

Mondstuk van die Suid-Afrikaanse aartappelbedryf • Mouthpiece of the South African potato industry

CHIPS

VOL 35 NO 05 • SEPTEMBER / OCTOBER 2021

**MANAGING CRISES THROUGH
PUBLIC RELATIONS:
LAPSE IN ANTI-DUMPING DUTIES**

Empangeni farmers get
the know-how

Span weerdata in vir
besproeiingskedulering

**SANDVELD-KULTIVARPROEF
ONDER BESPROEING OP
AURORA IN 2020/2021**

Kultivars wat op
varsproduktemarkte presteer

Types of labour inspections and how they differ

By Hannes Latsky, legal advisor, LWO Employers Organisation

There are three types of labour inspections, each focussing on compliance with a different set of legislation, including the:

- *Basic Conditions of Employment Act, 1997 (Act 75 of 1997)* (including Sectoral Determinations and Main Collective Agreements).
- *Employment Equity Act, 1998 (Act 55 of 1998)*.
- *Occupational Health and Safety Act, 1993 (Act 85 of 1993)*.

Employers should take note of the differences between these types of inspections to ensure compliance as a whole. The three types of labour inspections address the following:

Basic Conditions of Employment Act

This inspection focusses on compliance with the minimum terms and conditions of employment which the employer and employee may agree on, including industry specific legislation such as Sectoral Determination 13, which regulates labour law in the agricultural sector.

The inspector will look at employment contracts (written particulars of employment), the attendance register, information regarding remuneration (payslips/envelopes, minimum wage, overtime, paid leave, working hours and more), registration and proof of payments made in respect of the Unemployment Insurance Fund (UIF) and *Compensation for Occupational Injuries and Diseases Act, 1993 (Act 130 of 1993)*, or COIDA, and a list of all employees' names and ID numbers.

In the case of non-compliance, the inspector will issue the employer with a compliance order (dated), after which a monetary penalty or imprisonment may be imposed.

Employment Equity Act

This inspection focusses on compliance with the *Employment Equity Act*, which aims to eliminate unfair discrimination in the workplace and to promote equal opportunity and fair treatment. 'Designated employers' are employers who meet certain criteria. They also have additional obligations. Employers must check whether they are classified as designated employers in order to ensure compliance.

In the case of non-compliance, a designated employer can be fined for the first offence up to R1,5 million or 10% of the employer's annual turnover (whichever is the greatest) and/or ten years' imprisonment.

Occupational Health and Safety Act

This inspection focusses on compliance with health and safety regulations to ensure a safe and healthy workplace.

The inspector will look at the legislative poster, health and safety representative and committee, applicable signage and personal protective equipment, among others.

In the case of non-compliance, the inspector will issue the employer with a compliance order (dated) and/or temporarily shut down business activities, depending on the severity of non-compliance. Continuous non-compliance may result in penalties, imprisonment and possible criminal prosecution.

Be vigilant when giving access

Insist on positive identification of the person who introduces him-/herself as an inspector and verify the information before giving the person access to your farm/premises. No inspector may charge a fee for the inspection, investigation, advice or any assistance.

The Department of Employment and Labour does not delegate any third party to conduct an inspection on its behalf – none of the department's powers may therefore be delegated. In addition, no inspector may sell posters, products or information. 📢

Die LWO help **boere as werkgewers** om aan arbeidswetgewing te voldoen.



Ons dienste as geregistreerde werkgewersorganisasie:

Arbeidsoudit | Gratis 24/7 regsadvies hulplyn |
 Gratis arbeidsreg dokumentasie & **dienskontrakte** |
Dissipline in die werksplek - konsultasies,
 waarskuwings, dissiplinêre verhore |
KVBA en Arbeidshof verteenwoordiging
 Bystand met stakings | Herstrukturering |
Personeelvermindering | Vakbond onderhandelinge |
 Bystand met Departement van Indiensneming en
 Arbeid **inspeksies** | Billike Werksgeleentede, ens.

☎ 086 110 1828 ✉ info@lwo.co.za 🌐 www.lwo.co.za

