



# EMPLOYMENT SERVICES BOARD

ANNUAL REPORT: 2021 - 2022







# employment & labour

Department:  
Employment and Labour  
**REPUBLIC OF SOUTH AFRICA**



## EMPLOYMENT SERVICES BOARD

ANNUAL REPORT: 2021 - 2022

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EMPLOYMENT  
SERVICES BOARD



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# 1. FOREWORD

The focus of the Board in the 2021-2022 financial year was on continued implementation of the Board's Five-Year Medium Term Strategic Plan (2019 – 2024), without initiating any new or significant activities. As a result, the strategic objectives of the Board's APP remained the same and only the time-frames and quarterly targets were amended. This was to ensure alignment with:

- (a) Government's Medium Term Strategic Framework (MTSF) 2019 – 2024
- (b) NDP Five Year Plan 2019 – 2024
- (c) DEL Strategic Plan 2019 – 2024
- (d) PES APP 2021 – 2022.

## SIGNIFICANT PROGRESS WAS MADE IN THE DELIVERY OF THE ANNUAL PROGRAMME, AND THE FOLLOWING WERE SOME OF THE KEY HIGHLIGHTS:

- (a) The NLMP/ES Amendment Bill was finalised and gazetted for public comments;
- (b) A draft NEP was developed, and phase II of the SEIAS completed;
- (c) A research project on "A comprehensive study of existing youth employment schemes and schemes to minimise the retrenchment of employees in South Africa" was undertaken. It is hoped that the recommendations of this study will provide the much needed guidance for the drafting of regulations on schemes, and the design and implementation of effective employment schemes.

Although the five-year term of office of the Board officially ended on the 12 August 2021, the Minister extended this term to the 30 March 2022 and again to 30 June 2022. This extension was to enable the Department to finalise the nomination and appointment of new Board members, and the appointment of an Independent Chairperson of the Board.

This report reflects the performance information, governance information, and human resource information of the Board for the 2021– 2022 financial year. During this financial year, members of the Board EXCO continued to chair meetings of the Board on a rotational basis in terms of section 6.3. of the Board's Constitution since the Independent Chairperson was not yet replaced since his resignation in July 2020.

For and on behalf of the Board.

| ES BOARD EXCO (CONSTITUENCY) | NAME AND SURNAME        | SIGNATURE   |
|------------------------------|-------------------------|---|
| Organised Labour             | Mr Bheki Ntshalintshali |  |
| Organised Business           | Ms Bev Jack             |  |
| Community Organisations      | Ms Conti Matlakala      |  |
| State                        | Mr Sam Morotoba         |  |



## 2. DEFINITIONS AND ACRONYMS

### 2.1. DEFINITIONS

“Basic Conditions of Employment Act” means the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997);

“Board” means the Employment Services Board established in terms of section 20; “Department” means the Department of Labour;

“Director-General” means the Director-General of the Department;

“Employee” bears the same meaning as defined in section 1 of the Basic Conditions of Employment Act;

“Employment services” bears the same meaning as defined in section 1 of the Employment Services act, 2014.

“Foreign national” means an individual who is not a South African citizen or does not have a permanent residence permit issued in terms of the Immigration Act;

“Immigration Act” means the Immigration Act, 2002 (Act No. 13 of 2002);

“Labour Relations Act” means the Labour Relations Act, 1995 (Act No. 66 of 1995);

“Minister” means the Minister of Employment and Labour;

“NEDLAC” means the National Economic, Development and Labour Council established by section 2 of the National Economic, Development and Labour Council Act, 1994 (Act No. 35 of 1994);

“Persons with disabilities” includes persons who have long-term physical, mental, intellectual or sensory impairment which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others;

“Prescribe” means prescribed by the Minister by regulation, and “prescribed” has a corresponding meaning;

“Private employment agency” means any person who provides employment services for gain;

“Public employment services” means the public employment services contemplated in section 5;

“Public Finance Management Act” means the Public Finance Management Act, 1999 (Act No. 1 of 1999);

“Registrar” means the official designated as a registrar in terms of section 13;

“Skills Development Act” means the Skills Development Act, 1998 (Act No. 97 of 1998);

“Supported Employment Enterprises” means the national government component established in terms of section 42;

“Temporary employment services” bears the same meaning as defined in section 198 of the Labour Relations Act;

“This Act” includes regulations;

“Unemployment Insurance Act” means the Unemployment Insurance Act, 2001 (Act No. 63 of 2001);

“Work opportunity” means a vacancy or opportunity for employment or work experience, self-employment or community service;

“Work scheme” means any programme aimed at assisting people to find or remain in employment or to set themselves up in self-employment; and

“Work-seeker” means any person who is looking for work.

