

STATUTORY SERVICES PRESENTATION

Adv M. Msiza



employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA



SOUTH AFRICAN POLICE SERVICES


Challenges:

- Slow pace of South African Police Services (SAPS) in registering Employment law offences in the CAS system.
 - Lack of appetite from SAPS in speeding up the capturing of Employment law offences in the SAPS CAS system.
 - Lack of dedicated SAPS personnel to, ie, attend to opening of labour offences/cases and to the certification of affidavits by inspectors.
 - This results in the inspectors having to join the long queues for certification at the police station.
 - Do not prioritise Employment law matters as they are used to dealing with criminal matters.
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NATIONAL PROSECUTING AUTHORITY CHALLENGES.

- **Challenges:**

- Lack of dedicated National Prosecuting Authority (NPA) Prosecutors to deal specifically with Employment matters, like it is the case with Environmental crimes.
 - Lack of an agreed process on filing these matters with NPA.
 - Do not prioritise Employment law matters as they are used to dealing with criminal matters.
 - Regard cases emanating from Employment law as soft cases as they compare them with criminal cases.
 - Lack of desire to prosecute from NPA
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CHALLENGES CONT.....

- Inconsistency by law enforcement agencies regarding Occupational Health and Safety and Compensation for Occupational Injuries and Diseases prosecution.
 - Outdated SAPS CAS system
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INTERVENTIONS

- Have engaged SAPS to have labour offences captured in the SAPS CAS system. They have started ,however, the process is tedious.
- Have already met with NPA to develop a working framework (MOU) between the parties and the process is ongoing including categorization of offences for admission of guilt and for docket purposes
- The Department is looking into increasing the capacity of Enforcing officers
- The Branch is engaging the Deputy Minister to also start a dialogue with Department of Justice and Constitutional Development at a Parliamentary level in an attempt to bring NPA on board by elevating non compliance with labour law to an NPA strategic level

Thank You...



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