

TEBA NEWS

MESSAGE FROM THABO GUMBI - HEAD OF COMMERCIAL

Dear customers, it has been a pleasure to service you during the first half of the year.

This version of our newsletter highlights Deferred Pay and the different types of Visas used by foreign nationals working in South Africa.

Visa Fraud, where Critical Skills and General visas are being falsified is on the increase and poses an operational, legal and reputational risk to employers.

Lack of knowledge of mandatory deferred pay is also placing various companies at risk. We trust this information will assist you to manage these risks proactively.

TEBA DEFERRED PAY

South Africa has labour treaties with Lesotho and Mozambique which govern the employment of mineworkers. The following are some of the salient features of these treaties; -

- The main aim of these labour treaties is to ensure that funds flow into the economies of Mozambique and Lesotho ensuring economic growth but also that the beneficiaries of mineworkers are taken care of.
- All mineworkers from these countries are subject to mandatory deferred pay.
- Mineworkers from Mozambique are exempt from paying income tax, Lesotho nationals are required to pay tax
- TEBA is the appointed agent to transfer deferred pay and has developed a streamlined process that enables employers to transfer funds to TEBA in South Africa along with a pay-file. The funds are then released in Mozambique and Lesotho either through TEBA offices or a nominated bank account.
- Most Mineworkers prefer to collect their deferred pay TEBA offices as there are no transaction fees.
- Employers pay a nominal fee to TEBA for the service. The fee is either included in the TOM fee or charged separately.
- Under these labour treaties, and due to a long-standing relationship TEBA maintains with Home Affairs, mines are granted a special dispensation to employ large numbers of foreign nationals under the Corporate Work Permit program. Deferred pay is part-in-parcel of this arrangement. Failure to comply, places an employer's Corporate Visa at risk of being revoked, resulting in fines and reputational risk.

TEBA is hosting a deferred pay Webinar on the 20th of September between 09:00 and 11:00. The webinar is free and will clarify Deferred pay do's and don'ts and provide our customers with a platform to table any questions they may have.

To register for the session kindly paste the below link into your browser;-
<https://events.teams.microsoft.com/event/95288e6e-8108-4496-9d47-81f0882872a9@a17e86f5-872a-4fd9-a051-78a9186dfbe7>

IMPORTANT NOTICE RE VISA FRAUD

The employment of foreign nationals with incorrect/falsified permits is strictly prohibited by section 49 of the Immigration Act. Employers face the possibility of fines and incarceration if found in contravention of the Act. In addition, Department of Mineral Resources inspectors have the authority under the MPRDA to issue compliance notices and halt operations of Mines, causing millions in lost productivity. Below is a recent case study:-

Having not confirmed the validity of the visa, and after employing a foreigners, the employer approached TEBA for confirmation.

On the first of August 2024, after leveraging our contacts within the Department of Home Affairs, TEBA received the following feedback:-

- Mr John Doe, A Zimbabwean National, has been declared undesirable and will be barred from re-entering South Africa
- The employer and site, must refer Mr John Doe to DHA and SAPS where he will be detained and deported
- The critical skills visa was never issued by the South African foreign consulate and was therefore forged – This is a criminal Act

The employer (and mine where the employee works) is exposed to significant legal, reputational and business risk as a result. This includes section 54 Stoppages, Fines etc.

Other incidents that we have seen includes Malawian nationals who are working on visitors permits, forged blasting certificates, impersonation, to mention but a few.

Fraud of this nature is on the increase and we urge our customers to ensure that thorough screening is done at all times, especially on contractors and, foreign nationals who are employed outside of the Corporate Work Permit process that is administered by TEBA.

All indications are that Department of Labour and Home Affairs inspections are on the increase.