### 2.2. ACRONYMS

|      |                                  |
|------|----------------------------------|
| NEP  | National Employment Policy       |
| NLMP | National Labour Migration Policy |
| PEA  | Private Employment Agency        |
| TES  | Temporary Employment Service     |
| QLFS | Quarterly Labour Force Survey    |



### 3. PURPOSE AND SCOPE OF THE REPORT

This 2020 – 2021 Annual Report is in accordance with Section 22(g) of the Employment Services Act 2014 which obliges the Employment Board to publicise and avail an Annual Employment Services Report to the Minister.



## 4. BACKGROUND AND CONTEXT

### 4.1. EMPLOYMENT SERVICES (ES) BOARD ESTABLISHMENT

The former Minister Honourable M. Oliphant established the Board on 12 August 2016 in terms of section 20 of the Employment Services Act, 2014 (No.4 of 2014) for a period of five years which elapses on 12 August 2021.

### 4.2. LEGISLATIVE MANDATE

According to section 21(1)(a)-(c) of the Employment Services Act, 2014 (hereinafter “the Act”), the Board consists of the following suitable persons appointed by the Minister:

- (a) An independent Chairperson, who is a non-voting member of the Board;
- (b) Three persons appointed ex officio to represent the interests of the State; and
- (c) Three persons from each of the following constituencies, nominated by NEDLAC:
  - (I) Organised Business;
  - (II) Organisations of community and development interests; and
  - (III) Organised Labour.

Section 21(2)(a) and (b) of the Act states that a member of the Board:

- (a) may be appointed for a term of up to five years; and
- (b) may be reappointed for a maximum of two terms.



# 5. EMPLOYMENT SERVICES (ES) BOARD

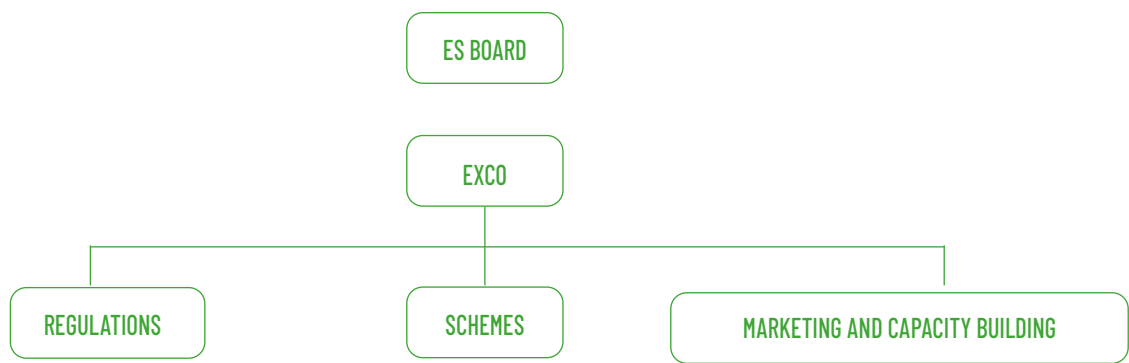
## 5.1. EMPLOYMENT SERVICES (ES) BOARD STRUCTURE AND GOVERNANCE

The Board’s governance structure supports it to deliver on its strategy. It takes into consideration the size of the Board and its legislative mandate. It ensures a clear and appropriate segregation of responsibilities without unnecessary complexities. This enables the Board to be agile and respond to opportunities in a quick and precise manner.

In order to deliver effectively and efficiently on its legislative functions, the Board is comprised of the following committees (see Figure 2 below):

- Executive Committee (“EXCO”)
- Regulations Subcommittee
- Employment Schemes Subcommittee, and a
- Marketing and Capacity Building Subcommittee

FIGURE 1: THE ES BOARD AND ITS COMMITTEES



The Board is committed to the highest levels of ethics and personal integrity. In upholding such enduring values of ethics and personal integrity, the Board has to comply with various legislations, regulations, standards and codes. The most important of those are:

- Companies Act of South Africa, 2008 (Act No. 71 of 2008);
- King IV Report on Corporate Governance for South Africa, 2016 (King IV Report); and
- Public Finance Management Act, 1999 (Act No. 1 of 1999)
- Public Finance Management Act Regulations, 2001 (as amended)

