

South Africa			
DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
EMPLOYMENT RECORDS			
Contracts (new hire agreements, severance, etc.)	Minimum 3 years (including mandatory "written particulars of employment" under BCEA)	From termination	No. 75 of 1997: Basic Conditions of Employment Act as amended by Basic Conditions of Employment Amendment Act, No. 11 of 2002, Art. 29(4)
Time records (work hours, rest periods, vacation/sick/holiday, etc.)	Minimum 3 years	From date of last entry in record	No. 75 of 1997: Basic Conditions of Employment Act as amended by Basic Conditions of Employment Amendment Act, No. 11 of 2002, Art. 31 (2)
Performance records (performance reviews, promotions/demotions, licenses/certifications, investigations, disciplinary actions, etc.)	No longer than necessary for purpose	From creation	Best practice based on Protection of Personal Information Act ("POPI"), Sec. 14(1)
Data and personnel files	Record of employee's name, occupation, time worked, remuneration paid, date of birth if under 18 years of age, etc.: Minimum 3 years	From date of last entry in record	No. 75 of 1997: Basic Conditions of Employment Act as amended by Basic Conditions of Employment Amendment Act, No. 11 of 2002, Art. 31
Government verification records (work papers, immigration, eligibility to work, etc.)	Applicable only to foreign employees: 2 years	From end of foreign employment	Immigration Act, Sec. 38; Regulation 35 of GNR 413 in Government Gazette No. 37679, 22 May 2014
Collective bargaining/union	List of members and meeting minutes: 3 years; Collective agreement: 3 years	List of members and meeting minutes: From end of financial year to which records relate; Collective agreement: From date of event or end of period to which records relate	Labour Relations Act 1995, Sec. 99(a), 99(b) and 205(2)(a)

DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
EMPLOYMENT RECORDS (continued)			
Background checks and drug tests	No longer than necessary for purpose	From creation	Best practice based on Protection of Personal Information Act ("POPI"), Sec. 14(1)
Acknowledgements, policy agreements and required notices	Not prescribed	N/A	N/A
Recruitment (interview notes, resumes/CVs, reference checks, etc.)	No longer than necessary for purpose	From creation	Best practice based on Protection of Personal Information Act ("POPI"), Sec. 14(1)
Tracking/recordings (biometric, geo-location, online tracking, camera recordings, etc.)	No longer than necessary for purpose	From creation	Best practice based on Protection of Personal Information Act ("POPI"), Sec. 14(1)
BENEFIT/PENSION/EQUITY RECORDS			
Benefits (plan documents, enrollment records)	Not prescribed	N/A	N/A
Pension and retirement records	Remuneration records reflecting pension contributions and deductions (for income tax compliance): Minimum 5 years, No maximum;	Remuneration records: From date of submission of tax return or from end of tax period;	Tax Administration Act 28 of 2011, Sec. 29(3)(a); BCEA, Sec. 31(1)(e)
	For basic conditions of employment compliance purposes: Minimum 3 years, no maximum period	For basic conditions of employment: From date of last entry in the record	
Equity records	Copy of employment equity plan and copy of Sec. 21 of EEA Report: 5 Years	Employment equity plan: After plan expiration; Sec. 21 of EEA report: After report submitted to Director General	Employment Equity Act Regulations 2014, Regulation 9(3) and 10(9)

DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
PAYROLL/WAGE/TAX RECORDS			
Payroll and wage data (payslips, etc.)	Minimum 3 years; Register or Record of Earnings (including wages, hours worked, overtime, and accident book): Minimum 4 years, Recommended practice by Labour Department is 7 years	From date of last entry in record	No. 75 of 1997: Basic Conditions of Employment Act as amended by Basic Conditions of Employment Amendment Act, No. 11 of 2002, Art. 31; No. 130 of 1993: Compensation for Occupational Injuries and Diseases Act as amended by Compensation for Occupational Injuries and Diseases Amendment Act, No. 61 of 1997, Art. 81
Tax records	Minimum 5 years	From date of filing and from end of tax period	The Income Tax Act of 1962, Fourth Schedule, Sec. 14(1); Tax Administration Act, No. 28 of 2011, Ch. 4, Returns and Records, Sec. 29 (3)
Miscellaneous 1	Income Differentials (under Employment Equity Act): 5 years	After submitted to Employment Conditions Commission	Employment Equity Act of 1998, Sec. 27; 2014 Regulations, Reg. 12(3)
MEDICAL/SAFETY/LEAVE RECORDS			
Leave (family, medical, etc.)	No statutory retention period, best practice 3 years	From termination	Best practice
Injury and illness incident reports	Minimum 3 years	From date of record	General Administrative Regulations 2003, Reg. 929; Occupational Health and Safety Act, Act No. 85 of 1993, Art. 9
Medical records	No statutory retention period, best practice 3 years	From termination	Best practice

DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
MEDICAL/SAFETY/LEAVE RECORDS (continued)			
Hazardous material and other exposure records	Hazardous biological agent risk assessments, medical surveillance and monitoring: Minimum 40 years;	From date of record	Regulation 1390: Regulations for Hazardous Biological Agents, 2001, Art. 9;
	Hazardous chemical agent surveillance records: Minimum 30 years		Regulations 1179: Hazardous Chemical Substances Regulations, 1995, Art. 9

Last updated July 2020.

DISCLAIMER: The information contained in this form is for general information purposes only and is not intended to be a source for legal, or any other advice and should not be relied upon as such. This information is not intended to create, and the receipt of it by the reader does not constitute, an attorney-client relationship. Organizations or individuals receiving this document should always seek the advice of competent counsel in their home jurisdiction. Laws may change and The Ultimate Software Group, Inc. cannot guarantee that all the information in this form is current or correct. THE ULTIMATE SOFTWARE GROUP, INC. MAKES NO REPRESENTATION OR WARRANTIES WITH RESPECT TO THE ACCURACY OR COMPLETENESS OF THE DOCUMENT OR CONTENT AND SPECIFICALLY DISCLAIMS ALL REPRESENTATIONS AND WARRANTIES INCLUDING BUT NOT LIMITED TO ANY EXPRESS OR IMPLIED WARRANTIES OF MERCHANTABILITY, SUITABILITY, OR COMPLETENESS OF THIS INFORMATION. TO THE EXTENT PERMITTED UNDER APPLICABLE LAW, NEITHER THE ULTIMATE SOFTWARE GROUP, INC., NOR ITS AGENTS, OFFICERS, EMPLOYEES, SUBSIDIARIES, OR AFFILIATES, ARE LIABLE FOR ANY DIRECT, INDIRECT, INCIDENTAL, SPECIAL, EXEMPLARY, OR CONSEQUENTIAL DAMAGES (INCLUDING PROCUREMENT OF SUBSTITUTE GOODS OR SERVICES, LOSS OF USE OR PROFITS, OR BUSINESS INTERRUPTION), EVEN IF THE ULTIMATE SOFTWARE GROUP, INC HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES, ON ANY THEORY OF LIABILITY, WHETHER IN CONTRACT, STRICT LIABILITY, OR TORT, ARISING IN ANY WAY OUT OF THE USE OF OR INABILITY TO USE THIS INFORMATION. This document and the content are proprietary and confidential information of The Ultimate Software Group, Inc. No part of this document or content may be reproduced in any form or distributed to any third party without the written consent of The Ultimate Software Group, Inc. © 2020 The Ultimate Software Group, Inc. All rights reserved.

PeopleDoc HR Compliance Assist

HR Compliance Assist helps companies manage compliance of their HR files and employees' data with foreign laws and regulations. The HR Compliance Assist team works with an international network of lawyers to provide best practices on topics such as HR document retention, employee data privacy, electronic signature and electronic archiving.

HR Compliance Assist is available to customers of PeopleDoc by Ultimate Software, a leading HR Service Delivery provider. In 2018, PeopleDoc joined Ultimate Software, a leading provider of human capital management cloud solutions. Today, Ultimate serves approximately 4,500 customers with employees in 180 countries.

More information about PeopleDoc by Ultimate Software can be found at www.people-doc.com.



HR Compliance Assist

www.hrcomplianceassist.com - hrcomplianceassist@people-doc.com