

Enforcing labour laws

Over the last three years, the Department of Labour has introduced many new labour laws. These create new rights and responsibilities for employers and employees, employer organisations and trade unions.

The department is mindful of this fact and has embarked upon a process to ensure it can offer significant and meaningful support to workers and employers. In this article, some of the measures that we have or that are going to be put in place are outlined.

Batho Pele

The public service is committed to servicing the people. For the Department of Labour, the primary people we need to serve are workers, employers and the unemployed. We have also recognised that within these constituencies, certain groupings should be prioritised, for example:

- ☐ rural women who are unemployed should be prioritised in respect of skills training;
- ☐ vulnerable workers such as farm and domestic workers should be prioritised in respect of worker rights and protection;
- ☐ small employers.

While we may see our labour laws as being distinct, this is not the case with many of the people that come to our

Lisa Seftel outlines how the Department of Labour has been restructured to improve delivery and how it plans to monitor implementation of legislation.

offices. They may seek assistance in securing a job and unemployment insurance benefits.

We have therefore committed ourselves to offer a 'one-stop service' and are in the process of restructuring our local offices to offer integrated services.

At a provincial level, the following integrated services are now being set up:

- ☐ inspection and enforcement service;
- ☐ labour market and information service;
- ☐ employment and skills development service;
- ☐ beneficiary service;
- ☐ management support services.

Inspection and enforcement

The inspection and enforcement service is tasked to ensure that there is compliance with the BCEA, the Occupational Health and Safety Act, and the Employment Equity Act. It also has to ensure that employers pay their contributions for Unemployment Insurance and Compensation Funds. Their

activities include inspections, offering information, advice and even training to workers and employers and granting variations and other similar statutory functions.

Employment and skills development

Giving advice to unemployed people and assisting them to access training and job opportunities is the role of the employment and skills development service. This service is also heavily involved in administering the Social Plan agreement that provides support in the event of large-scale retrenchments.

Beneficiary

The beneficiary service is responsible for the provision of benefits to unemployed people and provision of compensation to workers who have been injured or fallen sick as a result of workplace injuries.

Labour market information

The labour market information service is a new service to be provided at a provincial level. The department views it as increasingly critical to gather information about the labour market and plan and act on the basis of good information. In this way one is able to maximise on minimal resources. This service will gather information on strikes, gather statistics on the unemployed, help in the analysis of employment equity plans, ensure the collation of information on workplace accidents and so on.

Management support service

The management support service is a support service to other business units that ensures that the provincial and local offices function effectively and efficiently. Functions and delegations of powers have been decentralised to provincial offices to ensure efficiency.

At present, Department of Labour officials are being redeployed into these different services.

When the restructuring is complete, people who come to our offices will be able to go to one person who can assist them on all their problems. There should only be one form that employers will have to complete to meet all their labour law obligations. And there should be a single inspection service that will visit work places to establish compliance with all our labour laws.

The department is also in the early stages of establishing a Public Private Partnership with external information technology service providers. Part of our vision for the future is the establishment of call centres and remote access terminals so that members of the public can access some of our services by telephone, the Internet and through a terminal similar to an ATM. For example, workers could be able to retrieve their Unemployment Insurance or Compensation Benefit payments from an ATM terminal with a smart card. Or employers will be able to submit their employment equity plan by e-mail. People could electronically access standard information such as how many days annual leave the BCEA provides for. They could also use the telephone or the Internet to get the standard information.

Enforcing specific laws

In addition to the above process, the department has developed particular strategies to ensure the efficient implementation of specific laws. Our approach has been guided by the motto: 'prevention is better than cure' and we have therefore attempted to prioritise capacity-building, training, information sharing, advocacy (that is encouraging compliance) and the building of



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partnerships as opposed to inspections and enforcement. The two examples below show how the department is doing this.

BCEA

In respect of the BCEA, the department produced pamphlets, a booklet and a video as well as training trainers who can reach out to our stakeholders. Department of Labour inspectors are as busy participating in radio talk shows and meetings with stakeholders as they are inspecting workplaces.

To ensure the effective implementation of the chapter prohibiting child labour, we have been instrumental in establishing a forum bringing together government and non-government stakeholders to draw up and implement a programme of action to eradicate child labour.

From May to July this year, we ran workshops in all provinces for Department of Labour inspectors, social workers and other Department of Welfare officials, police from the child protection units and members of NGOs. The aim of

the workshops was to sensitise relevant officials to the dangers of child labour and train them on how to apply the relevant laws in a holistic and developmental way.

Employment Equity Act

We have identified four different phases to implement the Employment Equity Act. A different focus and activities will mark each phase.

The first phase that kicked in on 9 August 1999 and will run until December 1999, has been called: 'Communication and Development'. During this phase, the department is focusing on educating the public about the Act. It is also developing the systems and infrastructure needed to monitor and analyse progress made in respect of employment equity.

The second phase will run during the period, December 1999 to June 2000, in which larger employers are obliged to submit their first reports to the Department of Labour. In this period, the department will focus on providing information and support to employers and



Rural women will be prioritised for skills training.

employees so they can successfully draw up an employment equity plan and report to the department. We want employers to complete their reports to the Department of Labour correctly the first time around. We will develop a video and users' manuals for external and internal use. We will hold roadshows and other large forums to explain how people need to comply with the Act.

The third phase will focus on ensuring that designated employers develop plans and report to the department. The final phase will ensure that employment equity is working in the workplace. Through mechanisms such as the Director General Review, the department will be able to establish whether equity plans are contributing to the eradication of discrimination and developing a more

diverse and equitable workplace.

Conclusion

It has been a challenge to the Department of Labour to introduce a legislative programme in the context of limited resources and ensure its successful implementation. We believe that the success of our strategy rests on two pillars.

The first pillar is the restructuring of the department to ensure that we are able to maximise delivery on limited resources. Key aspects of the restructuring have involved:

- ☐ introducing integrated services and the most modern information technology;
- ☐ embarking upon a change management process;
- ☐ capacity-building of staff in the department.

The second pillar underlying our strategy is that of social partnership. Our laws were created in social partnership and need to be implemented in the same manner. The best example of this is the Skills Development legislation, which was developed in a process with the National Training Board. The 15-point programme of the Minister of Labour makes a commitment to enhance social partnership in the next period. The challenge, it reads, is to build on this culture of dialogue and nurture the opportunities for deepened social partnership.

In respect of the enforcement of labour laws, the department would like to see:

- ☐ trade unions and inspectors working side-by-side to address non-compliance with the BCEA;
- ☐ workers reporting incidents of possible fraud to the UIF;
- ☐ workplace forums monitoring the implementation of employment equity plans. ★

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