

EMPLOYMENT STANDARDS CONFERENCE – DURBAN, 20-22

SEPTEMBER 2023

SPEECH FOR HONOURABLE DEPUTY MINISTER: EMPLOYMENT & LABOUR

Protocols

Programme director; allow me to reflect briefly on the theme of this conference; ***“Accelerating Compliance for an Equitable South African Labour Market.”***

The world is rapidly changing before our eyes. One needs to take a step back and reflect on the persistence of socio-economic ills that continue to plague the South African labour market; despite the numerous interventions that we have ushered in. This phenomenon is an indication that our interventions may not be as effective as we would await them to be. I am convinced that expedition and stepping up of compliance with pieces of legislation that are administered by DEL; should play its part in moving us towards an equitable labour market. For far too long, the overwhelming majority of South Africans have suffered untold prejudice and discrimination.

It should be noted that the labour market is defined as the availability of employment and labour; in terms of supply and demand. For numerous decades; the Labour Market in our country has favoured a few people over the masses. The development and policy reforms that we have embarked on, as an administration, have always had promotion of equality at the core. Few can argue against the fact that we have policies that are both progressive and reformist in nature. However; maximum compliance with these policies remains pitifully low. In the midst of all this; we have attempted to sustain the heartbeat of our labour laws by continuously embarking on policy reforms. A case in point would be the promulgation the National Minimum Wage Actin 2018 and the amendments to the BCEA. Labour Inspectors must focus on pivotal trends which are having a profound impact on labour inspection practices such as the:

- **Sum effects of globalization and technological advancement**
- **Continuing trend of enterprises existing for a short time, changing ownership and/or becoming more mobile;**
- **Emergence of virtual work including the platform economy and gig work.**

- **Growth of the informal economy**
- **Dwindling unionisation rate; particularly in vulnerable sectors.**
- **A sluggish economy with little prospect of significant growth in the near future**
- **The effects and growth of labour migration; particularly the employment of illegal foreign nationals and the growth of economic migrants**
- **Non-standard forms of employment such as underemployment; casual work etc.**

Ours has been a journey marred with self-discovery and evolution. Strategies that were effective yesteryear; are unlikely to offer lasting solutions for our ailing labour market. At the risk of sounding like a stuck record; allow me to put on the pedestal the tripartite challenges that continue to relentlessly plague the labour market of our country; viz:

Unemployment

Poverty

Inequality

Labour inspection is an essential part of the labour administration system, carrying out the fundamental function of enforcement and effective compliance with labour legislation. The legislation is meant to be a tool that would assist us to tackle the aforementioned labour market challenges. However; no matter how well-crafted our laws could be; they remain docile until they are complied with. All of you sitting here; have got an indispensable role to play in this regard. Labour inspection has a two-fold nature: on the one hand it secures the enforcement of the legal provisions relating to conditions of work and on the other hand; the protection of worker rights.

Programme director; we really need to hail the inspectors. Some of them I should think; qualify to be called unsung heroes. For every worker who had their monies recovered; every worker who got to be provided with a pay slip after the intervention of an inspector; every female worker who got their maternity benefits through the sweat of our inspectors.... etc.; you have made a lasting impact on the ordinary people's lives! Labour inspection provides technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions.

As alluded to earlier; the conditions under which labour inspection operates have changed dramatically in recent decades due to technological and economic developments and the effects of globalization. In this context,

labour inspection must redefine its organization and intervention strategies, so that it can better respond to the expectations raised by the ever evolving labour market. I trust that during the past two days that you have assembled here; you were able to thoughtfully reflect on some the contemporary matters that you are tussling with.

Labour inspection is a profession in its own right, and requires a professional approach. To this end, Labour Inspectors must have a rudimentary and fundamental knowledge of policy issues in an international context, while examining how the major, foreseeable developments in economics, the labour market, technology, as well as national, sectoral, and enterprise social structures, affect labour inspection. I believe that interactions of this nature assist you to interact with your counterparts from various provinces and have contributed to your experience base.

