

**Ministry**

**Employment & Labour**

**Republic of South Africa**

Private Bag X499, PRETORIA, 0001. Laboria House 215 Schoeman Street, PRETORA Tel: (012) 392 9620 Fax: 012 320 1942

Private Bag X9090, CAPE TOWN, 8000. 120 Plein Street, 12th Floor, CAPE TOWN Tel: (021) 466 7160 Fax 021 432 2830

[www.labour.gov.za](http://www.labour.gov.za)

**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION NUMBER: 1057 [NW2207E]**

**1057. Mr M G E Hendricks (Al Jama-ah) to ask the Minister of Employment and Labour:**

Whether he intends to review the labour legislation that provides for equal pay for equal work, especially the deeming provisions which give employers loopholes to discriminate on remuneration; if not, why not; if so, what are the relevant details? NW2207E

**REPLY:**

No, Honourable Member, there is no intention of reviewing the labour legislation that provides for equal pay for work of equal value. The rationale not to review is informed by the fact that the current provisions of equal pay for work of equal value in Sections 6(4) and 6(5) of the Employment Equity Amendment Act, 2013, read with the Employment Equity Regulations, 2014 already protect all employees against unfair discrimination in relation to pay and benefits.

In fact, all employers are prohibited to unfairly discriminate directly or indirectly on one or more of the prohibited grounds listed under Section 6(1) of the EEA against any employee in relation to terms of conditions of employment, inclusive of pay; between employees of the same employer performing the same work or substantially the same work or work of equal value.

These provisions protect the rights of all employees against unfair discrimination in pay and benefits irrespective of their employment status or work arrangements. Irrespective of whether an employee is temporary for a period of less than 3 months, or an employee works more than 3 months on a fixed term contract, the principle of equal pay for work of equal value must be applied fairly without any prejudice or unfair discrimination.

It is important to highlight that all disputes of equal pay for work of equal value must be referred to the Commission for Conciliation, Mediation and Arbitration (CCMA) or to the Labour Court in terms of Section 10 of the Employment Equity Act.