

CORPORATE NEWSLETTER

FEBRUARY 2011



Dear SEESA Client

IN THIS NEWSLETTER WE WILL BE DISCUSSING THE FOLLOWING TOPICS:

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BBBEE - ACCREDITED VERIFICATION AGENCIES UNDER THE SPOTLIGHT

The year 2010 has come and gone, and we are all anxiously waiting to see what this new year holds for businesses in South Africa regarding Broad-Based Black Economic Empowerment (B-BBEE).

In terms of B-BBEE, the new year kicked off with a proposed amendment to the Codes of Good Practice as published in the Government Notice 1140 of 2010 on 31 December 2010.

The most significant proposed amendment in the Notice is the inclusion as verification agents any Registered Auditor approved by the Independent Regulatory Board of Auditors (IRBA) in accordance with the approval granted by the Department of Trade and Industry (dti). If this proposed amendment is passed, Registered Auditors will be able to undertake verifications, subject to certain qualifying criteria.

The implication hereof is that a measured entity (the business to be verified) can, with the assistance of a BEE advisor, have a verification done by an audit firm instead of using the services of an accredited verification agency. This will need to be discussed in detail with your SEESA BEE advisor, and informed decisions must be made in this regard.

It should be noted however, that accredited verification agencies

have to comply with very stringent policies and procedures as well as undergo severe scrutiny in obtaining the status of an accredited verification agency. At this stage it appears that audit firms will not be subjected to the strict scrutiny which accredited verification agencies have to undergo. SEESA BEE is of the opinion, however, that audit firms should be subjected to the same policies and procedures as other accredited verification agencies.

Another interesting proposed amendment is the proposal that more than one accreditation body (currently only SANAS) should be responsible for the accreditation of verification agencies. There are strict requirements for an organisation applying to be an accreditation body. These requirements are set out in the above-mentioned Government Notice. This is a welcome proposal, as it could streamline the process of acquiring accreditation.

These proposed amendments are an attempt to increase the number of accredited verification agencies. More verification bodies will ensure a shorter turnaround time for on-site verifications and the issuing of certificates.

Whatever the amendments that are effected, be sure to contact your SEESA BEE advisor who will assist you every step of the way.

MINIMUM WAGES FOR EMPLOYEES IN THE WHOLESALE AND RETAIL SECTOR

Herewith the prescribed wages for Sectoral Determination 9: Wholesale and Retail.

MINIMUM WAGES FOR EMPLOYEES IN THE WHOLESALE AND RETAIL SECTOR

Table 1: Area A

Metropolitan and Local Municipality

Bergrivier, Breederivier, Buffalo City, Cape Agulhas, Cederberg, City of Cape Town, City of Johannesburg Metropolitan Municipality, City of Tshwane, Drakenstein, Ekurhuleni, Emalaheni, Emfuleni, Ethekwini Metropolitan Municipality, Gamagara, George, Hibiscus Coast, Karoo Hoogland, Kgatelopele, Khara Hais, Knysna, Kungwini, Kouga, Langeberg, Lesedi, Makana, Mangaung, Matzikama, Metsimaholo, Middelburg, Midvaal, Mngeni, Mogale, Mosselbaai, Msunduzi, Mtubatuba, Nama Khoi, Nelson Mandela, Nokeng tsa Taemane, Oudtshoorn, Overstrand, Plettenbergbaai, Potchefstroom, Randfontein, Richtersveld, Saldanha Bay, Sol Plaatjie, Stellenbosch, Swarland, Swellendam, Theewaterskloof, Umdoni, uMhlathuze and Witzenberg.

