



**WIETA CODE
PRINCIPLES
Version 4 - 2021**



THE WIETA CODE

1. Social Management Systems and Ethical Code Implementation

- 1.1. The Business has adopted socially responsible business policy (ies) and due diligence practices which seek to promote human, labour and women's rights and sustainability whilst working to detect, remedy and report on any adverse labour, human and women's rights impacts within the Business and within its wine supply chain.
- 1.2. The Business has adopted an Ethical Code (the WIETA Code) which governs the human rights and decent working and living conditions of everyone in the workplace and has implemented a system to ensure compliance with the WIETA Code requirements.
- 1.3. The Business shall, extend the principles of this ethical code throughout its liquor, wine, grape and agricultural operations and within its supply chain and commit to sourcing ethically. The Business shall further establish appropriate procedures to evaluate its suppliers' ability to meet the requirements of the Ethical Code. Records of the implementation of such procedures shall be kept.
- 1.4. The Business shall annually review the performance of its Ethical Policy and System.
- 1.5. The Business shall appoint a senior member of management who shall be responsible for compliance with these ethical policies and their systems and shall ensure that employees and management are aware of the content of the Ethical Policy.
- 1.6. The Business shall establish good ethical practices which involve workers and their representatives through joint and effective communication mechanisms within the business. Such mechanisms should actively enable workers and their representatives to engage on the status of working conditions and to monitor and report on any adverse impacts on their rights, without fear of reprisal.
- 1.7. Where any adverse impacts to labour, women's and human rights are identified, the Business shall implement remedial actions and allocate adequate resources to redress these impacts. The Business shall investigate, address and respond to the concerns of employees and other interested parties with regard to non-compliances with the Ethical Code.
- 1.8. The Business shall not be involved in nor tolerate, any act of corruption, extortion or embezzlement; nor any form of bribery including, but not limited to, the promising, offering, giving or accepting of any improper monetary gains or other incentives.
- 1.9. The Business shall comply with all applicable national legislation.
- 1.10. The Business has adopted the WIETA Ethical Code and actively attends/participates in WIETA training or programmes.

International Reference

UN Guiding Principles on Business and Human Rights, 2011

UN Declaration on the Elimination of Violence against women, UNGA 1993, Act 1

United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295)

2. No child labour and the protection of young workers

- 2.1. The Business shall not employ children, directly or indirectly, under the age of 15 and children under the age of 15 shall not be present at the workplace.
- 2.2. Should young persons between the ages of 15 and 17 seek employment, the Business shall ensure that this does not interfere with their school-going activities and that special mechanisms are in place to prevent, identify and mitigate any workplace related harms to young workers.
- 2.3. The Business shall ensure that young workers, under 18 years of age, are provided with work that is appropriate for their age. The Business shall take care to ensure that the work performed does not pose any risk to the well-being, education, physical or mental health and spiritual, moral or social development of the young worker.
- 2.4. In cases where child labour is found to be present at the workplace, the Business shall take appropriate measures to remediate the situation so as to prioritise the best interest of the child.

References

South African Legislation

Constitution of the RSA, 1996:

- *Section 28 (1)(e) provides that every child has the right to be protected from exploitive labour practices.*
- *Section 28(1)(f) provides that every child has the right not to be required or permitted to perform worker services that are age inappropriate or places at risk that child's well-being, education, physical or mental health, spiritual, moral or social development.*
- *Child means a person under the age of 18 years (section 28(3)).*

Basic Conditions of Employment Act (75 of 1997), as amended:

- *Section 43(1) provides that no person may employ a child under the age of 15 years or who is under the minimum school-leaving age, if this is 15 or older.*
- *Section 43(2) repeats section 28(1) (f) of the Constitution.*
- *Section 44(2) provides that regulations may be made by the Minister prohibiting or placing conditions on the employment of a child who is at least 15 years of age and no longer required to attend school. Section 47 places the onus on the employer, if the employer alleges that it has complied with the age requirement.*
- *BCEA and the Sectoral Determination 13: Farm Worker Sector:*
- *Sub-clauses 1 and 2 of clause 25 of Part F: repeats the legislation and Paragraph 15 of the Guidelines provides that the employer must verify the age of the employee from the identity document or birth certificate.*

