

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.
_____ Words underlined with a solid line indicate insertions in existing enactments.

NATIONAL MINIMUM WAGE AMENDMENT BILL, 2024

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 4 of Act 9 of 2018

1. Section 4 of the National Minimum Wage Act, 2018 (hereinafter referred to as the "principal Act"), is hereby amended—

(a) by the substitution for subsection (4) of the following subsection:

“(4) Subject to section (5). **[E]**every worker is entitled to payment of a wage in an amount no less than the national minimum wage.”

(b) by the substitution for subsection (5) of the following subsection:

“(5) Subject to section (5). **[E]**every employer must pay wages to its workers that is no less than the national minimum wage.”

Amendment of section 5 of Act 9 of 2018

2. Section 2 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) Despite any contract or law to the contrary, the calculation of a wage for the purpose of this Act is the amount payable in money as contemplated in section 32(1)(c) of the Basic Conditions of Employment Act for ordinary hours of work excluding –

- (a) any payment made to enable a worker to work including transport, equipment, tool, food or accommodation allowance, unless specified otherwise in a **[sectorial]** sectoral determination;
- (b) any payment in kind including board or accommodation, unless specified otherwise in a sectoral determination;
- (c) gratuities including bonuses, tips or gifts; **[and]**
- (d) deferred payments; and
- (e) any other prescribed category of payment.”

Amendment of section 9 of Act 9 of 2018

3. Section 9 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) The Commission comprises of the following members:

- (a) A chairperson appointed by the Minister;
- (b) three members nominated by organised business;
- (c) **[three members nominated by organised community;]**
- (d) three members nominated by organised labour; and
- (e) three independent experts, who are knowledgeable about the labour market and conditions of employment, appointed by the Minister.”

(b) by the addition after subsection (2) of the following subsection:

“(3) A party that nominates persons in terms of subsection (1)(b) to (d) must demonstrate to the Minister that the persons that they nominate have the appropriate knowledge, skills and experience to perform the functions of a member of the Commission.”