



CONDITIONS OF EMPLOYMENT FOR EXPANDED PUBLIC WORKS PROJECTS

Introduction

The following abridged, standard terms and conditions for workers employed in elementary occupations on an Expanded Public Works Programme (EPWP) were published in a Ministerial Determination wef 1 November 2010.

Terms of Work

Workers on an EPWP are employed on a temporary basis or contract basis.

Normal Hours of Work

An employer may not set tasks or hours of work that require a worker to work; more than forty hours in any week, on more than five days in any week and for more than eight hours on any day.

Meal Breaks

A worker may not work for more than five hours without taking a meal break of at least thirty minutes duration.

Rest Periods

Every worker is entitled to a daily rest period of at least twelve consecutive hours and two days off every week. A worker may only work on their day off to perform work which must be done without delay and cannot be performed by workers during their ordinary hours of ("emergency work").

Work on Sundays and Public Holidays

A worker may only work on a Sunday or public holiday to perform emergency or security work. Work on Sundays is paid at the ordinary rate of pay.

Sick Leave

Only workers who work more than 24 hours per month have the right to claim sick-pay.

A worker who is unable to work on account of illness or injury is entitled to claim one day's paid sick leave for every full month that the worker has worked and accumulate a maximum of 12 days' sick leave in a year.

An employer must pay the worker's daily rate of pay for a day's sick leave on the worker's usual payday.

Before paying sick-pay, an employer may require a worker to produce a certificate stating that the worker was unable to work on account of sickness or injury if the worker is; absent from work for more than two consecutive days or absent from work on more than two occasions in any eight-week period.

A medical certificate must be issued and signed by a medical practitioner, a qualified nurse or a clinic staff member authorised to issue medical certificates indicating the duration and reason for incapacity.

Family responsibility leave

Workers, who work for at least four days per week, are entitled to three days paid family responsibility leave each year when; the employee's child is born, is sick or in the event of a death of; the employee's spouse or life partner or parent, adoptive parent, grandparent, child, adopted child, grandchild or siblings.

Statement of Conditions

An employer must give a worker a statement containing the following details at the start of employment;

The employer's name address and the name of the EPWP, the tasks or job that the worker is to perform, the period for which the worker is hired or, the expected duration of the contract, the worker's rate of pay and how this is to be calculated and the training that the worker will receive during the EPWP.

An employer must ensure that these terms are explained in a suitable language to any employee who is unable to read the statement.

An employer must supply each worker with a copy of these conditions of employment.

Keeping Records

Every employer must keep a written record of at least the following for at least three years after the completion of the EPWP.

The worker's name and position, copy of an acceptable worker identification, the time worked and payments made to each worker.

Payment

An employer must pay all wages at least monthly in cash or by cheque or into a bank account during the worker's working hours or within fifteen minutes of the start or finish of work or in a sealed envelope which becomes the property of the worker.

A worker may not be paid less than the minimum EPWP wage rate of R60.00 per day or per task. This will be annually adjusted in-line with inflation.

An employer must give the worker the following information in writing; the period for which payment is made, the numbers of tasks completed or hours worked, the worker's earnings, any money deducted from the payment and the actual amount paid to the worker.

Health and Safety

Employers must take all reasonable steps to ensure that the working environment is healthy and safe.

Termination

The employer may terminate the employment of a worker for good cause after following a fair procedure.

A worker will not receive severance pay on termination.

A worker who is absent for more than three consecutive days without informing the employer of an intention to return to work will have terminated the contract.

A worker who does not attend required training events, without good reason, will have terminated the contract. However, in all the above, the worker may be re-engaged if a position becomes available.

Certificate of Service

On termination of employment, a worker is entitled to a certificate stating;

The worker's full name, the name and address of the employer, the EPWP on which the worker worked, the work performed by the worker, any training received by the worker as part of the EPWP.

The full version of this Notice 949 published in Government Gazette 33665 dated 22 October 2010 is available from your closest MBA office.

(GA)