


## WIETA

 Wine and Agricultural Ethical Trade Association	Code Principle	Fair Hours and Working Conditions	Date	May 2016
	Subject	Family Responsibility 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 23 – SECTORAL DETERMINATION 13: FARM WORKER SECTOR

#### 23. FAMILY RESPONSIBILITY LEAVE

- (1) This clause applies to a farm worker –
  - (a) who has been employed by an employer for longer than four months; and
  - (b) who works on at least four days a week for that employer.
- (2) An employer must grant a farm worker, during each 12 months of employment, at the request of the farm worker, three days’ paid leave, which the farm worker is entitled to take -
  - (a) when the farm worker’s child is born;
  - (b) when the farm worker’s child is sick; or
  - (c) in the event of the death of –
    - (i) the farm worker’s spouse or life partner; or
    - (ii) the farm worker’s parent, adoptive parent, grandparent, child, adopted child, grandchildren or sibling.
- (3) A farm worker may take family responsibility leave in respect of the whole or part of the day.
- (4) Subject to sub-clause (5), an employer must pay a farm worker for a day’s family responsibility leave-
  - (a) the wage the farm worker would normally have received for work on that day; and
  - (b) on the farm worker’s usual payday.
- (5) Before paying a farm worker for leave in terms of this clause, an employer may require reasonable proof of an event contemplated in sub-clause (2) for which the leave was required.
- (6) A farm worker’s unused entitlement to leave in terms of this clause lapses at the end of the annual leave cycle in which it accrues.