## 5.2. ES BOARD COMPOSITION

The Board is a multilateral structure that reflects NEDLAC constituency representation, and is composed as follows:

| CONSTITUENCY                  | COMPOSITION  |
|-------------------------------|--|
| 1. CHAIRPERSON                | Vacant (resigned in July 2020)   |
| 2. STATE                      | 1. Mr Sam Morotoba (Department of Employment and Labour)<br>2. Mr Zukile Mosheshe Mvalo (Department of Higher Education Science and Innovation)<br>3. Ms Samantha Patel (Department of Home Affairs)   |
| 3. ORGANISED LABOUR           | 1. Mr Narius Moloto: National Council of Trade Unions (NACTU)<br>2. Mr Bheki Ntshalintshali: Congress of South Africa Trade Unions (COSATU)<br>3. Ms Riefdah Ajam: Federation of Unions of South Africa (FEDUSA)                                     |
| 4. ORGANISED BUSINESS         | 1. Ms Bev Jack: Business Unity South Africa (BUSA)<br>2. Mr Jonathan Goldberg: BUSA<br>3. Mr Elias Monage: BUSA  |
| 5. ORGANISATIONS OF COMMUNITY | 1. Mr Thulani Mabuza: South African National Apex Cooperative (SANACO)<br>2. Ms Conti Matlakala: (South African Youth Council (SAYC) and Women National Coalition (WNC)<br>3. Mr Francis Malesela Maleka: Financial Sector Campaign Coalition (FSCC) |

## 5.3 ES BOARD FUNCTIONS

In terms of section 22 of the Act, the functions of the Board are to advise the Minister on:

- (a) work opportunities;
- (b) the criteria for the registration and de-registration of private employment agencies and the implementation and enforcement of the provisions of this Act applicable to private employment agencies;
- (c) the development of criteria and guidelines for the implementation of this Act and the exercise of any function in terms of this Act;
- (d) the promotion of supported work for persons with disabilities as contemplated by Chapter 6;
- (e) any regulations that the Minister may, or must, make in terms of this Act;
- (f) the publication of an annual employment services report; and
- (g) any other matter related to employment services, on request of the Minister or NEDLAC.

## 6. EXECUTIVE COMMITTEE OF THE BOARD

### 6.1. EXECUTIVE COMMITTEE COMPOSITION

According to paragraph 9.2 of the Constitution of the Board (see Annexure A), the Executive Committee shall be composed of:

- (a) The Chairperson of the Board;
- (b) One representative or a proxy from each NEDLAC constituency, who are members of the Board;
- (c) Any other such persons as determined by the Board from time to time.

The Executive Committee is composed as follows:

| CONSTITUENCY                  | COMPOSITION                                   |
|-------------------------------|---|
| 1. CHAIRPERSON                | Vacant (Mr Muzi Maziya resigned in July 2020) |
| 2. ORGANISED BUSINESS         | Ms Bev Jack                                   |
| 3. ORGANISATIONS OF COMMUNITY | Ms Conti Matlakala                            |
| 4. ORGANISED LABOUR           | Mr Bheki Ntshalintshali                       |
| 5. STATE                      | Mr Sam Morotoba                               |

### 6.2. EXECUTIVE COMMITTEE FUNCTIONS

According to paragraph 9.4 of the Constitution of the Board, the Executive Committee shall be responsible for:

- (a) implementing strategies;
- (b) performing those functions of the Board between meetings of the Board;
- (c) considering invitations received and correspondences;
- (d) referring all decisions having policy implications to the Board;
- (e) dealing with other matters as specifically delegated to it by the Board; and
- (f) the finalisation and publication of an Annual Employment Services Report.



## 7. SUB-COMMITTEES OF THE BOARD

### IN TERMS OF PARAGRAPH 7 OF THE CONSTITUTION OF THE BOARD:

1. The Board shall establish Sub-Committees from its members as may be necessary to implement, supervise or otherwise perform any of the functions of the Board.
2. The Board shall appoint members of the Sub-Committees it establishes and will be entitled to remove and replace the members thereof.
3. Sub-Committees shall be established as and when deemed necessary by the Board and will be established with written Terms of Reference.
4. All Sub-Committees shall have a Chairperson, and will comprise of members as the Board from time to time deems necessary or appropriate.
5. The established Sub-Committees shall provide recommendations to the Executive Committee in accordance with the Terms of Reference approved by the Board.
6. The Board shall be empowered to dissolve a Sub-Committee at its discretion when the purpose for which it was established has been served or where it is no longer conducive to the efficient and due performance of the functions of the Board.
7. Without derogating from the foregoing, the Board may amend or revoke the Terms of Reference of a Sub-Committee.