ZIMBABWE EXEMPTION PERMITS (ZEP'S)

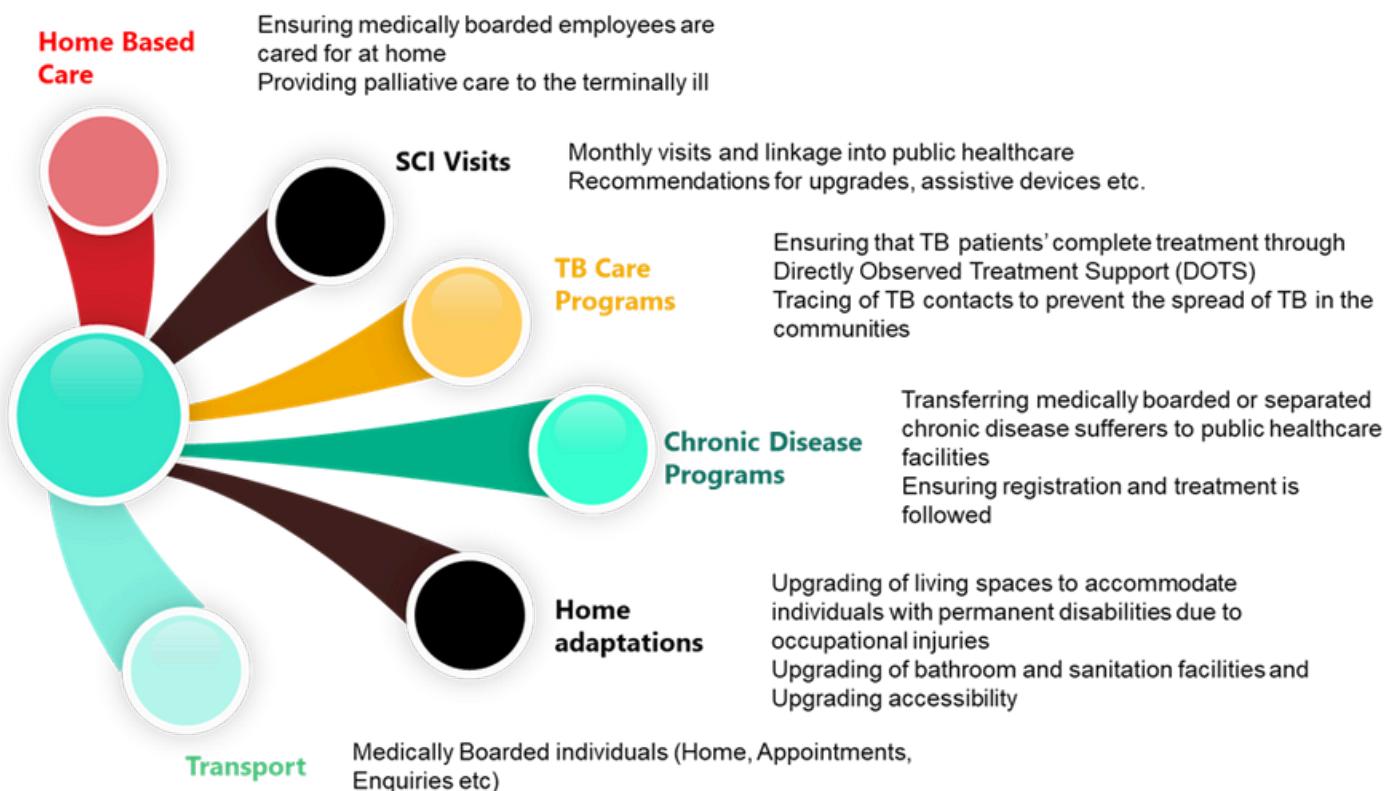
We understand, that these ZEP's have been extended to October 2025, and regulatory requirements have been removed to allow for the holders of these ZEP's to apply for one of the normal work visas, eg: General Work Visa or Critical Skills Visa. There is a considerable backlog at the DHA, and for this reason it is recommended that applications are submitted at least 6 months prior to the above expiry date.

CONVERSIONS OF CORPORATE PERMITS TO CORPORATE VISA'S

Most of the mining houses have already converted their old corporate permits to corporate visas, TEBA can assist those employers that have not yet done so, please contact your TEBA Regional Operations representative to assist you with this process.

TEBA HEALTH SERVICES

Our bespoke health solutions assist mining customers to see through their commitments to current and former employees who require medical support. Our reports, in conjunction with those of the Medical Health Practitioners at the mine helps mines to submit all relevant compliance reporting. Below is a summary of our services; -



For any information regarding any of the articles in this newsletter kindly contact; -

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