

Act No. 24, 1987

**CONDITIONS OF EMPLOYMENT
AMENDMENT ACT, 1987**

EXPLANATORY NOTE:

_____ Words underlined with solid line indicate insertions proposed.

[] Words in bold typing in square brackets indicate omissions proposed.

ACT

To amend the Conditions of Employment Act, 1986, so as to effect certain adjustments in the definition of "public holidays" in consequence of the Public Holidays Act, 1987; to provide that remuneration shall be payable in respect of a certain public holiday to certain employees; and to provide for incidental matters.

*(English text signed by the Administrator-General on
3 November 1987)*

BE IT ENACTED by the National Assembly, as follows:-

Amendment of section 1
of Act 12 of 1986.

1. Section 1 of the Conditions of Employment Act, 1986, is hereby amended by the substitution for the definition of "public holiday" of the following definition:

" 'public holiday' –

- (a) when it is used in relation to an employee other than an employee who is employed in or in connection with a shop, or in so far as a provision in which it is used is applied in relation to any such employee, means New Year's Day, Good Friday, Workers Day, Ascension Day [**Day of the Covenant**] or Christmas Day or any other day, if any, determined from time to time by any law as a public holiday to replace any one of the said public holidays;
- (b) when it is used in relation to an employee who is employed in or in connection with a shop, or in so far as a provision in which it is used is applied in relation to an employee who is so employed, means New Year's Day, Good Friday, Easter Monday, Workers Day, Ascension Day, [**Republic Day, Settlers' Day, Kruger Day, Day of the Covenant**] Day of Goodwill, Human Rights Day, Christmas Day or [**Boxing Day**] Family Day or any such other day

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as may be declared to be a public holiday under [section 2 of the Public Holidays Act, 1952 (Act 5 of 1952)] section 1 of the Public Holidays Act, 1987 (Act 7 of 1987);”.

Payment of remuneration to certain employees in respect of public holiday on 1 May 1987.

2. (1) Notwithstanding anything to the contrary in the Conditions of Employment Act, 1986 (Act 12 of 1986), contained, the day, Friday 1 May 1987, which was declared a public holiday by Proclamation AG. 12 of 1987, shall be deemed to have been a public holiday in respect of which remuneration became payable in accordance with the provisions of section 10 of the said Conditions of Employment Act, 1986, also to an employee referred to in paragraph (a) of the definition of “public holiday” in section 1 of the said Conditions of Employment Act, 1986, as if the said public holiday were on the date 1 May 1987 expressly mentioned in paragraph (a) of the said definition.

(2) (a) Subject to the provisions of paragraph (b), an employer who on 1 May 1987 employed an employee to whom the remuneration referred to in subsection (1) is payable, shall, within seven days from being so requested by such an employee, pay to such employee such remuneration.

(b) the provisions of paragraph (a) shall not apply –

(i) to an employer who has paid the said remuneration in respect of the public holiday referred to in subsection (1), to such an employee before the commencement of this section;

(ii) in respect of an employee referred to in section 10(7) of the Conditions of Employment Act, 1986.

(3) An employer who refuses or fails to comply with the provisions of paragraph (a) of subsection (2) shall be guilty of an offence and on conviction be liable to a fine not exceeding R300 or imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

Short title.

3. This Act shall be called the Conditions of Employment Amendment Act, 1987.