### 7.1. REGULATIONS SUB-COMMITTEE (TERMS OF REFERENCE)

#### 7.1.1. PURPOSE OF THE SUB-COMMITTEE

To oversee the review and development of policies and regulations.

#### 7.1.2. ROLES AND RESPONSIBILITIES OF THE SUB-COMMITTEE

The committee will focus on accomplishing the following key performance areas:

- (a) Review the Employment Services Act, 2014, related policies and regulations.
- (b) Promote collaboration with other committees on areas of mutual interests for optimum efficiency;
- (c) Oversee and support programs related to policy, planning and evaluation.

### 7.2. MARKETING AND CAPACITY BUILDING SUB-COMMITTEE (TERMS OF REFERENCE)

#### 7.2.1. PURPOSE OF THE SUB-COMMITTEE

To strengthen the capacity of the Employment Services Board members; to arrange events and workshops of the Board; and to market the Board and its activities.

#### 7.2.2. ROLES AND RESPONSIBILITIES OF THE SUB-COMMITTEE

The committee will focus on accomplishing the following key performance areas:

- (a) Build the capacity of the Board members.
- (b) Arrange events, workshops, or conferences of the Board.
- (c) Advocate and promote employment services through an effective communication and marketing framework/ strategy.
- (d) Facilitate public engagement and stakeholder participation in the overall activities and functions of the Board.
- (e) Manage the drafting of quarterly and annual reports of the Board.
- (f) Develop partnerships with relevant and key stakeholder.
- (g) Position the Employment Services Board as a national multi-stakeholder body
- (h) Identify the annual research needs of the Board.
- (i) Oversee the development and implementation of the Board Research Agenda.

## 7.3. EMPLOYMENT SCHEMES SUB-COMMITTEE (TERMS OF REFERENCE)

### 7.3.1. PURPOSE OF THE SUB-COMMITTEE

To oversee the design and implementation of schemes for employment creation and retention.

### 7.3.2. ROLES AND RESPONSIBILITIES OF THE SUB-COMMITTEE

- (a) Design the framework for Employment Schemes, including related processes and procedures.
- (b) Collaborate with the Regulations Sub-Committee in the drafting and review of regulations on Schemes for employment creation and retention.
- (c) Monitor and evaluate the implementation of Employment Schemes (including Employment Schemes for People with Disabilities) and related policies and regulations.

| SUB-COMMITTEE  | ROLES AND RESPONSIBILITIES (TERMS OF REFERENCE)  | COMPOSITION   |
|--|--|---|
| <b>Regulations Sub-Committee</b>                     | <p>Purpose: To oversee the review and development of policies and regulations.</p> <ol style="list-style-type: none"> <li>1. Review the Employment Services Act, 2014, related policies and regulations.</li> <li>2. Promote collaboration with other committees on areas of mutual interests for optimum efficiency;</li> <li>3. Oversee and support programs related to policy, planning and evaluation.</li> </ol>  | <ol style="list-style-type: none"> <li>1. Mr Jonathan Goldberg – Chairperson</li> <li>2. Mr Bheki Ntshalintshali.</li> <li>3. Ms Samantha Patel.</li> <li>4. Mr Thulani Mabuza</li> </ol> |
| <b>Marketing and Capacity Building Sub-Committee</b> | <p>Purpose: To strengthen the capacity of the Employment Services Board members; to arrange events and workshops of the Board; and to market the Board and its activities.</p> <ol style="list-style-type: none"> <li>1. Build the capacity of the Board members.</li> <li>2. Arrange events, workshops, or conferences of the Board.</li> <li>3. Advocate and promote employment services through an effective communication and marketing framework/ strategy.</li> <li>4. Facilitate public engagement and stakeholder participation in the overall activities and functions of the Board.</li> <li>5. Manage the drafting of quarterly and annual reports of the Board.</li> <li>6. Develop partnerships with relevant and key stakeholder.</li> <li>7. Position the Employment Services Board as a national multi-stakeholder body</li> <li>8. Identify the annual research needs of the Board.</li> <li>9. Oversee the development and implementation of the Board Research Agenda.</li> </ol> | <ol style="list-style-type: none"> <li>1. Ms Conti Matlakala – Chairperson.</li> <li>2. Mr Elias Monage.</li> <li>3. Mr Zukile Mosheshe Mvalo.</li> <li>4. Mr Narius Moloto</li> </ol>    |
| <b>Employment Schemes Sub-Committee</b>              | <p>Purpose: To oversee the design and implementation of schemes for employment creation and retention</p> <ol style="list-style-type: none"> <li>1. Design the framework for Employment Schemes, including related processes and procedures.</li> <li>2. Collaborate with the Regulations Sub-Committee in the drafting and review of regulations on Schemes for employment creation and retention.</li> <li>3. Monitor and evaluate the implementation of Employment Schemes (including Employment Schemes for People with Disabilities) and related policies and regulations.</li> </ol>   | <ol style="list-style-type: none"> <li>1. Ms Riefdah Ajam – Chairperson.</li> <li>2. Mr Thulani Mabuza.</li> <li>3. Ms Bev Jack.</li> <li>4. Mr Sam Morotoba</li> </ol>                   |



