

## **Nocci Partners with AHI & !Khara Hais in an LED Initiative**

The Afrikaanse Handels Instituut in collaboration with the GIZ, IDC, Department of Co-operative government have devised a programme to bring local municipalities and organized business closer together, and to assist with projects .

One town in each province has been chosen by AHI to partake in this new initiative and Upington is the town chosen for the Northern Cape.

The 1st session of meetings begin on Monday 3rd October .

The projects under discussion will be the Solar Park ; Tourism in Upington and the proposed Electronics Hub



## **UPINGTON IN LINE FOR AN ELECTRONICS HUB**

Upington has been earmarked by National government's Department of Science & Technology as an ideal

location for the development of an Electronics Hub..

Provincial Government has been tasked with investigating the possibilities. The Provincial Department of Economic Development & Tourism held a workshop at Upington International Airport on Tuesday 27th September to discuss the possibilities with Local government and business. The development of a Special Economic Zone for Upington was also discussed.

### **AHI /NOCCI/ KHARA HAIS LED PROJECT**

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### **Beware of the "innocent black bag"**



Just a small warning of the latest way criminals operate - very inventive!!

The criminals dress in black & cover themselves in black bags & then get into your property (or wait on the pavement).

When SAPS or the neighbourhood watch drive past they crouch down on the ground to make it look like a full black rubbish bag. SAPS etc. ignore the "black bags" & drive past. The criminals then either wait for the home owner to come home -- to hijack them or proceed to break into the house.

Please be aware & beware of "moving" black bags!!! -- particularly on rubbish removal days. PS: The neighbourhood watch member who noticed this wouldn't have known any different if one of the bags hadn't moved & if he wasn't vigilant.

So, maak seker jy weet wat binne en buite jou erf is en wat nie daar behoort te wees nie (wat jy nie daar neer gesit het nie).

As 'n swart sak verdag lyk, ry eerder oor hom voordat hy jou dalk aanval.



## INVITATION

ProductivitySA in association with NOCCI cordially invites you to  
a review of the recently released

### **2011 WORLD COMPETITIVENESS YEARBOOK**

**What is South Africa's Competitive position at present?**

**What are the key challenges facing us?**

**What can be done at business level to improve our competitive position?**

**Date: Tuesday 18 October 2011**

**Time: 07:30 for 08:00 to 10:00**

**Venue: Golf Club, Upington**



RSVP: By 14 October 2011 to Lesley at [lesley@nocciupt.co.za](mailto:lesley@nocciupt.co.za) or 054-331 1009

## BULLYING LETTERS MAY FALL FOUL OF THE LAW

Certain letters of demand from debt collections agencies acting on behalf of the large reputable companies have the potential to cause as much anxiety as strange calls in the dead of night .

The following words in a letter of demand :

We are recommending to our clients to Apply for Judgment this may results in the attachment and Sale of your Assets or court Deduction from Your salary . In order to Arrest this process you are required to pay Immediately .

The above words are used as underhanded and to intimidate and appears to be in violation of the new Consumer Protection Act .

Under section 40 of the act , this type of debt collection mechanism is called *unconscionable conduct* – morally unacceptable and it is illegal .

*The law says a suppliers and agents may not use coercion ,undue influence ,pressure,duress or harassment , unfair tactics or any other similar conduct to demand or collect payment for goods and services by a consumer*

The wording on the letter of demand such as pre-legal ;apply for judgment ; sale of your assets ;deduction from your salary and arrest.

It can be construed to induce fear and harassment to subdue the consumer into submission and pay immediately .

Section 40 of the act was intended to prevent any creativity in creditor correspondence that could undermine a consumer's right to fair and honest treatment.

It must be sufficient to inform the defaulting consumers to pay their debt before a specific date or a legal action will be taken .

No letter of demand should be pre-emptive of what a court judgment could be .It is not a letter issued by court so terms suggestive of a court should not be used .

Source : Commissioner of Consumer Protection Mamodupi Mohlala

Reported By Sunday Times Business report Money and careers

**EARNINGS THRESHOLD (BCEA):**

Increase in the “earnings threshold” in respect of the Basic Conditions of Employment Act”

- Note the definition of **earnings**

**Increase in Basic Conditions of Employment Act Threshold Earnings**

**Andre Claassen / Jan du Toit**

Section 6 of the Basic Conditions of Employment Act makes provision for the Minister of Labour to publish a determination on the advice of the Commission that will exclude employees earning above a certain amount per year from sections of chapter 2 of the Act. Chapter 2 primarily deals with the regulation of working hours of employees.

On the 13<sup>th</sup> of May 2011 Minister Mildred Oliphant increased the annual threshold earnings from R149736.00 (R12478 p/m) to R172 000 (R14333.33 p/m). For the purpose of defining the word "threshold", it means the following, which is a direct quote from the ministerial determination as published: (words in brackets were inserted by us)

**"Earnings"** means gross pay before deductions, i.e. (before deducting) income tax, pension, medical and similar payments, but excluding similar payments (contributions) made by the employer in respect of the employee."

