



Report of the Portfolio Committee on Labour on its activities undertaken during the 4th Parliament (May 2009 – March 2014)

Key highlights

1. Reflection on committee programme per year and on whether the objectives of such programmes were achieved

- In 2009, the Committee held public hearings on labour broking to ascertain the views of the public on this subject. This was as a result of the growing interest in the subject both internationally and in South Africa. The purpose of the public hearings was to look into the challenges confronting the country with regard to labour brokers who were not operating in accordance with the labour law prescripts. The ultimate aim was to come up with recommendations on how this practice could be regulated. The labour law amendments were tabled before the Committee for processing. These amendments addressed, *inter alia*, the issue of labour broking.
- In 2010, the Committee undertook an oversight visit to the fishing industry in the Western Cape Province to assess the working conditions of people employed in the fishing industry and compliance of the industry to labour law prescripts and international standards. In 2012, the Committee undertook a similar oversight in the Western Cape farms. Subsequently, the Minister of Labour amended the sectoral determination on farm workers to address employment conditions in farms.
- In the 2012/2013 financial year, the Committee received and processed the Labour Relations Amendment Bill, Basic Conditions of Employment Bill, Employment Equity Amendment Bill and Employment Services Bill. All these Bills were processed and referred to the National Council of Provinces for concurrence. The Labour Relations Amendment Bill and the Employment Services Bill were returned to the Committee for consideration of further amendments proposed by the Select Committee on Labour and Public Enterprises. The further amendments were considered and the Bills were completed.
- In 2012, the Committee went on a study tour of Germany. The purpose of the study tour was to assess and learn more about Germany's Active Labour Market Programmes, especially the Public Employment Services. Lessons learned were useful in the processing of the Employment Services Bill.
- The Committee ratified four international agreements in 2012/2013.
- In 2013/2014, the Committee undertook oversight visits to the provincial offices, labour centres and some entities of the Department of Labour in KwaZulu-Natal, Western Cape, Eastern Cape and the Northern Cape.

2. Committee's focus areas during the 4th Parliament

- Issue of atypical employment and its attendant problems.
- Decent work in vulnerable sectors of employment.
- Provision of Department of Labour services at Labour Centres and entities under the Department of Labour.
- Processing of legislation referred to the Committee.
- Learning from other countries about the provision of Public Employment Services so as to incorporate best practice into the South African system.
- Processing of international Agreements.

3. Key areas for future work

- Monitoring of implementation of amended legislation.
- Follow up on recommendations made by the Committee during oversight visits.
- Monitor compliance to international agreements.

4. Key challenges emerging

The following challenges were encountered by the 4th Parliament:

- Inadequate resources for executing the mandate of the Department of Labour at service delivery level.
- Provision of Information and Communication Technology (ICT) services to the Department of Labour.
- Violent strikes in the farming and the mining sector.

5. Recommendations

- The Department of Labour should brief the Portfolio Committee on Labour on its Information, Communication and Technology (ICT) strategy and progress with implementation of the strategy. The briefing should include the process followed with regard to the EOH resources, especially human resources.
- The Department should brief the Committee on progress with the Shanduka project, which aims to identify resources required to execute the mandate of the Department.
- The Department and the Compensation Fund should brief the Committee on progress regarding the turn-around initiatives of the Compensation Fund.

1. Introduction

The term of the fourth Parliament started on 28 April 2009 and will expire on 27 April 2014. The President announced the election date as 7 May 2014. After the elections, members of the fifth Parliament will be sworn in at the first sitting of Parliament on the date and time determined by the Chief Justice. Members of the National Assembly will then be assigned to committees of Parliament. The Portfolio Committee on Labour is one of the committees of Parliament, which are also known as the engines of Parliament. The highlights of the Portfolio Committee on Labour during the fourth Parliament include the transfer of the administration of the Skills Development Act into the Department of Higher Education and Training, hence the oversight function into the relevant portfolio committee. Other highlight is the introduction of the Employment Services Bill, which seeks to, *inter alia*; make provision for the establishment of Productivity South Africa and the establishment of the Supported Employment Enterprises (formerly Sheltered Employment Factories). This report summarises the activities of the fourth Parliament so as to assist the incoming members of the fifth Parliament in taking over from the fourth Parliament.

1.1 Department and Entities falling within the committee's portfolio

a) Department of Labour

The core mandate of the Department is to regulate the labour market through policies and programmes developed in consultation with social partners, which are aimed at:

- Improved economic efficiency and productivity.
- Creation of decent employment.
- Promoting labour standards and fundamental rights at work.
- Providing adequate social safety nets to protect vulnerable workers.
- Sound labour relations.
- Eliminating inequality and discrimination in the workplace.
- Enhancing occupational health and safety awareness and compliance in the workplace.
- Giving value to social dialogue in the formulation of sound and responsive legislation and policies to attain labour market flexibility for competitiveness of enterprise which is balanced with the promotion of decent employment.

The work of the Department is organised into four programmes, namely Administration, Inspection and Enforcement Services, Public Employment Services, and Labour Policy and Industrial Relations.

b) Entities:

Name of Entity	Role of Entity
Compensation Fund (CF)	The Compensation Fund provides social security to injured and diseased employees.
Unemployment Insurance Fund (UIF)	The Unemployment Insurance Fund contributes to the alleviation of poverty in South Africa by providing short-term unemployment insurance to all workers who qualify for unemployment related benefits.
Commission for Conciliation Mediation and Arbitration (CCMA)	The CCMA promotes social justice and economic development in the world of work through dispute management and dispute resolution.
Productivity South Africa (PSA)	The role of Productivity South Africa is to improve the productive capacity of the economy and thus contribute to South Africa's socio-economic development and competitiveness.
National Economic Development and Labour Council (NEDLAC)	NEDLAC is a statutory social dialogue body that serves as a forum where social partners can come together to discuss and develop public finance and monetary policy, labour market policy, trade and industrial policy and development policy.