CATEGORY	01/02/2010 to 31/01/2011				01/02/2011 to 31/01/2012				01/02/2011 to 31/01/2012			
	R.p.h	R.p.w	R.p.m	27 Hours R.p.h	R.p.h	R.p.w	R.p.m	27 Hours R.p.h	R.p.h	R.p.w	R.p.m	27 Hours R.p.h
Assistant Manager	20.30	1,048.50	4,543.15	24.28	24.14	1086.25	4706.70	25.15				
Cashier	13.58	611.10	2,647.90	14.17	14.07	633.10	2743.22	14.68				
Clerk	1610	724.50	3,139.29	16.79	16.68	750.58	3252.27	17.39				
Displayer	16.72	752.40	3,260.15	17.44	17.32	779.49	3377.51	18.07				
Driver	Gross Vehicle mass: < 3 500 kg	12.27	552.15	2,392.47	12.79	12.71	572.03	2478.60	13.25			
	Gross Vehicle mass: 3 501 - <9 000kg	14.84	667.80	2,893.58	15.49	15.37	691.84	2997.75	16.05			
	Gross Vehicle mass: 9 0001 - <16 000kg	16.20	729.00	3,158.76	16.89	16.78	755.24	3272.47	17.50			
	Gross Vehicle mass: 16 001kg	17.90	801.00	3,470.73	18.56	18.44	829.84	3595.68	19.23			
Forklift operator	11.68	525.60	2,277.42	12.18	12.10	544.52	2359.41	12.62				
General Assistant	10.69	481.05	2,084.39	11.14	11.07	498.37	2159.43	11.54				
Manager	25.54	1,149.30	4,979.92	26.62	26.44	1190.67	5159.20	27.58				
Merchandiser	12.75	573.75	2,486.06	13.28	13.21	594.41	2575.56	13.76				
Security Guard	10.88	489.60	2121.44	11.45	11.27	507.23	2197.81	11.86				
Sales Assistant	16.10	724.50	3,139.26	16.79	16.68	750.58	3252.27	17.39				
Sales Person	1610	724.50	3,139.26	16.79	16.68	750.58	3252.27	17.39				
Shop Assistant	12.75	573.75	2,486.06	13.28	13.21	594.41	2575.56	13.76				
Supervisor	19.81	891.45	3,862.65	20.65	20.52	923.54	4001.71	21.39				
Trainee Manager	21.39	962.55	4,170.73	22.29	22.16	997.20	4320.88	23.09				

MINIMUM WAGES FOR EMPLOYEES IN THE WHOLESALE AND RETAIL SECTOR

Table 2: Area B

CATEGORY	01/02/2010 to 31/01/2011				01/02/2011 to 31/01/2012				01/02/2011 to 31/01/2012			
	R.p.h	R.p.w	R.p.m	27 Hours R.p.h	R.p.h	R.p.w	R.p.m	27 Hours R.p.h	R.p.h	R.p.w	R.p.m	27 Hours R.p.h
Assistant Manager	19.17	862.65	3,737.86	19.99	19.86	893.71	3872.43	20.71				
Cashier	11.15	501.75	2,174.08	11.63	11.55	519.81	2252.35	12.05				
Clerk	13.33	59985	2,59915	13.91	13.81	621.45	2692.72	14.41				
Displayer	12.86	578.70	2,507.51	13.40	13.32	599.53	2597.78	13.88				
Driver	Gross Vehicle mass: < 3 500 kg	9.93	446.85	1,936.20	10.35	10.29	462.94	2005.90	10.72			
	Gross Vehicle mass: 3 501 - <9 000kg	12.01	54045	2,341.77	12.52	12.44	559.91	2426.07	12.97			
	Gross Vehicle mass: 9 0001 - <16 000kg	14.52	653.40	2,831.18	15.14	15.04	676.92	2933.10	15.69			
	Gross Vehicle mass: 16 001kg	15.99	719.55	3,11781	16.66	16.57	745.45	3230.05	17.26			
Forklift operator	9.37	42165	1,82701	9.78	9.71	436.83	1892.78	10.13				
General Assistant	9.33	419.85	1,819.21	9.71	9.67	434.96	1884.70	10.06				
Manager	20.79	935.55	4,053.74	21.69	21.54	969.23	4199.67	22.47				
Merchandiser	10.48	471.60	2,043.44	10.92	10.86	488.58	2117.00	11.31				
Security Guard	10.53	473.85	2,053.19	10.98	10.91	490.91	2127.11	11.38				
Sales Assistant	13.33	59985	2,59915	13.91	13.81	621.44	2692.72	14.41				
Sales Person	13.33	59985	2,59915	13.91	13.81	621.44	2692.72	14.41				
Shop Assistant	10.48	471.60	2,043.44	10.92	10.86	488.58	2117.00	11.31				
Supervisor	16.28	732.60	3,174.36	16.96	16.87	758.97	3288.64	17.57				
Trainee Manager	17.40	783.00	3,392.74	18.14	18.03	811.19	3514.88	18.79				

