


WIETA				
	Code Principle	Child Labour & Forced Labour	Date	May 2016
	Subject	Prohibition of Child Labour & Forced Labour	Benchmark Ref	01.01(a), 02.01(a)
	Legal reference	Basic Conditions of Employment Act, No. 75 of 1997: Sectoral Determination 13: Farm Worker Sector, South Africa		

CLAUSE 25 – SECTORAL DETERMINATION 13: FARM WORKER SECTOR

25. PROHIBITION OF CHILD LABOUR AND FORCED LABOUR

(1) No person may employ in farming activities a child –

- (a) who is under 15 years of age; or
- (b) who is under the minimum school leaving age in terms of any law, if this is 15 or older.¹

(2) No person may employ a child in an employment –

- (a) that is inappropriate for a person of that age;
- (b) that places at risk the child's well-being, education, physical or mental health, or spiritual, moral or social development.

(3) An employer must maintain for three years, a record of the name, date of birth and address of every farm worker under the age of 18 years employed by them.

(4) Subject to the Constitution of the Republic of South Africa, all forced labour is prohibited.

(5) No person may, for their own benefit or for the benefit of someone else cause, demand or impose forced labour in contravention of sub-clause (4).

(6) A person who employs a child in contravention of sub-clause (1) and (2) or engages in any form of forced labour in contravention of sub-clauses (4) and (5) commits an offence in terms of sections 46 and 48 of the Basic Conditions of Employment Act respectively, read with section 93 of that Act.

(7) An employer may not require or permit a child who is 15 years of age or older but younger than 18

- (a) to work after 18h00 and before 6h00 the following day;
- (b) to work more than 35 hours in any week; and
- (c) without limiting sub-clause (2), to work with chemicals.

¹ Section 31(1) of the South African Schools Act (Act 84 of 1996), requires every parent to cause every learner for whom he or she is responsible to attend a school until the last day of the year in which the learner reaches the age of 15 or the ninth grade, whichever is the first.