South African Schools Acts (84 of 1996):

- *Section 31(1) provides that a learner must attend school until the last school day of the year in which he/she reaches the age of 15 or grade nine, whichever is first.*

Children's Act 38 of 2005 International Reference

International Reference

ILO Convention 182 – Worst Forms of Child Labour, 1999

ILO Convention 138 – Minimum Age Convention, 1973

3. No forced, bonded, prison, indentured labour or modern slavery

- 3.1. The Business shall ensure that it does not engage in or support the use of forced labour, prison labour, bonded or indentured labour in the recruitment and/or management practices of the business or its working conditions.
- 3.2. The Business shall proactively seek to identify and address any potential modern slavery risks and vulnerabilities within it and its supply chain.
- 3.3. The Business shall ensure that all workers are responsibly sourced and recruited – particularly in the case of vulnerable workers such as seasonal and migrant workers.
- 3.4. Workers are not coerced into employment through any forms of forced or bonded labour, debt-bondage, violence and intimidation.
- 3.5. Workers are free to leave their employment within the terms of their contract.
- 3.6. Workers shall have the right to leave the workplace after their shift and shall enjoy freedom of movement.
- 3.7. Family members of workers living on the premises shall not be prevented from taking work off farm and shall enjoy freedom of movement.
- 3.8. The Business shall ensure that disciplinary procedures clearly outline that any form of forced or bonded labour as a disciplinary measure shall not be tolerated.
- 3.9. In cases where bonded or forced labour is found to be present in the workplace or in its supply chains, the Business shall take appropriate measures to remedy the situation so as to put the best interest of the worker(s) first.

References

South African Legislation

Constitution of the RSA, 1996:

- *Section 13 Provides that no one may be subjected to forced labour.*
- *Section 9 provides that everyone is equal before the law and has the right to equal protection and benefit of the law. Section 21 provides that everyone has the right to freedom of movement.*
- *Section 22 provides that every citizen has the right to choose their trade, occupation or profession freely (and as regulated by law). Section 28 provides that children have the right to family care and that the child's best interests are of paramount importance.*

Basic Conditions of Employment Act:

- *Section 48 prohibits forced labour and no one may for his or her own benefit or benefit someone else, cause, demand or impose forced labour.*
- *BCEA SD 13: Sub-clauses 1 and 2 of clause 25 of Part F repeat the legislation.*

Extended Security of Tenure Act 62 of 1997

International Reference

ILO Convention 29 – Forced Labour Convention, 1930

ILO Convention 105 – Abolition of Forced Labour, 1957

ILO Convention 203 – Forced Labour (Supplementary measures) Recommendation, 2014

4. A safe and healthy work environment

- 4.1. The Business shall ensure that there are systems in place to detect, assess, avoid and respond to potential threats to the health and safety of workers. The Business shall provide a safe and healthy working environment for employees and shall take adequate steps and effective measures to prevent accidents, injury and illnesses arising out of, associated with or occurring in the course of work, by minimizing (so far as is reasonably practicable) the causes of hazards inherent in the working environment.
- 4.2. The Business shall appoint a senior management representative responsible for the health and safety of all personnel, who is also accountable for the implementation of a healthy and safe working environment. This includes overseeing the election of employee health and safety representatives, where required.
- 4.3. The Business shall strive towards the implementation of a practical, integrated health and safety framework that allows for a risk analysis, the implementation of measures to reduce or eliminate those risks, mechanisms for decision-making on and monitoring of the implementation of health and safety measures (and record keeping in this regard).
- 4.4. The Business shall ensure appropriate working conditions for pregnant women which are in line with the Code of Good Practice on the protection of employees during pregnancy and after the birth of their child.
- 4.5. Notwithstanding the above, the Business shall ensure:
 - 4.5.1. The safe storage, application and disposal of pesticides and agrochemicals.
 - 4.5.2. That measures are in place to guarantee that workers and their families residing in close proximity to the site where spraying occurs are not placed at risk through exposure to the chemicals and pesticides being applied.
 - 4.5.3. That workers are provided with necessary safety equipment and clothing and that steps are taken to prevent injury of persons by farm equipment and heavy machinery.
 - 4.5.4. That measures are in place to prevent exposure to fumes generated through production in wineries and cellars.
 - 4.5.5. That readily visible safety signs are supplied in pictorial format or in all relevant languages.
 - 4.5.6. That workers receive regular, adequate and recorded health and safety training. This should include the handling of chemicals and other hazardous substances, the handling of heavy machinery, and waste management. Training shall be repeated for all new or reassigned workers and management.
 - 4.5.7. That measures are in place to provide first aid and other emergency treatment in the event of accidents occurring in the workplace and that workers' compensation documentation (and other accident and illness documentation required by law) are available and utilised in the event of work-related accidents and illnesses.

