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L3.2.7

C001-2026nb

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NASIONALE LONE VIR PLAASWERKERS

Insette vanaf Georganiseerde Landbou in ag genome, het die Nasionale Minimum Loon Kommissie 'n 5% verhoging in die Nasionale Minimumloon vir 2025, aangekondig, effektief
01 MAART 2026 TOT 28 FEBRUARIE 2027.
Die Nasionale Minimum loon verhoog dus met 5% vir 2026 en die nuwe lone betaalbaar deur landbouers is dus as volg:

R 30.23	per uur
R 272.07	per dag (9 uur werksdag)
R 1 360.35	per week
R 5 894.85	per maand

LET ASSEBLIEF DAAROP DAT SEKTORALE VASSTELLING 13 STEEDS VAN KRAG BLY, AL WAT VERANDER IS DAT DIE LOON-GEDEELTE DEUR DIE NASIONALE MINIMUM LOON VERVANG WORD.

VOORGESTELDE RIGLYNE

1. IDENTIFISEER EN BEVESTIGING VAN DIE PRODUKSIE STANDAARDE:

1.1 Vir elke aksie in die produksieaktiwiteits- ketting van 'n boerdery - moet daar minimum meetbare produksie standaarde geïdentifiseer word.
1.2 Hierdie standaarde moet gekommuni-keer word aan jou werknemers en vorm dus deel van die verwagte dienslewering standaarde soos uiteengesit in die dienskontrak met jou werknemers.
1.3 Swak werkverrigting moet geïdentifiseer en aangespreek word.

2. HERSTRUKTURERING VAN BOERDERY:

2.1 Alle werknemers wat as surplus geag word en nie tot die koste-effektiwiteit en optimale produktiwiteit van die boerdery bydra nie, moet geïdentifiseer word.

2.2 Wanneer omstandighede dit noodsaak of toelaat moet meganisasie plaasvind.

2.3 Surplus werke wat geïdentifiseer is, moet uitgefaseer word in terme van die arbeidswette. (Afleggings)

NATIONAL MINIMUM WAGES FOR FARM WORKERS

Input from Organized Agriculture taken into consideration, the National Minimum Wage Commission announced a 5% increase in the National Minimum Wage for 2026, effective
01 MARCH 2026 TO 28 FEBRUARY 2027.
The National Minimum Wage will therefore increase by 5% for 2026 and the new wages payable by farmers are therefore as follows:

R 30.23	per hour
R 272.07	per day (9 hour working day)
R 1 360.35	per week
R 5 894.85	per month

PLEASE NOTE THAT SECTORAL DETERMINATION 13 REMAINS IN PLACE. THE ONLY CHANGE IS THAT THE WAGE PORTION IS BEING REPLACED WITH THE NATIONAL MINIMUM WAGE.

SUGGESTED GUIDELINES

1. IDENTIFY AND FIXING OF PRODUCTION STANDARDS:

1.1 For every action in the production activity chain of a farming operation -there must be minimum measurable production standards identified.
1.2 These standards must be communicated to your employees and therefore form part of expected service delivery standards as set out in the employee contract.
1.3 Poor work performance must be identified and addressed.

2. RESTRUCTURING OF FARMING OPERATION:

2.1 All employees that are deemed surplus and do not contribute towards the cost effectiveness and optimal productivity of the farming operation must be identified.

2.2 When circumstances necessitate or allow it, mechanisation should take place.

2.3 Surplus jobs that have been identified must be phased out in terms of the labour laws. (Retrenchments)

2.4 Strenger dissipline moet op werknemers toegepas word in terme van produksie standaarde, afwesigheid en stiptelikheid.

2.5 Kommunikeer

2.6 As personeelvermindering die weg is wat jy moet neem, - verseker dat jy die korrekte prosedure volg.

3. TYDELIKE AFLEGGING VAN WERKERS/ VERMINDERING VAN WERKSURE:

As 'n alternatief tot personeelvermindering, kan jy met jou werknemers onderhandel om, waar omstandighede dit vereis, minder ure per dag te werk en hul dan 'n uurlikse tarief betaal - OF om van tyd tot tyd tydelik van die werk afgelê te word. Hier sal die beginsel van geen werk / geen betaling van toepassing wees.

Moet asseblief NIE met jou werkersnemers vergoeding onderhandel wat minder as die vereiste nasionale minimum loon is nie.

4. AANSOEK OM MINISTERIëLE VRYSTELLING: (Seksie 50)

Indien geeneen van die bogenoemde alternatiewe op jou besigheid toegepas kan word nie, kan jy aansoek doen om vrystelling deur die voltooiing van die BCEA6 in te vul – 'n vorm wat deur die Departement van Arbeid verskaf word. (Afskrif beskikbaar op aanvraag by die kantoor).