The sections from which such employees are excluded are:

9. Ordinary hours of work
10. Overtime
11. Compressed working week
12. Averaging of hours of work
13. Determination of hours of work by Minister
14. Meal intervals
15. Daily and weekly rest period
16. Pay for work on Sundays
17. Night work -17(2) that deals with transport and night shift allowances
18. Public holidays – 18(3) that deals with payment for work on a public holiday that falls on a day on which the employee would ordinarily not have worked.

Employees earning under the threshold amount:

These employees have the full protection of every section of the Basic Conditions of Employment Act (BCEA).

The Act entitles such persons to certain rights such as:

Overtime may only be worked by agreement between employer and employee.

The employee has the **legal right and entitlement** to demand payment for overtime worked at the rate of 1,5 times his normal wage rate, or at whatever rate is applicable (not less favourable than the minimum set in the Act).

The employee has the **legal right and entitlement** *To demand* payment for overtime worked at the rate of 1,5 times his normal wage rate, or at whatever rate is applicable (not less favourable than the minimum set in the Act).

The employee can also enter into an agreement with the employer whereby he can be given time off work instead of payment for overtime worked.

Generally, the employee can *legally* refuse to work more than 45 hours per week normal time and he can *legally* refuse to work more than 10 hours per week overtime and he can *legally* refuse to work more than 12 hours in any one day, consisting of nine hours normal time and three hours overtime. There are some circumstances where the employee may not be able to refuse, such as in emergency overtime, but that is not the issue under discussion.

There are some other conditions as well, but we are not going to go into all of them here - this article is not intended to be a training course in the BCEA.

From the above you will note that persons earning **under** the threshold have a legal right to "demand". **Employees earning over the threshold amount:**

Persons earning over the threshold amount *do not have* a legal right *to demand* anything in respect of Sections 9, 10, 11, 12, 14, 15, 16, 17(2), and 18(3) of the Act with effect from 1 March 2008. The employer must however in determining the hours of work of the employee earning above the threshold take into consideration section 7 of the Act:

#### **"7 Regulation of working time**

Every employer must regulate the working time of each employee-

- (a) in accordance with the provisions of any Act governing occupational health and safety;
- (b) with due regard to the health and safety of employees;
- (c) with due regard to the Code of Good Practice on the Regulation of Working

Time issued under section 87 (1) (a); and

- (d) with due regard to the family responsibilities of employees.

"Employees earning under the threshold have a legal right to demand in respect of the above-mentioned sections.

Employees earning over the threshold do not have a legal right to demand in respect of the above-mentioned sections.

The employee earning over the threshold amount, do however have a right to negotiate.

Thus, the employee earning over the threshold amount must approach the employer, negotiate and reach agreement on how many normal hours and overtime work will be required from the employee. Once this has been established the parties must agree on remuneration for the overtime worked. Such remuneration may be less than the minimum prescribed by the Act.

The same must be agreed upon for work on public holidays as per section 18(3) and work on Sundays. The employee earning over the threshold cannot demand and must therefore negotiate.

The employer is in a similar position; the employer also cannot demand that employees earning over the threshold must work overtime, standby duties, attend callouts etc., without limitation and without compensation.

The reason why the employer cannot make those demands is stipulated in section 48 of the BCEA, which reads as follows:

1. "Subject to the Constitution, all forced labour is prohibited.
2. No person may, before his or her own benefit or for the benefit of someone else, cause, demand, or impose forced labour in contravention of subsection (1)."

Therefore, for employees earning over the threshold, the employer is in the same situation in that he cannot demand but must instead also negotiate. The employer is in a similar position; the employer also cannot demand that employees earning over the threshold must work overtime, standby duties, attend callouts etc., without limitation and without compensation.

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Therefore, for employees earning over the threshold, the employer is in the same situation in that he cannot demand but must instead also negotiate.

Employers are advised to carefully consider the employment conditions of employees earning above the threshold and to clearly stipulate such conditions in the contract of employment prior to the commencement of the employment relationship. It is extremely important to understand that employers may not, upon learning of the threshold earnings notice, make unilateral changes to the employment conditions of employees earning in excess of R172 000 per annum. The

### URGENT NOTICE

con-

## Dear Colleagues & Friends

**Please don't buy or drink any bottled water called "DEW". Customs say it was shipped into Nigeria from Tanzania where it has killed 180 people. It is said to contain a poisonous chemical. Please pass this on and save millions.**

**FOR MORE INFORMATION PLEASE CONTACT THE HAWKS**

NOCCI UPINGTON HAS GREAT PLEASURE IN PRESENTING

The guy every girl needs



JOHAN NORTJIE HAS BECOME A HIGHLY ACCLAIMED AWARD WINNING  
HAIRSTYLIST.

INTERNATIONAL FASHION FORECASTER, IMAGE CONSULTANT, MAKE-UP  
ARTIST AND FASHION GURU,



HE INVITES YOU TO LEARN  
BEST IN YOURSELF.