1.2 Functions of committee:

Parliamentary committees are mandated to:

- Monitor the financial and non-financial performance of government departments and their entities to ensure that national objectives are met.

- Process and pass legislation.
- Facilitate public participation in Parliament relating to issues of oversight and legislation.

1.3 Method of work of the committee (if committee adopted a particular method of work e.g. SCOPA.)

There is no particular method of work adopted by the Committee. The Committee meets when necessary as per its adopted programme.

1.4 Purpose of the report

The purpose of this report is to provide an account of the Portfolio Committee on Labour work during the 4th Parliament and to inform the members of the new Parliament of key outstanding issues pertaining to the oversight and legislative programme of the Department of Labour and its entities.

This report provides an overview of the activities the Committee undertook during the 4th Parliament, the outcome of key activities, as well as any challenges that emerged during the period under review and issues that should be considered for follow up during the 5th Parliament. It summarises the key issues for follow-up and concludes with recommendations to strengthen operational and procedural processes to enhance the Committee's oversight and legislative roles in future.

2. Key statistics

The table below provides an overview of the number of meetings held, legislation and international agreements processed and the number of oversight trips and study tours undertaken by the committee, as well as any statutory appointments the committee made, during the 4th Parliament:

Activity	2009/10	2010/11	2011/12	2012/13	2013/14	Total
Meetings held	30	29	26	38	35	158
Legislation processed	0	0	0	4	0	4
Oversight trips undertaken	0	2	1	1	3	7
Study tours undertaken	0	0	1	0	0	1
International agreements	0	0	0	4	0	4

Activity	2009/10	2010/11	2011/12	2012/13	2013/14	Total
processed						
Statutory appointments made	0	0	0	0	0	0
Interventions considered	0	0	0	0	0	0
Petitions considered	0	0	0	0	0	0

3. Stakeholders:

The stakeholders include organised business and organised labour.

4. Briefings and/or public hearings

The public hearings were held by the Committee as part of the legislative process. The Committee was briefed by the Department on proposed legislation and amendments before the public hearings.

The Committee held public hearings on labour broking to ascertain the views of the public on this subject. This was as a result of the growing interest in the subject both internationally and in South Africa. The purpose of the public hearings was to look into the challenges confronting the country regarding labour brokers who were alleged to not operate in accordance with the labour law prescripts. The ultimate aim was to come up with recommendations on how this practice can be regulated in South Africa.

The hearings were held as follows:

- In Parliament on 25-26 August 2009.
- In Free State, North West, Gauteng and KwaZulu-Natal on 5-8 October 2009.
- In Eastern Cape on 28-29 November 2009.

The following recommendations were, *inter alia*, made after the hearings:

- The Department of Labour (DoL) should amend or redraft section 198 of the Labour Relations Act as it brings confusion to the employment relationship.

- With reference to outsourcing and subcontracting, the DoL should introduce legislation to address the abusive practices by holding all parties liable for the conditions of the workers.

5. Legislation

The following pieces of legislation were referred to the Committee and processed during the 4th Parliament:

Year	Name of Legislation	Tagging	Objectives	Completed/Not Completed
2009/10				
2010/11				
2011/12				
2012/13	Labour Relations Amendment Bill	S75	To amend the Labour Relations Act, 1995, so as to facilitate the granting of organisational rights to trade unions that are sufficiently representative; to strengthen the status of picketing rules and agreements; to amend the operation, functions and composition of the essential services committee and to provide for minimum service determinations; to provide for the Labour Court to order that a suitable person be appointed to administer a trade union or employers' organisation; to enable judges of the Labour Court to serve as judges on the Labour Appeal Court; to further regulate enquiries by arbitrators; to provide greater protection for workers placed in temporary employment services; to regulate employment of fixed term contracts and part-time employees earning below the earnings threshold determined by the Minister;	The Bill was referred to the NCOP as per section 75 of the Constitution. It was returned to the Committee for consideration of further amendments. Completed

Year	Name of Legislation	Tagging	Objectives	Completed/Not Completed
			to further specify the liability for employers' obligations; to substitute certain definitions; and to provide for matters connected therewith.	
	Basic Conditions of Employment Bill	S75	To amend the Basic Conditions of Employment Act, 1997, so as to substitute certain definitions; to prohibit employers from requiring employees to make payments to secure employment and from requiring employees to purchase goods, services or products; to prohibit anyone from requiring or permitting a child under the age of 15 years to work; to make it an offence for anyone to require or permit a child to perform any work or provide any services that place at risk the child's well-being; to provide for the Minister to publish a sectoral determination for employees and employers who are not covered by any other sectoral determination; to provide for the Director-General to apply to the Labour Court for an employer to comply with a written undertaking by the employer; to provide for a compliance order; to delete certain obsolete provisions; to provide the Labour Court with exclusive jurisdiction in respect of certain matters; to provide for certain offences and penalties; to increase the penalties for certain offences; and to provide for matters connected therewith.	Completed
	Employment Equity Amendment Bill	S75	To amend the Employment Equity Act, 1998, so as to substitute or amend certain definitions; to further regulate the prohibition of unfair discrimination against employees; to further regulate the certification of psychometric testing used to assess employees; to provide for the referral of certain disputes for arbitration to the Commission for Conciliation, Mediation and	Completed