LET WEL: ENIGE VOORGENOME VERANDERINGS AAN DIENSVOORWAARDES, MOET MET WERKNEMERS ONDERHANDEL WORD EN NIE EENSYDIG GEDOEN WORD NIE.

MAKSIMUM TOELAATBARE AFTREKKINGS VAN WERKNEMER

Daar bestaan steeds 'n wanopvatting (by land-bouers/Boere, konsultante en sekere inspekteurs van die Departement van Arbeid) dat 'n werkgewer slegs 'n maksimum van 10% van die werknemer se loon mag verhaal ten opsigte van aftrekkings. Die teendeel is egter, dat verskeie aftrekkings gemaak mag word en dat slegs sekere aftrekkings tot 10% beperk word. Die Sektorale Vasstelling bepaal dat die volgende aftrekkings verhaal mag word:

1. VOEDSEL (Rantsoene)

- Indien die werknemer op 'n gereelde basis gratis voedsel (vleis, groente, meel, melk ens.) vanaf die werkgewer ontvang, mag die werkgewer slegs 10% van die werker se loon verhaal.

2.4 Apply stricter discipline with employees in terms of production standards, absenteeism and punctuality.

2.5 Communicate

2.6 If retrenching employees is the way for you to go – make sure you follow the correct procedure.

3. TEMPORARILY LAYING OFF WORKERS/ REDUCING WORK HOURS:

As an alternative to retrenching employees, you can negotiate with them, where circumstances dictate, to work less hours per day and paid an hourly rate – or from time to time be temporarily laid off work. Here the principle of no work no pay will apply.

Please do NOT negotiate a payment compensation below that of the national minimum wage with your employees.

4. APPLICATION FOR MINISTERIAL DETERMINATION: (Section 50)

If none of the above-mentioned alternatives can be applied to your business, then you can apply for exemption by completing the BCEA6 form which is provided by the Department of Labour. (Available at the office on request).

NOTE: ANY PROPOSED CHANGES TO EMPLOYMENT CONDITIONS, MUST BE NEGOTIATED WITH EMPLOYEES AND NOT DONE UNILATERALLY.

MAXIMUM DEDUCTIONS PERMITTED FROM EMPLOYEE

There is still a misconception (on the part of farmers, consultants and certain inspectors of the Department of Labour) that an employer may not deduct more than 10% of the employee's wage. The truth, however, is that various deductions may be made and that certain deductions are limited to 10%. The Sectoral Determination states that the following deductions may be made:

1. FOOD (Rations)

- If an employee receives free food from his/her employer on a regular basis (meat, vegetables, flour, milk, etc.) the employer may only deduct 10% of the employee's wage.

- Die voedsel moet op 'n gereelde basis verskaf word, en
- Die waarde van die voedsel mag nie minder as die bedrag wat afgetrek word wees nie.
- HIERDIE VOEDSEL SLUIT GOEDERE UIT WAT BY DIE PLAASWINKEL AANGEKOOP IS!!

LET WEL:
Baie werkgewers verloor geld as 'n gevolg van die verskaffing van vleis (in besonder) as 'n voedsel-item, omdat die markwaarde meer as die toelaatbare aftrekking. Daar word voorgestel dat hierdie herbeding word in die dienskontrak, en dat daar van die werknemer in die toekoms vereis word om sodanige goedere te koop, met sy/haar verbeterde kontantloon van die werkgewer, mits hy/sy dit wil hê. Ons stel voor dat hierdie beginsels toegepas word op alle items tans gratis of by onder markwaarde verskaf, soos (in baie gevalle) weiding vir vee.

2. BEHUISING

- Indien die werkenemer op die plaas woonagtig is, mag 'n verdere 10% (addisioneel tot die 10% vir gratis voedsel) van die werknemer se loon verhaal word.
- Hierdie verhaling dien nie as huurgeld nie, maar is 'n verhaling (korting) wat aan die werkgewer / plaaseienaar gegee word weens die feit dat behuising aan die werknemer voorsien word.
- Die verhaling mag slegs gedoen word indien:
  - geen aftrekkings gemaak word vir water en/of elektrisiteit nie. (Die werker mag wel krag aankoop deur middel van koopkrag stelsel).
- Die huis moet beskik oor:
  - 'n Sterk en bestendige dak wat nie lek nie.
  - Glas vensters wat kan oopmaak.
  - Elektrisiteit (indien die infrastruktuur van die plaas dit toelaat).
  - Drinkwater in of binne 100m vanaf die woning beskikbaar is.
  - 'n Spoel- of pit toilet, binne of naby die woning beskikbaar is.
  - Die woning minstens 30 m² groot is.

