



WRITTEN PARTICULARS OF EMPLOYMENT

WHAT IS 'WRITTEN PARTICULARS OF EMPLOYMENT' (WPE)

In terms of the law, when an employee starts to work for the employer, certain details must be written down. These may form part of a written contract of employment. If an employee does not understand the WPE, it must be explained in a preferred language so that it is understood. If any details change, the WPE must also be changed. As soon as an employee starts work, the employer must give the employee a copy.

WHAT MUST BE IN THE WPE

The following must be covered:

- ◆ Full name and address of employer
- ◆ Name of employee
- ◆ The employee's job or a short job description
- ◆ The place of work (if more than one, name them all)
- ◆ Date on which the employee started work
- ◆ Days and hours of work, for example Monday to Friday 08h00–16h30 or Wednesday and Saturday 09h00–18h00.

Particulars must be revised if the terms of employment change.

PAYMENTS

- ◆ Wages, for example R1500 per month on rate/method of payment, for example R3 for each page typed or R50 for each dress made
- ◆ Pay for overtime if there is any
- ◆ State if any other cash will be paid, for example R200 bonus at Christmas or R5 taxi money

- ◆ State any payments in kind and the value thereof, for example free accommodation – value R300 per month or free meals every day worked – value R6 per day
- ◆ When the employee will be paid, monthly on the last day of the month or weekly on Fridays
- ◆ Any deductions, for example UIF, medical aid, provident fund, company loan or tax.

The following particulars of payment must be given in writing when the employee is paid:

- ◆ Employer's name and address.
- ◆ Employee's name and occupation.
- ◆ Date of payment
- ◆ Remuneration in money and rate of remuneration if applicable.
- ◆ Ordinary hours and overtime worked during the same period of payment.
- ◆ Deductions, if any were made.

The employer must keep records of this information.

LEAVE

How many days or how much time for each of the following types of leave—

- ◆ Annual leave (holiday)
- ◆ Sick leave
- ◆ Family responsibility leave, and
- ◆ Maternity leave (women only!).

NOTICE

- ◆ The notice period must be stated, for example, a year = four weeks notice.

- ◆ A fixed-term contract must be clearly stated, for example 1 January to 31 March 1999.

OTHER (NOT FOR DOMESTIC EMPLOYEES AND EMPLOYERS WITH LESS THAN FIVE EMPLOYEES)

Describe any council, for example bargaining or statutory council or sectoral determination by the Minister, which applies.

State if a period that the employee worked for a previous employer counts as part of the employee's period of service with the current employer, for example, where a company was sold as a going concern and employment contracts transferred.

A list of other documents that are part of the contract, for example medical aid rules, company policies or performance criteria.

APPLICATION

Employees working 24 hours or more per month for the same employer should have WPEs. All employees, for example domestic workers, managers and farm workers, are included. An inspector from the Department of Labour may inspect the WPE. An employer must keep such records for a period of three years after the termination of employment. A labour inspector has the power, without warrant or notice, to enter any workplace at any reasonable time in order to monitor and enforce compliance with the Basic Conditions of Employment Act. The inspector may question a person on any employment law matter and require disclosure of information, as well as inspect certain documents or records.

RELEVANT LEGISLATION

WRITTEN PARTICULARS OF EMPLOYMENT



Basic Conditions of Employment Act, Chapter 3 and 4