

### IN THIS ISSUE

- September is Tourism Month
- National Braai Day
- Congrats South Africa
- Annual Leave
- New Anti-Smoking Legislation

### DATES TO NOTE IN SEPTEMBER

Thu 24 Sept - Heritage Day  
(and National Braai Day)

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## September is Tourism Month



The Minister of Tourism, Marthinus van Schalkwyk said at the official launch of Tourism Month on 31 August: "By travelling at home, South Africans contribute meaningfully to the tourism industry and its competitiveness, as well as to local economic growth and job creation. Domestic and regional tourism is the backbone of a sustainable and robust tourism industry."

"In 2008 the total number of tourists in South Africa was 42.5 million, of which about 9.6 million were foreign arrivals. Domestic tourists accounted for 77% of all tourists in South Africa last year. Over the three year period from 2006 to 2008 domestic tourists accounted for, on average, 79.6% of all tourists in South Africa."

Tourism Month sees the launch of a

series of tourism initiatives to boost domestic tourism, particularly in the six lesser visited provinces. It culminates in a World Tourism Day celebration in Kimberley on 29 September. This year's theme is "Tourism celebrating diversity".

The minister reaffirmed his belief that the 2010 FIFA World Cup will attract 450 000 fans to the country next year, and tourism in general will see 10-million visitors during 2010.

Rounding off the event was Lucas Radebe, ambassador for the 2010 FIFA World Cup, urging people to take a "Sho't left" and explore South Africa: "Tourism Month is about knowing and understanding your own back yard. Only then can you share it and the better hosts we can become for 2010."



## National Braai Day

Braai Day on September 24 has become an annual event on the South African social calendar. Millions of South Africans all over the country are preparing to braai for their country when they celebrate Braai Day which is held annually on 24 September, National Heritage Day.

Held under the Braai4Heritage banner and the patronage of Emeritus Archbishop Desmond Tutu, Braai Day first became a national event in 2005. Jan Scannell, head of the initiative, says: "We ask everyone to pledge loyalty to their country by once again lighting a braai fire on 24 September."

## Congratulations South Africa

On the Sporting front, this month we congratulate Mbulaeni Mulaudzi and Caster Semenye on their gold medals at the World Athletic Championships and of course the Springboks for their rip roaring performances in the Tri-Nations..

We also congratulate the team behind the film District 9 which has become a Hollywood sensation.

Filed for only \$30m, it more than returned costs when it garnered \$37m on its opening weekend.

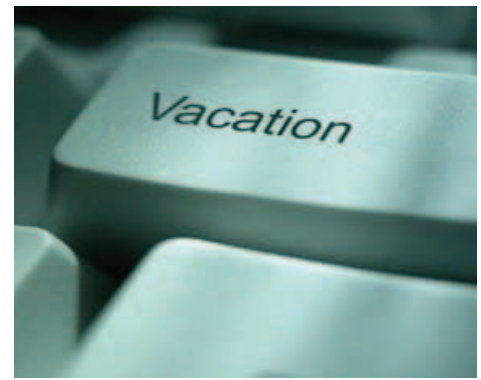
# Be informed about taking Annual Leave

In terms of the Basic Conditions of Employment Act 75 of 1997 (BCEA), a basic condition of employment constitutes a term of any contract of employment except to the extent that a term of the contract of employment is more favourable to the employee than the basic condition of employment. If it is however agreed upon in the contract of employment that leave will coincide with specific regulations such as that annual leave has to be taken over the Christmas period, or during school holidays, or that the entire leave needs to be taken at once, then both parties need to adhere to it.

If there is no such determination then the employer is the one who determines when the leave can be taken. The only restriction on the granting of leave is that the employer has to grant the annual leave not later than six (6) months after the end of the annual leave cycle as per Section 20 of the BCEA. An employee is entitled to at least 21 consecutive days' annual leave. By agreement this comes down to 1 day's annual leave for every 17 days worked, alternatively, 1 hour of annual leave for every 17 hours worked.

There is a mistaken understanding of the workings of annual leave under employees. Employees are under the impression that they are allowed to phone into the office and "put-in" a day's leave. All annual leave is subject to the authorisation thereof by the employer. Thus where an employee simply phones in on the day he wants leave, the employer is within his right not to grant the day's leave for the employee, which will in turn go over to the principle of "no work, no pay". The employer on the other hand can grant the day's leave, and then deduct it from the employee's annual leave days, or in alternative just grant unpaid leave.

The question then arises, "How much an employee should be paid whilst on annual leave?" The BCEA states that the employee must be paid the amount that he "would have received" for working a period equivalent to the period of leave. The wages to be taken into consideration when calculating the payment is the wage the employee would have received immediately before he went on leave. This calculation is simple if the employee's wages does not fluctuate, but once again questions



arise like, "What amount should be used if the employee's salary DOES fluctuate or the employee's working hours are not fixed?" The BCEA gives us a guideline of what to do in these situations in Section 35. In these situations you will use the average wage the employee received during the preceding 13 weeks. An employer may never pay an employee instead of granting paid annual leave, save for a single situation, when the employee's employment gets terminated for which ever reason, such as dismissal, resignation or retrenchments. On termination, in terms of the act, an employer must pay the employee remuneration for any period of annual leave not taken, as well as his salary up to date of termination. In the situation of retrenchments taking place a severance pay may also play a role.

## New Anti-Smoking Legislation Now in Effect

South Africa has strengthened the current anti-smoking legislation with new regulations which limit outdoor smoking, protect children and reduce the chances of fires caused by burning cigarettes.

The new South African laws strengthen existing legislation on smoking in public places, regulating the manufacture of tobacco products, the marketing of tobacco products to avoid making cigarettes appealing and require new pictorial health warnings on tobacco packets.

Some changes in the law with immediate effect, include: -

- An increase in the fines for smoking or allowing smoking in a non-smoking area. The fine for the owner of a restaurant, pub, bar and workplace that breaks the smoking laws is now a maximum of R50 000, and for the individual smoker R500.
- No smoking in 'partially enclosed' public places, such as covered

patios, verandas, balconies, walkways and parking areas.

- Young children will be better protected from the harms of second hand smoke, like asthma, wheezing, or bronchitis:
  - Adults may not smoke in a car when a passenger under 12 years is present.
  - Smoking is not allowed in premises (including private homes) used for commercial childcare activities, or for schooling or tutoring.
  - No person under 18 may be allowed into a designated smoking area. The practice of parents taking babies into smoking areas of restaurants is outlawed.
- The tobacco industry can no longer hold 'parties' or use 'viral' marketing to target young people.
- The sale of tobacco products to

and by persons under the age of 18 years is prohibited, as is the sale of confectionary or toys that resemble tobacco products.

- Cigarette vending machines must sell tobacco products exclusively and cannot be used to sell other products like crisps and chocolates. The vending machines can only be located in areas to which minors do not have access.
- Further changes in the law will come into effect later this year, because the Ministry of Health is still finalising regulations.

