

# EXPRESS EMPLOYMENT PROFESSIONALS SA (PTY) LTD



## SECTION 51 MANUAL

### PURPOSE OF MANUAL

Express Employment Professionals SA (Pty) Ltd supports the constitutional right of access to information and we are committed to provide you access to our records in accordance with the provisions of the Act, the confidentiality we owe third parties and the principles of South African law.

### INTRODUCTION TO EXPRESS EMPLOYMENT PROFESSIONALS SA

Express Employment Professionals was created in 1983 by founders Robert A Funk, William H Stoller and James Gray from the dissolution of Acme Personnel, a Washington based company in which all three were Associates. In 1998 Express was established in South Africa and currently has offices in Cape Town, Centurion (HQ), Durban North, Durban South, Midrand, Pietermaritzburg, Pinetown, Port Elizabeth, Pretoria, Randburg, Fourways, Linbro Park, Richards Bay, Bedfordview, Sandton, Middelburg, South Coast, Bellville, Kempton Park, Newcastle and Nelspruit. Express South Africa is currently under the leadership of Managing Director, Duan Edwin Nortje. Globally, Express employs approximately 566 000 people each year. As a franchised business, we are both an international company large enough to serve you completely and a local office small enough to move quickly and act independently.

Express Employment Professionals is proud to continue our 35 year legacy of helping businesses and job seekers succeed. We have grown to a network of over 800 employment agencies in five countries, while still maintaining local ownership for each office and providing quality service to each of our clients. Express *Respects People* for who they are, their goals and their concerns and we *Impact Business* with a sharp business sense that benefits us, our clients, our franchisees, our consultants and our communities.

## **OUR SERVICES INCLUDE:**

Recruitment Services  
Shortlisting  
Interviews  
ITC Check  
Flexible Staffing  
Call Center Staffing  
Labour Law Assistance  
Training

Advert Handling  
Response Handling  
Testing and Assessment  
Reference Checks  
Permanent Placement  
Skills Assessment System  
Legislative Posters  
Time and Attendance

Express Employment Professionals is a member of the following associations:

1. **APSO** - *Association of Personnel Service Organizations* - committed to the upliftment and professionalisation of the labour recruitment industry in South Africa  
[www.apso.co.za](http://www.apso.co.za)
2. **FASA** - *Franchise Association of Southern Africa* - FASA represents franchisors, franchisees and the professional organizations that service the franchise industry.  
[www.fasa.co.za](http://www.fasa.co.za)
3. **ISO** - *International Organisation for Standards* – is the world’s largest developer and publisher of international standards. Express is ISO 9001:2000 compliant which is a seal of approval that advocates the harmonization of international trade and production standards.  
[www.iso.org](http://www.iso.org)
4. **CAPES** – *Confederation of Associations in the Private Employment Sector* – The Confederation of Associations in the Private Employment Sector (CAPES) is a section 21 company, an industry association representing the interests of the Temporary Employment Services (TES) industry.  
[www.capes.org.za](http://www.capes.org.za)
5. **NEASA** – Established in 1996, the *National Employers’ Association of South Africa*, a registered employers organization, is focused on providing employers and micro businesses with affordable and quality legal representation in labour disputes. NEASA occupies a substantial presence in all sectors and industries in South Africa.

## **PARTICULARS IN TERMS OF THE SECTION 51 MANUAL**

### **1. Contact details**

Executive Committee:	Duan Nortje (Managing Director) Jane Clark (Finance) Kobus Schlebusch (Information Technology) Wesley Madziva (Franchise Operations) Roché Houman (Commercial)
Management Team:	Nastassia Lamont (Developer) Tintswalo Maluleke (Franchise Development) Karabo Phale (Human Resources) Tshepo Radiokana (Information Technology) Paola Bressan (Marketing)
Request liaison Officer:	Roché Houman
POPI Information Officer:	Roché Houman
Postal address:	P O Box 11801 Die Hoewes 0163
Physical address:	Oxford Office Park, Unit 16 03 Bauhinia Street Highveld Technopark Centurion
Telephone number:	012 641 0100
Fax number:	012 663 1973
E-mail address:	<a href="mailto:roche.houman@expresspros.co.za">roche.houman@expresspros.co.za</a>
Website address:	<a href="http://www.expresspros.co.za">www.expresspros.co.za</a>

