

Labour audit without hassle

By Tammerin van Vuuren, paralegal, LWO Employers Organisation

The business environment in South Africa is highly regulated where labour legislation is concerned. The following is a short checklist to assist employers in navigating the requirements set by labour legislation.

Important registrations

- Compensation Fund.
- Unemployment Insurance Fund.

Assess employment contracts

- Each employee must have an employment contract that complies with relevant labour legislation.
- Are your employment contracts fixed term or permanent and are they in line with legislation?

Key documentation

- Salary slips that comply with labour legislation.
- An attendance register and a record of hours worked.
- Legal posters displayed in the workplace, specifically the *Basic Conditions of Employment Act, 1997 (Act 75 of 1997)*, *Employment Equity Act, 1998 (Act 55 of 1998)*, and *Occupational Health and Safety Act, 1993 (Act 85 of 1993)*.
- A personnel file for each employee containing the employment contract, leave forms, salary slips, disciplinary record, identity document, personal details etc.

Workplace discipline

- An up-to-date, relevant disciplinary code that employees are aware of and understand.
- Clear policies that define the employer's rules and which are fair.
- Clear procedures employees can follow if a specific incident occurs, e.g. grievance procedures.

Other requirements

- Are you paying at least the minimum wage?
- Are you a designated employer in terms of the *Employment Equity Act* and do you meet the relevant requirements?
- Do you comply with the requirements of the *Occupational Health and Safety Act*?
- If your employees belong to a trade union, do you have a recognition agreement in place?

Workplace inspections

The Department of Employment and Labour enforces labour legislation and conducts regular inspections to ensure compliance. Labour inspectors don't need a warrant or notice to enter the workplace and can do so at any reasonable time. They will hand over a letter informing the employer of the inspection. However, an inspector cannot enter a household for inspection without the owner's permission or a Labour Court order.

In terms of Section 66 of the *Basic Conditions of Employment Act*, such an inspection will entail:

- Collecting information and evidence from employers and employees.
- Collecting copies of any records or documentation.
- Inspecting the premises.

Aspects pertaining to security

People sometimes falsely impersonate labour inspectors. Insist on positive identification and verify the information before giving access. Also remember the inspector may not charge a fee for the inspection, investigation, advice or any assistance. The department does not make use of third parties to carry out an inspection. Inspectors may also not sell posters, products or information.

A final thought

Compliance with labour legislation is non-negotiable and employers risk heavy fines and even imprisonment in cases of non-compliance. Stay up to date and comply with applicable labour legislation. 📍

For more information, email
Tammerin van Vuuren at tammerin@lwo.co.za.

LWO
WERKGEWERSORGANISASIE
EMPLOYERS ORGANISATION

Laat jou arbeidsregskwessies in bekwame hande

- ⚙️ Suksesvolle arbeidsregsadvises SEDERT 1990
- ⚙️ SPESIALISTE in arbeidsregswetgewing
- ⚙️ Praat met gekwalifiseerde REGSPRAKTISYNS

SLUIT NOU AAN

Leave your labour law matters to our efficient team

- ⚙️ Successful labour law advice SINCE 1990
- ⚙️ SPECIALISTS in labour law
- ⚙️ Speak to qualified LEGAL EXPERTS

JOIN NOW

Die LWO is 24/7 beskikbaar by 0861 101 828

The LWO is available 24/7 on 0861 101 828

info@lwo.co.za www.lwo.co.za

Mondstuk van die Suid-Afrikaanse aartappelbedryf • Mouthpiece of the South African potato industry

CHIPS

VOL 37 NO 5 • SEPTEMBER / OCTOBER 2023



**MANAGING THE RISK OF
BLACKLEG DEVELOPMENT
AND SOFT ROT**

**RECORD EARLY-SEASON
PRICES CHARACTERISE
WORLD POTATO MARKETS**

Feedback on Potatoes SA
Research Symposium

Plant-parasitic nematodes
associated with potatoes

Cultivar trials at
Petrusburg and Greytown