## 8. SECRETARIAT

### 8.1. FUNCTIONS OF THE SECRETARIAT

According to paragraph 7 of the Constitution of the Board, the following are the functions of the Secretariat:

- (a) to provide the Board members, collectively and individually, with guidance regarding their duties, responsibilities and powers;
- (b) to liaise and assist with those functions of the Board, Executive Committee, and Sub-Committees;
- (c) to consider invitations received and correspondence;
- (d) to communicate to the Board all decisions by the Minister having policy implications, including all matters relevant to the functioning of the Board;
- (e) to deal with other matters as specifically delegated to it by the Board;
- (f) to prepare and arrange logistics for the meetings of the Board, Executive Committee and Sub-Committees;
- (g) to compile and distribute minutes of every meeting of the Board, Executive Committee and Sub-Committees;
- (h) to keep records of members of the Board;
- (i) to make available to the Chairperson, Board members and any other legal person upon request, minutes, reports, records and any other administrative functions deemed necessary;
- (j) to prepare records and reports of activities as may be required from time to time;
- (k) to administer and manage the budget, and report on expenditure to the Board;
- (l) to provide appropriate stationery to the Board members, and where necessary ensure that members are capacitated with enabling resources for them to perform their functions;
- (m) to facilitate the capacity building of Board members.

### 8.2. COMPOSITION OF THE SECRETARIAT

The Secretariat is composed of the following departmental officials:

1. Ms Esther Tloane
2. Mr Martin Ratshivhanda
3. Mr Phaphama Mdlalo
4. Ms Mmathule Masilela
5. Mr Daniel Mthethwa

## 9. ES BOARD PERFORMANCE

### 9.1. PERFORMANCE AGAINST STRATEGIC PRIORITIES AND OUTSTANDING ACTIVITIES

The strategic priorities of the Board in the 2021 – 2022 financial year were:

To refer the following to the Minister:

1. The National Employment Policy;
2. The National Labour Migration Policy;
3. The Employment Services Amendment Bill 2024;
4. Regulations to support the implementation of the Employment Services Act 2014; and
5. Annual Reports

The Board also aimed to:

6. Design and monitor the implementation of Schemes for employment creation and retention;
7. Ensure that effective and efficient public employment services are provided at the various Provincial and Labour Centres of the Department, through support excursions to particularly under-performing offices.

