

AgriSA Guideline

TRANSPORTATION **OF FARM WORKERS**

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AgriCultureTM
SOUTH AFRICA / SUID-AFRIKA

1

INTRODUCTION

A set of overlapping laws strictly regulates the transport of farm workers in South Africa in 2026. The National Road Traffic Act, the National Land Transport Act, and the Compensation for Occupational Injuries and Diseases Act together form the framework within which farmers and contractors must operate.

The purpose of these laws is to **ensure safety, establish clear liability, and protect workers** against the risks associated with transport.

2

VEHICLE REQUIREMENTS AND SAFETY

Under the Road Traffic Act, every vehicle used to transport workers must be **roadworthy and may not be overloaded**.

When workers are transported by a truck, strict requirements apply:

- the compartment must be high enough to prevent anyone from falling out
- no person may be transported with loose tools or goods unless a partition is installed

Since 2023, the prohibition on transporting people for payment in goods compartments has been firmly established. This means that **workers may not pay for transport in the back of a pickup or truck**, even if they consent. Safety is placed above all else.



3 DRIVER REQUIREMENTS

The **driver of a vehicle** must hold the **correct license**, and in many instances, also requires a **Professional Driving Permit (PDP)**. This permit is mandatory for a vehicle **carrying 12 or more people** or with a **gross mass exceeding 3 500 kilograms**.

Since 2024, the requirements for obtaining a PDP have been tightened: **drivers must now complete a safety course specifically focused on passenger transport**. This reflects the state's intention to place greater responsibility on drivers.

4 PUBLIC TRANSPORT PERMITS

Concerning **public transport permits**, a farmer who transports workers in his or her **own vehicle remains exempt** from the requirement to hold such a permit.

However, since 2025, the rules have changed: **if a third party, such as a contractor, transports workers, a staff service permit is required**.

This permit is issued by the provincial regulatory authority or by a municipality that has been delegated the power to do so. The aim is to **ensure that all workers' transport by outside parties is subject to oversight and control**.

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COMPENSATION AND LIABILITY

If an **accident occurs while workers are being transported**, the **Compensation for Occupational Injuries and Diseases Act applies**. This law covers workers who receive free transport to and from the workplace.

Workers may also claim from the **Road Accident Fund**, but the courts have long confirmed that **no claim** against the fund **will succeed if the employer was the negligent driver**.

Since 2026, the **maximum annual compensation for loss of income** has been increased to

R247 800

to keep pace with economic realities.



6

NON-MONETARY DAMAGES

Non-monetary damages, such as pain and suffering, **remains subject to the requirement** that a claimant must **prove a serious injury**.

The **RAF4 form** and the **AMA Guide 6** are still used, but the **definition of “serious”** was expanded in 2025 to **include more categories of permanent functional loss**. This means that more workers now qualify for compensation for permanent harm.

7

CRIMINAL LIABILITY

Criminal liability is another aspect that farmers and drivers **cannot ignore**.

Negligent driving, driving under the influence of alcohol, using an unroadworthy vehicle, and driving without a license or permit are **all offences that can lead to prosecution**.

Since 2024, **finances have doubled, and vehicles can be seized immediately**.

The message is clear: **the state will not tolerate negligence in the transport of farm workers**.



8

CONCLUSION

The legal position in 2026, therefore, **places a heavy responsibility on farmers and contractors. Safety and accountability** are at the **heart of the system.**

AgriSA members must **ensure that their vehicles, drivers, and permits comply with the law** and that they are **adequately insured** against transport risks. The days of informal, unregulated transport are over; the **law now demands a structured, responsible approach.**





info@agrisa.org.za | +27 (0) 87 711 0626

Block D, Inkwazi Office Park
1249 Embankment Road, Centurion, Gauteng, South Africa, 0157

www.agrisa.org.za

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