- 4.5.8. That adequate fire prevention, firefighting and fire safety measures are in place on the business premises and at worker accommodation.
 - 4.5.9. Access to clean toilet facilities for all employees at the workplace.
 - 4.5.10. That access to clean drinking water is provided to all employees employed at the workplace and at, where applicable, sanitary facilities for food preparation and storage.
 - 4.5.11. The safety and stability of buildings and equipment.
 - 4.5.12. Shall ensure that where worker accommodation exists on site, such structures are located separately from production facilities and are safe and stable. Appropriate sanitation facilities must also be available with access to potable water.
- 4.6. The Business will not promote or implement any practices that perpetuate a culture of alcohol dependence. Where alcohol dependence or abuse is identified as a problem, employers shall take reasonable steps to address these risks.

References

South African Legislation

Occupational Health and Safety Act (85 of 1993), as amended:

- *GNR929 General administrative regulations*
- *GNR1031 General safety regulations*
- *GNR924 Facilities regulations*
- *GNR1179 Hazardous chemical substances regulations*
- *GNR1521 General machinery regulations*
- *GNR250 Electrical machinery regulations.*

Compensation for Occupational Injuries and Diseases act (130 of 1993)

International Reference

ILO Convention 155, Occupational Health and Safety, 1981 and Protocol 2002

ILO Convention 161, Occupational Health and Safety Services, 1985

ILO Convention 187, Promotional Framework for Occupational Health and Safety, 2006

ILO Convention 184, Safety and Health in Agriculture, 2001

ILO Convention 162, Asbestos, 1986

ILO Convention 170, Chemicals, 1990

5. Freedom of association & the right to bargain collectively

- 5.1. All workers have the right to join or form trade unions or any other organisations/structures of their own choosing, without prior authorisation from their employer.
- 5.2. All workers have the right to bargain collectively. The Business shall provide workers, and their representatives who engage in collective bargaining, with all relevant information to enable them to engage meaningfully in negotiations.
- 5.3. The Business shall ensure that wage revision and benefits of employment are determined through a process of fair engagement in which workers get a genuine and fair opportunity to represent their interests.
- 5.4. The Business shall adopt an open attitude towards the activities of trade unions and other mechanisms of worker organizations and their organisational activities. The Business shall allow and facilitate trade union access to the workplace to organise workers and shall not discriminate against any person because of his or her trade union membership or political affiliation.
- 5.5. Representative trade unions organising workers shall be accorded organisational rights in terms of the provisions of the Labour Relations Act 66 of 1995.

References

South African Legislation

Constitution:

- *Section 18 provides that everyone has the right to freedom of association.*
- *Section 23(1) provides that everyone has the right to fair labour practices.*
- *Section 23(2) makes provision for employees' right to form and join a union, to participate in the activities and programmes of a trade union and to strike (as regulated by national legislation). Section 23(5) provides for trade unions to engage in collective bargaining read with relevant national legislation such as the Labour Relations Act.*
- *These rights may be limited if reasonable and justifiable in terms of section 36 of the Constitution.*

Labour Relations Act, Act 66 of 1995, as amended:

- *Section 4(1) provides that every employee has a right to form and to join a trade union, subject to that trade union's constitution. An Employer of a trade union may participate in that trade union's lawful activities, participate in election of office bearers, officials and representatives, to hold office if elected and if appointed as a trade union representative, to carry out such function in terms of the Act or collective agreement (Section 4(2)).*
- *LRA: Section 5 Protection of employees and persons seeking employment.*
- *LRA section 13 Deduction of trade union subscriptions.*
- *LRA Section 12 Trade union access to workplace.*

International Reference

ILO Convention 87 – Freedom of Association and the Right to Organise, 1948.

