the publication of this notice.


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**M. N. OLIPHANT, MP
MINISTER OF LABOUR**

DATE: *23/04/2015*
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labour

Department:
Labour
REPUBLIC OF SOUTH AFRICA

*Issued by Department of Labour
29 May 2015*

Department of Labour investigates feasibility of introducing sectoral determination to regulate minimum wage in Abattoir Sector

The struggle for social justice is an ongoing endeavour. In an effort to realise this, the Department of Labour has following a notice by Labour Minister Mildred Oliphant decided to institute an investigation into wages and conditions of employment in the Abattoir Sector in South Africa.

The investigation to introduce Sectoral Determination, which governs the setting of minimum wages and conditions of employment in the Abattoir Sector is designed to protect vulnerable workers.

Vulnerable workers are in the main described as those workers that lack representation by trade unions to negotiate their rights. These workers often lack a proper work contract and a decent salary, are often discriminated against and denied social benefits like medical aid, pension/provident funds, and are also not covered by the Unemployment Insurance Fund and Compensation for Occupational Injuries and Diseases Act (COIDA).

In seeking to protect the vulnerable workers the government is guided by conventions of the International Labour Organisation (ILO).

In an effort to address this situation Labour Minister uses legislation to prescribe a Sectoral Determination which prescribes minimum wage and basic conditions of employment to ensure workers live with decency.

The Department ably assisted by the Employment Conditions Commission (ECC), which advises the Minister on Sectoral Determinations will use information gathered from the submissions and during site visits to decide on the nature of the sectoral determination.

During the site visits by Department of Labour officials of a selected Abattoirs spread across all nine provinces - workers and employers will be offered an opportunity to air their views.

The site visits to conduct an investigation into the Abattoir Sector will start simultaneously on 11 June 2015 in the Eastern Cape and KwaZulu-Natal, and will conclude on 12 July 2015 in the Western Cape.

Chapter 8 of the Basic Conditions of the Employment Act deals with Sectoral Determination. The Sectoral determination regulates employment conditions in the vulnerable sectors of the economy. The purpose of Sectoral Determination is to lay down conditions of employment for workers such as the minimum wage rates, hours of work, leave, termination of employment among others.

South Africa currently has no national, statutory minimum wage. Therefore, the power to institute a sectoral determination rests with Labour Minister.

South Africa now has sectoral determinations for Artistic and Cultural Activities; Children in the Performance of Advertising Sector; Civil Contract Cleaning Sector; Civil Engineering Sector; Domestic Worker Sector; Farm Worker Sector; Forestry Sector; Hospitality Sector; Learnerships; Private Security Sector; Taxi Sector; and Wholesale & Retail Sector.

The decision to investigate the possibility to introduce a Sectoral Determination in the Abattoir sector dates back 2010, following a request from the Hotel, Liquor, Catering, Commercial and Allied Workers Union (HOTELLICCA).

The Abattoir Sector site visits would seek to provide guidance on who set the minimum wage for the sector; at what level should the minimum wage be set; method of calculations; the rates of adjustments; frequency of the review; factors to consider when deciding on new wage; punitive measures for failure to comply and a host of other factors

An Abattoir also known as slaughterhouse, shamble, meatwork - is a facility where animals are killed for consumption as food. Abattoirs were historically places managed in a haphazard and unregulated manner, until in modern times following the twin health and social concerns.

Some of the workers who stand to gain from the introduction of Sectoral Determination include those working in boning room or meat boners, (meat) slicers, slaughterers, meat packers; samplers; sorters; testers and packagers.

**Issued by: Mokgadi Pela
Acting Departmental Spokesman
082 808 2168**