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| **COSATU Submission:** **National Minimum Wage Amendment Bill****13 December 2019** |
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**Submitted to:****Select Committee:** **Trade and Industry, Economic Development, Small Business Development, Tourism, Employment and Labour****National Council of Provinces****Republic of South Africa**1. **Introduction**
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COSATU welcomes and supports the NMW Amendment Bill, 2019. We urge its speedy processing by Parliament

We believe that the leadership of Parliament should have prioritised the matter and ensured that the Bill was passed before rising on March 28 2019.

1. **National Minimum Wage Amendment Bill Provisions**

COSATU is quite disappointed that such an important typing mistake was allowed into the NMW Bill. The federation, its affiliates and workers are equally angered that this typing mistake was not corrected by the 5th Parliament.

This blunder has exposed workers to victimisation. The back dated protection for workers to 1 May 2017 was an important protection given to workers.

We urge Parliament to ensure that this matter is now processed urgently. It should not be allowed to drag on unneccessarily.

In short, the federation strongly supports the provisions in the Bill to correct the typing mistake that undermined the Act’s retrospective protection for workers.

1. **Additional Proposed Amendment**
	1. **CCMA National Minimum Wage Case Findings**

We would encourage the Select Committee and Department of Labour to also ensure the insertion of the clauses requested by the CCMA to make its judgments on the NMW binding and not appealable to the Labour Court as this has the effect of dragging on such matters to the unaffordable detriment of workers.

The CCMA had raised these during the NCOP NMW Bill public hearings. Unfortunately there was not sufficient time to incorporate them into the bill then.

The Select Committee should insert an additional provision into either the National Minimum Wage Act or the Basic Conditions of Employment’s Section 80 stipulating that National Minimum Wage Findings of the CCMA are immediately enforceable.

Whilst this does not preclude the right of parties to take their matters further to the Labour Court, workers should not be disadvantaged and subject to endless delays when their NMW are dragged out over 2 years in the Labour Court. Workers cannot afford the legal costs of going to the Labour Court and allowing NMW cases to be dragged out there in perpetuity undermines the poverty relief intentions of the NMW.

* 1. **Protection for Actors and Performers**

COSATU believes that there is a need to strengthen the BCEA to ensure the protection of actors and performing artists.

This is inline with the recent call by the Minister for Employment and Labour that the BCEA, NMW, COIDA and UIF Acts be amended to ensure that actors and performers are included and do receive such labour rights as the maternity, parental and other leave, NMW, unemployment insurance, compensation of injury on duty etc.

These provisions should be included in this Bill so that this long overdue matter can be resolved urgently.

1. **Conclusion**

In conclusion, COSATU urges Parliament to ensure the speedy passage of the NMW Amendment Bill. It is long overdue.

The federation further urges Parliament to insert the above requested provision making NMW findings of the CCMA immediately enforceable.

Parliament should insert provisions ensuring that actors and performers enjoy the same BCEA, NMW, UI and COIDA rights and protections and benefits as other workers.

Lastly Parliament should discuss faster methods for correcting typing mistakes in Acts. This is the second time a labour act has had a major typing mistake. These have had massive negative consequences for workers. Parliament has taken too long to fix these.

Thank you.

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