Year	Name of Legislation	Tagging	Objectives	Completed/Not Completed
			<p>Arbitration (CCMA); to make further provision regarding the evidentiary burden of proof in allegations of unfair discrimination; to further regulate the preparation and implementation of employment equity plans and submission of reports by designated employers to the Director-General; to further regulate undertakings by designated employers to comply with requests by labour inspectors; to further regulate the issuing of compliance orders; to provide afresh for the assessment of compliance by designated employers with employment equity and the failure of those employers to comply with requests and recommendations made by the Director-General; to extend the powers of commissioners in arbitration proceedings; to provide for that fines payable in terms of the Act must be paid into the National Revenue Fund; to extend the Minister's power to issue Code of Good Practice and to delegate certain powers; to increase and provide for the increase by the Minister of certain fines which may be imposed under the Act; and to amend and to provide for the amendment by the Minister of annual turnover thresholds applicable to designated employers; and to provide for matters connected therewith.</p>	
	<p>Employment Services Bill</p>	<p>S75</p>	<p>To provide for public employment services; to provide for the establishment of schemes to promote the employment of young work seekers and other vulnerable persons; to provide for schemes to assist employees in distressed companies to retain employment; to facilitate the employment of foreign nationals in a manner that is consistent with the objects of this Act and the</p>	<p>The Bill was referred to the NCOP as per section 75 of the Constitution. It was returned to the Committee</p>

Year	Name of Legislation	Tagging	Objectives	Completed/Not Completed
			Immigration Act, 2002; to provide for the registration and regulation of private employment agencies; to provide for the establishment of Productivity South Africa; to provide for the establishment of Supported Employment Enterprises; to provide for transitional provisions; and to provide for matters connected therewith.	for consideration of further amendments. Completed
2013/14	Unemployment Insurance Amendment Bill	Not yet tagged	To amend the Unemployment Insurance Act, 2001, so as to provide for the extension of the unemployment insurance benefits to learners who are undergoing learnership training, civil servants and foreign workers who are within the country; to adjust the accrual rate of a contributor's entitlement to unemployment insurance benefits; to finance employment services; to extend a contributor's entitlement to benefits under certain circumstances; to provide for the process of application for maternity benefits; to repeal some enforcement provisions; to empower the Unemployment Insurance Board to provide in its constitution for the functions of regional appeals committees; to amend the Schedule 2 to the Unemployment Insurance Act, 2001 so as to provide for the adjustment of the Income Replacement Rate; and to provide for matters connected therewith.	The Committee received an informal briefing on the Bill on 4 March 2014.

a) Challenges emerging

The following challenges emerged during the processing of legislation:

- The NCOP proposed further amendments to the Labour Relations Amendment Bill and the Employment Services Bill, as a result delayed finalisation of legislation.

b) Issues for follow-up

The 5th Parliament should consider following up on the following concerns that arose:

- Monitoring of new entities being established.
- New mechanisms or corrections to challenges.
- Monitor the implementation of the new Acts.

6. Oversight trips undertaken

The following oversight trips were undertaken:

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
17-21 May 2010	North-West, Mpumalanga, Limpopo and Gauteng	To assess the work of the DoL against priorities as set in the Strategic Plan of 2010.	<ul style="list-style-type: none">• The DoL should address the situation in KwaMhushwa Labour Centre.• There should be more personnel employed in the labour centres in order to curb long queues, which are a great concern to Government.• The DoL should look into the			

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<p>Siemens' contract as it had come up clearly in most centres that there was a problem with IT services.</p> <ul style="list-style-type: none"> • The DoL should consider having more mobile centres especially in rural areas in order to bring the services closer to the people. • In instances where office accommodation is a challenge, the Minister of Labour should approach the Minister of Public Works to address and fast-track the issue of proper offices and facilities. • The DoL should address those challenges that 			

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<p>can be resolved in the short term by the labour centres, such as the assignment of the floor manager to guide and assist people, given that the majority of service users are illiterate, old and disabled. In addition, the floor manager would have to ensure that the vulnerable groups including the old, disabled people and pregnant women are prioritised using the "express queues".</p> <ul style="list-style-type: none"> • The floor manager should be multi-lingual in order to accommodate all people who use the labour centre 			

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			services.			
18-21 Oct 2010	Fishing Industry and Sheltered Employment Services in the Western Cape		<ul style="list-style-type: none"> • The DoL should strengthen its Inspection and Enforcement Services in order to oversee enforcement compliance of occupational health and safety regulations within the fishing industry. • The DoL should ensure full compliance with regard to Employment Equity regulations. • The DoL should monitor implementation of the Supported Employment Enterprises (Sheltered Employment 			

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<p>Factories) turnaround strategy. Additionally, the DoL should ensure that the enterprises adhere to employment equity regulations, as stipulated in the relevant Act.</p> <ul style="list-style-type: none"> • The DoL should investigate the amendments to the UIF Act to cater for seasonal workers both in the fishing and farming sectors. • The DoL should respond to all issues raised in this report during the first quarter of 2011. 			
24-27 Jan 2012	Western Cape Farms	<ul style="list-style-type: none"> • To assess how labour inspectors perform their duties in the agricultural 	<ul style="list-style-type: none"> • Thorough training and skills advancement of labour inspectors. 	The Shanduka project is underway and the objective is to identify the		

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
		<p>sector in order to understand their daily challenges and to avoid making unreasonable expectations and recommendations that are misplaced and impractical.</p> <ul style="list-style-type: none"> • To build cooperation amongst stakeholders. • To ensure that the sector understands the benefits of proper application of the labour law (to build pleasant workplace relations and to ensure decent living standards for all workers). 	<ul style="list-style-type: none"> • The DoL should strengthen its occupational health and safety inspections to conduct comprehensive inspections in the farms. • The Department must speed up the specialisation dispensation of the Inspection Enforcement Services (IES), especially in the vulnerable sectors such as agriculture, domestic, etc. • The Department should focus on quality inspections, which focus on a holistic 	resources needed by the Department to execute its mandate.		

