

EMPLOYMENT ACT, 1982  
(29 of 1982)

EMPLOYMENT (AGRICULTURAL EMPLOYEES) REGULATIONS, 1984  
(Published on 28th December, 1984)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Interpretation
3. Special provision for agricultural employees

IN EXERCISE of the powers conferred on the Minister of Home Affairs by section 104 of the Employment Act, 1982, the following Regulations are hereby made —

1. These Regulations may be cited as the Employment (Agricultural Employees) Regulations, 1984. Citation

2. In these Regulations, —  
“agricultural employee” means an employee employed in an agricultural undertaking principally by way of manual labour; Inter-pretation

“agricultural undertaking” means an undertaking or part of an undertaking engaged in cultivation, animal husbandry (including livestock production and care of cattle or cattle ranching), forestry, horticulture, running a plantation, the primary processing of agricultural products or any other form of agricultural activity.

3. (1) In the case of an agricultural employee, —

(a) section 47 of the Act shall not apply where he is entering into a contract of employment in an agricultural undertaking not then employing more than 25 persons; Special provision for agricultural employees

(b) section 96 of the Act shall not apply;

(c) section 99 of the Act shall apply as if —

(i) subsection (27) thereof required his employer to grant him, in respect of each period of one month's continuous employment, not less than one and a half working days' leave with basic pay;

(ii) subsection (3) thereof required, where at the end of any period of 12 months' continuous employment no working days' leave or less than 10 working days' leave has been taken, 10 working days' leave or the balance of 10 working days' leave, as the case may be, to be taken no later than 3 months immediately after the end of that 12 months' period; and

(iii) subsection (6) (b) were deleted;

(d) section 100 of the Act shall not apply; and

(e) no provision of the Act shall apply if the employee is employed in an agricultural undertaking in which members of the same family alone are employed.

(2) The Commissioner may, in writing addressed to any employer of agricultural employees, restrict or limit the application of section 112 of the Act in the case of those employees for such period and subject to such conditions as the Commissioner thinks fit.

(3) Notwithstanding any provision to the contrary made by order

under section 121 of the Act, in the case of a female agricultural employee, the aggregate of the whole period of absence from work for which provision is made by section 117(2) and (4) of the Act and a further period of absence from work of 4 weeks only by virtue of section 121 (1) of the Act is hereby prescribed as the maximum period of absence from work for purposes of the latter provision.

(4) Notwithstanding any provision to the contrary contained in other regulations made under the Act, no employer of agricultural employees shall be required to keep any records, books or accounts in respect of those employees:

Provided that the Commissioner may, by notice in writing served on any such employer, require the employer to furnish the Commissioner in writing, within a reasonable time to be specified in the notice, with so much of such information as the employer would, apart from this subregulation, have been required to record in respect of those employees as the Commissioner shall specify.

(5) Where any employer of agricultural employees is required by the Commissioner under the proviso to subregulation (4) to furnish the Commissioner with information, the employer may require the assistance of the Commissioner or a labour officer in complying with the Commissioner's requirement.

(6) Any employer of agricultural employees who fails, without reasonable excuse, to comply with a requirement made of him by the Commissioner under the proviso to subregulation (4) shall be guilty of an offence and liable to a fine of P1 000 and to imprisonment for 6 months.

MADE this 14th day of December, 1984.

E.M.K. KGABO,  
*Minister of Home Affairs.*

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