ILO Convention 98 – The right to organise and Collective bargaining, 1949.

ILO Convention 151 – Labour Relations (Public Service) Convention, 1978.

ILO Convention 154 – Collective Bargaining Convention, 1981.

6. No unfair discrimination

- 6.1. The Business shall not engage in or support unfair discrimination, including race, gender, sex, pregnancy, marital status, ethnic or social origin, sexual orientation and LGBTQ+ communities, age, disability, religion, HIV status, conscience, beliefs, cultural practice, language and birth or any other arbitrary grounds in respect of employment practices and policies.
- 6.2. The Business shall base all terms and conditions of employment on an individual's ability to do the job and not on the basis of personal characteristics or beliefs.
- 6.3. The Business shall not tolerate incidences of sexual and racial harassment, or bullying at the workplace (including the use of discriminatory gestures, language and physical contact).
- 6.4. Businesses shall implement measures to promote and advance previously disadvantaged persons, in line with the provisions of the Employment Equity Act 55 of 1998 and the Skills Development Act

References

South African Legislation

Constitution of the RSA, 1996:

- *Section 9 everyone is equal before the law. Legislative measures may be taken to achieve equality.*

Employment Equity Act (Act 55 of 1998):

- *The employer must take steps to promote equal opportunity in the workplace by eliminating unfair discrimination in any employment policy or practice (section 5). Unfair discrimination includes direct or indirect discrimination based on race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age disability, religion, HIV status, conscience, belief, political opinion, culture, language and birth (section 6).*
- *Note that it is not unfair to take affirmative action measures and exclude or prefer a person based on an inherent requirement of a job (section 6).*

Skills Development Levies Act (9 of 1999)

International Reference

ILO Convention 111 – Discrimination (Employment and Occupation), 1958

ILO Convention 100 – Equal Remuneration Convention, 1951

7. Fair treatment

- 7.1. Respect is shown in the workplace so that employees and employers are treated with dignity.
- 7.2. Physical abuse, corporal punishment, the threat of physical/verbal abuse or harassment and all other forms of intimidation shall be prohibited.
- 7.3. The Business shall adopt disciplinary rules and procedures that comply with the provisions of the Labour Relations Act 66 of 1995 (Schedule 8 in particular) and shall keep records of all disciplinary proceedings.
- 7.4. Workers should be encouraged to make use of fair grievance procedures and dispute resolution mechanisms and they should not be discriminated against, disciplined or dismissed for having done so.
- 7.5. The Business must explain the adopted disciplinary rules and procedures, the grievance procedures and the dispute resolution mechanisms to workers in clear and understandable terms.

References

South African Legislation

Labour Relations Act:

- *Section 185 provides that every employee has the right not to be unfairly dismissed and a right not to be subjected to an unfair labour practice.*
- *Schedule 8 of the LRA – Code of Good Practice – Dismissals contains guidelines for disciplinary procedures prior to dismissal for reasons relating to conduct (misconduct, poor work performance) or capacity (ill health, injury).*
- *The National Economic Development and Labour Council (NEDLAC) has in terms of section 203(1) of the LRA issued a code of good practice for dismissals based on operational requirements (Government Gazette 20254).*
- *Disputes may be referred to the CCMA.*

International Reference

ILO Convention 158 – Termination of Employment, 1982 and other relevant conventions

