

NEWSLETTER APRIL 2016

Annual General Meeting

Our Annual General Meeting, which is preceded by a symposium, will take place in the morning of 21 June at Boschenmeer, Paarl.

It is a special privilege to have JP Landman, well-known economist and political analyst, as our keynote speaker. This was made possible by a sponsorship from Nedbank Private Wealth.

Other speakers include Stephen Hobson of Agrifusion, who will inform us of the latest developments on the BEE front, and Senior Commissioner Afzul Soobedaar, who will provide feedback on the mediation pilot programme in the fruit industry.

You can expect to receive detailed information about this highlight on the CAEO calendar soon, but in the meantime please diarise the event.

We have to limit registrations; therefore you are welcome to reserve your place at this early stage by contacting Ciske at caeo2@maxitec.co.za.

Employment of foreign nationals

Producers are reminded that employing foreign nationals without the required documentation constitutes a criminal offence. Ensure, therefore, that they had in the first place entered the country legally and also have a valid work permit or a permanent residence permit.

Furthermore, any breach of the employment contract conditions and termination procedures must be reported to the Department of Home Affairs and that employment records must be kept for two years after termination.

You are also referred to the Employment Services Act, No. 4 of 2014 which, among others, stipulates that a foreign national may only be employed in the capacity as defined in his/her work permit, that preference must be given to South African citizens, and that if use is made of a recruitment agency to recruit workers (including labour brokers), they must be registered with the Department of Labour.

In closing, you are reminded that all employees enjoy protection in terms of labour legislation. For example, even an illegal immigrant may resort to the CCMA in the event of a dispute.

Lesotho Special Permit

The Department of Home Affairs has introduced a Lesotho Special Permit. This will allow people from Lesotho currently staying in South Africa but who are undocumented or have incorrect or expired documents, to stay lawfully in the country.

The programme to issue permits started on 1 February 2016. Permits will be valid for four years, from 1 May 2016 to 30 April 2020.

To apply for the permit you need to

- have a valid passport or travel document,
- be registered on the Lesotho National Population Register system,
- have police clearance from Lesotho and South Africa,
- provide proof of
 - an affidavit from your employer, if you need to be issued with a work permit
 - business registration with SARS and CIPRO, if you need a business permit
 - registration from an educational institution, if you need a study permit.

You may not have a criminal record and you must be prepared to hand in any illegal South African permit or documents.

Minimum wages

We often receive questions about minimum wages applicable to people who live on a farm but work on a part-time or full-time basis at a guest house or restaurant on the farm. These persons fall under sectoral determination 14, which applies to the Hospitality industry.

Domestic workers on farms, however, fall under sectoral determination 13, which applies to Farmworkers.

Questions and answers

Visit our website's Question & Answer section where we post answers to general questions. You are welcome to refer any labour matter to us in respect of which you require clarification.

New appointments

Wynand Viljoen (Boland) and Anton Schoeman (Klein Karoo) have been appointed as officials and may therefore represent members in CCMA processes. Andre Bloem has also been co-opted to the executive committee.

We welcome them to our ranks and trust that CAEO's service delivery will be expanded and further improved in the process.

Compensation for Occupational Injuries and Diseases Act

The Compensation for Occupational Injuries and Diseases Act, No 130 of 1993 (COIDA) provides for compensation for disablement caused by occupational injuries or diseases sustained or contracted by employees in the course of their employment, or for death resulting from such injuries or diseases.

Employers are required to submit a Return of Earnings form (W.As.8) on an annual basis. The Department of Labour has announced that the 2015/2016 submissions will open on 1 April 2016 and close on 31 May 2016. Employers are reminded that have to pay the assessment sent out by the Compensation Commissioner in April each year before 31 May 2016.