

- The Committee is provided with progress report regarding action taken against six inspectors who refused to sign performance agreements.
- The Department is encouraged to continue working with other relevant departments to facilitate the acquisition of scarce skills and eliminate the employment of undocumented immigrants.
- The Committee is appraised on the proposed amendments to the LRA to address the legislative gaps that led to failure to attain a 100 per cent extension of collective agreements within 90 calendar days.

Report to be considered.

## **2. Report of the Portfolio Committee on Labour on an oversight visit to the Northern Cape, dated 9 November 2016**

The Portfolio Committee on Labour, having conducted an oversight visit to workplaces in the Northern Cape from 14 to 16 September 2016, reports as follows:

### **1. Introduction**

Parliament derives its powers from the Constitution of the Republic of South Africa, 1996. Section 42(3) bestows oversight of executive function to the National Assembly. Section 55(2)(b) empowers the National Assembly to provide for mechanism to maintain oversight of the exercise of national executive authority, including the implementation of legislation.

One of the functions of oversight listed in the Oversight and Accountability model is to ensure that policies announced by government and authorised by

Parliament are actually delivered. This function includes monitoring the achievement of goals set by legislation and the government's own programmes.

In compliance with the above, the Portfolio Committee on Labour undertook an unannounced oversight visit to the Northern Cape. The focal point of the visit was to monitor compliance with labour legislation. The purpose of this report is to highlight the issues raised by the workers and employers as well as the observations made by the Committee Members during the oversight visit and to make some recommendations.

## **2. Objective of the visit**

The objective of the visit was to monitor compliance to labour legislation with regard to working conditions of the workers, contracts of employment, status of work permits for foreign nationals who work in South Africa and other matters relevant to conditions of employment.

## **3. Delegation**

### **3.1. Portfolio Committee on Labour**

The delegation comprised the following Honourable Members:

Ms L Yengeni (leader of the delegation (ANC))

Ms FS Loliwe (ANC)

Ms Mantashe (ANC)

Ms L Mjobo (ANC)

Ms Tongwane (ANC)

Mr M America (DA)

Mr Rawula (EFF)

Mr Tlouamma (Agang SA)

The following support staff accompanied the delegation:

Mr ZC Sakasa, Committee Secretary

Ms V Makhubalo, Committee Assistant

Mr S Ngcobo, Content Adviser

Ms M Rapoo, Language Practitioner

Mr A Groener, Language Practitioner

Ms E Deysel, Language Practitioner

Mr BG Mani, Language Practitioner

#### **4. Oversight visit to TG Engelbrecht Farm, Upington (14 September 2016)**

The delegation was met by the farm manager who informed the delegation that the farm owner was not available. The leader of the delegation informed the manager of the purpose of an unannounced visit. The manager was requested to take the delegation to the work sites to meet the workers, to which he obliged. The workers raised the following issues:

- TG Engelbrecht farm is predominantly a grape farm but is also involved in cattle farming.
- The workforce of the farm can be differentiated into house workers and field workers. The field workers are also involved in cattle farming.
- The house workers are involved in cleaning and gardening work.
- Workers can also be categorised into permanent and seasonal workers.
- Workers said that they have signed contracts and they understand the terms of their contracts.
- Their working hours differ but most of them work Mondays to Fridays from 07:00 to 17:00.
- The break times are from 09:00 to 09:30 for tea-time and 12:30 to 14:00 for lunch-time.
- The average pay is R125 per day.

- Workers contribute to the unemployment insurance fund.
- Most workers informed the delegation that they go on leave at the end of the season, which is in March.
- The permanent workers are provided with uniforms while the seasonal workers are not.
- Workers who are responsible for watering the grapes are provided with water-proof overalls.
- Some workers live in the farm provided accommodation while others live in the nearby low cost housing settlement.
- Those who live in the farm said they pay approximately R90 per month for accommodation.
- Those who live outside the farm are provided with transport by the farm owner.
- Workers informed the delegation that they are not allowed to join trade unions.
- They also complained of coercion to vote in a particular manner during the recent local government elections.
- Some workers complained of verbal abuse by the farm manager.
- Workers complained of dismissals without following fair procedure in case of transgressions.
- They complained of inhumane living conditions in the farm provided accommodation.
- There are no ablution facilities provided for field workers.

#### **4.1. Committee Observations**

After meeting with the workers during a walk-about in the farm, the delegation made the following observations:

- One farm worker appeared to be under age but when asked reported that she was over 20 years. This information could not be verified because she did not have her identity document with her.
- Some workers were working in their own clothes while others were in uniforms.