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<p>assessment of the working environment as opposed to inspections which focus on administrative compliance. To achieve this, the Department must explore innovative means of using resources provided by trade unions, civil society and organisations such as Wine Industry Ethical Trade Association (WIETA). In doing so, the Department must cooperate with organisations such as WIETA to strengthen its inspectorate services.</p>			

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<ul style="list-style-type: none"> • The Department of Labour should urgently address the code of conduct of inspectors when conducting inspections. • The Department must furnish the Committee with a comprehensive report on follow up inspections on the farms that were visited and those that were served with undertakings from the inspectors. 			
28 Jan -01 Feb 2013	KwaZulu-Natal Province	<ul style="list-style-type: none"> • To ascertain challenges experienced by the provincial office in executing its 	<ul style="list-style-type: none"> • Realistic targets that take consideration of available tools of trade e.g. green 	The Shanduka project is underway and the objective is to identify the resources needed		Adopted

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
		<p>mandate.</p> <ul style="list-style-type: none"> • To hear from the provincial office staff; staff in labour centres; Productivity SA Durban branch; and CCMA about the kind of support they need from the Committee. • To interact with clients to determine the quality of service and treatment they receive from labour centre staff and managers. 	<ul style="list-style-type: none"> cars, subsidised vehicles, lap tops, etc., have to be set for labour inspectors. • Professionalisation Project Plan for labour inspectors has to be put in place. • IT services for PSA should be decentralised and the funding model for PSA should be put in place. • The DoL has to liaise with the Department of Public Works to ensure that the Park Rynie office is provided with electricity and water. • The military veterans need to be involved in the operations of the 	<p>by the Department to execute its mandate.</p>		

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<p>SEF as was the case with the Second World War veterans.</p> <ul style="list-style-type: none"> • The DoL should come up with a strategy for marketing the products of SEF to government departments. The DoL has to ask PSA to assist the SEF to boost productivity and generate revenue. • The DoL has to fast-track the decentralisation of COIDA services. • The DoL has to address the IT challenges and ensure that the IT system that is used in KZN is aligned with the system that is used nationally. 			

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<ul style="list-style-type: none"> The post of a cleaner should be created at the Estcourt Labour Centre. 			
23 July 2013	Western Cape Province	<ul style="list-style-type: none"> To ascertain challenges experienced by the labour centres in executing their mandate. To interact with clients to determine the quality of service and treatment they receive from labour centres' staff and management. 	<ul style="list-style-type: none"> The DoL's Provincial Office should facilitate a meeting with the Department of Public Works in order to attend to all structural challenges related to the building that the LC is occupying. The LC and the Provincial Office should set up a meeting with SAPS to address security challenges as a result of access control deficiencies. The DoL should table before the 	The Shanduka project is underway and the objective is to identify the resources needed by the Department to execute its mandate.		Adopted

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<p>Portfolio Committee a list of interventions to address shortage of tools of trade and IT challenges of the LC.</p> <ul style="list-style-type: none"> • The requirement for subsidised vehicles needs to be relooked to ensure that there is a sufficient number of vehicles to execute the mandate of the DoL. • The DoL has to assess the staffing of the LC to ascertain whether it is sufficient given the increased work-load. 			
28-31 Jan 2014	Eastern Cape Province	<ul style="list-style-type: none"> • To ascertain challenges experienced by the provincial office in 	<ul style="list-style-type: none"> • The DoL must create a uniform policy to delineate its obligations in 	The DoL provided an Action Plan to address matters raised during the		Adopted

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
		<p>executing its mandate.</p> <ul style="list-style-type: none"> • To hear from the provincial office staff; staff in labour centres; and CCMA, about the kind of support they need from the Portfolio Committee. • To interact with clients to determine the quality of service and treatment they receive from labour centres' staff and managers. 	<p>the provision of uniforms and establish sound and standardised norms for all staff to follow.</p> <ul style="list-style-type: none"> • Provision of permanent offices for the Mount Ayliff Regional Office, which is reported to be occupying temporary offices since 2004. • Address staffing issues, especially shortage of labour inspectors. • Provision of tools of trade e.g. laptops, 3G cards and suitable motor vehicles for labour inspectors. • Expedite the process of relocating Mthatha Labour Centre to the new premises 	oversight visit.		

