

MINISTRY OF EMPLOYMENT AND HUMAN
RESOURCES DEVELOPMENT
EMPLOYMENT DEPARTMENT
LABOUR RELATIONS AND EMPLOYMENT
PROMOTION DIVISION
INDUSTRIAL RELATIONS SECTION
P.O BOX 1097

Phone: 67 62 50

Fax: 61 07 95

E-mail: ps@employment.gov.sc

Website: www.employment.gov.sc



EMPLOYER'S DUTIES TOWARDS EMPLOYEES



INDUSTRIAL RELATIONS SECTION



EMPLOYER'S DUTIES TOWARDS EMPLOYEES

Employer's Duties at the Time of Recruitment of an Employee

The employer has certain duties that it needs to fulfill at the time of the recruitment of an employee. It includes:

- ◆ Ensuring that the age limit for the category of work is respected.
- ◆ The Employee's contract is reduced to writing.
- ◆ The employee is given a copy of the contract.

The contract should contain:

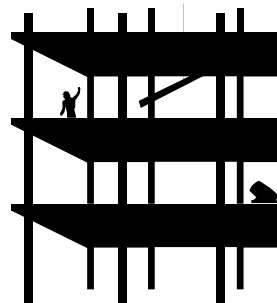
- ◆ Name (s) of the employer and workers.
- ◆ Nature of employment.
- ◆ In the case of a fixed-term contract, its duration.
- ◆ In the case of a contract of continuous employment, the probationary period, if any.
- ◆ The place the work is to be performed.
- ◆ The wages to be paid and any other benefits to receive.
- ◆ The number of working hours per week.
- ◆ Requirement for overtime work, where applicable such other particulars, e.g. annual leave, notice period, etc...

If the employee is illiterate, the contract has to be read and explained to the employee and witnessed by a third party.

Employer's Duties During the Time of Employment of the Employee

During the time an employee is with an organization, the employer has to ensure that the following is observed:

- ◆ The consent of the employee is obtained before any changes to the contract of employment that is less favorable is made.
- ◆ When paying wages, keep a record of the payment made together with evidence of receipt of payment and issue a pay-slip recording details of payment made.
- ◆ Ensure that the appropriate procedure in accordance with the law is followed before the contract of employment is terminated.
- ◆ An alleged disciplinary offence is investigated before a disciplinary action is taken.
- ◆ There are in place grievance procedure and disciplinary procedures.
- ◆ An employee who's fixed term contract of employment is coming to an end or who is reaching retirement age is given appropriate notice.



Employer's Duties When an Employee Leaves

When an employee resigns, retires, dies or the contract of employment is terminated, there may be certain

payments due. This will consist of the employee's regular wage and various other payments owed to them and calculated to the date on which the contract ended.

These includes:

- ◆ Compensation (if for the circumstances of resignation, retirement, death there requires to be service of 5 years or more).
- ◆ Accrued leave.
- ◆ Public Holiday pay, if any.
- ◆ Overtime pay, if any.

The employer may make deductions from final payment where appropriate, which includes:

- ◆ Notice pay if the employee left without notice.
- ◆ Social Security.
- ◆ Any outstanding loans.
- ◆ Any other deductions.

The employer is also required to give the employee who has resigned or is being terminated a certificate of employment.

When an employee leaves the organization, it is good practice to conduct an exit interview. The information gathered may enable the organization to improve selection criteria or employee retention.