

**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: 683 [NW821E]**

**683. Dr M J Cardo (DA) to ask the Minister of Employment and Labour:**

Whether the International Labour Organisation conducted any reviews on behalf of his department regarding comparisons with similar departments in other parts of the world; if not, what is the position in this regard; if so, (a) which countries were compared, (b) what were the findings and (c) what were the recommendations? NW821E

**REPLY:**

The International Labour Organisation (ILO) is one of the Specialized Agencies of the United Nations whose mandate is to advocate for decent work at the workplace. It carries out this mandate through a number of interventions which include setting and supervision of international labour standards, policy and technical advice, capacity building and advocacy. One area of technical support that the ILO provides to its member States is the review of labour administration systems as embodied in ministries responsible for employment and labour, and other related institutions, with a view to assessing their performance and ability to discharge their mandates, implement policies and laws within their remit, and to provide services to the public.

I would like to hasten to indicate that, in the performance of this review function, the ILO does so on the basis of requests from individual member States who are entitled to such support by virtue of their membership to the Organization. The reviews are not being done on behalf of my Department, since we do not have the power to influence the ILO to do these on our behalf, neither do we have the authority to decide whether reviews should be undertaken in other member States.

In addition, the ILO does not currently have any official benchmarking methodology which would enable the Organization to objectively compare national labour administration systems in the member States. These systems differ rather substantially in terms of their mandate, political systems they operate in, and forms of public administrations which make any direct comparison difficult, if not impossible.

However, the ILO Labour Administration Convention, 1978 (No. 150) as well as its accompanying Recommendation 1978 (No. 158) provide a useful guidance by establishing some basic criteria that any labour administration system should draw from, such as, effectiveness, coordination, involvement of social partners, sufficient funding and material means, availability of qualified and independent staff, etc. These two international standards also provide other details concerning the role of labour administration in the areas such as labour standards, labour relations, employment and research and give guidelines on the organization of a national system of labour administration.

I therefore would like to indicate that the main purpose of the reviews is not to compare the different countries, but to assess their systems in the context of their individual circumstances, using international standards as a form of guidance.

I would like to inform this Honourable Member that my Department has gone through a process of review twice, in 2010 and in 2016. A number of findings were made and useful policy advice proffered resulting in significant changes in the Department. The findings touched on institutional shortcomings, performance management deficits, insufficient use of existing technologies, and inadequate human resources policies.

Based on the 2010 review recommendations, the following have been achieved:

1. Creation of the labour inspection and enforcement branch;
2. Strengthening of the oversight role of CCMA and NEDLAC by the Labour Market Policy / Industrial Relations Branch;
3. Passing of the new Public Employment Services Act, 2014;
4. Increase in the number of labour inspection staff and change in their terms and conditions of employment, including their qualification requirements; and
5. Development of a national labour inspection framework.

Another review was made in 2016/17 to assess the implementation of the recommendations of the 2010 review. Satisfied with the rate of implementation of the past recommendations, a set of new recommendations were made, which include:

1. Strengthening of the employment promotion mandate of the Department to coordinate other government departments;
2. Addressing the existing vacancy rate and filling of positions at the technical level;
3. Revision and strengthening of the performance management system;
4. Strengthening of data collection, research, and analytical capacity on labour market and employment conditions, as well as on performance of the Department;
5. Strengthening of social dialogue around labour inspection; and
6. NEDLAC and CCMA be encouraged to make their skills available in the resolution of disputes which have been prevalent in society.

According to the information that I got from open sources in ILO / Pretoria, similar reviews have been undertaken in some countries in Eastern and Southern Africa since 2010; namely; in Botswana, Kenya, Lesotho, Malawi, Namibia, Uganda and the United Republic of Tanzania. Findings are generally the same, pointing to common weaknesses found in labour ministries in most countries. These include weak institutional structures; low resource allocation; poor coordination mechanisms between the headquarters and the field offices; poor working conditions for staff; unsatisfactory legal enforcement and sanction capacity; and insufficient articulation of employment policies.

Specific recommendations have been made to address the findings with due regard to country specificities. These have generally covered restructuring or creation of new departments or units; reforms of public employment services; strengthening of the coordination function and role by the headquarters; enhancement of the enforcement capacity; support by labour administration to social dialogue institutions for enhanced policy dialogue; development of human resource policies, including improvement in working conditions, career advancement and initial and continuous training; labour law reforms; improved performance management; and ratification of relevant ILO conventions.

I thank you