

Labour Centre of Excellence

Policy Outlook 2026

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ACTION TYPE	PRIORITY AREA	FOCUS
Legal	<i>Employment Equity Sector Targets</i>	Court monitoring, compliance defence, and inspection-readiness strategies for members.
Policy	<i>National Minimum Wage 2026</i>	Expand AgriSA wage survey, evidence-based submissions to the NMW Commission, and link wages to productivity and cost structures.
Policy	<i>Corporate / Sectoral Visa System</i>	Advocate sector-allocated visas to replace fragmented farm-by-farm applications.



Labour

Policy Context

Agriculture remains one of South Africa's most labour-intensive sectors, yet it operates under severe profit margin pressure. The statutorily prescribed National Minimum Wage, onerous labour regulation, and enforcement dynamics increasingly shape employment outcomes. AgriSA supports **decent work conditions and fair wages**, but emphasises that wage-setting must reflect **economic capacity, productivity, and sectoral realities**.



Key Challenges

- Rising real wage costs in a low-growth environment
- Limited differentiation between sectors, regions, and enterprise types
- Compliance burdens disproportionately affecting small and emerging farmers
- Corporate Visas

Key policy priorities

The Draft Revised White Paper on Citizenship, Immigration and Refugee Protection

The Draft Revised White Paper on Citizenship, Immigration and Refugee Protection aims to modernise immigration and align visa categories with national development priorities. AgriSA is of the view that requiring individual farms or agribusinesses to apply separately for foreign labour visas is administratively burdensome and ill-suited to the realities of seasonal labour demand, dispersed operations, and fluctuating production cycles.

AgriSA **recommends** the **establishment of a sectoral visa system** allocating visas to **registered sectors like agriculture, mining, and construction** based on national labour market needs, **enabling employers to access foreign workers** under a streamlined, equitable, and better-regulated process.

Employment Equity Act: Sector Target Regulations

The Employment Equity Amendment Act introduced binding sectoral targets which were gazetted in April 2025 and took effect on 1 January 2025. The targets require employers with more than 50 employees to align workforce demographics with national equity objectives. The targets are not realistic and do not align with sector-specific realities.

Various organisations are challenging the sector target regulations and arguing that the targets are substantively and procedurally flawed, and risk undermining transformation goals.

There exists significant uncertainty about how these regulations will be enforced, making it critical for AgriSA to monitor developments and prepare compliance strategies while supporting broader business efforts to challenge flawed aspects of the regulations.

While the **EE Sectoral Target Regulation** are **currently being challenged in court, they have not been set aside**. Therefore, they **remain legally in effect** and are enforceable. Designated **employers must comply** with these targets **pending a final court ruling**. A failure to adhere to these requirements **can lead to enforcement action** by the Department of Employment and Labour and, ultimately, fines or orders from the Labour Court.

WE RECOMMEND THAT DESIGNATED EMPLOYERS:

Maintain an organised compliance file containing all the documentation outlined in the checklist, ensuring it is readily accessible for an inspection.

Meticulously document any justifiable grounds for non-compliance within the annual EE reports, as this is the required procedure for making representations.

Retain suitable professional assistance from labour law or HR specialists if there is any uncertainty about interpreting or implementing these complex new requirements.

Access AgriSA inspection guideline [here](#) for further guidance.

National Minimum Wage

In December 2025, the National Minimum Wage Commission published its report and recommendations on the annual review of the National Minimum Wage (NMW) in the Government Gazette. The Gazette proposes an adjustment of the national minimum wage by consumer price inflation (CPI) plus 1,5%. Once approved, the adjusted wage will be published in a further Gazette and is expected to take effect from 1 March 2026.

AgriSA supports fair and decent wages for farm workers and recognises the role of the NMW in protecting vulnerable workers.

However, **wage-setting must be firmly grounded in the economic realities of South African agriculture**, a sector that is labour-intensive, highly exposed to climatic and market risk, and structurally constrained.