My wish is for all Labour Inspectors, is that beyond this conference; there should be critical engagement with colleagues and superiors on the under-mentioned issues, as it is pivotal that the Labour Inspectorate is at the forefront of innovation and strategic thinking. All Labour Inspectors must provide meaningful input as to where they see a transformed Labour Inspectorate in the next five to ten years. Therefore, Labour Inspectors must be able to critically engage on the following:

- ***The role of the ILO with regards to setting standards with and for member states***
- ***Principles, functions and main characteristics of labour inspections;***
- ***Labour inspection in the context of a reforming public sector;***
- ***Labour inspection and social dialogue;***
- ***Labour inspection advocacy and outreach campaigns;***
- ***Fundamental principles and rights at work: freedom of association and collective bargaining***
- ***Forced labour and child labour***
- ***The role of Labour inspection in the employment of foreign nationals***
- ***Ethics and labour inspection. Ask yourself a question: Am I bribable?***
- ***Labour inspection and the informal economy;***

Programme director; I have been made to understand that the Branch has already started reviewing its Operations Strategy to adapt it to the current and future labour market realities. Therefore, it is imperative that all Labour Inspectors must consider the above-mentioned issues which I have outlined and meaningfully input into the IES Strategy Reviewal Process.

As the deputy minister of DEL; I am privy to the impressive work that you are doing. I recently learnt that for the past financial year; you were able to enforce an estimated **R166 000 000** in fines and penalties. I am particularly pleased that around **R80 000 000** of that, was to the benefit of vulnerable workers in the form of recovered underpayments and illegal deductions.

Programme director; to ensure transparency of operations as well as protection of the labour inspector's role, several countries have recognised the importance of underpinning labour inspection work with a Code of Ethics. Various referred to as code of 'ethics', 'professionalism' or 'integrity' (or a combination thereof). The code of ethics serves as a foundation for establishing a credible and professional labour inspection system. Our Labour Inspectors must adhere to an ethical conduct at all times in order for

the professional image not to be compromised. Refuse to be up for sale. Remember that integrity and honesty drown in bribery.

Labour inspectors alone cannot achieve the decent work agenda. To be effective; they need to be able to collaborate with all key stakeholders. We should always put a premium on joining hands with other departments and key role players to improve the outlook of problematic sectors. I am pleased that your programme included messages of support from some of our key stakeholder.

The quest for fair globalization and decent work will dominate international affairs over the next decades. It requires strong impetus at the national and the global level.

Programme director; as we are on the last day of the conference; allow me to outline some interventions to strengthen Labour Inspection:

- Creating an agile and adaptable structure and an appropriate organization so that they are in accordance with the ILO labour standards and the particular situation of each Member State.

- Better use of resources. Literally doing less with more; against the backdrop of looming budget cuts.
- Embracing service delivery models that would promote and incentivise self-regulation.
- Working in a network: Provide support for inspections in terms of knowledge, training, funding and expertise, with a constant flow of information exchanges with other organizations.

As inspectors; you remain a valuable resource for the DEL. You are consistently at the coalface. You are the givers of life to the employment laws. You are the hands and feet of our Department. The minister and I pledge to support you in your work. I am aware that inspectors are often a target of ill treatment and attacks by some of the employers. I have heard of anecdotes wherein inspectors have had dogs set on them. These occurrences; programme Director; are not unique to South Africa. The growing number of attacks on inspectors; globally; requires specific actions. For instance; in some countries; labour inspectors were murdered whilst carrying out their duties. I understand that yours is not a job for the faint

hearted. Do not underestimate the value that you are bringing to the South African labour market.

As you go back home; the litmus test would be the degree to which you would be able to ameliorate the negative effects of non-compliance.

Go back and make a difference. The labour market needs you.

Kea leboga