

WIETA

 Wine and Agricultural Ethical Trade Association	Code Principle	Fair Hours and Working Conditions	Date	May 2016
	Subject	Sick leave	Benchmark Ref	07.03 (e) – (f)
	Legal reference	Basic Conditions of Employment Act, No. 75 of 1997: Sectoral Determination 13: Farm Worker Sector, South Africa		

CLAUSE 22 – SECTORAL DETERMINATION 13: FARM WORKER SECTOR

22. SICK LEAVE

- (1) For the purpose of this clause “sick leave cycle” means the period of 36 months employment with the same employer immediately following –
 - (a) when the farm worker commenced work; or
 - (b) the end of the farm worker’s prior sick leave cycle.
- (2) During every sick leave cycle, the farm worker is entitled to an amount of paid sick leave equal to the number of days the farm worker would normally work during a period of six weeks.
- (3) Despite sub-clause (2) during the first six months of work, the farm worker is entitled to one day’s sick leave for every 26 days worked.
- (4) An employer may, during the farm worker’s first leave cycle, reduce the farm worker’s entitlement to sick leave in terms of sub-clause (2) by the number of days’ sick leave taken in terms of sub-clause (3).
- (5) Where an employer, at the request of the farm worker, pays fees for a farm worker’s hospital or medical treatment, the fees paid may be set off against the worker’s pay.
- (6) An employer is not required to pay the farm worker in terms of this clause if the farm worker has been absent from work for more than two consecutive days or on more than two occasions during an eight-week period and, on request by the employer, does not produce a medical certificate stating that the farm worker was unable to work for the duration’s absence on account of sickness or injury.
- (7) Within the scope of their professional expertise, a medical certificate in terms of sub-clause (6) may be provided by -
 - (a) a medical practitioner;
 - (b) a clinic nurse practitioner;

WIETA

	Code Principle	Fair Hours and Working Conditions	Date	May 2016
	Subject	Sick leave	Benchmark Ref	07.03 (e) – (f)
	Legal reference	Basic Conditions of Employment Act, No. 75 of 1997: Sectoral Determination 13: Farm Worker Sector, South Africa		

- (c) a traditional healer;
 - (d) a community health worker;
 - (e) a psychologist;
 - (f) any other person who is certified to diagnose and treat patients and who is registered with a professional council established by an Act of Parliament; or
 - (g) any other health professional authorized to diagnose medical conditions.
- (8) If it is not reasonably practicable for a farm worker who lives on the employer’s premises to obtain a medical certificate, the employer may not withhold payment in terms of sub-clause (1) unless the employer provides reasonable assistance to the farm worker to obtain the certificate.