

WVF - Werkloosheids- versekeringsfonds

Deur Mariëtte Redelinghuys

Die Werkloosheidsversekeringsfonds (WVF) bied verligting aan werknemers wanneer hulle werkloos raak, of nie in staat is om te werk nie as gevolg van kraamverlof of siekte. Dit bied ook verligting aan die bydraer se afhanklikes na sy of haar afsterwe. Beide die werkgever en werknemer is verplig om 'n bedrag gelykstaande aan 1% van die werknemer se salaris by te dra tot die fonds.

Dit is egter die werkgever se verantwoordelikheid om geregistreer te wees by die fonds, asook hierdie bydraes (2% van die werknemer se salaris) oor te betaal aan die fonds.

Wie moet almal geregistreer wees vir werkloosheidsversekering?

Dit is van toepassing op alle werkgewers en werknemers met uitsluiting van die volgende:

- Werknemers wat minder as 24 uur per maand vir 'n werkgever werk;
- Leerders;
- Openbare dienste;
- Werknemers wat 'n maandelikse staatspensioen (vir ouderdom) verdien;
- Werknemers wat slegs kommissie verdien.

Registrasie vir werkloosheidsversekering?

Die werkgever moet geregistreer wees by die fonds. Sodra iemand aangestel word om vir die werkgever te werk, moet die werknemer geregistreer word vir die fondsvoordele. 'n Verwysingsnommer word aan die werkgever toegeken by registrasie en die werknemers moet op hierdie verwysingsnommer geregistreer word. Dit is nie 'n moeilike proses nie en al die nodige vorms kan op die Departement van Arbeid se webwerf gekry word. Enige veranderinge, waar diens byvoorbeeld beëindig word, moet voor die 7de van elke maand aan die WVF deurgegee word.



Indien 'n werkgever nie sy werknemers registreer nie en die werknemers nie onder die uitsluitings val soos hierbo gelys nie, kan die werkgever 'n hewige boete opgelê word.

Wie is die LWO?

Die LWO is gedurende 1990 as werkgewersorganisasie tot stand gebring, ten einde werkgewers binne die Suid-Afrikaanse besigheidsgemeenskap te bedien met regsdiens, asook verwante dienste op die gebied van arbeidsreg.

Die LWO is 'n lede-organisasie sonder winsbejag en word bestuur deur 'n Raad wat uit lede bestaan. Die LWO beskik oor die nodige infrastruktuur waardeur lede effektief op 'n nasionale basis bedien kan word.

Die doel van die LWO

Die LWO het ten doel om die werkgewersorganisasie van uitnemendheid te wees vir werkgewers gegrond op die professionele wyse waarop lede van die LWO met arbeidsregtelike dienste bedien word.

Who is the LWO?

The LWO was established during 1990 as an employers organisation in order for employers to be provided with legal services within the field of labour law.

The LWO is a non-profit members organisation and is managed by a board consisting of members. The LWO has the necessary infrastructure through which members can be served effectively on a national basis.

The purpose/goal of the LWO

The LWO aims to be the employers organisation of excellence for employers based on the professional manner in which members of the LWO is served with labour law services.

Die 1% aftrekking van die werknemer se salaris is 'n statutêre (verpligte) aftrekking en maak die wet voorsiening dat die aftrekking gemaak kan word sonder die werknemer se toestemming.

Wanneer mag werkloosheidsversekering geëis word?

- By tydelike of permanente mediese ongeskiktheid
- Personeelvermindering
- Ontslag
- Kraamverlof
- Afsterwe

'n Werknemer kan nie werkloosheidsversekering eis as hy self sy diens beëindig nie en sal 'n werknemer nie geregtig wees op die uitbetalings waar die werknemer bedank het nie.

Om werkloosheidsversekering te eis moet die werknemer 'n vorm invul (UI19 vorm), wat onder andere die rede vir die eis en besonderhede van die werknemer uiteensit. Hierdie vorm word onderteken deur die werkgever en by die Departement van Arbeid ingedien. Die vorm kan ook elektronies op die webtuiste voltooi en opgelaaai word. Die gebruik van die webtuiste word aanbeveel en kan gevind word by www.ufiling.gov.za.

Kontak die LWO by 0861 101 828 vir enige advies en/of bystand - ons is 24/7 beskikbaar.

Labour relations in South Africa

By Crystal McLauchlin

South Africa's labour environment is recognised as an extremely challenging working environment. The World Economic Forum annually releases a Global Competitiveness Report (WEFGC report) to illustrate how different countries compete with each other.

