

S.I. 55 of 2007  
EMPLOYMENT ACT  
(Cap 69)

**Employment (National Minimum Wage) Regulations, 2007**

In exercise of the powers conferred by sections 40(1)(a) and (2)(a) of the Employment Act, 1995, the Minister of Employment hereby makes the following Regulations:

1. These Regulations may be cited as the Employment (National Minimum Wage) Regulations, 2007, and shall come into operation on 1st January, 2008.

Citation and  
Commencement

2. In these Regulations –

Interpretation

“wage”

(a) includes tips and payments based on output, productivity or performance; but

(b) does not include:

(i) payment for overtime work or shift allowances;

(ii) benefits provided by employers such as housing, transport and food;

“worker” does not include a trainee.

3.(1) An employer shall pay to –

National  
minimum wage

(a) a worker under a contract of continuous employment;

(b) a worker under a contract for a fixed term; or

(c) a part-time worker,

a national minimum wage of R14.50 for every hour of service;

(2) An employer shall pay to a casual worker a national

minimum wage of R18.00 for every hour of service.

Prohibition of  
derogation

4. A person shall not derogate from these Regulations by individual or collective agreement.

Offences

5.(1) An employer who—

- (a) contravenes regulation 3;
- (b) victimizes a worker who has not been paid the minimum wage in accordance with these regulations and who has initiated the grievance procedure under the Act for the recovery of such wage,

commits an offence and is liable on conviction to a fine of not less than R1000 and not more than R10000, and in the case of a continuing offence to an additional penalty of R200 in respect of each day that the regulation is contravened.

Exemption

6. The Minister may, by order published in the *Gazette* exempt—

- (a) any worker or category of workers;
- (b) any sector of the economy,

from the application of these Regulations subject to such conditions as the Minister may think fit.

MADE this 31st day of December, 2007.

MACSUZY MONDON  
MINISTER OF EMPLOYMENT  
AND HUMAN RESOURCES  
DEVELOPMENT