



**LABCO EMPLOYERS ORGANISATION**

# **PAIA AND POPIA MANUAL**

Of

**LABCO EMPLOYERS ORGANISATION**

**("LABCO")**

Registration number LR2/6/3/921

In terms of Section 51 of the Promotion of Access to Information Act No. 2 of 2000

As amended ("PAIA")

And

The Protection of Personal Information Act No. 4 of 2013 as amended ("POPIA")

**DATE OF COMPILATION: 22/08/2023**

**DATE OF REVISION: 22/08/2023**

# TABLE OF CONTENT

<b>1. LIST OF ACRONYMS AND ABBREVIATIONS.....</b>	<b>3</b>
<b>2. PURPOSE OF PAIA MANUAL.....</b>	<b>3</b>
<b>3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE LABCO EMPLOYERS ORGANISATION .....</b>	<b>4</b>
<b>4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE .....</b>	<b>4</b>
<b>5. CATEGORIES OF RECORDS OF THE LABCO EMPLOYERS ORGANISATION WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS .....</b>	<b>6</b>
<b>6. DESCRIPTION OF THE RECORDS OF LABCO EMPLOYERS ORGANISATION WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION .....</b>	<b>10</b>
<b>7. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY THE LABCO EMPLOYERS ORGANISATION.....</b>	<b>10</b>
<b>8. PROCESSING OF PERSONAL INFORMATION .....</b>	<b>12</b>
<b>8.1 Purpose of Processing Personal Information.....</b>	<b>12</b>
<b>8.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto .....</b>	<b>12</b>
<b>8.3 The recipients or categories of recipients to whom the personal information may be supplied.....</b>	<b>12</b>
<b>8.4 Planned transborder flows of personal information.....</b>	<b>12</b>
<b>8.5 General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity, and availability of the information .....</b>	<b>12</b>
<b>9. AVAILABILITY OF THE MANUAL .....</b>	<b>13</b>
<b>10. UPDATING OF THE MANUAL.....</b>	<b>13</b>

## 1. LIST OF ACRONYMS AND ABBREVIATIONS

- 1.1 **“CEO”** Chief Executive Officer;
- 1.2 **“DIO”** Deputy Information Officer;
- 1.3 **“IO”** Information Officer;
- 1.4 **“Minister”** Minister of Justice and Correctional Services;
- 1.5 **“PAIA”** Promotion of Access to Information Act No. 2 of 2000( as Amended);
- 1.6 **“POPIA”** Protection of Personal Information Act No.4 of 2013;
- 1.7 **“Regulator”** Information Regulator; and
- 1.8 **“Republic”** Republic of South Africa

## 2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 2.3 know the description of the records of the body which are available in accordance with any other legislation;
- 2.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6 know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

### 3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE LABCO EMPLOYERS ORGANISATION

#### 3.1 Chief Information Officer

Name: Lodewyk Pienaar  
Tel: 012 493 4655  
Email: lodewyk@leolaw.co.za

#### 3.2 Deputy Information Officer *(NB: if more than one Deputy Information Officer is designated, please provide the details of every Deputy Information Officer of the body designated in terms of section 17 (1) of PAIA).*

Name: xxxxxxxx  
Tel: xxxxxxxx  
Email: xxxxxxxx

#### 3.3 Access to information general contacts

Email: admin@leolaw.co.za

#### 3.4 National or Head Office

Postal Address: P O Box 1602, Groenkloof, 0181  
Physical Address: 5 Mark Street, Kilner Park, Pretoria  
Telephone: 012 493 4655  
Email: admin@leolaw.co.za  
Website: www.leolaw.co.za

### 4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

4.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated, and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

4.2. The Guide is available in each of the official languages and in braille.

4.3. The aforesaid Guide contains the description of-

4.3.1. the objects of PAIA and POPIA;

- 4.3.2. the postal and street address, phone, and fax number and, if available, electronic mail address of-
  - 4.3.2.1. the Information Officer of every public body, and
  - 4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA<sup>1</sup> and section 56 of POPIA<sup>2</sup>;
- 4.3.3. the manner and form of a request for-
  - 4.3.3.1. access to a record of a public body contemplated in section 11<sup>3</sup>; and
  - 4.3.3.2. access to a record of a private body contemplated in section 50<sup>4</sup>;
- 4.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 4.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
  - 4.3.6.1. an internal appeal;
  - 4.3.6.2. a complaint to the Regulator; and
  - 4.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 4.3.7. the provisions of sections 14<sup>5</sup> and 51<sup>6</sup> requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;

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<sup>1</sup> Section 17(1) of PAIA- For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.