## **2. The section 10 Guide on how to use the Act**

The Guide will be available from the South African Human Rights Commission by not later than August 2004. Please direct any queries to:

### **The South African Human Rights Commission:**

#### **PAIA Unit**

#### **The Research and Documentation Department**

Postal address: Private Bag 2700  
Houghton  
2041

Telephone: +27 11 484-8300

Fax: +27 11 484-7146

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

E-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

## **3. Records available in terms of any other legislation**

Express Employment Professionals SA (Pty) Ltd keeps records in terms of the following legislation:

- Income Tax Act 1962
- Value Added Tax Act 1991
- Labour Relations Act 1995
- Basic Conditions of Employment Act 1997
- Compensation for Occupational Injuries and Diseases Act 1993
- Employment Equity Act 1998
- Skills Development Act 1998
- Skills Development Levies Act 1999
- Unemployment Insurance Act 1966
- Occupational Health and Safety Act 1993

#### **4. Access to the records held by the private body in question**

The reference to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

##### **4.1. The latest notice regarding the categories of records of the body, which are available without a person having to request access in terms of this Act in terms of section 52(2):**

All public information is displayed on the [www.expresspros.co.za](http://www.expresspros.co.za) website.

##### **4.2 Records that may be requested. A description of the subjects of the records held by the body and the categories in which these subjects are classed:**

Express Employment Professionals SA maintains records on the following categories and subject matters. **However, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured.** All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act.

###### **4.2.1. Internal records**

The following are records pertaining to Express Employment Professionals SA's own affairs:

- Certificate of Incorporation – CM1
- Certificates of Change of name – CM9
- Memorandum and Articles of Association
- Records relating to the appointment of Directors – CM29

###### **4.2.2. Financial records**

- Audited Annual Financial Records
- Statutory compliances:
  - VAT
  - UIF
  - Workman's Compensation

#### **4.2.3. Personnel records**

- Employee's names and occupations
- Contracts of Employment
- Disciplinary records
- Disciplinary Code
- Absence and leave-, IT-, Smoking policies
- Employment Equity Plan

**(Employment details can only be obtained and forwarded once consent has been obtained in terms of the POPI Act)**

#### **4.2.4. Other records**

- Certificate of registration of a Private Employment Office - Department of Labour

### **4.3 The request procedures**

#### **Form of request:**

- The requester must use the prescribed form to make the request for access to a record. This must be made to the Request liaison officer. This request must be made to the address, fax number or electronic mail address of the body concerned.
- The requester must provide sufficient detail on the request form to enable the request liaison officer to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed.
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.
- If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the request liaison officer.
- No request will be considered without proof of payment.

#### **Fees:**

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other

requester, who is not a personal requester, must pay the required request fee:

- The Request liaison officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- The fee that the requester must pay to a private body is R50.00. The requester may lodge an application to the court against the tender or payment of the request fee.
- After the Request liaison officer has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

#### **5. Other information as may be prescribed**

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

#### **6. Availability of the manual**

A copy of this Manual is available on our website ([www.expresspros.co.za](http://www.expresspros.co.za)) or by sending a request for a copy to the Request Liaison Officer by email. The Manual may also be obtained from our head office or the South African Human Rights Commission (“SAHRC”) at the addresses set out. This Manual will be updated from time to time, as and when required.



**D. Particulars of record**

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

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.....  
.....  
.....

2. Reference number, if available:

.....  
.....  
.....  
.....