ILO Convention 190 – Violation and Harassment Convention, 2019

8. Decent working hours

- 8.1. Businesses shall ensure that they comply with National Labour Law in respect of working hours, and shall in particular ensure that:
 - 8.1.1. Normal working hours do not exceed 45 hours per week.
 - 8.1.2. Overtime work and work carried out on public holidays is voluntary.
 - 8.1.3. Overtime hours do not exceed 10 hours a week for cellars and 15 hours for farms and wine estates. Overtime work is remunerated at a premium of one and a half (1.5) times the worker's hourly rate.
 - 8.1.4. Workers do not work for more than a week without a break of at least 36 hours and adequate meal breaks are given.
 - 8.1.5. Workers receive at least three weeks of paid leave per year
 - 8.1.6. Regarding sick leave, Workers are paid in accordance with the provisions of the Basic Conditions of Employment Act and SD13.
 - 8.1.7. Workers are provided with maternity, parental and family responsibility leave in terms of the Basic Conditions of Employment Act.
- 8.2. The Business shall keep written records of all hours worked and leave taken by employees, in terms of the Basic Conditions of Employment Act and or SD13.

References

South African Legislation

BCEA:

- Chapter 2 Regulation of working time (sections 6 to 18)
- Chapter 3 Leave (sections 19 to 27)
- Code of Good Practice on the arrangement of working time.
- BCEA SD13: Part D: Hours of Work
- BCEA SD13: Part E: Leave

International Reference

ILO Convention 1 – Hours of Work Industry, 1919

ILO Convention 14 – Weekly Rest (Industry), 1921

ILO Convention 156 – Workers with Family Responsibilities, 1981

ILO Convention 183 – Maternity Protection, 2000

ILO Convention 122 – Employment Policy, 1964

9. Fair remuneration and sustainable incomes

- 9.1. The Business shall observe a principle of fair remuneration that is sufficient enough to enable workers and their households to secure a sustainable income and living wage so as to meet basic needs such as food, clothing, shelter, education and to have money left over for discretionary spending.
- 9.2. The Business can demonstrate that they have an understanding of the workforce's cost of living and quality of life within regional contexts and supply chains. Wages and benefits paid must meet, at a minimum, the National Minimum Wages set by the National Minimum Wage Act.
- 9.3. The Business shall compensate workers for overtime, benefits and leave in accordance with the national legal standards set by the Basic Conditions of Employment Act, Sectoral Determination for Farmworkers, or industry benchmark standards, whichever is highest.
- 9.4. The Business shall remunerate workers in accordance with the principle of equal pay for equal and equally valued work.
- 9.5. Workers shall be provided with written and understandable payslips, which include the clear documentation of gross wages, all deductions made and net wages.
- 9.6. Provision shall be made for the payment of UIF and other statutory deductions.
- 9.7. Deductions shall not be made in respect of protective clothing, farm equipment or other items essential to the performance of workers' tasks.
- 9.8. Where farm shops exist, the Business shall ensure that they are run in an open and transparent fashion and shall ensure that workers are not overly indebted to, and therefore reliant upon, this shop or any other system whereby deductions are made for groceries or household provisions acquired on behalf of the worker.
- 9.9. The Business shall not provide alcohol as payment, part of payment or as a voluntary consideration that can be taken in lieu of an equivalent portion of their wages.
- 9.10. All other deductions from workers' wages must be done in line with legislation and there may be no other deductions prohibited by legislation.

References

South African Legislation

Sectoral Determination 13: Farmworkers

BCEA: Overtime: Clause 10

Unemployment Insurance Contributions Act (4 of 2002): Section 6

National Minimum Wage Act 9 of 2018

International Reference

ILO Convention 95 – Protection of Wages, 1949

ILO Convention 131 – Minimum Wage Fixing Conventions, 1970

ILO Convention 100 – Equal Remuneration Convention, 1951

10. Regular employment shall be provided

- 10.1. Work performed must be on the basis of a recognised employment relationship, established through a contract.
- 10.2. Prior to commencement of employment, all workers shall be provided with a contract of employment which will set out their terms and conditions of employment.
- 10.3. Obligations to workers under labour or social security laws and regulations arising from the regular employment relationship shall not be avoided through the use of sub-contracting arrangements or home-working arrangements, or through apprenticeship schemes where there is no real intent to impart skills or provide regular employment; nor shall any such obligations be avoided through the excessive use of fixed-term or time-limited contracts of employment. The Business shall ensure that the employment relationship they enter into does not create further insecurity or social/economic vulnerability for workers employed in the business.
- 10.4. Businesses who make use of temporary employment services (TES) or other services providers that deliver a service connected to the core activities of the business, shall implement an effective system. This shall determine the decent conditions of employment and the safety of workers provided by the service provider as well as ensure that the service provider is complying with the standards set out in this Code. Priority is thus placed on providing employees working on their premises, with information about their rights, responsibilities and working conditions.

