

**Ministry**

**Employment & Labour**

**Republic of South Africa**

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**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION NUMBER: 2769 [NW3356E]**

**2769. Mr N P Masipa (DA) to ask the Minister of Employment and Labour:**

(1) What (a) is the breakdown of labour inspectors who are allocated in each (i) province and (ii) district in the agricultural sector, (b) number of farms were visited by each inspector in each province in the past 10 years and (c) were their findings and actions that were taken to address the specified findings;

(2) (a) how is his department addressing the issues in the farming sectors with organised agriculture and farm workers if there are no labour inspectors allocated specifically for the farming sector and (b) on how regular a basis does he engage with the organised agriculture to address all labour issues on farms in each year;

(3) will he furnish Mr N P Masipa with the minutes of such meetings and/or engagements with both organised (a) agriculture and (b) labour? NW3356E

**REPLY:**

**1(a) and (b). Number of inspectors and inspections**

|  |  |  |
| --- | --- | --- |
| **Province**  | **Number of inspectors** | **Number of inspections** |
| **Eastern Cape** | 208 | 36140 |
| **Free State** | 188 | 9000 |
| **Gauteng** | 402 | 1075 |
| **KwaZulu-Natal** | 423 | 3783 |
| **Limpopo** | 171 | 8088 |
| **Mpumalanga** | 155 | 5158 |
| **Northern Cape** | 43 | 3076 |
| **North West** | 129 | 7233 |
| **Western Cape** | 218 | 6953 |

**REPLY: 1(c) Findings and action taken**

**The following were the contraventions found across all the legislations:**

**Employment Equity Act No 55 of 1998 Provisions contravened:**

* Section 24 – appointment letter not signed by the CEO. EE Managers not appointed with the required resources and budged.
* Section 16 and 17 – attendance registers not indicating the designated groups represented by the committee members.
* Section 19 - analysis conducted post the development of the EE plan. Barriers not a true reflection of what is happening in the company
* Section 20 – EE plans do not show reasonable progress towards transformation in line with goals and numerical targets set by employers.

**Basic Conditions of Employment Act No 75 of 1997 and National Minimum Wage Act provisions contravened:**

* Section 9: Ordinary hours of work
* Section 10: Overtime
* Section 16: Pay for work on Sundays
* Section 25: Maternity Leave
* Section 29: Written Particulars of Employment
* Section 31: Keeping of records
* Section 32: Payment of remuneration
* Section 33: Information about remuneration
* Section 66: Powers to question and Inspect
* Section 67: Co-operation with Labour Inspectors
* Various sections in the Sectoral Determinations 9:
* National Minimum Wage: Section 4(5): Non-payment of National Minimum Wage

**Unemployment Insurance Contributions Act of 2002 provisions contravened:**

* Section 5 - Duty to contribute read with section 9 Payment of contribution to Unemployment Insurance Commissioner and refund;
* Section 7: Deduction of employee’s contribution
* section 9- Payment of contribution to Commissioner and refund; and
* section 12 – interest of late payment
* Section 13 – penalties and default
* section 56 – Failure to register, submit declarations and make contributions to the Fund

**Compensation for Occupational Injuries and Diseases Act of 1993 provisions contravened:**

* Section 80: Failure to register and furnish particulars with the DG
* Section 81: Failure to keep records
* section 82: Failure to furnish returns of earnings
* section 86: Employer fail to pay assessments to the Commissioner
* Section 87: Failure to pay assessments and other moneys.

**Occupational Health and Safety no 85 of 1993 provisions contravened**

* General Safety Regulation 2(1), GSR 2(3)
* Administrative safety regulations
* COVID 19 -3(1), COVID 19 -3, COVID 19 -9, COVID 19- 3(7)
* Hazardous Chemical substances 9
* Environmental Regulations for Workplaces 9, ERW 6
* Electrical Installations Regulations 7(1)
* Facilities Regulations 2
* Ergonomics regulations

**Actions taken to address findings**:

|  |  |
| --- | --- |
| ***Intervention***  | ***Activities***  |
| **Advocacy** | * Increased advocacy around the prescripts and provisions of the offerings of various Employment Laws through seminars, workshops, radio interviews etc.
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| **Inspections**  | * More than 90% of contravening workplaces served with notices on the spot.
* Follow up inspections, where applicable, are carried out.
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| **Enforcement**  | * Recoveries of monies through penalties and fines.
* Referral for prosecutions in instances where there could still be noncompliance where notices have expired.
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**(2) (a) how is his department addressing the issues in the farming sectors with organised agriculture and farm workers if there are no labour inspectors allocated specifically for the farming sector and (b) on how regular a basis does he engage with the organised agriculture to address all labour issues on farms in each year;**

**REPLY:**

**(a)** All the inspectors of the Department conduct inspections in the Agricultural Sector. The inspectors are specialists and conduct inspections in line with their disciplines.

**(b)** Inspectors incorporate an element of advocacy whenever they carry out inspections, therefore, engagements happen on a continuous basis

**(3) will he furnish Mr N P Masipa with the minutes of such meetings and/or engagements with both organised (a) agriculture and (b) labour?**

**REPLY:**

There are no separate minutes as engagements happen during the inspection itself.