<sup>2</sup> Section 56(a) of POPIA- Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.

<sup>3</sup> Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

<sup>4</sup> Section 50(1) of PAIA- A requester must be given access to any record of a private body if-  
 a) that record is required for the exercise or protection of any rights;  
 b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and  
 c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

<sup>5</sup> Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

<sup>6</sup> Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

- 4.3.8. the provisions of sections 15<sup>7</sup> and 52<sup>8</sup> providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
  - 4.3.9. the notices issued in terms of sections 22<sup>9</sup> and 54<sup>10</sup> regarding fees to be paid in relation to requests for access; and
  - 4.3.10. the regulations made in terms of section 92<sup>11</sup>.
- 4.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
  - 4.5. The Guide can also be obtained-
    - 4.5.1. upon request to the Information Officer;
    - 4.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).
  - 4.6. A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-
    - 4.6.1 Afrikaans; and
    - 4.6.2 isiNdebele.

## 5. CATEGORIES OF RECORDS OF THE LABCO EMPLOYERS ORGANISATION WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

*NB: Please specify the categories of records held by the body which are available without a person having to request access by completing Form C, types of the records and how the records can be accessed. These are mostly records that maybe available on the website and a person may download or request telephonically or by sending an email or a letter.*

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<sup>7</sup> Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

<sup>8</sup> Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

<sup>9</sup> Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

<sup>10</sup> Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

<sup>11</sup>Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-  
 (a) any matter which is required or permitted by this Act to be prescribed;  
 (b) any matter relating to the fees contemplated in sections 22 and 54;  
 (c) any notice required by this Act;  
 (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and  
 (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

Category of records	Types of records	Available on Website	Available upon request
Legislation	<ul style="list-style-type: none"> <li>- Basic Conditions of Employment Act</li> <li>- Employment Equity Act</li> <li>- Immigration Act</li> <li>- Labour Relations Act</li> <li>- Codes of good practice</li> <li>- Unemployment Insurance Fund Act</li> </ul>	<ul style="list-style-type: none"> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> </ul>	<ul style="list-style-type: none"> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> </ul>
Bargaining Councils	Main Agreements	X	X
Case law	SAFFLI		X
Constitutions	Trade Unions		X
Commission for Conciliation, Mediation and Arbitration	<ul style="list-style-type: none"> <li>- CCMA Rules</li> <li>- 7.11 referral document</li> <li>- 7.13 referral document</li> <li>- Set down notices</li> <li>- Filing notices</li> <li>- Affidavits</li> <li>- Arbitration bundles</li> <li>- 7.20 request for Section 189A Operational requirements facilitation</li> <li>- Application about Demarcation Dispute</li> <li>- 7.16 subpoena</li> <li>- Notice of opposition</li> <li>- Objection to ConArb process</li> <li>- Pre-Arbitration minutes</li> <li>- Rescission application</li> <li>- Notice of motion</li> </ul>	<ul style="list-style-type: none"> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> </ul>	<ul style="list-style-type: none"> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> </ul>
Labour Court	<ul style="list-style-type: none"> <li>- Application for Labour Court file archive</li> <li>- Application for case number</li> <li>- Notice of motion</li> <li>- Statement of case</li> <li>- Supporting Affidavits</li> </ul>		<ul style="list-style-type: none"> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> </ul>
Company Profile and Fee Structure	<ul style="list-style-type: none"> <li>- Cost Structure</li> <li>- Debit Order Instruction Form</li> <li>- Membership Application Form</li> <li>- LRA Form 6.6</li> <li>- Company profile</li> </ul>		<ul style="list-style-type: none"> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> </ul>
Human Resources	<ul style="list-style-type: none"> <li>- Acknowledgement of debt form</li> <li>- Appeal Hearing Request – Outcome form</li> <li>- Basic Affidavit</li> <li>- Bursary Agreement</li> <li>- Chairperson Report – Disciplinary Hearing</li> </ul>		<ul style="list-style-type: none"> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> </ul>

