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EMPLOYMENT

National minimum wage increases for 2022

6 April 2022 *2 min read*

Adjusted national minimum wage

Following a mandatory annual review process, the Minister of Employment and Labour announced increases to the national minimum wage for 2022.

With effect from 1 March 2022, **the adjusted national minimum wage for each ordinary hour worked is R23.19** (increased from R21.69 in 2021).

Similarly, farmworkers and domestic workers are now entitled to a minimum wage of R23.19 per hour.

The Minister also announced that, as in previous years, exceptions would be made for the following groups:

- Workers employed on an expanded public works programme are entitled to a minimum wage of R12.75 per hour.
- Workers who have concluded learnership agreements (in terms of section 17 of the Skills Development Act 97 of 1998) are entitled to the allowances outlined in Schedule 2 of the National Minimum Wage Act 9 of 2018 ("NMWA").

It is important to note that the NMWA defines "wage" as *"the amount of money paid or payable to a worker in respect of ordinary hours of work or, if they are shorter, the hours a worker ordinarily works in a day or a week"*.

Accordingly, this excludes the payment of allowances such as transport, tools, food, payments in kind (including, for example, accommodation), tips, bonuses and gifts.

In terms of section 73A of the Basic Conditions of Employment Act ("BCEA"), an employer's failure to pay the prescribed national minimum wage will entitle a worker or employee to institute a claim for failure to pay any amount owing in terms of the NMWA. Additionally, section 76A of the BCEA provides that a fine may be imposed on an employer who pays a worker or employee less than the prescribed NMW.

Employers are therefore advised to ensure that they stay abreast of any adjustments to the national minimum wage, and that they comply with any prescribed amounts.



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