

GUIDELINES: NEW REGISTRATION DOCUMENT, W.As 2

NB.

- All **applicable** items must be completed on both pages of the Registration of Employer W.As 2. This document **MUST** be signed and dated.
- A clear copy of the CIPC documents, from CIPRO, Trust documents or NPO certificates **MUST** be attached.
- A clear copy of ID document(s) **MUST** be attached in respect of sole proprietors/owners/partners.

WITHOUT THE ABOVE-MENTIONED DOCUMENTS ATTACHED, THE REGISTRATION CANNOT BE PROCESSED.

FRONT PAGE:

Mark with "X" in the relevant space to indicate whether the employer is a Sole Proprietor (farmers included), Close Corporation, Company, Partnership, Public - /Local authority, Organisation/Association, Trust etc.

PART 1 PARTICULARS OF EMPLOYER

- 1.1 Give the date on which the **first employee was employed**. It is compulsory for an employer to register within 7 days of the date the first employee was employed. **Employers cannot register with this Office if no employees are employed yet.** If this is the case, such a business may be given an exemption letter which can be used for tender purposes and such an exemption business does not qualify for a Letter of Good Standing.
- 1.2 Trading name and postal address of employer.
- 1.3 Give the physical address/street address of business/name(s) of farm(s), postal code and Magisterial district.

Contact details of employer must be completed.

PART 2 PARTICULARS OF OWNER/PARTNERS/TRUSTEES OF A CLOSE CORPORATION/COMPANY/TRUST

- 2.1 Give the name(s) of owner, partner(s) and trustees. Attach a list if more than one.
 - 2.1.1 Give ID number(s) of owner, partner(s), trustee(s).
N.B. Clear copies of ID's MUST be attached.
- 2.2 Give the name of Company or Close Corporation with CIPRO as well as the Company or Close Corporation number.
N.B. A copy of the CIPC documents, Trust or NPO certificate must be attached.

PART 3 PARTICULARS OF THE NATURE OR TYPE OF BUSINESS-/FARMING OPERATIONS, ACTIVITIES OR ORGANISATION

- 3.1 Give a detailed description of the nature of the business activities or farming operations **OR** the goods manufactured or sold **OR** services rendered.
A detailed description of the employees is of utmost importance to enable this Office to determine the rate.

N.B. The description "**General operations in all aspects**" or "**General trade in all aspects**" is not accepted. Refer to the Classification of Industries, W.As.150T, which can be obtained from this Office or on the website as a guideline.

A detailed description could be:

- "**Building construction**" or "**Civil construction**" and not only "**Construction**".
- "**Clothing dealer**" and not only "**Dealer**" or "**Retailers**".
- Therefore, the description as indicated on the CIPC documents e.g. "**Trading in all aspects**" is not acceptable. This Office needs to know the type of goods that is sold or manufactured or the type of construction that is done.
- In case of **Labour Hire/Broker** indicate the type of Industry to which the employees will be hired out, the number of employees in each Industry and what their duties would be.

3.2 Describe the following if applicable.

3.2.1 **Materials** used in the **manufacturing** of goods: e.g. leather, steel, wood, etc.

3.2.2 Nature, extent and type of construction/erection undertaken:

e.g. "**Building** construction" or "**Road** Construction" and **not only** "Construction".

- 3.3 In case of farming indicate the nature.** Mark with "X" next to the type of farming and in case of mixed farming indicates the %.

- 3.4** Do you use any tractors and/or power driven saws: Mark with "X" where applicable.

PART 4 PARTICULARS OF RESPONSIBLE PERSON/DIRECTOR/MEMBER OR PARTNER OF BUSINESS

4.1 This part must be completed.

Attach a list with the names, ID numbers and addresses if necessary.

- 4.2** Give the registration numbers with the Compensation Fund or Unemployment Insurance Fund in the relevant space if already registered.

- 4.3** Complete if applicable.

PART 5 THIS PART MUST BE COMPLETED

5.1 Estimated earnings to be furnished.

5.1.1 Number of employees presently employed.

5.1.2 Average number of employees expected to be employed.

- 5.2** If the employees estimated earnings might be **less than this maximum amount per person per annum, the amount estimated** must be declared. Those employees who earn in excess of this maximum amount per year, earnings **up to that maximum amount must be declared per person per annum as estimated earnings. A Provisional assessment** will be raised on this estimated amount. The reason for the maximum earnings is that compensation for injuries on duty is calculated and paid up to that maximum amount.

