

**Ministry**

**Employment & Labour**

**Republic of South Africa**

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**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION NUMBER: 1722 [NW1965E]**

**1722. Mr S L Ngcobo (IFP) to ask the Minister of Employment and Labour:**

Whether, in light of illegal and/or undocumented foreign workers who get arrested every year as employers take advantage of lenient and sometimes the inconsistent legislation and labour practices, his department intends to put in place new and/or stricter legislation to ensure strict adherence to legislation that prohibits the hiring of undocumented foreign workers; if not, what is the position in this regard; if so, what are the relevant details? NW1965E

**REPLY:**

The Department of Employment and labour has already initiated a process to ensure that the hiring of foreign nationals is done in an orderly and regulated manner that is consistent with our constitution, the International Treaties and Regional and SADC Protocols that are in existence or that we have signed.

We have already released for public comment, a Draft policy and the proposed Employment Services Amendment Bill that seeks to repeal the current sections 08 and 09 of the Employment Services Act with a comprehensive new chapter in the Act.

The Chapter has includes provisions that allows the Minister of Employment and Labour to introduce regulations around limits or quotas on the number of foreign nationals that can be employed in specific sectors of our economy.

The Draft Policy and the proposed Bill are currently at NEDLAC for consultations with Social Partners in terms of the NEDLAC Act for the next two months. We will finalize the government internal processes thereafter to receive the necessary certifications during August/September. Our plans are to approach Cabinet to approve the Bill for tabling in Parliament during October this year.