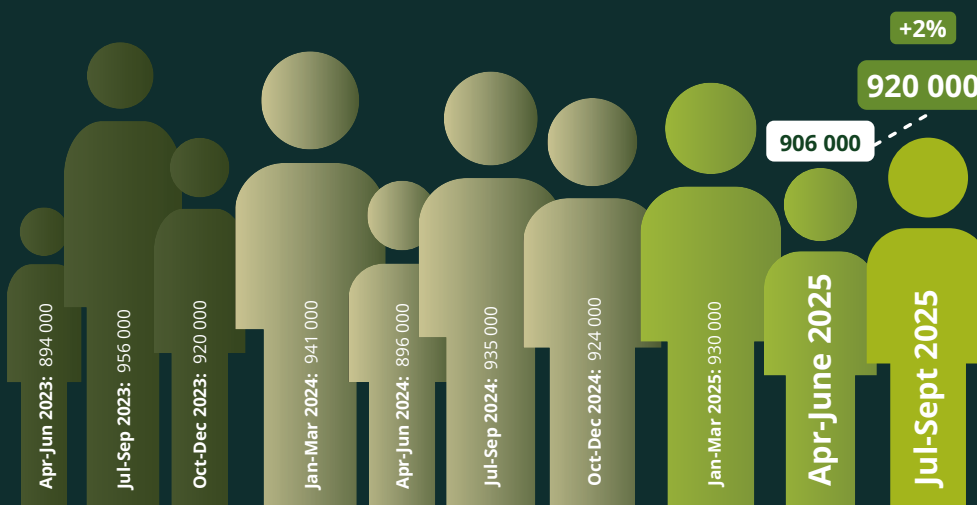
Agriculture remains a critical source of rural employment, yet it is highly sensitive to cost shocks. Labour is a major cost component, especially in horticulture and export-oriented value chains. Evidence from AgriSA surveys indicates that previous minimum wage increases have contributed to job losses, reduced working hours and accelerated mechanisation.

AgriSA therefore maintains that any adjustments for 2026 should be accompanied by meaningful enabling reforms that reduce structural costs and strengthen sector.

One of the key priorities for 2026 is to expand the AgriSA National Minimum Wage Survey. This survey forms the basis for AgriSA's annual proposal to the NMW Commission and its efforts to ensure that the NMW is based on sector realities.

Agricultural Employment

South Africa's agricultural sector remains vital for rural employment



Source: Statistics South Africa

Basic Conditions of Employment Act (BCEA): Policy Outlook

The proposed amendments to the Basic Conditions of Employment Act significantly expand the scope of labour regulation, extending coverage to on-call and personal service arrangements and strengthening enforcement mechanisms. While these changes are intended to improve protection for vulnerable workers, they have important implications for agriculture, a sector characterised by seasonal demand, variable working hours and task-based employment linked to biological and climatic cycles rather than standardised work patterns.

The introduction of mandatory written terms for on-call work, compensation for cancelled shifts, proportional benefits and increased severance obligations will raise compliance costs and administrative complexity for labour-intensive subsectors such as horticulture, livestock and primary processing. Although some provisions apply only to employers above a defined size threshold and severance changes are prospective, the cumulative effect of these amendments adds to cost pressures in a sector already facing rising input costs, biosecurity risks and infrastructure constraints.

AgriSA supports measures that promote decent work and fair labour practices but cautions that overly rigid application of labour law, without sector-specific differentiation, risks undermining employment sustainability and competitiveness in agriculture. Effective implementation will depend on regulatory clarity, consistent enforcement and ongoing engagement with organised agriculture.

AgriSA's Position

Supports fair and decent working conditions, including appropriate protection for vulnerable and non-standard workers

Concerned about increased compliance costs and legal uncertainty arising from expanded definitions and coverage

Emphasises the need to recognise agriculture's seasonal and production-driven labour realities

Calls for consistent enforcement, clear guidance and sector-appropriate application

Advocates for continued engagement to balance worker protection with farm viability, competitiveness and job creation

Labour Relations Act (LRA): Policy Outlook

The proposed amendments to the Labour Relations Act introduce wide-ranging changes to collective bargaining, strike regulation, dispute resolution and institutional arrangements. While certain provisions aim to improve procedural clarity and efficiency — including exemptions for new and small businesses from bargaining council agreements — the overall direction of the amendments further expands regulatory reach and institutional power within the labour relations system.

