

Module 2.2 LABOUR		STATEMENT OF INTENT The right to fair labour practice is upheld
Measures		Notes
Legal requirement	<p><b><i>Compliance with the Basic Conditions of Employment Act, 75 of 1997</i></b></p> <ul style="list-style-type: none"> <li>• A summary of the BCEA is kept on the farm</li> <li>• No employees are under the age of 15</li> <li>• No employees are between the ages of 15 and 18 in employment that is inappropriate or places the child at risk.</li> </ul>	<p><b>Compliance with the Basic Conditions of Employment Act, 75 of 1997 (BCEA)</b></p> <p>The Sectoral Determination for the Farm Worker sector was established in terms of section 51 (1) of the BCEA. This Sectoral Determination prescribes the minimum conditions of employment and wages that employers and employees must comply within the farming sector.</p> <p>A summary of the Act should be kept on the farm as per the requirements of section 30 of the Act,</p> <p>A farmer is permitted to employ a child defined in the BCEA as a person who is under the age of 18.</p> <p>No farmer may however employ a child who is under the age of 15 and no farmer may employ a child (ages 15 – 18) in employment that is inappropriate for a person of that age and that places at risk the child's well-being, education, physical or mental health or spiritual, moral or social development. This includes work that is hazardous to their health or working with highly hazardous chemicals.</p> <p>(Note that Section 3 (1) of the South African Schools Act, 1996 (Act 84 of 1996) requires every parent to ensure that every child for whom he/she is responsible attend a school until the last day of the year in which the child/children reaches the age of 15 or the ninth grade, whichever occurs first).</p>

Legal requirement	<p><b>A written contract of employment between the farmer and employees exists that regulates, in terms of the Act:</b></p> <ul style="list-style-type: none"> <li>• Full name and address of Employer</li> <li>• Name and occupation of Employee (or a brief description of the work for which the farm worker is employed)</li> <li>• Place of work that the Employee is required to tender services</li> <li>• Date employment began</li> <li>• Days of work, ordinary working hours and overtime limits</li> <li>• Employee's wage or hourly rate, rate of pay for overtime and method of payment</li> <li>• Any deductions to be made from wages</li> <li>• Leave entitlement</li> <li>• Notice period</li> <li>• Termination of employment</li> </ul> <p><b>Minimum Wage</b></p> <ul style="list-style-type: none"> <li>• All workers (contract, seasonal and migrant workers) should receive a wage above or equal to the minimum wage</li> </ul> <p><b>Forced Labour</b></p> <ul style="list-style-type: none"> <li>• There should be no valid reports or evidence of forced labour on the farm</li> </ul>	<p>Upon employment of a farm worker, the grower must issue to the farm worker, a written contract of employment. The written contract of employment must include the following information: -</p> <ul style="list-style-type: none"> <li>• full name and address of Employer;</li> <li>• name and occupation of Employee (or a brief description of the work for which the farm worker is employed);</li> <li>• place of work that the Employee is required to tender services;</li> <li>• date employment began, days of work and ordinary working hours;</li> <li>• employee's wage or hourly rate, rate of pay for overtime and method of payment;</li> <li>• any deductions to be made;</li> <li>• leave entitlement;</li> <li>• notice period; and</li> <li>• termination of employment.</li> </ul> <p>Of particular importance is the obligation on the Employer to explain the written particulars to the Employee in a language and manner that he/she understands, in the event that he/she is unable to understand same in English.</p> <p><b>Minimum Wage</b> Farmers are to ensure that the minimum wage extends to all contract workers, seasonal and migrant workers.</p> <p><b>Forced Labour</b> The Constitution of South Africa, the International Labour Organization and the BCEA prohibit all forced labour. Farmers must provide evidence that forced labour is NOT practiced.</p>
	<ul style="list-style-type: none"> <li>• A copy of Sectoral Determination 13 must be made available in the workplace</li> </ul>	<p>It is a legal requirement that farmers keep a copy of the Sectoral Determination available in the workplace at all times, and make it available for inspection by an employee or an inspector from the Department of Labour.</p>