

President Ramaphosa signs Labour Law Amendment Acts into law

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The President has signed the Labour Law Amendments Acts, what does it mean for agriculture in general and the employer specifically?

Following are some frequently asked questions to look into the detail.

What is meant by Labour Law Amendment Acts?

Labour Law Amendment Acts refers to amendments made to the Basic Conditions of Employment Act, Labour Relations Amendment Act, Labour Laws Amendment Act and the promulgation of the National Minimum Wage Act.

When did the President signed these Acts into law?

All of these pieces of legislation were signed by President Ramaphosa on Friday 23 November 2018.

When will these amendments be implemented?

The commencement date is 1 January 2019, but formal proclamation to this effect is awaited.

What is the national minimum wage?

All workers need to be paid at least R20 per hour. However, the following special dispensation is applicable:

- R18 per hour for agricultural and forestry workers, including domestic workers and security guards employed on farms;
- R15 per hour for domestic workers who are not employed on farms;
- R11 per hour for EPWP workers.

Any future increases will be handled by the National Minimum Wage Commission and published in a gazette by the president.

What if the national minimum wage is not affordable?

If employers cannot pay the national minimum wage, employers can apply to the Department of Labour for exemption (reduction) of the payment of the set minimum wage. This is an online process and if exemption is granted, it is only valid for one year.

What about the other conditions of employment as set out in the Sectoral Determination 13?

Employers should also take note that only the wage component of legislation was amended. Other provisions with reference to leave, working hours, deductions, overtime, housing, etc. still apply as applicable to the agricultural sector.

What are some of the important amendments to the Basic Conditions of Employment Act?

Employers should take note that they are now obliged to pay a worker who works for a few hours a day, the equivalent of at least 4 hours for that day. The Minimum pay is therefore equal to 4 hours' work even if the employee worked less than that on a given day.

Any claims by employees of underpayment in terms of the National Minimum Wage Act, could now be lodged at the CCMA. Underpayment could result in interest and fines to be paid by the employer.

What are some of the important amendments to the Labour Relations Act?

The amendments provide for the extension of collective agreements concluded in a bargaining council, functions of the registrar, requirements in terms of secret voting before a strike or lockout, compulsory picketing rules, establishment of minimum services agreements during strikes and the appointment of an advisory arbitration panel when a strike is no longer functional.

What is the Labour Laws Amendment Act?

This piece of legislation provides for parental, adoption and commissioning parental leave to employees. Parents are entitled to at least 10 consecutive days leave when a child is born or when a child is adopted.