Of particular relevance to agriculture are the broadened definition of “employee”, expanded CCMA jurisdiction, and enhanced arbitration powers, which may increase exposure to disputes and legal costs in a sector where employment relationships are often seasonal, task-based and geographically dispersed. Changes to strike regulation, including the introduction of a “minimum service” concept and expanded picketing rights, may also create uncertainty for agricultural employers operating in time-sensitive production environments where work stoppages can result in irreversible losses.

AgriSA acknowledges efforts to streamline dismissal procedures and prevent duplicative claims, but cautions that the immediate application of most amendments, combined with institutional expansion, risks placing additional compliance and dispute-resolution burdens on employers already operating under tight margins and complex regulatory conditions. The impact on labour stability, investment confidence and employment flexibility in agriculture will depend heavily on how these provisions are interpreted and enforced in practice.

AgriSA's Position

Supports efficient, fair and accessible labour dispute resolution that promotes labour stability and legal certainty

Welcomes targeted relief for small and new businesses but cautions against broader regulatory expansion that increases compliance and litigation risk

Concerned about expanded CCMA jurisdiction and arbitration powers in a sector with seasonal and non-standard employment patterns

Emphasises that strike regulation and picketing rules must protect constitutional rights **without undermining time-sensitive agricultural production**

Calls for proportional, context-sensitive enforcement and clear guidance to prevent unintended consequences for employment, investment and food security

Advocates continued engagement to ensure labour relations policy supports both worker rights and the sustainability of agricultural enterprises

Code of Good Practice Dismissal: Policy Outlook

The revised Code of Good Practice on Dismissal seeks to provide clearer, more practical guidance on fair dismissal procedures, with an emphasis on flexibility, context and mutual respect. By recognising that dismissal decisions must be assessed based on the specific circumstances of each case, the Code aims to move away from overly rigid, technical interpretations of fairness and toward a more balanced, common-sense application of labour law.

For agriculture, the clarification of valid grounds for dismissal, including misconduct, incapacity and operational requirements, is important in a sector where performance is closely linked to time-sensitive production, health and safety risks, and operational viability. The Code's emphasis on progressive discipline, documentation and fair procedure provides helpful guidance, but also reinforces the need for employers, including farmers, to maintain consistent records and follow basic procedural steps even in small or remote operations.

AgriSA notes positively the Code's recognition of simplified procedures for small businesses and the structured approach to probation and performance management. However, the practical impact will depend on how decision-makers interpret "context" in seasonal and resource-constrained farming environments. If applied pragmatically, the Code has the potential to improve labour relations and reduce unnecessary disputes; if applied rigidly, it may increase procedural burdens and dispute risk without improving substantive fairness.

AgriSA's Position

Supports a **context-sensitive and practical approach** to dismissal that recognises sectoral realities and operational constraints

Welcomes guidance that promotes fairness, mutual respect and procedural clarity, particularly for small and medium agricultural employers

Emphasises that dismissal standards must account for **seasonal work, time-critical operations and on-farm safety considerations**

Supports progressive discipline and performance management, provided expectations remain realistic and proportionate

Calls for **pragmatic interpretation by CCMA commissioners and courts**, avoiding overly technical or formalistic application

Advocates continued engagement to ensure the Code improves labour certainty without increasing unnecessary compliance or dispute costs

Conclusion: A Call for Pragmatic Partnership

AgriSA's 2026 policy outlook calls for a renewed social compact grounded in **economic realism, institutional functionality, and shared responsibility**. Agriculture is uniquely positioned to contribute to growth, employment, and food security—but only if policy enables, rather than constrains, productive investment.

AgriSA reaffirms its unwavering commitment to the rule of law as the cornerstone of South Africa's constitutional democracy. We believe that the Constitution provides essential safeguards to protect the rights, dignity, and freedoms of all citizens, including the farming community. In advancing agricultural interests, AgriSA emphasises that policy and regulatory processes must be evidence-based, transparent, lawful, and consistent with constitutional principles of equality, fairness, and accountability. Upholding these values is not only vital to ensuring legal certainty and investor confidence, but also to safeguarding the livelihoods of farmers and rural communities who depend on a stable and just framework for sustainable development.

AgriSA stands **ready to engage constructively with government, labour, finance, and civil society** to ensure **a sustainable and competitive agricultural sector** for 2026 and beyond.



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