

The South African Employer's Guide to Employing Foreign Nationals (2026 Edition)

Presented by HRSimplified

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Before You Hire a Foreign National

Employing a foreign national begins long before an employment contract is signed. One of the most important responsibilities of every employer is verifying that the individual has the legal right to work in South Africa.

While the proposed Employment Services Amendment Bill introduces additional obligations, employers already have a duty under existing legislation to ensure that employees are legally authorised to work.

Taking a few simple steps before making an offer can significantly reduce compliance risks later.

Your Pre-Employment Checklist

Verify Identity

- ☐ Obtain a certified copy of the employee's passport or identity document.
- ☐ Confirm the document belongs to the person attending the interview.
- ☐ Record identifying information securely.

Verify Right to Work

- ☐ Confirm the employee holds valid work authorisation.
- ☐ Check any conditions attached to the visa or permit.
- ☐ Record the expiry date for future monitoring.

Recruitment Records

- ☐ Keep interview notes.
- ☐ Retain copies of recruitment advertisements where applicable.
- ☐ Document why the successful candidate was appointed.

Compliance Tip

Don't assume every visa allows unrestricted employment. Always verify the conditions attached to the individual's work authorisation before employment begins.

Building a Compliance-Ready Employee File

Many employers only realise the importance of employee records when an inspection takes place. By then, searching through email folders and filing cabinets wastes valuable time and creates unnecessary stress.

Creating a structured employee file from day one makes future compliance significantly easier. It also ensures important documentation can be produced quickly whenever required.

Every Employee File Should Include

Identity Documents

- ☐ Passport or South African ID
- ☐ Work visa or permit
- ☐ Proof of legal work authorisation

Employment Documents

- ☐ Signed employment contract
- ☐ Job description
- ☐ Confidentiality agreement (where applicable)
- ☐ Company policy acknowledgement

Recruitment Records

- ☐ Interview notes
- ☐ Recruitment advertisement
- ☐ Candidate assessment

HR Records

- ☐ Performance reviews
- ☐ Training records
- ☐ Disciplinary records
- ☐ Emergency contacts

Best Practice

Keeping these documents in a secure digital employee file makes inspections, audits and day-to-day HR administration considerably easier.

Ongoing Compliance

Compliance doesn't end once an employee has been appointed.

Employers should regularly review employee documentation to ensure work authorisations remain valid and that employment conditions continue to align with visa requirements.

Many organisations only discover expired permits months after they lapse because no reminder system exists.

A simple monthly review can prevent unnecessary compliance risks.

Monthly Compliance Checklist

Employee Records

- ☐ Permit still valid
- ☐ Passport still valid
- ☐ Contact details current
- ☐ Emergency contacts updated

HR Administration

- ☐ Employee file complete
- ☐ Documents stored securely
- ☐ Performance reviews up to date
- ☐ Required training completed

Compliance Readiness

Can you immediately produce:

- ☐ Work authorisation
- ☐ Employment contract
- ☐ Employee file
- ☐ Recruitment records
- ☐ Supporting documentation

Remember

Good compliance is not about collecting paperwork. It's about being able to produce accurate records quickly when they're needed.

How HRSimplified Helps

Managing employee compliance manually becomes increasingly difficult as businesses grow. Documents become scattered across email inboxes, shared drives and filing cabinets, while important dates are often tracked in spreadsheets or calendars.

HRSimplified centralises your HR processes into one secure platform, helping you maintain organised, audit-ready employee records throughout the employment lifecycle.

HRSimplified helps you:

- ✓ Create digital employee files
- ✓ Store employee documentation securely
- ✓ Manage recruitment records
- ✓ Automate document expiry reminders
- ✓ Streamline employee onboarding
- ✓ Maintain audit-ready HR records
- ✓ Reduce manual administration

Rather than replacing good HR practices, HRSimplified supports them by giving employers the tools they need to manage employee information consistently and confidently. These capabilities are supported by HRSimplified's digital employee records, document management, onboarding and recruitment features.

Common Employer Mistakes to Avoid

This is incredibly engaging because readers naturally compare their own processes against it.

For example:

- ✗ Assuming a passport alone proves the right to work.
- ✗ Forgetting to monitor work permit expiry dates.
- ✗ Storing employee documents across multiple locations.
- ✗ Failing to retain recruitment records.
- ✗ Waiting until an inspection to organise employee files.

The easiest compliance audit is the one you're already prepared for.

Remember This One Question

"Can you prove every employee has the legal right to work?"

If the answer is yes, you're already reducing your compliance risk.

If the answer is no, now is the time to strengthen your HR processes.

About HRSimplified

HRSimplified empowers South African businesses with affordable, simple and scalable HR software that streamlines employee management, improves compliance and reduces administrative burden.

Whether you employ five people or five hundred, HRSimplified helps you build a stronger HR foundation.

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