

NUUSBRIEF: September 2015

Artikel 51 Handleidings: PAIA Wet

Werkgewers word deesdae weer deur allerhande diensverskaffers genader en gewaarsku dat hulle hulle “Artikel 51 Handleidings” soos vereis deur die Wet op die Bevordering van Inligting, Wet 2 van 2000 (PAIA) moet indien vóór 31 Desember 2015. Net ‘n kort agtergrond; Hierdie Wet het reeds in 2000 van krag geword, en ons het lede per Nuusbrieff ingelig (2003 en 2005). Aanvanklik is kleiner privaat werkgewers, wat meeste produsente insluit (minder as 50 werknemers en omset van minder as R2 miljoen p.j. – in landbou), vrygestel van die vereiste om Art 51 handleidings in te dien soos vereis ingevolge die Wet. Die vrystelling is later verleng tot 2011 en uiteindelik weer tot 31 Desember 2015. Tensy dié vrystelling weer verleng word, en ons nie dink dat dit weer gedoen sal word 15 jaar ná inwerkingtreding nie, gaan dié kleiner werkgewers die Handleiding moet opstel en indien vóór 31 Desember 2015.

Vir die wat vergeet het, die PAIA Wet het dit ten doel om toegang toe te laat tot inligting gehou deur die Staat of ‘n privaat instansie wat benodig mag word vir die uitoefening en beskerming van enige regte. Die Wet word afgedwing deur die SA Menseregtekommissie. Die Artikel 51 Handleiding waarna ons verwys moet dan juis aandui hoe iemand inligting van die betrokke werkgewer kan bekom.

Ons het ‘n tweetalige gebruikersvriendelike *pro forma* handleiding opgestel en lede kan **gratis** ‘n kopie en ander inligting aflaai van ons webblad www.caeo.co.za. Lede wat nog dié handleidings ingedien het nie, en nie kans sien om dit self te doen, moet betroubare kundige praktisyns nader om hulle te help.

NEWSLETTER: September 2015

Section 51 Manuals: PAIA Act

These days employers are being approached and warned again by all sorts of service providers that they are required to submit “Section 51 Manuals” as provided for in the Promotion of Access to Information Act, Act 2 of 2000 (PAIA) before 31st December 2015. Just a brief background; This Act took effect in 2000 already and we informed members by Newsletters (2003 and 2005). Initially smaller private employers, that includes most producers (less than 50 employees and a turnover of less than R2 million p.a. – in agriculture), were exempted from the requirement to submit Section 51 Manuals as provided for in the Act. The exemption was later extended to 2011, and finally to 31st December 2015. Unless this exemption is again extended, and we have no reason to believe that it will again happen 15 years after coming into operation, these smaller employers will have to compile such a Manual before 31st December 2015.

For the benefit of those who forgot, the purpose of the PAIA Act is to allow access to any information held by the State or a private body which may be required for the exercise and protection of any rights. The Act is enforced by the SA Human Rights Commission. The Section 51 Manual informs anyone how such information may be obtained from a particular employer.

We have drafted a bilingual user friendly *pro forma* manual and members can download **free** copies and other information from our website www.caeo.co.za. Members who have not yet submitted such manuals, and do not see their way clear to do it themselves, should approach trustworthy knowledgeable practitioners.