


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


CLAUSE 8 – SECTORAL DETERMINATION 13: FARM WORKER SECTOR

8. DEDUCTIONS

- (1) An employer may not make any deduction from a farm worker’s wage except –
 - (a) a deduction not exceeding 10 percent of the farm worker’s wage made in accordance with sub-clause (2) for food supplied to the farm worker;
 - (b) a deduction not exceeding 10 percent of the farm worker’s wage made in accordance with sub-clause (4) for accommodation in which the farm worker ordinarily resides;
 - (c) at the written request of a farm worker, a deduction of an amount which the employer has paid or undertaken to pay to a third party contemplated by sub-clause (7);
 - (d) a deduction, not exceeding one-tenth of the wage due to the farm worker on the pay-day concerned, towards the repayment of any amount loaned or advanced to the farm worker by the employer; and
 - (e) a deduction of any amount which the employer is required to make by law or in terms of a court order or arbitration award.

- (2) An employer may only make a deduction in respect of accommodation and/ or food in terms of sub-clause (2)(a) or (2)(b) respectively if –
 - (a) the food or accommodation is provided free of charge by the employer to the farm worker at the employer’s cost;
 - (b) the food or accommodation is provided on a consistent and regular basis as a condition of employment;
 - (c) no additional deduction is made from the farm worker’s remuneration for food or accommodation;
 - (d) in the case of accommodation, no deduction is made by the employer for electricity, water or other services; and


WIETA

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

- (e) the deduction does not exceed the cost to the employer of supplying food or accommodation, as the case may be.
- (3) A deduction in terms of sub-clause (1)(b) may only be made for a house that meets the following requirements:
- (a) the house has a roof that is durable and waterproof ;
 - (b) the house has glass windows that can be opened;
 - (c) electricity is available inside the house if the infrastructure exists on the farm;
 - (d) safe water is available inside the house or in close proximity, which is not more than 100m, from the house;
 - (e) a flush toilet or pit latrine is available in, or in close proximity, to the house; and
 - (f) the house is not less than 30 square meters in size.
- (4) An employer may not make any deduction for accommodation in terms of sub-clause (1)(b) in respect of a farm worker who is under 18 years of age.
- (5) An employer may only make a deduction in terms of sub-clause (1)(b) in respect of one farm worker residing in any house.
- (6) (a) Subject to sub-clause (1)(b) where more than two farm workers reside in communal accommodation, the maximum deduction that the employer may make in total in respect of all the farm workers who reside in that accommodation is 25% of the applicable minimum wage payable to an individual farm worker.¹
- (b) An equal amount must be deducted in respect of each of the farm workers residing in accommodation contemplated by paragraph (a).
- (7) A deduction may only be made in respect of clause 8(1)(c) in respect of a payment made or to be made to –


¹ If the applicable minimum wage is R994.00 per month, the maximum deduction that may be made in total from the workers living in communal accommodation as a whole is R248.50 per month. The deduction to be made from an individual farm worker may not exceed 10% of that workers wage.

WIETA

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

- (a) any holiday, sick, medical, insurance, savings, provident fund or pension fund of which the farm worker is a member,
 - (b) any registered trade union in respect of subscriptions;
 - (c) any bank, building society, insurance business, registered financing institution, local authority in respect of a payment on a loan granted to the farm worker to acquire a dwelling;
 - (d) the owner or agent in respect of the rent of a dwelling or accommodation occupied by the farm worker.
- (8) An employer may not make any deduction in respect of the grazing of a farm worker's livestock;
- (9) A deduction may be made to reimburse an employer for loss or damage only if—
- (a) the loss or damage occurred in the course of employment and was due to the fault of the farm worker;
 - (b) the employer has followed a fair procedure and has given the farm worker a reasonable opportunity to show why the deductions should not be made;
 - (c) the total amount of the debt does not exceed the actual amount of the loss or damage; and
 - (d) the total deductions from the farm worker's remuneration in terms of this subsection do not exceed one-quarter of the employee's remuneration in money.
- (10) A deduction of any goods purchased by the employee must specify the nature and quantity of the goods and the amount that correlates with a proof of purchase.
- (11) An employer who deducts an amount from an employee's remuneration for payment to a third party must pay the amount to that party in accordance with the time period and other requirements specified in the deed of purchase agreement, law, court order or arbitration award.

WIETA

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

- (12) An employer may not require or permit an employee to—
- (a) repay any remuneration except for overpayments previously made by the employer resulting from an error in calculating the employee’s remuneration; or
 - (b) acknowledge receipt of an amount greater than the remuneration actually received.