

HR compliance checklist for South African employers

Thirty-seven things a South African employer should be able to show. Updated September 2026.

CONTRACTS AND RECORDS

- ☐ Every employee has written particulars of employment, signed and on file. BCEA s29.
- ☐ Particulars are updated in writing whenever pay, hours, the job or the place of work changes. BCEA s29(3).
- ☐ Any fixed-term contract running longer than three months has a written, justifiable reason. LRA s198B.
- ☐ You hold a copy of each employee's ID or valid work permit, and the expiry dates are diarised.
- ☐ Records of employees who have left are kept for three years. BCEA s31.

PAY, AND WHAT YOU PAY OVER

- ☐ A payslip goes out with every payment, showing everything the Act requires on it. BCEA s33.
- ☐ Nothing is deducted from pay without written consent or a law requiring it. BCEA s34.
- ☐ Everyone is paid at or above the national minimum wage. It changes every March, so check the current figure.
- ☐ Any sectoral determination or bargaining council agreement that covers your industry is applied.
- ☐ Overtime, Sunday and public holiday pay follow the BCEA rules where those rules apply to the employee.
- ☐ You are registered with the UIF and your monthly declarations are up to date.
- ☐ You are registered with the Compensation Fund under COIDA and the annual Return of Earnings is submitted.
- ☐ Skills Development Levy is paid if your annual payroll is above R500 000.

LEAVE

- ☐ Leave is recorded per employee, per cycle, with a balance you could defend to an inspector.
- ☐ Annual leave is 21 consecutive days a cycle, which is 15 working days on a five-day week. BCEA s20.
- ☐ Sick leave is measured over a 36-month cycle rather than a calendar year. BCEA s22.
- ☐ A medical certificate is asked for only where the Act allows it, and it is filed where only HR can see it. BCEA s23.
- ☐ Family responsibility leave becomes available after four months' service. BCEA s27.
- ☐ Your maternity, parental and adoption leave position is written down. The courts have been reshaping parental leave, so confirm where you stand.
- ☐ Leave still owed is paid out when somebody leaves. BCEA s40.

DISCIPLINE AND PERFORMANCE

- ☐ You have a written disciplinary code and a grievance procedure, and your staff have actually seen them.
- ☐ Your code and letter templates have been checked against the Code of Good Practice: Dismissal published on 4 September 2025, which repealed the old Schedule 8 code.
- ☐ Every warning is in writing, dated, with a validity period, and either signed or delivered with proof.
- ☐ Before a hearing: written notice of the allegation, enough time to prepare, and the right to representation.
- ☐ After a hearing: the outcome in writing, with reasons.
- ☐ Poor performance is handled as incapacity, with evaluation, guidance and a real chance to improve, rather than as misconduct.
- ☐ Probation is used to assess, with an evaluation and a written outcome at the end of it.

WHEN SOMEBODY LEAVES

- ☐ Notice is given according to length of service, or paid instead. BCEA s37.
- ☐ Final pay includes any outstanding leave. BCEA s40.
- ☐ A certificate of service is handed over. BCEA s42.
- ☐ The UI-19 goes to the UIF so the person can claim.
- ☐ Company property is booked back in and access is closed on the last day.

POPIA AND SAFETY

- ☐ An Information Officer is registered with the Information Regulator.
- ☐ Staff records are on a need-to-know basis, with medical information kept apart from the rest.
- ☐ You know what you would do if an employee asked what personal information you hold about them.
- ☐ Health and safety: new staff are inducted, first aiders are appointed, and an incident register is kept.
- ☐ If you employ 50 or more people you are a designated employer under the Employment Equity Act, with a plan and annual reporting. Check which side of that line you are on.

What this is, and what it is not

This is a checklist of duties a South African employer can check for itself. It is general information and not legal advice, it does not interpret your situation, and ticking every box is not a finding that your business is compliant. For a dismissal, a retrenchment or a CCMA referral, speak to a labour attorney or a registered labour consultant.

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