

**Ministry**

**Employment & Labour**

**Republic of South Africa**

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**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION NUMBER: 4531 [NW5660E]**

**4531. Mr S L Ngcobo (IFP) to ask the Minister of Employment and Labour:**

Whether, with reference to community health workers who have been working as volunteers within the structures of the Department of Health for a long time, his department intends to engage with the specified department to action the possibility of paying the volunteers a stipend or salary to ensure social security; if not, why not; if so, what are the relevant details? NW5660E

**REPLY:**

In response to your question, I think it is important that I firstly indicate that the Basic Conditions of Employment Act (BCEA) and the National Minimum Wage Act (NMWA) regulate basic conditions of employment and minimum wages for employees and workers respectively.

An employee is defined in the BCEA as any person, excluding an independent contractor, who works for another person or for the state and who receives or is entitled to receive, any remuneration and includes any other person who in any manner assists in carrying on or conducting the business of an employer. The NMWA on the other hand, defines a worker as any person who works for another person and who receives or is entitled to receive any payment for that work whether in money or in kind.

Both these Acts however do not apply to a volunteer, which is defined in the Act as a person who performs work for another person or for an organisation serving a charitable purpose, who does not receive any remuneration.

Be that as it may, I have received a request from Dr MJ Phaahla, MP and Minister of Health, for my department to conduct an investigation into the conditions of employment of Community Health Workers so as to explore a sectoral determination as a way to regulate the conditions of employment for these workers.

This request is necessitated by the fact that there is currently no coherent dispensation for the employment of Community Health Workers and most of these workers are employed on conditional grant funded programmes, the Expanded Public Works (EPWP) and donor funded programmes, all of which have limited time terms and no sustainable funding.

Upon receiving this request, I have as per section 52(4) of BCEA directed the National Minimum Wage Commission to conduct an investigation into the conditions of employment in the sector concerned in order to establish the feasibility of introducing a sectoral determination that will regulate the conditions of employment for these workers

On completion of the investigation and after considering representations made by members of the public, the NMW Commission will prepare a report containing its recommendations on the matters which should be included in the sectoral determination for my consideration as per section 54 of the BCEA.