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<p>as allegedly agreed.</p> <ul style="list-style-type: none"> • Fast-track the decentralisation of the COIDA processes. • Set realistic targets for labour inspectors taking into account both available resources and relevant labour market challenges. • Lobby the government departments to utilise the Public Employment Services of the DoL where appropriate. • Address structural challenges of the Fort Beaufort Labour Centre e.g. flooding. • Provision of chairs with back support 			

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			for clients visiting the centre.			
04-07 Feb 2014	Northern Cape Province	<ul style="list-style-type: none"> • To ascertain challenges experienced by the provincial office in executing its mandate. • To hear from the provincial office staff, staff in labour centres, and CCMA, about the kind of support they need from the Portfolio Committee. • To interact with clients to determine the quality of service and treatment they receive from labour centre staff and managers. 	<ul style="list-style-type: none"> • The DoL should ensure that labour centres are supplied with 4x4 bakkies for inspectors in order to reach remote areas where road infrastructure is poor and not suitable for sedan cars. • The DoL should prioritise skills training for Labour Centre managers and to consider empowering them through giving them more decision-making roles instead of constantly awaiting provincial Chief Directors to take all decisions, 	There has not been an official response from the Ministry to the recommendations of the Committee since the oversight was conducted in February 2014.		Adopted

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report
			<p>including menial ones such as ordering office stationary and issues related to cleaners for the office.</p> <ul style="list-style-type: none"> • The DoL must invent strategies to address the safety of inspectors. • The DoL must ensure that inspectors are continuously trained and skilled on various legislation and regulations relevant to the sector. • The DoL should expand CCMA services at labour centres for easy access of this service to those who are greatly in need for it. 			

Date	Area Visited	Objective	Recommendations	Responses to Recommendations	Follow-up Issues	Status of Report

a) Challenges emerging

The following challenges emerged during the oversight visit:

- Challenges related to staffing of the labour centres.
- Challenges related to the tools of trade and physical buildings.
- Challenges related to coordination of work processes between the DoL and the Department of Public Works.
- Challenges related to work processes e.g. centralisation of COIDA and Unemployment Insurance processes.

b) Issues for follow-up

The 5th Parliament should consider following up on the following concerns that arose:

- Ensure that the adverse physical conditions at all labour centres are addressed.
- Ensure that departmental officials, particularly labour inspectors, are provided with appropriate tools of trade.
- Address staffing issues, especially shortage of labour inspectors.
- Ensure that the process of professionalisation of labour inspectors is fast-tracked.
- Ensure that the decentralisation of COIDA and Unemployment Insurance processes are fast-tracked.

7. Study tours undertaken

The following study tours were undertaken:

Date	Places Visited	Objective	Lessons Learned	Status of Report
18-24 Mar	Berlin and	To assess and learn more	• There is a need for	Adopted

Date	Places Visited	Objective	Lessons Learned	Status of Report
2012	Nuremburg in Germany	about Germany's Active Labour Market Programmes (ALMPs), especially the Public Employment Services.	<p>cooperation among employers, employees and trade unions in order to resolve labour disputes expeditiously and to avoid unnecessary industrial action.</p> <ul style="list-style-type: none"> • Allocation of resources should focus on continuous improvement of the labour market system. • International assistance is needed to assist the DoL in addressing the information technology systems challenges. • The DoL should have clear strategy in outlining what it seeks to achieve. • The DoL should develop methods on how to deal with the massive number of people that are in the informal sector. In addition, government should ensure that people in the informal sector also benefit from some form of social security net. • Compulsory and good education should be introduced in order to keep children out of the streets and 	

Date	Places Visited	Objective	Lessons Learned	Status of Report
			prepare them for future employment. This calls for more investment in good education in order to enhance participation in the labour market.	

a) Challenges emerging

The following challenges emerged during the study tours:

- While the Committee benefited from high-level interactions with various stakeholders, it did not get sufficient time to observe labour and operational centres where resources are allocated.
- Lack of opportunity to observe practical application of the German Public Employment Services System was a major weakness in the study tour.

b) Issues for follow-up

The 5th Parliament should consider following up on the following concerns that arose:

- In future, the Committee should allocate sufficient time for study tours to ensure that maximum benefits are derived.

8. International Agreements:

The following international agreements were processed and reported on:

Date referred	Name of International Agreement	Objective	Status of Report	Date of enforcement
11 Dec 2012	Domestic Workers Convention, 2011 (No	To ensure the effective promotion of the human rights	Ratified 20 June 2013	Not in force

Date referred	Name of International Agreement	Objective	Status of Report	Date of enforcement
	<p>189) and recommendation, 2011 (No 201), tabled in terms of section 231(2) of the Constitution, 1996.</p> <p>Labour Inspection Convention 1974 (No 81), tabled in terms of section 231(2) of the Constitution, 1996.</p>	<p>of all domestic workers, as set out in this Convention.</p> <p>To ensure, <i>inter alia</i>, that the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to hours, wages, safety, health and welfare, the employment of children and young persons, and other connected matters, in so far as such provisions are enforceable by labour inspectors, are secured.</p>	<p>Ratified 20 June 2013</p>	<p>Not in force</p>
	<p>Maritime Labour Convention 2006, tabled in terms of section 231(2) of the Constitution, 1996.</p>	<p>To create a single, coherent instrument embodying as far as possible all up-to-date standards of existing international maritime labour Conventions and Recommendations, as well as</p>	<p>Ratified 20 June 2013</p>	<p>20 June 2014</p>

Date referred	Name of International Agreement	Objective	Status of Report	Date of enforcement
	Work in the Fishing Sector Convention 2007 (No 188), tabled in terms of section 231(2) of the Constitution, 1996.	<p>the fundamental principles to be found in other international labour Conventions.</p> <p>To ensure that fishers have decent conditions of work on board fishing vessels with regard to minimum requirements for work on board; conditions of service; accommodation and food; occupational safety and health protection; medical care and social security.</p>	Ratified 20 June 2013	Not in force

a) Challenges emerging

The following challenges emerged during the processing of international agreements:

- There were no challenges during processing of international agreements.

b) Issues for follow-up

The 5th Parliament should consider following up on the following concerns that arose:

- The 5th Parliament has to follow-up on work initiated on 2 August 2011, where it met with the Department of Labour, civil society and organised labour on the implementation of the Convention on Domestic Workers. The future Committee work should involve follow-up meetings to investigate and monitor progress on implementation of this Convention, as South Africa has ratified it.

