Labour Law Compliance Checklist

BCEA, LRA, Employment Equity, National Minimum Wage, UIF, COIDA and SDL. What a South African employer has to have in place.

Labour compliance is where the smallest administrative gaps produce the largest awards. A missing written particulars document, an unrecorded hour, or a disciplinary process run without a hearing all convert into money at the CCMA. This checklist reflects the position as at August 2026, including the national minimum wage of R30,23 from 1 March 2026 and the BCEA earnings threshold of R269 600,90 from 1 May 2026.

1. Contracts and records

Section 29 of the Basic Conditions of Employment Act 75 of 1997 requires written particulars of employment. Sections 31 and 33 require records of time worked and payments made, kept for three years from the last entry. POPIA applies to employee records as personal information.

- [ ] **1. Issue written particulars on day one**
  Every employee must receive written particulars covering hours, remuneration, leave and notice. It is a standing document that must be updated when terms change.
  BCEA s29

- [ ] **2. Keep time and pay records for three years**
  Record hours worked and payments made for each employee, and retain those records for three years after the last entry. Inspectors may ask for them without notice.
  BCEA s31 and s33

- [ ] **3. Issue a compliant payslip each pay period**
  Payslips must show the period, hours, rate, deductions and net amount. Paying the right amount without a written statement is still a contravention.
  BCEA s33

- [ ] **4. Secure and limit employee personal data**
  Employee files, payroll data, identity numbers and medical certificates are personal information. Restrict access, set retention periods, and treat health and biometric data as special personal information.
  POPIA s19 and s26

2. Pay, hours and leave

The National Minimum Wage Act 9 of 2018 sets a floor that cannot be waived by agreement. BCEA Chapter Two regulates working time and Chapter Three regulates leave. The earnings threshold under section 6(3) removes certain working time protections above it.

- [ ] **5. Pay at least R30,23 per ordinary hour**
  The national minimum wage is R30,23 per ordinary hour worked with effect from 1 March 2026, and it applies equally to domestic workers and farm workers. Expanded Public Works Programme workers are on R16,62.
  NMW Act s6(5), Gazette 54075

- [ ] **6. Check sectoral rates above the national floor**
  Contract cleaning and wholesale and retail carry higher scheduled rates. Contract cleaning is R33,27 per hour in Area A and R30,33 in Area B.
  Sectoral Determinations 1 and 9

- [ ] **7. Apply the R269 600,90 earnings threshold**
  Employees earning R269 600,90 a year or less, about R22 466,74 a month, keep the full BCEA protections on ordinary hours, overtime, Sunday and public holiday pay, meal intervals and rest periods. The figure rose on 1 May 2026.
  BCEA s6(3)

- [ ] **8. Cap ordinary hours and pay overtime correctly**
Ordinary hours are capped at 45 per week. Overtime is voluntary, capped at 10 hours per week, and paid at 1,5 times the normal wage unless time off is agreed.
BCEA s9, s10 and s11

- [ ] **9. Grant the statutory leave minimums**
Annual leave is 21 consecutive days per cycle. Sick leave is 30 days over a 36 month cycle on a five day week. Maternity leave is four consecutive months and parental leave is 10 consecutive days.
BCEA s20, s22, s25 and s25A

3. Equity and transformation

The Employment Equity Amendment Act 4 of 2022 commenced on 1 January 2025. It removed the turnover test from the definition of designated employer, so the test is now 50 or more employees. Section 15A allows the Minister to set sectoral numerical targets, published on 15 April 2025.