References

South African Legislation

Basic Conditions of Employment Act

Sectoral Determination 13: Farmworkers

International Reference

ILO Convention 97 – Migration of employment, 1949

ILO Convention 143 – Migrant workers, 1975

ILO Convention 110 – Plantations, 1958

ILO Convention 184 – Home Work Recommendation, 1996

11. Housing and tenure security

- 11.1. The Business and farm owners shall comply with the provisions of the Extension of Security of Tenure Act (ESTA) and the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act (PIE), regarding those living on their land.
- 11.2. The Business shall respect the applicable legislation in so far as this regulates the lawful eviction of those living on the farm and take into consideration any adverse human rights impacts that evictions may have.
- 11.3. The Business shall respect the occupiers' rights. Occupiers shall respect the rights of landowners and businesses in terms of the provisions of ESTA.
- 11.4. The Business puts effective risk management measure in place to ensure that on-farm accommodation and surrounding communal grounds are in an adequate condition to ensure the physical well-being and human dignity of occupants.
- 11.5. Where worker accommodation is provided for workers as part of their working conditions and contract, the business must meet adequate standards for the provision of social facilities, housing conditions, energy, potable water, sanitation and sewage and safety provisions for communal worker accommodation and household worker accommodation.

References

South African Legislation

Extension of Security of Tenure Act (Act 62 of 1997) (as amended)

Legal Framework for Housing Standards

- *National Building Regulations and Building Standards Act (1977)*
- *Occupational Health and Safety Act*
- *Environmental Regulations for Workplaces, 1987:(2281);*
- *General Safety Regulations (1993),*
- *National Environmental Management: Waste Act (2008), Art. 21-23*
- *The Extension of Security Tenure Act and the Provision of Accommodation in the Agricultural Sector (ESTA) (2007);*
- *Sectoral Determination: Agriculture sector 13 (2009);*
- *South Africa mining accommodation standards;*
- *South African National Standards (SANS)*
- *International Finance Corporation (IFC) and European Bank for Reconstruction and Development (EBRD). (2008). Workers' accommodation: processes and standards A guidance note by IFC and the EBRD;*
- *International Labour Organization, Workers Housing Recommendation (1961);*
- *SA 8000 accommodation guidelines;*
- *International Covenant on Economic, Social and Cultural Rights*

12. Social responsibility and community development

- 12.1. The Business shall demonstrate how it contributes positively to the sustainable development of local communities in which it operates. Businesses are encouraged to demonstrate their better practices by making positive social and developmental contributions above and beyond legal requirements.
- 12.2. The Business is encouraged to demonstrate a commitment to the management of social responsibility policies and programmes that support fair working and dignified living conditions within the local community in which it operates.
- 12.3. The Business shall adopt measures to ensure the responsible production, distribution and consumption of alcohol. Measures are also to be put in place to curb the effect of alcohol and other harmful substances. The development of practices on alcohol harms reduction shall be implemented so that the Business and supply chain can positively impact the well-being of its workers, their families and the broader community.

International Reference

UN Guiding Principles on Business and Human Rights, 2011

United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295)

13. Environmental Stewardship

- 13.1. The Business is aware of national Environmental Legislation and Standards and they have implemented measures to ensure compliance with such laws.
- 13.2. The Business adopts production and business practises that are supportive of sustainable environmental protection, care and development which minimise risks to the environment and climate change impacts.
- 13.3. The Business is to develop an Environmental Policy inclusive of measures to ensure the implementation of applicable legislation, identification and mitigation of environmental risks in the business.

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