The 2016/2017 report rates South Africa as follows:

- **135/138** Hiring and firing practices
- **98/138** Pay versus productivity
- **138/138** Co-operation in labour/employer relations
- **135/138** Flexibility of wage determination
- **133/138** Business cost of crime and violence
- **130/138** Business impact of tuberculosis
- **130/138** Business impact of HIV/AIDS
- **134/138** Quality of education system
- **138/138** Quality of math and science education

The vast amount of legislation that regulates labour relations in South Africa stresses how crucial it is that the employer follows correct procedure, especially when dismissing an employee, which the WEFGC report clearly shows is already a challenge. Complying with legislation is a business risk in terms of sustainable profitability and needs to be managed proactively.

All employers across all industries must comply with the following legislation:

- Labour Relations Act (LRA)
- Basic Conditions of Employment Act (BCEA)
- Unemployment Insurance Fund (UIF)
- Compensation for Occupational Injury and Diseases Act (COIDA)
- Occupational Health and Safety Act (OHSA) - certain regulations must be implemented if the employer employs five or more employees
- Employment Equity Act (EEA) – if the employer qualifies as a designated employer
- Skills Development Act (SDA) – if the employer's annual expenditure on salaries exceeds R500 000.00
- Sectoral Determination where applicable
- Bargaining Council Agreement where applicable

Duties of employers

- **To receive the employee into service**
 - ✦ According to the BCEA all employers should provide an employee with a written contract within one day of employment;
 - ✦ Employers are further obliged to accord employees their rights in terms of the applicable contracts of service, collective agreements and legislation. Take care that the contract is not less favourable than the applicable legislation.
- **To pay the employee's remuneration**
- **To ensure that working conditions are safe and healthy**



LABOUR RELATIONS IN SOUTH AFRICA IS REGULATED BY:

Labour Relations Act, Act 66 of 1995 (LRA)

The LRA remains the principal labour statute and regulates collective rights and also provides protection against labour practices. The LRA regulates trade unions and employers' organisations and establishes key dispute resolution agencies in the form of the CCMA and labour courts.

Basic Conditions of Employment Act, Act of 1997 (BCEA)

The BCEA establishes and enforces the minimum statutory terms on which employers and employees may contract.

Sectoral Determinations

A Sectoral Determination controls the terms and conditions of employment in a particular sector where there is no centralised collective bargaining and which requires detailed and specific regulations. Conditions in a Sectoral Determination may differ from those in the BCEA, but will rank superior.

Bargaining Council Agreements

Bargaining Councils deal with collective agreements, solve labour disputes, establish various schemes and make proposals on labour policies and laws. Trade unions and employers' organisations may form Bargaining Councils.

Employment Equity Act, Act of (EEA)

The EEA prohibits unfair discrimination in employment, defined to include a wide range of policies and procedures. It also requires designated employers (employers with 50 or more employees, or an annual turnover as specified in Schedule 4 of the EEA) to formulate an Employment Equity plan (EEA13) and to submit reports (EEA2 and EEA4) to the Department of Labour.

Skills Development Act, Act 97 of 1998 (SDA)

The SDA regulates standard settings, training and development by requiring employers (with an annual expenditure on salaries exceeding R500,000.00) to contribute 1% of their payroll to the fund infrastructure established by the SDA.

Unemployment Insurance Fund (UIF)

UIF provides short term relief to workers when they become unemployed or are unable to work because of maternity or adoption leave, or illness. It also provides relief to the dependants of a deceased contributor. It is the employer's responsibility to pay over the unemployment insurance contributions (2% of the employee's salary) although both the employer and employee equally contribute 1%.

Compensation for Occupational Injury and Diseases Act, Act 130 of 1993 (COIDA)

When injured on duty or becoming sick as a result of your work, an employee can claim compensation from the Compensation Fund. Families or dependants can also claim if their breadwinner dies as a result of a work-related accident or disease. All employers must register with the Compensation Commissioner and will be rated annually, after which payments must be made.

Occupational Health and Safety Act, Act 85 of 1993 (OHSA)

OHSA regulates health and safety conditions in the workplace. Legislation applies to all employers in terms of creating a safe and healthy working environment. Certain regulations must be implemented when the employer employs five or more employees.

2017: Wees proaktief!

Deur Mariëtte Redelinghuys

Dit is baie belangrik om in ag te neem watter rol arbeid in die werksomgewing speel. Hiermee 'n kort kontrolelys om arbeidsrisiko te evalueer:

Registrasie

- Is u geregistreer by die Vergoedingskommissaris?
- Is u geregistreer by die Werkloosheidsversekerings fonds?