| STRATEGIC PRIORITY AREA                            | ACHIEVEMENTS   | OUTSTANDING ACTIVITIES  |
|--|--|---|
| <b>The National Employment Policy (NEP)</b>        | <p>The first input gathering and framework development workshop took place on 13-14 April 2021 with Xeshibe Holdings, Senior management of the department, the ILO, and members of the Employment Services Board. As an outcome of the above processes, a draft National Employment Policy was developed. Consultations on this draft policy were held with the Minister, Senior Managers of the Department, and members of the Employment Services Board. The Department also finalised phased II of the Socio Economic Impact Assessment System (SEIAS).</p> <p>The overall achievement against planned annual targets was: 50%</p> <p>The major reason for variance is that the process to finalise the draft NEP took longer than was anticipated.</p> | <p>1. Phase two (included in the ES Board APP 2022/23) of the development of the NEP will entail the following, amongst others:</p> <p>(a) Public consultations on the draft NEP.</p> <p>(b) Presenting the draft NEP to the following structures: Economic, Justice &amp; Security, and Social Clusters as well as Nedlac.</p> <p>(c) Consultations with Strategic Government Departments such as: National Treasury, Presidency, Trade &amp; Industry and Competitions.</p> <p>(d) Developing an Implementation Plan.</p> |
| <b>The National Labour Migration Policy (NLMP)</b> | <p>A Zero Draft National Labour Migration Policy was developed, and phase II of the SEIAS completed.</p> <p>Cabinet approval was obtained for the department to commence with consultation processes. The NLMP/ES Amendment Bill were gazetted on 28 February 2022 for a period of 90 days to solicit public comments. Public hearings on the two policies also commenced and will be completed in May 2022.</p> <p>The overall achievement against planned annual targets was: 50%</p> <p>The process to finalise the draft NLMP took longer than was anticipated, which delayed Cabinet approval and the onset of consultation processes.</p>  | <p>The consultation process and finalisation of the draft NLMP/ES Amendment Bill will continue during the 2022 – 2023 financial year, and was included in the ES Board APP 2022 – 2023.</p>   |

| STRATEGIC PRIORITY AREA  | ACHIEVEMENTS  | OUTSTANDING ACTIVITIES   |
|--|---|--|
| <b>The Employment Services Amendment Bill</b>  | <p>A Zero Draft ES Amendment Bill was developed, and phase II of the SEIAS completed.</p> <p>Cabinet approval was obtained for the department to commence with consultation processes. The NLMP/ES Amendment Bill were gazetted on 28 February 2022 for a period of 90 days to solicit public comments. Public hearings on the two policies were initiated and will be finalised in May 2022.</p> <p>The overall achievement against planned annual targets was: 50%</p> <p>There was a delay in obtaining a pre-certificate from the Office of the Chief State Law Advisor, and this delayed the process to get Cabinet approval for the commencement of the consultations.</p>  | <p>The consultation process and finalisation of the draft NLMP/ES Amendment Bill will continue during the 2022 – 2023 financial year, and was included in the ES Board APP 2022 – 2023.</p>  |
| <b>Regulations to support the implementation of the Employment Services Act 2014</b> | <p>The following draft regulations were processed:</p> <ol style="list-style-type: none"> <li>1. Regulations on Youth Employment Schemes: Draft regulations were developed, and are awaiting the finalisation of the research project for any further developmental recommendations.</li> <li>2. Regulations on Schemes to minimise retrenchments: Regulations were referred to the CCMA to coordinate the development. These regulations will be finalised as soon as the research project is finalised for any further developmental recommendations.</li> <li>3. Regulations on the Registration of Private Employment Agencies and Temporary Employment Services – The regulations were revised based on inputs received from the Office of the Chief State Law Advisor (OCSLA), and referred back to the OCSLA for final certification.</li> </ol> <p>The overall achievement against planned annual targets was: 50%</p> <p>A delay in the finalisation of the research project on existing employment schemes delayed the finalisation of both draft regulations on Schemes. There was also a delay in getting final certification on the draft regulation on the registration of private employment agencies and temporary employment services.</p> | <ol style="list-style-type: none"> <li>1. The following draft regulations will be finalised during the 2022/2023 financial year, as soon as final feedback is obtained from the OCSLA: <ol style="list-style-type: none"> <li>(a) Regulations on the Registration of Private Employment Agencies and Temporary Employment Services.</li> <li>(b) Regulations on Work Seeker Registration.</li> </ol> </li> <li>3. The following draft regulations will be developed during the 2022/2023 financial year: <ol style="list-style-type: none"> <li>(a) Regulations on the reporting and filling of positions;</li> <li>(b) Regulations on Youth Employment Schemes; and</li> <li>(c) Regulations on Schemes to minimise the retrenchment of employees</li> </ol> </li> <li>(4) The following draft regulations will be developed as soon as the Employment Services Act 2014 is amended: <ol style="list-style-type: none"> <li>(a) Regulations on the Registration of Public Employment Agencies.</li> <li>(b) Regulations on the Employment of Foreign Nationals</li> </ol> </li> </ol> |

