

# **APPLICATION FOR VARIATION IN TERMS OF THE BASIC CONDITIONS OF EMPLOYMENT ACT 1997, AS AMENDED - 2015**

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1. Section 50 makes provision for the Minister to replace or exclude any basic condition of employment provided for in the Act in respect of any category of employees or category of employers or any employer or employee in respect of whom an application is made by the employer, the registered employer's organisation or the employer and the registered employers' organisation.
2. If an employer wants to apply for a Ministerial determination, an application must be in the form of BCEA 6 or contain the information required by that form.
3. **WHAT IS THE PURPOSE**  
This form is an application for a Ministerial determination to replace or exclude certain provisions of the Act or a Sectoral Determination.
4. **WHO FILLS IN THIS FORM?**  
The Employer
5. **WHERE DOES THIS FORM GO?**  
Provincial applications must be submitted to the relevant provincial offices as reflected on page 5 of the new BCEA 6 application form. National applications or applications covering more than one province and applications to vary prescribed minimum wages to The Executive Manager: Employment Standards, Private Bag X117, Pretoria. 0001

## **6. INSTRUCTIONS**

- Proof of any consent to the application by the registered trade union(s) in terms of section 50(7) (a) must be attached to this form.
  - A letter from the union or in the absence thereof, a sworn statement stating that none of the employees in respect of whom the determination is to apply belongs to a registered union; and/or
  - A letter of approval with names and signatures of employees whom the determination is to apply.
- If no consent is obtained, proof of service on registered trade union(s) and proof of reasonable steps to bring the application to the notice of employees must be attached.
- Shift roster must be included if applicable.

### **Additional information required:**

Reasons for not being able to comply with prescribed conditions. If there is insufficient space on the form use separate piece of paper.

## **7. FINANCIAL INFORMATION:**

- Statement of Financial Performance (Income Statement) with the necessary notes to explain the financial data for the 2011/2012, 2012/2013, 2013/2014 and 2014/2015 tax years. (If you do not have one for the 2014/2015 tax year, you must complete the attached Abridged Statement of Financial Performance – See Annexure A).
- Statement of Financial Position (Balance Sheet) with the necessary notes to explain the financial data for the 2011/2012, 2012/2013, 2013/2014 and 2014/2015 tax years. (If you do not have one for the 2014/2015 tax year, you must complete the attached Abridged Statement of Financial Position – See Annexure B).
- A list of employees with their current wages (wages register);
  - Permanent, Temporary, Seasonal, Contract.
- Minimum wage information sheet - A list revealing the number of employees, number of employees that will be affected, months worked per annum, hours worked per week, current hourly rates paid and minimum wage that the applicant is proposing to pay – See Annexure C.
- Project plan (attended projections of meeting the prescribed conditions by the end of February 2015).

## **8. Note:**

A Department of Labour official may conduct an inspection to verify the information or seek more information in relation to your application.

# APPLICATION FOR MINISTERIAL DETERMINATION: CHECK LIST FOR FARMERS - 2015

Please tick the following to ensure that you attached all the required documents to your application.

## Documentation required:

Duly completed and signed BCEA 6 application form or letter that contain the information required by that form

## Proof of consultation

- Consent - Collective agreement **or**
- If no consent, proof that copy of application together with notice were served on trade unions

## or in the absence of a union

- Sworn statement stating that none of the employees affected by the application belongs to a trade union
- Signatures of employees affected by the application



**Proof of consultation** Either a (1) collective agreement or proof of service Or

(2) A **sworn statement plus signatures of employees** must be submitted for the application to be considered.

## Financial statements:

- Statement of Financial Performance (Income Statement) for
  - 2011/2012 tax year
  - 2012/2013 tax year
  - 2013/2014 tax year
  - 2014/2015 tax year **or**
  - Abridged Statement of Financial Performance (Annexure A)

  
  
  
  


- Statement of Financial Position (Balance Sheet) for
  - 2011/2012 tax year
  - 2012/2013 tax year
  - 2013/2014 tax year
  - 2014/2015 tax year **or**
  - Abridged Statement of Financial Position (Annexure B)

  
  
  
  


- A list of employees with their current wages (wages register);
  - Permanent, Temporary, Seasonal and Contract.

- Minimum wage information sheet (Annexure C)

- Project plan (attended projections of meeting the prescribed conditions by the end of February 2016)



**Financial statements**

Without all documentation listed on the left the economist will not be able to accurately evaluate the financial situation and the application **will not be considered.**

## ABRIDGED STATEMENT OF FINANCIAL PERFORMANCE – INCOME STATEMENT – 2014/2015

	2014/2015	Budget - 2015/2016
Sales Revenue		
Cost of sales		
<b>Gross profit / loss</b>		
Other Income		
<b>Less Operating Expenses</b>		
Chemicals	( )	( )
Depreciation and amortisation	( )	( )
Electricity	( )	( )
Feed	( )	( )
Fertiliser	( )	( )
Fuel	( )	( )
Insecticides	( )	( )
Insurance and licences	( )	( )
Irrigation	( )	( )
Maintenance and repairs	( )	( )
Marketing cost	( )	( )
Packaging and storage	( )	( )
Rent	( )	( )
Salary and Wages	( )	( )
Transport	( )	( )

Other	( )	( )
<b>Operating Profit / Loss</b>		
Financing Income		
Finance Costs	( )	( )
<b>Profit / Loss before taxation</b>		
Taxation		
<b>Profit / Loss for the year</b>		

## ABRIDGED STATEMENT OF FINANCIAL POSITION – INCOME BALANCE SHEET – 2014/2015

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	2014/2015	Budget - 2015/2016
<b>Assets</b>		
<b>Non-current Assets</b>		
Fixed assets		
Other		
<b>Current Assets</b>		
Cash and cash equivalent		
Other		
<b>Total Assets</b>		
<b>Liabilities</b>		
<b>Non-current Liabilities</b>		
Other		
<b>Current Liabilities</b>		
Bank overdraft		
Other		
<b>Total Liabilities</b>		
<b>Net Equities</b>		

**MINIMUM WAGE INFORMATION - 2015**

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<b>Employees</b>	<b>Number of Employees</b>	<b>Number of Employees that will be affected</b>	<b>Months worked per year</b>	<b>Hours worked per week</b>	<b>Minimum Wage currently paid per hour</b>	<b>Employer propose to pay the following minimum wage per hour</b>
<b>Permanent</b>					R	R
<b>Temporary</b>					R	R
<b>Seasonal</b>					R	R
<b>Contract</b>					R	R
<b>Total</b>						