


WIETA				
	Code Principle	Fair Hours and Working Conditions	Date	May 2016
	Subject	Payment of Wages	Benchmark Ref	08.01(c) – (d)
	Legal reference	Basic Conditions of Employment Act, No. 75 of 1997: Sectoral Determination 13: Farm Worker Sector, South Africa		

CLAUSE 5, 6, 7 – SECTORAL DETERMINATION 13: FARM WORKER SECTOR


5. PAYMENT OF REMUNERATION

- (1) An employer must pay a farm worker –
 - (a) in South African currency;
 - (b) daily, weekly, fortnightly or monthly; and
 - (c) in cash, by cheque or by direct deposit into an account designated by the farm worker.
- (2) Any payment in cash or by cheque must be given to each farm worker-
 - (a) at the workplace;
 - (b) during the farm worker’s working hours; and
 - (c) in a sealed envelope which becomes the property of the farm worker.
- (3) An employer must pay a farm worker on the normal payday agreed to in writing by the farm worker.

6. INFORMATION CONCERNING PAY

- (1) On every pay day, the employer must give the farm worker a statement showing –
 - (a) the employer’s name and address;
 - (b) the farm worker’s name and occupation;
 - (c) the period in respect of which payment is made;
 - (d) the farm worker’s wage rate and overtime rate;
 - (e) the number of ordinary hours worked by a farm worker during that period;
 - (f) the number of overtime hours worked by the farm worker during that period;

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- (g) the number of hours worked by the farm worker on a paid holiday or on a Sunday;
- (h) the farm worker's wage;
- (i) details of any other pay arising out of the farm worker's employment;
- (j) details of any deductions made;
- (k) the employer's registration number with the Unemployment Insurance Fund and the employee's contribution to the Fund; and
- (l) the actual amount paid to the farm worker.

(2) An employer must retain a copy or record of each statement for three years.

7. PROHIBITED ACTS CONCERNING PAY

(1) An employer may not withhold any payment from a farm worker or require a farm worker to pay the farmer or any other person in respect of –

- (a) the employment or training of that farm worker;
- (b) the supply of any work equipment or tools; or
- (c) the supply of any work clothing.¹

(2) An employer may not require a farm worker to purchase any goods from the employer or from any person, shop or other business nominated by the employer.

(3) An employer may not levy a fine against a farm worker.

(4) An employer may not require or permit a farm worker to –

- (a) repay any amount or remuneration paid except for overpayments previously made by the employer resulting from an error in calculating the farm worker's wage; or
- (b) acknowledge receipt of an amount greater than the wage or remuneration actually received.

¹ An employer may not make any deduction from remuneration or require or permit a farm worker to make any payment to the employer or any other person in respect of anything that the employer is required to do in the interests of the health and safety of a farm worker (section 23 of the Occupational Health and Safety Act, 85 of 1993).