- 5.2.1 Estimates earnings **expected** to be paid to all the employees.
 - 5.2.2 Estimate the cash value of food and lodging if applicable.
 - 5.2.3 Estimate the cash value of other in-kind benefits if applicable.
 - 5.2.4 Estimate the earnings of **working Directors of a Company or working Members of a Close Corporation** up to the same maximum earnings indicated in item 5.2 on the Registration form.
- 5.3 Add up the estimated totals from item 5.2.1 to 5.2.4 and write it in the available space. Indicate for what period the estimation was done by writing the dates in the available space.

Part 6

- 6.1 Complete if applicable.
- 6.2 Complete banking details for the purpose of electronic deposits to your bank account if applicable.

PART 7 DECLARATION BY EMPLOYER OR AUTHORISED PERSON

This part **MUST** be completed, signed and dated.

WHO IS AN EMPLOYER?

All persons who employ one or more employees, in connection with their business/farming activities, Organisation/ Association/Trust are "employers" in terms of the Act.

WHO IS AN EMPLOYEE?

Any person, irrespective of age, who is employed by an employer for the purpose of his business/farming activities. This also includes temporary and casual workers when employed for the purpose of the business/farming.

"EMPLOYEE" is defined by this Act as a person who has entered into, or works under a contract of service or apprenticeship or learner ship with an employer, whether the contract is expressed or implied, oral or in writing, and whether remuneration is calculated by time or work done, or is in cash or in kind and includes –

- **Casual/temporary employees** employed for the purpose of the employers' business/farming/organisation's activities.
- **Working director of a Company or member of a Close Corporation/Body Corporate**, who has entered into a contract of service, or of apprenticeship or learner ship, in so far that the employee acts within the scope of his/her employment in terms of such contract. (Excluding shareholders or "silent partners" who are only paid dividends or sharing profits).

NB. A sole owner or partners in a business/farming operation are not regarded as "employees" as contemplated by the Act and their earnings should, therefore, not be included.

- A person provided by a Labour Broker against payment to a client for the rendering of a service or the performance of work and for which service or work such person is paid by the Labour Broker, is an employee of the Labour Broker. The earnings of such persons should be included in the client's Return of Earnings, W.As. 8, document.

"EARNINGS" are **all** payments made regularly, before any deductions, whether in money or in kind, to employees.

The following list is not exhaustive but is intended only to highlight remuneration items for which there might be some doubt as to their inclusion or exclusion.

Included in the gross earnings before any deductions are the following:

- Overtime of a regular nature, (not intermittent or irregular overtime).
- Bonuses of any kind, including incentive bonuses and annual bonuses.
- Commission, even though the amount may vary from month to month.
- The cash value of food and quarters supplied to employees as part of a remuneration package.
- Cash value of fringe benefits such as a Company car, free accommodation or accommodation at a reduced rate, etc.
- Travel and other allowances paid regularly, **as part of the package.**
- Where the employee is remunerated in accordance with a package of benefits, all items forming part of the package, other than employer contributions such as medical aid contributions.
- **Earnings/Drawings** paid to **working** Directors of a Company or Members of a Close Corporation.

EXCLUDED ARE THE FOLLOWING:

- Payments of a re-imbursive nature.
- Overtime worked occasionally.
- Payments for specific non-recurring tasks which do not form part of an employee's normal duties.
- *Ex gratia* payments.
- Intangible fringe benefits such as the taxable portion of medical aid/pension contributions by the employer, etc.
- Payments to cover special expenses such as subsistence and travelling costs, lunch and costs for business meetings.
- Travel and other allowances paid **occasionally.**
- Profit sharing of Directors and Members.

LETTER FOR TENDER PURPOSES

- Employers may apply for a **letter for "tender purposes"** before employees has been employed and before registration.

LETTER OF GOOD STANDING can be obtained once the employer has complied with the requirements of the Act, inter alia:

- Submitting the latest return of earnings.
- Assessment has been paid or instalments have been arranged. **If arrangements made for instalments attached copy of receipt OF 20% of the outstanding amount (Proof of Payment).**

To arrange for instalments Fax : _____ Tel : _____

- **Letters of Good Standings can only be requested online.**
- Any tampering with the contents of these Letters is a serious offence.

LETTERS OF GOOD STANDINGS CAN ONLY BE REQUESTED ONLINE.

The Compensation for Occupational Injuries and Diseases Act, 1993 and Amendments are available on the website at <http://www.labour.gov.za>