

Definitions in the Sectoral Determination for Whole sale and Retail trade

“**agreement**” includes a collective agreement;

“**assistant manager**” means an employee who is required to support the Manager in managing the activities of the business and who is authorised by the employer, in the Manager’s absence, to assume the responsibilities of the Manager;

“**Basic Conditions of Employment Act**” means the Basic Conditions of Employment Act, 1997 (Act 75 of 1997);

“**cashier**” means an employee who receives payments on behalf of the employer for products or services, issues receipts for payments, deposits payments into the employer’s elected bank account or performs any other activities relating to payments;

“**child**” means a person under 18 years of age;

“**clerk**” means an employee employed in any form of administrative work, including, but not limited to, writing, filing, recording information, reconciling documents;

“**commission work**” means any system under which an employee receives additional pay calculated on the value or volume of sales, margin, profit, or on the value or number of orders submitted to and accepted by an employer;

“**day**” means, for the purposes of measuring hours of work, a period of 24 hours measured from the time when the employee normally commences work;

“**displayer**” means an employee who prepares window, promotional or sale display material, whether internally or externally;

“**dispute**” includes an alleged dispute;

“**driver**” means an employee who drives a motor vehicle for purposes of deliveries or to perform other activities on behalf of an employer and who holds the requisite licence;

“**employee**” means –

- (a) any person, excluding an independent contractor, who works for another person or for the State and who receives, or is entitled to receive, any remuneration; and
- (b) any other person who in any manner assists in carrying on or conducting the business of an employer;

“**fork-lift operator**” means an employee who operates a mobile power-driven hoist used in the loading, unloading, moving or stacking of products and who holds the requisite license;

“**general assistant**” means an employee who is engaged in any one or more of the following duties –

- a) accompanying or assisting a driver or other employee who drives a vehicle, but not driving the vehicle;
- b) accompanying any employee who uses tools, but not using tools independently;
- c) affixing postage stamps or labels;

- d) assembling boxes by hand;
- e) breaking up scrap metal;
- f) carrying or moving goods, by means other than a power-driven device;
- g) changing wheels or repairing punctures;
- h) cleaning machinery, premises, vehicles, furniture, implements, tools, utensils or goods on the employer's premises;
- i) cleaning or plucking poultry;
- j) cleaning, cutting, filleting, scaling or slicing raw fish;
- k) collecting cash in the case of c.o.d. sales or accepting written orders;
- l) cutting by hand, paper, samples, linoleum, mats, curtain rods, netting wire, wire or other articles or commodities;
- m) cutting up scrap metal;
- n) delivering or conveying letters, parcels, messages or goods by means other than by a motor vehicle with an engine capacity exceeding 100 cm²;
- o) driving an animal-drawn vehicle;
- p) feeding into or drawing off from vats, tanks or other containers;
- q) feeding or taking off from automatic or semi-automatic machines, moving belts or platforms;
- r) filling bins or dump baskets with goods;
- s) filling, capping, corking or labeling bottles or other containers;
- t) folding or enveloping mail;
- u) grading eggs according to size;
- v) hanging clothing, packages or other goods on rails or hooks or in gondolas, racks or shelves;
- w) ironing;
- x) loading or unloading vehicles;
- y) making or maintaining fires or removing refuse or ash;
- z) making tea or similar beverages for, or serving tea or similar beverages to employees, the employer or guests;
- aa) marking, branding or stenciling goods by hand;
- bb) melting scrap lead
- cc) mending bags or sacks by hand or machine;
- dd) mending or altering second-hand clothing for sale;
- ee) mixing by hand the ingredients of animal or poultry foods the mass of which has been measured beforehand or otherwise predetermined;
- ff) nailing or repairing boxes or crates;
- gg) oiling or greasing machinery of vehicles, other than motor vehicles;
- hh) opening or closing doors, windows, bales boxes or other packages;
- ii) operating an addressograph, photostat, or a duplicating machine;
- jj) operating any power-driven machine not specifically mentioned elsewhere in this clause;
- kk) operating a portable pump;
- ll) packing goods for dispatch or delivery, including packing goods at point of payment;
- mm) packing, placing or stacking goods in cabinets or on counters, gondolas, racks or shelves;
- nn) repetitive marking of prices on goods by means of a rubber stamp or other marking device, under supervision;
- oo) repetitive mass-measuring or repetitive measuring; or mass measuring for stock;
- pp) setting up or dismantling corrugated or fibre board boxes or similar containers;
- qq) sorting goods;
- rr) strapping or wiring boxes;
- ss) tending, cleaning or feeding animals;
- tt) unpacking goods;

- uu) using rubber or other stamps, involving no discretion;
- vv) washing uniforms, overalls or protective clothing;
- ww) wrapping parcels;

“**gross vehicle mass**” means the maximum mass of a vehicle and its load as specified by the manufacturer, or if there is no such specification, the relevant registering authority;

“**incapacity**” means inability to work owing to sickness or injury;

“**manager**” means an employee who is authorised by an employer to manage the activities of a business or part of a business or to manage the employees in a business or part of a business;

“**merchandiser**” means an employee who draws goods from a storage area, cleans shelving, unpacks and prices products and removes damaged or expired goods;

“**night work**” means work performed after 19h00 and before 07h00 the next day;

“**ordinary hours of work**” means the hours of work permitted in terms of clause 12;

“**overtime**” means the time that the employee works during a day or in a week in excess of ordinary hours of work;

“**paid leave**” means any annual leave, paid sick leave or family responsibility leave that a employee is entitled to in terms of Part E of this determination;

“**public holiday**” means any day that is a public holiday in terms of the Public Holiday Act, 1994 (Act No. 36 of 1994);

“**remuneration**” means any payment in money or in kind, or both in money and in kind, made or owing to any person in return for that person working for any other person, including the State;

“**sales assistant**” means an employee who prepares products and services for sale, attends to customers’ enquiries, assembles products for customers and, with the authority of an employer, accepts payment for products or services sold;

“**sales person**” means an employee employed to perform the tasks of a sales assistant and who receives, in addition to the minimum wage mentioned in clause 3, commission payments in terms of clause 4;

“**security guard**” means an employee who guards, protects or patrols an employer’s establishment, buildings, property and goods;

“**shop assistant**” means an employee who packs, replenishes, marks, assembles or assists in the dispatching of products on instruction from a more senior employee;

“**supervisor**” means an employee who is authorised by an employer or manager to be responsible for the efficient performance and behaviour of other employees;

“**temporary employment service**” means any person who, for reward, procures for, or provides to, a client, other persons –

- (a) who render services to, or perform work for, the client; and
- (b) who are remunerated by the temporary employment service;

“trainee manager” means an employee who receives training on an ongoing basis in the duties and responsibilities of a manager;

“wage” means the amount of money paid or payable to an employee in respect of ordinary hours of work or, if they are shorter, the hours an employee normally works in a day or week;

“week” in relation to an employee, means the period of seven days within which the working week of that employee ordinarily falls;

“workplace” means any place where employees work.