Neem kennis dat dié aftrekking slegs van een persoon woonagtig in die woning se loon verhaalbaar is, behalwe in die geval waar daar meer as een werker in 'n kommune kompleks ("Kgopong") woon. In hiérdie geval kan daar van elke werker 'n bedrag verhaal word, op voorwaarde dat;

- The food must be provided on a regular basis.
- The value of the food may not be less than the amount deducted.
- NOTE – SUCH FOOD EXCLUDES GOODS PURCHASED FROM THE FARM STORE.

PLEASE NOTE:
Many employers are losing money as a result of supplying meat (in particular) as a food item, because the market value exceeds the permitted deduction. It is suggested that this be renegotiated in the employment contract, and that the employee in future be required to purchase such commodities with his/her enhanced cash wage from the employer, should he/she so wish. We suggest that these principles be applied to all items currently being supplied gratuitously or at below market value, such as (in many cases) grazing for livestock.

2. HOUSING

- If the employee lives on the farm a further 10% may be deducted (in addition to the 10% for free food).
- Such deductions shall not be considered as rental but serves as payment (rebate) to the employer/farm owner for the fact that housing is provided to the employee.
- This deduction may only be made if:
  - No deductions are made for water and/or electricity (the employee may purchase electricity via the prepaid system)
- The house must have the following:
  - A strong and stable roof that does not leak.
  - Glass windows that can open.
  - Electricity (if the farm infrastructure allows for it)
  -
  - Drinking water available inside the house or outside within 100m from the house.
  - A flush or pit toilet inside or near the house
  - The house must be at least 30 m² in size.

Note that these deductions may be made from the wage of only one person living in the house, except in the case where more than one employee lives in a communal complex. In such a case an amount may be deducted from each employee – provided that;

- Die verhaling per werker nie 10% van daardie werker se loon sal beloop nie
en
- Die totale aftrekking per kommune nie 25% van die toepaslike minimum loon sal oorskry nie.

NB: Geen verhaling ten opsigte van behuising mag gedoen word vanaf 'n werknemer wat jonger as 18 jaar is, se loon nie.

3. BETALINGS AAN 3DE PARTY

- Enige bedrag wat in opdrag van die werknemer of 'n hofbevel aan 'n derde party betaalbaar is. Daar is geen beperking op die persentasie van aftrekking wat van die werknemer se loon verhaal mag word nie.

4. PERSOONLIKE LENING

- Waar die werknemer 'n persoonlike lening by die werkgewer aangegaan het, mag SLEGS 10% van die werker se bruto loon afgetrek word as terugbetalingspaaiement vir die lening aangegaan.

- Dit beteken NIE dat die werkgewer / Boer net 10% mag aftrek vir voedsel aangekoop by plaaswinkel nie, hierdie klousule is van toepassing op gelde voorgeskiet vir die persoonlike gebruik deur die werknemer (bv. Die koop van 'n meubelstuk of begrafniskoste ens).

5. SKADE VERGOEDING

- Indien die werker hom/haarself skuldig gemaak het aan die opsetlike beskadiging van die werkgewer se eiendom en/of skade wat deur die werkgewer gelei word as gevolg van die werknemer se nalatigheid, kan die werkgewer sodanige vervangings- of herstel kostes van die werknemer se loon verhaal.

- Hierdie verhaling kan in paaiemente gedoen word, waar die totale aftrekking per paaiement nie meer as 25% van die werknemer se loon mag beslaan nie.

6. PLAASWINKEL

- Alle goedere wat deur die werknemer by die "plaaswinkel" op die plaas gekoop word is eenmalig en ten volle van die werknemer se loon verhaalbaar.
- Dit word vereis dat daar volledig boek gehou word van die werknemer se aankope (item, hoeveelheid en eenheidsprys)
- Die werkgewer mag nie die werknemer verplig om goedere hetsy, by die werkgewer self, of by 'n ander persoon aan te koop nie.

- The deduction per employee shall be less than 10% of the employee's wage;
and
- The total deduction per commune shall not exceed 25% of the minimum wage.

NB: No deductions may be made in respect of housing if the employee is younger than 18 years.

3. PAYMENT TO A THIRD PARTY

- Any amount payable to a third party according to an instruction from the employee or a court order. There is no limit on the percentage of the employee's wage that may be deducted.