| STRATEGIC PRIORITY AREA   | ACHIEVEMENTS   | OUTSTANDING ACTIVITIES   |
|---|--|--|
| <b>Annual Reports</b>   | All quarterly performance reports and the Annual report for 2020-2021 were drafted.<br>The overall achievement against planned annual targets was: 100%  | None   |
| <b>Design and monitor the implementation of Schemes for employment creation and retention</b>   | A research project on all existing public employment programmes was undertaken in 2021 – 2022.<br><br>The overall achievement against planned annual targets was: 50%<br>Although a draft Framework for Employment Schemes was developed, the delayed finalisation of the research project delayed the review/ finalisation of that framework, design and roll-out of employment schemes.  | A process to design, and implement employment schemes will be finalised during the 2022/2023 financial year, and this will include, amongst others, revising the draft Framework for Employment Schemes based on the recommendations from the research project.                    |
| <b>Ensure that effective and efficient public employment services are provided at the various Provincial and Labour Centres of the Department, through support excursions to under-performing offices</b> | The Board visited the Free-State Province, and undertook visits to the Itikeng Disabled Centre, Supported Employment Enterprises and the Bloemfontein Labour Centre. A report on the visit was drafted and will be adopted by the Board.<br><br>The overall achievement against planned annual targets was: 100%<br>The Free State Province was identified for an oversight Board visit, but the visit was postponed from Q3 to Q4 due to the immergence of the Omicron Virus. | None   |
| <b>Develop the capacity of the Board either through training or learning lessons from other countries.</b>  | 1. Concept notes for the following Webinars were developed, which were postponed to the new financial year: <ul style="list-style-type: none"> <li>Webinar on Employment Schemes;</li> <li>Webinar on Employment Services</li> </ul> The overall achievement against planned annual targets was: 50%<br>The webinars were postponed to the new financial year due to the immergence of the Omicron Virus.  | The following webinars are scheduled for the 2022-2023 financial year: <ol style="list-style-type: none"> <li>The Webinar on the NLMP/ ES Amendment Bill which is schedule for Quarter 2; and</li> <li>A webinar on Employment Schemes which is scheduled for Quarter 3</li> </ol> |

## 10. CONCLUSION

Significant progress was made in the delivery of the annual programme, and the following were some of the key highlights:

- (a) The NLMP/ES Amendment Bill was finalised and gazetted for public comments, and Provincial public hearings held;
- (b) A draft NEP was developed, and phase II of the SEIAS completed;
- (c) A research project on “A comprehensive study of existing youth employment schemes and schemes to minimise the retrenchment of employees in South Africa” was undertaken. It is hoped that the recommendations of this study will provide the much needed guidance for the drafting of regulations on schemes, and the design and implementation of effective employment schemes

The actual performance across the various indicators ranged from fair to good. Impediments on performance differed from one indicator to another and these ranged from protracted development processes for both the NLMP and the NEP to postponements of webinars due to the pandemic (for more details see section 9 on “ES Board performance”).

We wish the incoming Board all the best as it takes over the baton in pursuit of a battle to overcome unemployment, poverty, and inequality in South Africa.



**EMPLOYMENT  
SERVICES BOARD**







# EMPLOYMENT SERVICES BOARD: ANNUAL OPERATIONAL PLAN (AOP) 2021/2022

## RECOMMENDATIONS:

1. Due to the Covid-19 pandemic a number of Board activities initiated during 2020/21 remain work-in-progress, and these will have to be carried over into 2021/2022.
2. Since the five-year term of office of the current Board ends on 12 August 2021, the focus of the Board in 2021/2022 should be on consolidating and finalising activities that are underway and not initiate any new activities. As a result, the strategic objectives will remain the same and only the time-frames and quarterly targets will change.

## PURPOSE:

According to section 22 of this Act, the functions of the Employment Services Board are to advise the Minister on:

- (a) work opportunities;
- (b) the criteria for the registration and de-registration of private employment agencies and the implementation and enforcement of the provisions of this Act applicable to private employment agencies;
- (c) the development of criteria and guidelines for the implementation of this Act and the exercise of any function in terms of this Act;
- (d) the promotion of supported work for persons with disabilities
- (e) any regulations that the Minister may, or must, make in terms of this Act;
- (f) the publication of an annual employment services report; and
- (g) any other matter related to employment services, on request of the Minister or NEDLAC.