	- Chairperson Report – Grievance inquiry		X
	- Chairperson Report – Ill health investigation		X
	- Chairperson Report – Poor Performance inquiry		X
	- Contract of Employment – Basic Conditions of Employment – Permanent and Fixed Term	X	X
	- Contract of Employment – Sectoral Determination/Bargaining Council – Permanent and Fixed Term		X
	- Extension of Fixed Term Contract		X
	- Termination Notice – Fixed Term Contract		X
	- Grievance form		X
	- Independent contractor agreement		X
	- Memorandum		X
	- Appeal hearing notice		X
	- Disciplinary hearing notice		X
	- Probation hearing notice		X
	- Notice of retirement		X
	- Suspension notice		X
	- Employment termination form		X
	- Notice of short time		X
	- Offer of employment		X
	- Picketing rules agreement		X
	- Poor performance counselling		X
	- Resolution for companies		X
	- Retirement agreement		X
	- Alternative to retrenchment letter		X
	- Transfer to new company letter		X
	- Letter to creditors		X
	- Retrenchment calc sheet		X
	- S189 Consultation notice		X
	- Settlement Agreements		X
	- Strike: First, Second and Final ultimatum		X
	- Temporary lay-off		X
	- Certificate of service		X
	- Organisational chart		X
	- Union closed shop agreement		X
	- Resignation letter		X
	- Retirement letter		X



	<ul style="list-style-type: none"> <li>- Written Warnings</li> <li>- Work permits or licences letter</li> <li>- Employee onboarding checklist</li> <li>- Company startup checklist</li> <li>- Restraint of trade agreement</li> <li>- Ordinary hours of work</li> <li>- Overtime hours</li> <li>- Meal intervals</li> <li>- Daily and weekly rest period</li> <li>- Pay for work on Sundays</li> <li>- Night work</li> <li>- Public holidays</li> <li>- Annual leave</li> <li>- Family responsibility leave</li> <li>- Maternity leave</li> <li>- Sick leave</li> <li>- Parental leave</li> <li>- Written particulars of employment</li> <li>- Deductions and other acts concerning remuneration</li> </ul>	<ul style="list-style-type: none"> <li></li> <li></li> <li></li> <li></li> <li></li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> </ul>	<ul style="list-style-type: none"> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> </ul>
Litigators and Chairpersons	<ul style="list-style-type: none"> <li>- Attendance register</li> <li>- Hearing/Investigation checklist</li> <li>- Certificate of registration</li> <li>- Litigator appointment letter</li> </ul>		<ul style="list-style-type: none"> <li>X</li> <li>X</li> <li>X</li> <li>X</li> </ul>
B-BBEE	<ul style="list-style-type: none"> <li>- Certificate/Affidavit</li> </ul>		<ul style="list-style-type: none"> <li>X</li> </ul>
Policies and Procedures	<ul style="list-style-type: none"> <li>- Absenteeism and Desertion policy</li> <li>- Cell phone use policy</li> <li>- Company housing/accommodation rules and regulations</li> <li>- Company vehicle policy</li> <li>- Confidentiality policy</li> <li>- Discipline in the workplace policy</li> <li>- Dress code &amp; personal hygiene policy</li> <li>- Electronic Communication and Security policy</li> <li>- Electronic equipment policy</li> <li>- Employment equity – Equal opportunity policy</li> <li>- Ethics policy</li> <li>- Employment housing policy</li> <li>- Exit interview policy</li> <li>- Grievance policy</li> <li>- Harassment policy</li> </ul>		<ul style="list-style-type: none"> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> <li>X</li> </ul>

	- Leave policy		X
	- OHS policy		X
	- Promotions policy		X
	- Retirement policy		X
	- Retrenchment Workflow		X
	- Smoking policy		X
	- Social media policy		X
	- Substance abuse policy		X
	- Injury on duty procedure and forms		X
	- Breathalyzer test observation checklist		X
	- Grievance procedure	X	X
	- Guidelines on suspension	X	X
	- Retrenchment or Restructuring procedure	X	X

**6. DESCRIPTION OF THE RECORDS OF LABCO EMPLOYERS ORGANISATION WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION**

*NB: Please specify all the records which are created and available in accordance with any of the South African legislation.*

<b>Category of Records</b>	<b>Applicable Legislation</b>
Memorandum of incorporation	Companies Act 71 of 2008
PAIA Manual	Promotion of Access to Information Act 2 of 2000
POPIA	Protection of Personal Information Act 4 of 2013
Conditions of Employment	Basic Conditions of Employment Act 75 of 1997
Health and Safety	Occupational Health and Safety Act & Regulations Act 85 of 1993

**7. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY THE LABCO EMPLOYERS ORGANISATION**

*NB: Describe the subjects (i.e. Finance, SCM or HR), in respect of which the body holds records and the categories of records held on each subject. Below is an example of the table that can be used.*