- Follow-up oversight to the one conducted on 18 to 22 October 2009 in the fishing sector should be considered by the Committee, as South Africa ratified the Maritime Labour Convention and Work in the Fishing Sector Convention.

9. Statutory appointments

There were no statutory appointments made by the Committee during the 4th Parliament.

Date	Type of appointment	Period of appointment	Status of Report

a) Challenges emerging

The following challenges emerged during the statutory appointments:

- Not applicable

b) Issues for follow-up

The 5th Parliament should consider following up on the following concerns that arose:

- Not Applicable.

10. Interventions

There were no official interventions referred to the Committee during the fourth Parliament.

Title	Date referred	Current status

c) Challenges emerging

The following challenges were experienced during the processing of interventions:

- Not applicable

d) Issues for follow-up

The 5th Parliament should consider following up on the following concerns that arose:

- Not applicable

11. Petitions

A group of ex-mineworkers and their relatives camped outside Parliament premises with a list of demands relating to unemployment benefits.

Title	Date referred	Current status
Interdepartmental Task Team on ex-mineworkers	Meeting held on 9-10 May 2010	It is not clear if all identified rightful claimants were paid monies due to them.

e) Challenges emerging

The group that started the petition in 2007 had split into two and only one group attended the meeting with the Task Team.

f) Issues for follow-up

The 5th Parliament should consider following up on the following concerns that arose:

- Ascertaining whether all rightful claimants were paid.

12. Obligations conferred on committee by legislation:

The Money Bills Procedures and Related Matters Act (No. 9 of 2009), sets out the process that allows Parliament to make recommendations to the Minister of Finance to amend the budget of a national department. In October of each year, the Committee compiles a Budget Review and Recommendation Report (BRRR) that assesses service delivery performances given available resources; evaluates the effective and efficient use and forward allocation of resources; and makes recommendations for consideration by the Minister of Labour and the Minister of Finance.

In preparation for the BRRR process, the Committee considers, among others: The Annual Report of the Department of Labour and entities reporting to the Department. The Committee also conducts a meeting with the Auditor-General regarding the audit outcomes of the Department and its entities at the end of each financial year, considers quarterly reports of the Department, section 32 reports of the National Expenditure for the first quarter as published by National Treasury, the Strategic and Annual Performance Plan of the Department at the beginning of a financial year and other relevant sources of information.

13. Summary of outstanding issues relating to the department/entities that the committee has been grappling with

The following key issues are outstanding from the committee's activities during the 4th Parliament:

Responsibility	Issue(s)
Department of Labour	Provision of ICT services to the Department.
Compensation Fund	The Fund received a disclaimer of audit opinion in 2012/13. What has the Fund done to address issues raised by the Audit General in the 2012/13 Annual Report?
Compensation Fund	Amendment of the Compensation for Occupational Injuries and Diseases Act (COIDA).
Compensation Fund	Challenges and Turnaround initiatives.
Unemployment Insurance Fund	Amendment of the Unemployment Insurance Act.

14. Recommendations

(Include possible recommendations to resolve operational and/or procedural concerns encountered during the 4th Parliament)

- The Department of Labour should brief the Portfolio Committee on Labour on its Information, Communication and Technology (ICT) strategy and progress with implementation of the strategy.
- The Department should brief the Committee on progress with the Shanduka project, which aims to identify the resource needs of the Department.
- The Department should brief the Committee on progress with recommendations of the Committee on its oversight reports, e.g.:
 - Professionalisation Project Plan for labour inspectors should be put in place.
 - Facilitate the decentralisation of COIDA services.
 - IT services for Productivity SA should be decentralised and the funding model should be put in place.
 - Involvement of military veterans in the operations of the Supported Employment Enterprises (formerly Sheltered Employment Factories) as was the case with the Second World War veterans.
- The Department and the Compensation Fund should brief the Committee on progress regarding the turn-around initiatives of the Compensation Fund.

15. Committee strategic plan

Based on concerns raised by the Department and stakeholders, the Portfolio Committee on labour recommended the following:

- Trade unions and employers should engage as to what needed to be done to address youth unemployment.
- The DoL should be made more visible in areas that were prone to non-compliance and violations of labour rights particularly in rural areas.
- The Committee will proactively coordinate joint oversight visits and meetings with the following Committees:
 - The Portfolio Committee on Agriculture, Fisheries and Transport to discuss challenges of sea fearers and to speed up policy development and legislation amendments that will deal with the sector's working conditions.
 - The Portfolio Committee on Rural Development, Human Settlement and Home Affairs to discuss challenges of farm workers and migrant workers in the agricultural sector.
- Schedule a meeting with the DoL, the Unemployment Insurance Fund (UIF) and the Commission for Conciliation, Mediation and Arbitration (CCMA) and the Department of Higher Education and Training on the Training Lay-Off Scheme (TLS) implementation progress and to assess the quality of training that this scheme is funding.
- Schedule a meeting with the DoL and Social Development on the social security system reforms, before amendments to the Unemployment insurance Bill are tabled before Parliament.

- Prioritise a meeting with the DoL and oversight in other vulnerable sector and industries that were raised by stakeholders such as taxi drivers, waiters/waitresses, petrol attendants, franchise industry, freight services workers, and to consider work conditions of community care givers.
- Schedule a meeting with the DoL and Economic Development on the challenges relating to the informal sector.

