

COMPLIANCE CHECKLIST | LABOUR LEGISLATION

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NB! PLEASE READ:

This checklist will provide guidance and insight of what the act requires to help you in the decision-making process regarding the options available to an employer and to consider the legal consequences of the chosen action. It is not intended to be a summary or substitute for the labour act or any parts thereof and non-compliance with these items could constitute a criminal offence.

Employers should not be blind to the fact that labour disputes and other labour problems, despite the apparent simplicity thereof, are legal matters which require legal advice. An employer should, therefore, not hesitate to acquire the services of a labour attorney in such matters.

Who to contact:

There is a knowledgeable labour attorney near you:

http://www.graystonlegal.co.za/labour_lawyer.html

1. Are you registered with the Compensation Fund?

According to the Compensation for Occupational Injuries and Diseases Act, 130 of 1993 (COIDA), all employers must register with the Compensation Fund in order for their employees to claim compensation for occupational injuries and diseases. All registered employers pay an annual assessment fee. Remember that **separate registration** is necessary for each separate branch of business, unless an arrangement for combined registration has been made. Registration protects the employer against civil claims if an employee is injured or dies on duty.

2. Are you registered with the Unemployment Insurance Fund?

The Unemployment Insurance Act, 32 of 2003 and the Unemployment Insurance Contributions Act, 4 of 2002, applies to all employers and certain employees (exceptions include workers working less than 24 hours a month, learners, public servants, workers who only earn commission and certain foreign employees). It entails that employers must pay unemployment insurance contributions of 2% of the value of each employee's pay per month. The employer and employee each contribute 1%, which is paid to the Unemployment Insurance Fund (UIF) or SARS.

3. Do you have a copy of the Occupational Health and Safety Act and the relevant Regulations on the premises and are these documents available to employees if they want to read it?

According to the Occupational Health and Safety Act, 182 of 1993, employers are obligated to post a copy of the Act and relevant Regulations, as well as explanatory material prepared by the Department of Labour that outlines the rights, responsibilities and duties of employees. These must be available in English and the majority language spoken in the workplace. Copies must be posted or placed in the workplace where employees will be most likely to see it.

4. Do you display the summary of the Basic Conditions of Employment Act?

According to the Basic Conditions of Employment Act, an employer must display employees' rights under this Act in the official languages spoken in the workplace, in a place where employees can read it.

5. Do you display a summary of the Employment Equity Act?

According to the Employment Equity Act, an employer must display employees' rights under this Act in the official languages spoken in the workplace, in a place where employees can read it.

6. Have you appointed health and safety representatives?

Employers who employ twenty or more workers must appoint health and safety representatives according to the Occupational Health and Safety Act. There must be at least one representative for every hundred workers in shops and offices and at least one representative for every fifty employees for all other workplaces. Representatives must be full-time employees who are familiar with the workplace and must be trained during working hours.

7. Have you established health and safety committees in your workplace?

The health and safety committee consists of the health and safety representatives. Health and safety committees must be established when the employer have appointed two or more health and safety representatives or when inspectors from the Department of Labour instructs the employer to do so.

8. Are you and your workers trained to recognise health and safety problems and risks?

The employer and employees must receive the necessary training to ensure that they are able to identify potential hazards that may be present in the workplace. The employer must institute precautionary measures to protect employees against the identified dangers and provide employees with the ways to implement these measures. This includes:

- The guarding of moving parts such as drive-belts and chains.
- Using chemicals in a safe manner and storing it in a safe place.
- Clearly marked and easily accessible emergency exits.
- Fire extinguishers that are easily accessible and regularly serviced.
- Storing flammable materials correctly and safely, i.e. not near fires or potential fire hazards.

9. Do you have fully equipped first aid boxes on the premises?

These are essential tools to ensure that health and safety problems and risks are minimised.

10. Are all electrical wires insulated and proper plugs used in your workplace?

This contributes to a safe working environment as prescribed by the Occupational Health and Safety Act. If in doubt, get an electrician to check the premise's wiring to ensure that everything is safe and that there is no danger of a short circuit or an employee getting electrocuted.

11. Do you report injuries at work to the Department of Labour?

According to the Occupational Health and Safety Act, all employers must report any accidents that result in medical expenses and/or an employee's absence from work for longer than three days to the Department of Labour by submitting the required documents to the Compensation Fund within seven days of the incident. Employers, who neglect to do this, are guilty of a criminal offence and will have to pay a fine.

12. Do you have clean and hygienic toilets and washing facilities provided for males and females?

This contributes to a safe working environment as prescribed by the Occupational Health and Safety Act. Ablution facilities should be fully functioning and cleaned regularly to avoid unhygienic conditions that may lead to the spread of diseases.

13. Do you have an attendance register at your workplace?

Employers have to keep some form of record for the hours that employees work. This does not have to be an attendance register, but any other accurate form of recordkeeping, such as clock cards, may be used. An accurate record of hours worked is necessary for employees who are paid hourly or employees who are entitled to be paid for overtime.

Also available for download from:

http://www.graystonlegal.co.za/labour_lawyer.html

DISCIPLINARY HEARING PROCEDURE

The Chairperson's Step-By-Step Guide

CODE OF GOOD PRACTICE

Schedule 8 of the Labour Relations Act.