<b>Subjects on which the body holds records</b>	<b>Categories of records</b>
Strategic Documents, Plans, Proposals	Annual Reports, Strategic Plan, Annual Performance Plan.
Human Resources	- HR policies and procedures

	<ul style="list-style-type: none"> <li>- Advertised posts</li> <li>- Employees records</li> </ul>
Client service records	<ul style="list-style-type: none"> <li>- Client correspondence</li> <li>- Client fee files</li> <li>- Client contracts</li> <li>- Client business information</li> <li>- Legal documentation</li> <li>- Proposal &amp; tender documentation</li> <li>- Project plans</li> </ul>
Corporate governance records	<ul style="list-style-type: none"> <li>- Code of conduct</li> <li>- Constitution</li> <li>- Board resolutions</li> <li>- Executive committee meeting minutes</li> <li>- Meeting agenda</li> <li>- Legal compliance records</li> </ul>
Financial and Administration records	<ul style="list-style-type: none"> <li>- Accounting records</li> <li>- Annual financial statements</li> <li>- Agreements</li> <li>- Banking records</li> <li>- Correspondence</li> <li>- Remittances</li> <li>- Invoices &amp; Statements</li> <li>- Tax records &amp; returns</li> <li>- B-BBEE statistics</li> <li>- Personnel information/records</li> <li>- Employment equity reports</li> <li>- General terms of employment</li> <li>- Letter of employment/contract of employment</li> <li>- Leave records</li> <li>- PAYE and UIF records &amp; returns</li> <li>- PAIA manual</li> </ul>
Secretarial services records	<ul style="list-style-type: none"> <li>- Certificates of Incorporation and Certificates to commence business</li> <li>- Annual reports</li> <li>- Corporate structure documents</li> <li>- Memorandum and Articles of Association</li> <li>- Shares registers</li> <li>- Statutory returns to relevant authorities</li> <li>- Share Certificates</li> <li>- Minutes of meetings</li> <li>- Resolutions passed</li> </ul>
Operations records	<ul style="list-style-type: none"> <li>- Archival administration documentation</li> <li>- Service level agreements</li> <li>- Litigation / legal proceedings</li> </ul>
Learning & educational records	<ul style="list-style-type: none"> <li>- Training material</li> </ul>
Personal information	<ul style="list-style-type: none"> <li>- Written information</li> <li>- Captured on tape recorder</li> <li>- Label</li> <li>- Book, Map, Graph or Drawing</li> <li>- Photos / Film</li> </ul>

	<ul style="list-style-type: none"> <li>- Trade Union membership</li> <li>- Biometric information</li> </ul>
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## 8. PROCESSING OF PERSONAL INFORMATION

### 8.1 Purpose of Processing Personal Information

8.1.1 Payroll

8.1.2 Taxation

8.1.3 Service level agreement

### 8.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients / Members	name, address, contact numbers, email addresses, registration numbers or identity numbers and bank details
Service Providers	names, registration number, vat numbers, address, contact numbers, email addresses and bank details
Employees	address, contact numbers, next of kin, qualifications, gender and race, identity numbers and bank details

### 8.3 The recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus

### 8.4 Planned transborder flows of personal information

Not applicable.

### 8.5 General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity, and availability of the information

8.5.1 Password protection on all online profiles.

8.5.2 Two-step verification on all online profiles.

- 8.5.3 Data subject consent forms for members.
- 8.5.4 Disaster recovery plan policy implemented.
- 8.5.5 Document retention and destruction policy implemented.
- 8.5.6 Email disclaimer on all email addresses.
- 8.5.7 Network Access policy implemented.
- 8.5.8 Own Device Use policy implemented.
- 8.5.9 Privacy Statement available on website.
- 8.5.10 Remote Access Policy implemented.
- 8.5.11 Server Security Policy implemented.
- 8.5.12 User Access Control and Password Policy implemented.

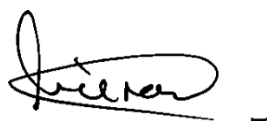
## 9. AVAILABILITY OF THE MANUAL

- 9.1 A copy of the Manual is available-
  - 9.1.1 on [www.leolaw.co.za](http://www.leolaw.co.za);
  - 9.1.2 head office of the Labco Employers Organisation for public inspection during normal business hours;
  - 9.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and
  - 9.1.4 to the Information Regulator upon request.
- 9.2 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

## 10. UPDATING OF THE MANUAL

The head of Labco Employers Organisation will on a regular basis update this manual.

*Issued by*



**LODEWYK PIENAAR**  
**GENERAL SECRETARY**