TO BRING OUT THE VERY

2 LUCKY LADIES WILL WIN

A COMPLETE MAKE-

OVER COMPLIMENTS OF JOHAN.

JOHAN WILL ALSO BE AVAILABLE FOR  
PERSONAL ADVICE!

**Date: Friday 28th October 2011**

**Time: 9:30**

**Venue: AGS Kerk saal Upington**

**Price: R150.00 p.p.**

**Morning tea will be served**

OUR SPONSORS:

*Maze Fashions*



Simplicity is the ultimate  
sophistication





## ***NOCCL member helps keep kids off the street. Lets support him***

Ek beoog om die **29/10/11** Saterdag n skateboard dag by Danie Kuys stadium aan te bied meestal vir die agtergeblewe kinders sowel as dorps kinders .

Ek probeer dit in samewerking met die Munisipaliteit doen sodat besigheid in die dorp eerste kan wees om dit te bevorder in die gemeenskap vir die komende Maloof Cup 2012 wat vir die volgende 3 jaar in Kimberley gaan plaas vind maar ek wil hê die besighede moet wys hul gee om vir die dorp deur

die kinders te bevorder en van die strate te hou met sport .

Daar word beoog om n skateboard baan te bou maar ek wil dit reeds bevorder sodat dit by Danie Kuys gehou voordat hulle idees kry om dit in die

Gemeenskap te gaan bou wat dan geen nut sal he vir ons dorps kinders .

***Help keep our youth off the streets by supporting this initiative***

Lumbercity en FT sal die hout vir ons voorsien en die rame sal Bikeworld vir ons bou -so ek benodig besighede wat meestal met die gemenskap

besigheid doen om vir ons borge te wees vir pryse vir die beste presteerder – beste seun met die ouderdoms groepe en dogters of enig iets wat voorgestel

kan word .

Kalahari groete

Tinus Uys

0828233633

## ***WELL DONE FAMSA***



FAMSA held its AGM on Tuesday the 11th October 2011 in Upington.

I would like to take this opportunity to congratulate FAMSA on the good work they are doing in the Northern Cape.

Their projects include Zero tolerance on drugs and alcohol for our youth.

Street Kid projects. They are looking after a group of street kids at a facility on the Louisvale road.

Just such a pity Social Services will not give them permission to allow the children to sleep there at night.

They have a program for teenage moms.

A project which helps

parents “to be better parents”.

The ABAMAMMA project

Which trains community leaders to support people in need.

It’s a world wide problem that family values hardly exist anymore. Help FAMSA to re-introduce value into family life .

## For those of us with a love for words and the "play on words"

### **Lexophile (i.e., "lovers of words"**

you know . . . . like . . . . you can tune a piano, but you can't tuna fish . . . or, I wondered why the baseball was getting bigger . . . . then it hit me . . . . etc.). Well, here are some for you to enjoy . . .

To write with a broken pencil is . . . pointless.

When fish are in schools they sometimes . . . take debate.

A thief who stole a calendar . . . got twelve months.

When the smog lifts in Los Angeles . . . U.C.L.A.

The professor discovered that her theory of earthquakes . . . was on shaky ground.

The batteries were given out . . . free of charge.

A dentist and a manicurist married. . . . they fought tooth and nail.

A will is a . . . dead giveaway.

If you don't pay your exorcist . . . you can get repossessed.

With her marriage, she got a new name . . . and a dress.

Show me a piano falling down a mineshaft and I'll show you . . . A-flat miner.

You are stuck with your debt if . . . you can't budge it.

Local Area Network in Australia : . . . the LAN down under.

A boiled egg is . . . hard to beat.

When you've seen one shopping center . . . you've seen a mall.

Police were called to a day care where a three-year-old was . . . resisting a rest.

Did you hear about the fellow whose whole left side was cut off? . . . He's all right now.

If you take a laptop computer for a run you could . . . jog your memory.

A bicycle can't stand alone; . . . it is two tired.

In a democracy it's your vote that counts; in feudalism, . . . it's your Count that votes.

When a clock is hungry . . . it goes back four seconds

The guy who fell onto an upholstery machine . . . was fully recovered.

He had a photographic memory . . . which was never developed.

Those who get too big for their britches will be . . . exposed in the end.

When she saw her first strands of gray hair, . . . she thought she'd dye.

Acupuncture: . . . a jab well done.

This year's gala event will be a glittering event at BEZALEL Wine Estate.

An ideal opportunity to entertain your clients with a stunning pre dinner drink and canapés under the stars followed by a 3 course Christmas Dinner served with a selection of Orange River Wine Cellar wines, and Christmas gifts for everyone.

NOCCI'S ANNUAL GALA EVENING

WEDNESDAY 9TH NOVEMBER 2011

VENUE: BEZALEL WINE ESTATE

TIME: 7:30

GUEST SPEAKER:

BILL BROWN

CEO SPAR GROUP

Dress: formal

Cost: R300.00 p.p.