- [ ] **10. Confirm whether you are a designated employer**
You are designated if you employ 50 or more employees, or you are an organ of state. Since 1 January 2025 turnover is irrelevant, so an employer under 50 employees is not designated no matter how high its turnover.
EEA s1 as amended

- [ ] **11. Align your EE plan to the 2030 sector targets**
Sectoral numerical targets now apply across 18 economic sectors for the four upper occupational levels, plus a disability target, measured over five years to 2030. Your plan must show a credible evidenced trajectory or record justifiable grounds for a shortfall.
EEA s15A and s20

- [ ] **12. Submit the EEA2 and EEA4 in reporting season**
Designated employers file the EEA2 report and the EEA4 income differential statement annually. In the 2025 cycle online submission ran to 15 January 2026. Confirm the current cycle dates with the Department.
EEA s21 and s27

- [ ] **13. Obtain a section 53 certificate before tendering**
Any employer bidding for state business needs a certificate of compliance, requested on the EEA15 form. It is valid for 12 months or until your next report is due, whichever is longer.
EEA s53

- [ ] **14. Consult before you submit**
Designated employers must consult employee representatives, or the representative trade union where one exists, on the analysis, the plan and the report before submission, and keep copies for five years.
EEA s16, s17 and s21

4. Statutory registrations and returns

The Unemployment Insurance Contributions Act sets a 2 percent total contribution on capped remuneration. COIDA section 80 requires registration and an annual return of earnings. The Skills Development Levies Act sets a 1 percent levy above a payroll threshold.

- [ ] **15. Register for UIF and declare monthly**
Employer and employee each contribute 1 percent on remuneration up to R17 712 a month, so a maximum of R177,12 each. Register the business and declare employee details and changes monthly.
UIC Act s5 and s6, UI Act s56

- [ ] **16. Register with the Compensation Fund and file the ROE**
Register within seven days of employing your first worker. Maximum earnings per employee for assessment is R668 000 a year from 1 March 2026, and late submission of the return of earnings attracts a 10 percent penalty plus interest.
COIDA s80 and s82

- [ ] **17. Register for SDL and submit the WSP and ATR**
  If your annual payroll exceeds R500 000 you must register and pay 1 percent of leviable payroll monthly on the EMP201. Submitting a Workplace Skills Plan and Annual Training Report to your SETA by 30 April unlocks the mandatory grant.
  SDL Act s3 and s4

5. Discipline, dismissal and dispute readiness

Section 185 of the Labour Relations Act 66 of 1995 gives every employee the right not to be unfairly dismissed. Section 188 requires both a fair reason and a fair procedure. Schedule 8 sets the procedural expectations and section 194 caps compensation.

- [ ] **18. Follow a documented, fair disciplinary procedure**
  A dismissal needs a fair reason, being conduct, capacity or operational requirements, and a fair procedure, which normally means notice of the allegations, a chance to respond, and a right to representation.
  LRA s185 and s188, Schedule 8

- [ ] **19. Run retrenchments as a consultation**
  Operational requirement dismissals require a written section 189(3) notice and genuine joint consensus seeking on alternatives, selection criteria and severance. Severance is at least one week of remuneration per completed year of service.
  LRA s189, BCEA s41

- [ ] **20. Prepare for the 30 day referral clock**
  Unfair dismissal disputes must be referred to the CCMA within 30 days of dismissal, and unfair labour practice disputes within 90 days. Keep the investigation file, minutes and outcome letter ready to produce.
  LRA s191

What non-compliance costs

- BCEA: R100 per employee for a first failure rising to R500 per employee after four prior failures in three years. For underpayment, 25 percent of the amount due for a first failure rising to 200 percent, and the greater of the two tables applies.
- National minimum wage: the greater of twice the value of the underpayment or twice the employee monthly wage, and three times for a repeat contravention.
- Employment equity: R1 500 000 for a first administrative contravention rising to R2 700 000. For plan, report and target contraventions, the greater of R1 500 000 or 2 percent of annual turnover, escalating to the greater of R2 700 000 or 10 percent of turnover.
- CCMA: up to 12 months of remuneration for an ordinary unfair dismissal, up to 24 months where the dismissal is automatically unfair, and up to 12 months for an unfair labour practice. These are ceilings, not tariffs.
- COIDA: a 10 percent late submission penalty plus interest on the return of earnings, and no letter of good standing until it is filed.

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