3. Any further particulars of record:

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**E. Fees**

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

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**F. Form of access to record**

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
Mark the appropriate box with an <b>X</b> .	
NOTES:	
(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.	
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.	
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	

<b>1. If the record is in written or printed form:</b>					
	copy of record*		inspection of record		
<b>2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):</b>					
	view the images		copy of the images*		transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>					
	printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (stiffy or compact disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO
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**G. Particulars of right to be exercised or protected**

If the provided space is inadequate, please continue on a separate folio and attach it to this form. <b>The requester must sign all the additional folios.</b>
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1. Indicate which right is to be exercised or protected:

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2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

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**H. Notice of decision regarding request for access**

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

.....

Signed at ..... this day..... of .....year .....

.....  
SIGNATURE OF REQUESTER /  
PERSON ON WHOSE BEHALF REQUEST IS MADE

**Physical Address**  
33 Hoofd Street  
Braampark Forum 3  
Braamfontein  
2198

**Postal Address**  
Private Bag X 2700  
Houghton  
2041



**NOTICE IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION 2 OF 2000**  
**RE: FEES ASSOCIATED WITH PAIA REQUESTS ARE DETERMINED BY THE**  
**REGULATIONS ONLY AND NOT THROUGH OTHER APPLICABLE LAWS OR POLICIES**

This Notice serves to state that the South African Human Rights Commission (the Commission) hereby confirms that the costs associated with all requests made under the Promotion of Access to Information Act 2 of 2000 (PAIA) are determined by the Regulations relating to PAIA only, and not by any other laws or regulations. Therefore, any demands made by a public or private body for the payment of additional fees with respect to PAIA requests are invalid.

The Commission is an independent public body currently mandated under PAIA to monitor the implementation of the Act. In accordance with its responsibilities to ensure compliance with PAIA, the Commission issues this notice to bring clarity to all interested parties that it is *only* the Minister of Justice and Constitutional Development who has the power to make decisions regarding fees associated with PAIA requests. The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors.

**1. The Promotion of Access to Information Act**

PAIA gives effect to the constitutional right to access of information, as provided for under section 32 of the Constitution. Although responding to requests and reproducing records in an accurate and orderly manner takes time and resources, section 9 of the Act specifically calls for the establishment of mandatory mechanisms and procedures to ensure that access to records of both public and private bodies is "as swiftly, *inexpensively* and effortlessly as reasonably possible." [emphasis added].

Furthermore, section 92 of the Act grants the Minister of Justice and Constitutional Development the power to make regulations pertaining to fees associated with requests made to both public and private bodies.

**2. Regulations to PAIA**

In February 2002, the Minister of Justice and Constitutional Development published a schedule of fees for PAIA requests in the Gazette, which provided for the following:

Fees for Requesting Records

Requesters are required to pay a fee for requesting access to records from both public and private bodies. The fee for requesting records from a public body is R35, while the fee for requesting records from a private body is R50. It is important to note that people who are requesting access to their personal information are exempt from paying a fee. Furthermore, people who earn less than R14,712 per annum (if single) and R27,192 per annum (if married or have a life partner), are also exempt from paying the request fees.

Fees for Accessing Records

Requesters are also required to pay fees for accessing the records of public and private bodies, which include fees associated with the search for, preparation of, and reproduction of documents. The breakdown of fees for requests to both public and private bodies are as follows:

**Public Bodies:**

- Copy per A4 page – 60 cents
- Printing per A4 page – 40 cents
- Copy on a CD – R40
- Transcription of visual images per A4 page – R22
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R12
- Copy of an audio recording – R17
- Search and preparation of the record for disclosure – R15 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

**Private Bodies:**

- Copy per A4 page – R1.10
- Printing per A4 page – 75 cents
- Copy on a CD – R70
- Transcription of visual images per A4 page – R40
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R20
- Copy of an audio recording – R30
- Search and preparation of the record for disclosure – R30 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

**3. Registered VAT Vendors**

The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors, as required under section 23 of the Value-Added Tax Act of 1991.

Sincerely,

Advocate L M Mushwana

Chair of the South African Human Rights Commission

Transforming society. Securing rights. Restoring dignity.