16. Master attendance list of the Portfolio Committee on Labour

2009

MEMBERS	110809	120809	180809 10h00	180809 15h15	250809	260809	010909	080909	110909	150909
African National Congress										
Chauke, P	A	A	A	A	AP	AP	P	P	A	A
Gona, MF	A	A	A	A	P	P	P	A	A	A
Khumalo, Ms FE	AP	AP	P	P	P	P	P	A	P	AP
Maduna, Ms P	A	A	A	P	P	P	A	P	A	P
Manamela Mr B	A	A	A	A	A	P	A	A	A	A
Makhubela-Mashele, LS	P	P	P	A	P	A	AP	A	A	A
Mtshali, E	A	A	P	P	P	P	P	AP	A	P
Newhoudt-Druchen, Ms WS	P	P	P	A	P	P	A	P	A	A
Mnisi, Ms NA	A	A	P	P	P	P	P	AP	A	P
Nyekemba, Mr E	P	P	P	P	P	P	P	P	P	P
Pillay, Dr SM	A	A	A	A	P	A	A	A	A	
Rantsolase, Ms AM	A	A	A	P	P	P	P	A	A	P

Tsotetsi, Ms DR	P	P	P	A	A	A	P	A	A	
Yengeni, Ms LE	P	P	P	P	P	P	P	A	A	P
Xaba, Ms P	A	A	A	A	P	A	A	A	A	A
Democratic Alliance										
Louw, Mr A	P	P	P	P	P	P	P	P	P	P
Ollis, Mr IM	P	P	P	P	P	P	A	P	P	P
Congress of The People										
Madisha, Mr WM	P	P	A	P	P	P	A	AP	P	P
Inkatha Freedom Party										
Ndlovu, Mr VB	P	P	AP	AP	A	P	A	AP	A	A
Freedom Front Plus										
Spies, Mr WD	A	A	A	A	A	A	A	A	A	A

MEMBERS	160909									
African National Congress										
Chauke, P	A									
Duma, Ms NM	A									
Gona, MF	A									

Khumalo, Ms FE	P									
Maduna, Ms P	A									
Manamela Mr B	A									
Makhubela-Mashele, LS	A									
Manyene-Sibiya, Ms NA	A									
Mdakane, Mr R	A									
Mtshali, E	P									
Newhoudt-Druchen, Ms WS	P									
Mnisi, Ms NA	AP									
Nyekemba, Mr E	P									
Pillay, Dr SM	A									
Rantsolase, Ms AM	AP									
Tsotetsi, Ms DR	A									
Yengeni, Ms LE	P									
Xaba, Ms P	A									
Democratic Alliance										
Louw, Mr A	P									
Ollis, Mr IM	P									

Congress of The People										
Inkatha Freedom Party										
Mpontshane, Mr AM *	A									
Ndlovu, Mr VB	A									
Freedom Front Plus										
Spies, Mr WD	A									

MEMBERS	051009	061009	071009	20/10/09	271009	281009	291009	031109	031109	101109
		Vaal Reefs mine	Ekurhuneli council chambers					afternoon	morning	
African National Congress										
Khumalo, Ms FE	A	P	P	P	A	P	P	A	P	P
Makhubela- Mashele, LS	P	P	P	P	AP	A	A	A	P	P
Mtshali, E	P	P	P	A	A	A	A	A	A	A
Mnisi, Ms NA	A			AP	P	A	A	A	P	P
Nyekemba, Mr E	P	P	P	P	P	P	P	P	P	P
Rantsolase, Ms A	A	A	P	P	A	A	P	A	A	A

Yengeni, Ms LE	P	P	AP	P	P	P	A	P	P	P
Tsotetsi, Ms DR	P	P	P	AP	A	P	A	P	P	AP
Nxesi, Mr T	A	A	A	A	A	A	A	A	P	A
Democratic Alliance										
Louw, Mr A	P	P	P	P	P	P	P	P	A	AP
Ollis, Mr IM	P	P	P	P	P	P	P	P	P	P
Congress of The People										
Madisha, Mr WM	A	A	P	P	A	A	AP	A	A	A
Inkatha Freedom Party										
Mpontshane, Mr AM *	A	A	P	A	A	A	A	A	A	AP
Ndlovu, Mr VB	A	A	A	A	A	A	A	A	A	P
Freedom Front Plus										
Spies, Mr WD	A	A	A	A	A	A	A	A	A	A

2010

MEMBERS	020210	160210	020310	090310	160310	190310	230310	260310		Total number of meetings
ANC										
Chauke, Mr HP	A	A	AP	A	A	A	A	A		
Khumalo, Ms FE	P	P	A	P	P	A	P			
Makhubela-Mashele, LS	A	P	P	P	P	P	P	P		
Mnisi, Ms NA	A	A	P	P	A	P	P	P		
Nyekemba, Mr E	P	P	P	P	P	P	P	P		
Rantsolase, Ms AM	A	P	P	P	P	P	P	A		
Yengeni, Ms LE	P	P	P	P	P	P	P	P		
Tsotetsi, Ms DR*	P	P	P	AP	A	A	A	A		
DA										
Louw, Mr A	AP	P	P	P	P	P	P	A		
Ollis, Mr IM	AP	P	P	P	P	P	P	P		
COPE										

