

Cobalt Solutions
For Business Owners



What is a “Casual” Worker?

Question: Does the concept of a “casual” worker still exist?

Answer: No, there is no reference to the concept of a “casual” worker in our labour legislation.

Brief explanation: The old Basic Conditions of Employment Act (BCEA) of 1983 referred to ‘casual’ workers as those who worked for three days or less per week. They did not enjoy the same rights and protection as other employees. However, since the introduction of the BCEA of 1997, the concept of casual labour in this sense has fallen away. Anybody who is employed for 24 or more hours per month is entitled to the protections regarding working time, leave, etc. provided by the BCEA of 1997 (as amplified or varied by Sectoral Determinations or Bargaining Council agreements in certain industry sectors). So what about employees who work for less than 24 hours per month? Such employees may perhaps still be referred to as casual workers in a loose sense, but they remain fully-fledged employees when it comes to the rights and protections afforded by certain other labour legislation, such as the Labour Relations Act and the Employment Equity Act.

Article written by Jan Truter of www.labourwise.co.za