4. PERSONL LOAN

- Where the employee has incurred a personal loan with the employer, only 10% of the employee's gross wage may be deducted as repayment instalment.

- This does not mean that the employer/farmer may only deduct 10% for food purchased at the farm store. This clause is applicable for an advance for personal use (e.g. to buy furniture or to pay funeral costs etcetera).

5. COMPENSATION FOR DAMAGES

- If the employee is guilty of malicious damage to the employer's property/or through his/her negligence has caused the employer to suffer losses, the employer may recover such replacement or repair expenses from the employee's wage.

- Such recovery may be done in instalments where the total deduction per instalment shall not exceed 25% of the employee's wage.

6. FARM STORE

- The cost of all goods purchased by the employee at the farm store are once-off expenses and fully recoverable from the employee's wage.
- A detailed record shall be kept of the employee's purchases (item and unit price).

- The employer may not compel the employee to purchase goods, whether from the employer or from another person.

SAMEVATTING

Indien die onwaarskynlike scenario hom voordoen waar die werknemer gratis voedsel en behuising ontvang en 'n persoonlike lening by die boer aangegaan het, en iewers in die nie soverre verlede hom/haarself skuldig gemaak het aan die beskadiging van die werkgewer se eiendom, is die totale aftrekking wat "wetlik" van die werker se loon verhaal mag word, 45% en NIE net 10% nie. (10% vir behuising, plus 10% vir gratis voedsel, plus 25% vir skade)

Dan moet daar nog 1% bygevoeg word vir Werkloosheidsversekeringsfonds (WVF) en enige bedrag wat deur die werknemer of 'n hof genomineer word en wat aan 'n derde party betaalbaar is en enige goedere by 'plaaswinkel' aangekoop. Dus is die totale aftrekking nie net 10% of 25% nie!

BELANGRIK!!

Alvorens enige aftrekkings gedoen mag word, moet die werknemer skriftelik daartoe instem. Dit word aanbeveel dat die **DIENSKONTRAK** voorsiening maak vir moontlike scenarios en dat die werknemer toestemming verleen tot dié aftrekkings. Sien onder vir voorbeeld:

Die werkgewer is geregtig om enige aftrekkings wat ingevolge 'n wet, kollektiewe ooreenkoms, hofbevel of arbitrasietoekenning vereis of toegelaat word, van die werknemer se loon / salaris te verhaal.

Bogenoemde sluit in maar is nie beperk tot:

- Die werknemer se bydra tot Werkloosheidsversekeringsfonds (WVF) wat 1% van die werknemer se loon beloop,
- Enige premies t.o.v. polisse en versekering wat deur die werknemer betaal moet word.
- Enige voedsel wat deur die werknemer aangekoop is by die plaaswinkel. (Hierdie bedrag is weekliks/maandeliks ten volle verhaalbaar).
- Beroepsfooi bedrag wat gelyk is aan 10% van die werknemer se weeklikse / maandelikse salaris. Sodanige bedrag word nie beskou as huurgeld nie en volgens die Sektorale Vasstelling, is dit aftrekbaar indien gebruik gemaak word van die werkgewer se behuising.

Vir enige navrae kontak gerus Johan Wege – 082 337 4520

Landbougroete

SYNOPSIS

In the unlikely scenario where the employee receives free food and housing and has incurred a loan with the farmer and has sometime in the recent past been guilty of damaging the employer's property, the total amount that may be deducted "legally" from the employee's wage is 45% and NOT merely 10% (10% for free food, plus 25% for damages).

Another 1% must be added for Unemployment Insurance Fund (UIF) and any other amount payable to a third party and any goods purchased at the farm store. Thus, the total deduction is not only 10% or 25%!

IMPORTANT!!

Before any deduction may be made, the employee must give his/her written consent. It is recommended that the **EMPLOYMENT CONTRACT** make provision for possible scenarios and that the employee gives permission for such deductions. See example below:

The employer is entitled to make any deductions from the employee's wage as required or allowed by law, collective agreement, court order or arbitration.

The above includes but is not limited to the following:

- The employee's contribution to Unemployment Insurance Fund (UIF) which amounts to 1% of the employee's wage.
- Any premium in respect of policies and insurance payable by the employee.
- The cost of any food purchased by the employee from the farm store (this amount is payable weekly/monthly in full).
- Occupational fee which is equal to 10% of the employee's weekly/monthly wage. Such amount is not considered as rental and according to the Sectoral Determination, is deductible, if use is made of the employer's housing.

For any inquiries, please contact Johan Wege - 082 337 4520

Agricultural Greetings

BRENT MCNAMARA
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