CONSUMER'S RIGHT TO CHOOSE

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1. Consumer's right to cancel or renew fixed-term agreements

The ordinary consumer may exercise his/her right to either renew or terminate a fixed-term agreement pertaining to the following areas:

- Should a fixed-term agreement expire, consumers have the right to cancel the agreement without being held liable to pay a penalty or charge;
- Consumers are obliged to give suppliers twenty (20) business days notice, in writing or any other recordable means, for cancellation of fixed-term agreements; and
- Suppliers may only extend fixed-term agreements on a month to month basis, if the consumers failed to request a cancellation of such agreements.

2. Consumer's right to request pre-authorisation for repairs or maintenance services

- Consumers have the right to pre-authorise or refuse any repairs or maintenance services;
- Prior to the supplier executing any repairs or maintenance services, consumers have the right to request written cost estimates/quotations;
- Suppliers are not permitted to charge consumers for preparing any cost estimates/quotations, except if the cost for drafting such cost estimates/quotations was approved by the consumer prior to any work being done;
- Should suppliers conduct any repairs or maintenance services without prior approval, consumers may not be held liable to

pay for the repairs or maintenance services conducted; and

- Suppliers are not permitted to charge consumers for any diagnostic work/inspections required in compiling cost estimates/quotations, providing the cost for any diagnostic work/inspections was communicated to the consumer and approved prior to any work being done.

3. Consumer's right to cancel contracts within the cooling-off period

- Suppliers are required to include a cooling-off period in any transaction that resulted from direct marketing. Cooling-off periods generally span five (5) days from date of receiving the goods or service;
- During the cooling-off period, consumers have the right to cancel agreements without providing reasons or incurring penalties; and
- During the cooling-off period, should suppliers receive notice of cancellation, they must return any payment received from consumers, within fifteen (15) business days.

4. Consumer's right to cancel advance reservations, bookings or orders

- Consumers have the right to cancel any advance reservations, bookings or orders;
- Suppliers are entitled to request a reasonable, advance deposit for reservations, bookings or orders, depending on the circumstances and nature of the business;
- Suppliers are entitled to impose a reasonable charge for cancellation of reservations, bookings or orders, depending on the circumstances and nature of the business.

5. Consumers have the right to choose or examine goods, even after purchase and delivery

- Suppliers have the right to charge consumers for loss or damage of property/goods, if the loss or damage of property/goods resulted from gross negligence, recklessness or deliberate actions;
- Consumers have the right to refuse display items or opened goods, and request unopened/new goods;
- Consumers have the right to reject goods if they do not correspond with pre-approved samples; and
- Consumers have the right to be afforded a reasonable opportunity by suppliers, to examine goods purchased or delivered.

6. Consumers have the right to select suppliers

- Consumers have the right to search for the best prices, goods and services that are available in the market;
- Suppliers may not require consumers to enter into additional agreements with suppliers from whom they purchased goods or services; and
- Suppliers are not permitted to force consumers into agreements with third – parties, unless the suppliers can prove the convenience of these additional goods or services.

Suppliers please ensure you record the complaints received from consumers/customers in your complaint register.