Dienskontrakte

Het elke werknemer 'n getekende dienskontrak wat voldoen aan toepaslike arbeidswetgewing?

Is dokumentasie rakende die volgende aspekte in orde:

- Ontvang elke werknemer 'n **salarisstrokie** wat voldoen aan arbeidswetgewing?
- Word **verlof** reg hanteer in terme van dokumentasie en prosedure?
- Het die werksplek 'n **dissiplinêre kode** wat relevant en op datum is? Kan die werkgever bewys dat alle werknemers bewus is daarvan en die inhoud verstaan?
- Is daar 'n afskrif van die Wet op **Beroepsgesondheid en -veiligheid** (asook relevante regulasies van toepassing) beskikbaar in die werksplek? Is daar opsommings van die **Wet op Basiese Diensvoorwaardes**, asook die **Wet op Billike Werksgeleenthede** beskikbaar in die werksplek?
- Word daar 'n **personeellêer** vir elke werknemer gehou om die volgende inligting te rekordeer: dienskontrak, verlofvorms, salarisstrokies, dissiplinêre rekord, identiteitsdokument, paspoort/werkspermit waar van toepassing en persoonlike besonderhede?

Beleide

'n Beleid lig werknemers in rondom die reëls ten opsigte van 'n spesifieke onderwerp. Beleide word nie onderskryf deur arbeidswetgewing nie, maar stel die werkgever se eie reëls in die werksplek. Hierdie reëls moet redelik wees. Maak seker dat die volgende algemene beleide in orde is:

- Rookbeleid
- Selfoonbeleid
- Siekverlofbeleid



Prosedures

'n Prosedure is 'n vasgestelde of amptelike manier om 'n situasie te hanteer, wat in plek gestel word om werknemers en werkgevers in te lig rondom die nodige stappe wat gevolg moet word wanneer 'n spesifieke insident plaasvind. Maak seker dat die volgende algemene prosedures in orde is:

- Dissiplinêre verhoor prosedure (en progressiewe dissipline)
- Appèlprosedure
- Griewe-prosedure
- Besering aan diens prosedure

Ander

- Betaal u ten minste die minimum loon indien so deur die wet vereis?
- Is u 'n aangewese werkgever in terme van die Wet op Billike Werksgeleenthede en voldoen u aan die vereistes wat aan aangewese werkgevers gestel word?
- Voldoen u aan die Wet op Vaardigheidsontwikkeling indien die minimum vereistes om te voldoen aan die wetgewing, op u van toepassing is?
- Voldoen u aan die Wet op Beroepsgesondheid en -veiligheid in terme van administratiewe verpligtinge, opleiding, beskermende klere, risiko analises, noodhulp, 'n bywoningsregister, brandblussers, higiëne, kentekens, ens.?
- Indien daar 'n vakbond in u werksplek is, het u 'n erkenningsooreenkoms met die vakbond gesluit?

Maak seker u voldoen aan al die vereistes gestel deur arbeidswetgewing en kontak die LWO by 0861 101 828 of info@lwo.co.za.

Myth BUSTER LABOUR LAW

Myth:

- "If the employee gives permission, the employer doesn't have to deduct UIF"
- "UIF is not applicable to foreign employees"

Fact:

All employers must register for UIF and ensure that all employees working more than 24 hours per month are also registered and that UIF contributions are deducted from their remuneration (the employer and employee both contribute 1% of the employee's salary. An inspector from the Department of Labour will always check this during an inspection.

Alcohol and/or drugs in the workplace - at what cost?

The use of alcohol and/or drugs can have harmful effects in the workplace in the following manner:

- Injuries
- Loss in productivity due to absenteeism
- Added costs due to workers' compensation and rehabilitation

Steps to prevent alcohol and/or drugs in the workplace:

- Evaluate the safety culture in your workplace
- Have clear written expectations and policies
- Train employees on substance abuse awareness
- Always offer appropriate resources to curb/prevent the use of alcohol and/or drugs in the workplace

Preventative efforts make good business sense when you begin to consider the possible costs associated with a tragic incident. Lost productivity due to alcohol-related deaths and disabilities impose a greater economic burden than do health care costs.



The LWO has an agreement in collaboration with Beehive OH&S to assist LWO members with regards to the Health and Safety Act. **Contact Leo van der Walt for more information at 012 376 4184 | 082 551 2682 | management@beehiveohs.co.za | www.beehiveohs.co.za**

Kontak die LWO / Contact the LWO

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HOOFKANTOOR

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LWO bedieningspunte | service points

Nota: dienste sal gelewer word vanaf die naaste bedieningspunt / Note: services will be rendered from the closest service point