Madisha, Mr WM	P	P	A	AP	A	A	A	A		
IFP										
Mpontshane, Mr AM *	A	A	A	A	A	A	A	A		
Ndlovu, Mr VB	A	A	A	P	A	A	P	A		
FF										
Adv. A. Alberts	New member	New member	AP	A	A	P	A	A		

2010: REGISTER FOR VISITING OR CO-OPTED MEMBERS AND DISCONTINUED MEMBERSHIP FOR PORTFOLIO COMMITTEE ON LABOUR

MEMBERS	02/02/10	16/02/10	02/03/10		260310				
ANC									
Mtshali, Mr E	A	P	A	Discontinued membership					
Thabethe, E				C0-opted	P				
Gumede, DM				C0-opted	P				
Freedom Front Plus									

Spies, Mr WD	A	P	Membership discontinued	Membership discontinued					

2010 (Continued)

MEMBERS	200410	040510	250510	010610
ANC				
Chauke, Mr HP	P	A	AP	AP
Khumalo, Ms FE	A	A	P	P
Makhubela-Mashele, LS	P	A	P	P
Mnisi, Ms NA	P	A	P	P
Nyekemba, Mr E	P	P	P	P
Rantsolase, Ms AM	P	P	AP	P
Yengeni, Ms LE	P	P	P	A
Tsotetsi, Ms DR*	P	A	P	A
DA				

Louw, Mr A	P	A	P	P
Ollis, Mr IM	P	P	P	P
COPE				
Madisha, Mr WM	A	A	A	A
IFP				
Mpontshane, Mr AM	A	A	A	A
Ndlovu, Mr VB	A	A	P	AP
FF				
Adv. A. Alberts	A	A	A	A

2010 (Continued)

MEMBERS	200710	220710	230710	
ANC				
Chauke, Mr HP	AP	A	A	

Khumalo, Ms FE	AP	P	P	
Makhubela-Mashele, LS	AP	AP	AP	
Mnisi, Ms NA	AP	AP	AP	
Nyekemba, Mr E	P	P	P	
Rantsolase, Ms AM	AP	P	P	
Yengeni, Ms LE	P	P	P	
Tsotetsi, Ms DR*	P	A	A	
Ainslie, Mr R		Co-opted		
Tshivase, Mr TJ		Co-opted		
DA				
Louw, Mr A	P	P	AP	
Ollis, Mr IM	P	P	AP	
COPE				
Madisha, Mr WM	P	A	A	
IFP				
Mpontshane, Mr AM	A	A	A	

Ndlovu, Mr VB	A	A	A	
FF				
Adv. A. Alberts	AP	AP	AP	

2011

MEMBERS	190111	260111	
ANC			
Luthuli, Dr AN	A	A	
Makhubela-Mashele, LS	P	AP	
Nonkonyane, Mr M	P	P	
Nyekemba, Mr E	P	P	
Yengeni, Ms LE	P	AP	
Maserumule, Mr FT	A	P	
Manamela, Mr B		P	
Landers, Mr L	Co-opted		
Ngwenya-Mabila, Ms P	Co-opted		
Nelson, Ms JW	Co-opted		

DA			
Ollis, Mr IM	AP	P	
Boinamo, Mr G	AP	P	
Smuts, Mr D	Co-opted		
COPE			
Madisha, Mr WM	P	A	
Kganare, Mr DA*			
IFP			
Mpontshane, Mr AM *			
Ndlovu, Mr VB	A	A	
FF			
Adv. A. Alberts	AP	AP	

2012

MEMBERS	170111	
ANC		
Line, Ms H	A	
Luthuli, Dr AN	A	

Makhubeka- Mashele, Ms LS	P	
Williams, Mr A	P	
Nchabeleng, Mr ME	P	
Maserumule, Mr T	P	
Manamela, Mr B	AP	
Nyekemba, Mr E	P	
DA		
Boinamo, Mr G	P	
Ollis, Mr I	AP	
COPE		
Madisha, Mr WM	A	
Kganare, Mr DA*	P	
IFP		
Ndlovu, Mr VB	A	

FF Plus		
Alberts, Mr A	P	

MEMBERS	080212	140212	210212	240212	
ANC					
Line, Ms H	A	P	P	AP	
Luthuli, Dr AN	A	A	A	A	
Makhubeka-Mashele, Ms LS	AP	P	P	AP	
Williams, Mr A	AP	P	P	P	
Nchabeleng, Mr ME	P	P	P	P	
Maserumule, Mr T	P	P	P	P	
Manamela, Mr B	P	P	P	AP	
Nyekemba, Mr E	P	P	P	P	
DA					
Motau, Mr S	P	P	P	AP	
VD Westhuizen, Mr A	P	P	P	P	

COPE					
Madisha, Mr WM	A	A	A	A	
Kganare, Mr DA*	AP	P	P	P	
IFP					
Ndlovu, Mr VB	A		A		
FF Plus					
Alberts, Mr A	AP	P	AP	P	

MEMBERS	060312	130312	
ANC			
Line, Ms H	P	P	
Luthuli, Dr AN	A	A	
Makhubeka-Mashele, Ms LS	P	P	
Williams, Mr A	P	AP	
Nchabeleng, Mr ME	P	P	
Maserumule, Mr T	P	P	

Manamela, Mr B	P	P	
Nyekemba, Mr E	P	P	
DA			
Motau, Mr S	P	P	
VD Westhuizen, Mr A	P	P	
COPE			
Madisha, Mr WM	A	A	
Kganare, Mr DA*	P	AP	
IFP			
Ndlovu, Mr VB	A		
FF Plus			
Alberts, Mr A	AP	P	