The regulations that the Board has to provide guidance on include those referred to in sections 6(1), 7(1), 8(2), 10 and 52 of the Act, related to provision of employment services, private employment agencies, and establishment of employment Schemes

## OBJECTIVES

Fulfill its legislated advisory role by:

- Ensuring that the National Employment Policy and the National Migration Policy are referred to the Minister for approval by 31 March 2022.
- Reviewing the Employment Services Act, 2014 and ensuring that the Amendment Bill is referred to the Minister by 31 March 2022
- Developing draft Regulations to facilitate both the employment of youth and other vulnerable work seekers, and to minimise the retrenchment of employees.
- Leading a process to design, implement and evaluate Schemes for employment creation and preservation by 31 March 2022.
- Ensuring that the implementation of the Employment Services Act, 2014 is monitored and evaluated.
- Ensuring that knowledge is harnessed for Board members for them to administer their mandate effectively and efficiently.

## SUB-COMMITTEES

- Regulations
- Employment Schemes
- Marketing and Capacity Building

## STRATEGIC OBJECTIVE, PROGRAMME PERFORMANCE INDICATORS AND MEDIUM-TERM TARGETS

| Strategic Objectives   |   | Programme Performance Indicator  | Audited Performance | Estimated Performance | Medium Term Targets |         |         |
|--|---|--|---------------------|-----------------------|---------------------|---------|---------|
|  |   |  | 2018/19             | 2019/20               | 2020/21             | 2021/22 | 2022/23 |
| 1: Contribute to Decent Employment Creation (Outcome 4: Decent Employment through Inclusive Economic Growth) |   |  |                     |                       |                     |         |         |
| 1  | 1.1 National Employment Policy referred to the Minister.                          | Number of policies referred to the Minister by 31st March 2022             | 0                   | 0                     | 1                   | 1       | 0       |
|  | 1.2 National Migration Policy referred to the Minister                            |  | 0                   | 0                     | 1                   | 1       | 0       |
| 2  | Employment Services Amendment Bill 2021 referred to the Minister                  | Number of Amendment Bills referred to the Minister by 31st March 2022      | 0                   | 0                     | 1                   | 1       | 0       |
| 3  | ES Regulations on Employment Schemes developed.                                   | Number of Regulations referred to the Minister by 31st March 2022          | 0                   | 0                     | 2                   | 2       | 0       |
| 4  | Schemes for employment creation and retention designed, implemented and evaluated | Number of Employment Schemes designed by 31st March 2022                   | 0                   | 0                     | 2                   | 2       | 1       |
| 5  | Implementation of the Employment Services Act, 2014 monitored and evaluated.      | Number of reports referred to the Minister by 31st March 2022              | 0                   | 0                     | 1                   | 1       | 1       |
| 6  | Effective and efficient public employment services ensured                        | Number of Provincial and Labour Centre visits conducted by 31st March 2022 | 0                   | 2                     | 2                   | 2       | 2       |
| 7  | ES Board capacity developed   | Number of capacity building initiatives implemented by 31st March 2022     | 0                   | 2                     | 2                   | 2       | 2       |

#### 4.3.2 PROGRAMME PERFORMANCE INDICATORS AND QUARTERLY TARGETS FOR 2021-2022

| PERFORMANCE INDICATOR |   | REPORTING PERIOD     | ANNUAL TARGET 2021-22 | QUARTERLY TARGETS                                       |   |   |  | BUDGET R'000 |
|-----------------------|---|----------------------|-----------------------|---|---|---|--|--------------|
|                       |   |                      |                       | Q1 (APRIL - JUN)  | Q2 (JULY - SEP)   | Q3 (OCT - DEC)  | Q4 (JAN - MAR)   |              |
| 1                     | Number of policies referred to the Minister by 31st March 2022.       |                      |                       |   |   |   |  |              |
|                       | 1.1. National Employment Policy (NE P)                                | Quarterly & Annually | 1                     | Zero Draft National Employment Policy developed         | Stakeholder consultations undertaken  | Stakeholder consultations undertaken<br><br>Socio economic Impact Assessment undertaken | Policy referred to the Minister for approval                                       |              |
|                       | 1.2. National Labour Migration Policy (NLMP)                          | Quarterly & Annually | 1                     | Stakeholder consultations undertaken                    | Stakeholder consultations undertaken  | Stakeholder consultations undertaken<br><br>Socio economic Impact Assessment undertaken | Policy referred to the Minister for approval                                       |              |
| 2                     | Number of Amendment Bills referred to the Minister by 31st March 2022 | Quarterly & Annually | 1                     | Draft Employment Services Amendment Bill 2021 finalised | Draft Bill referred to the Minister for gazetting for public comments (60 days)           | The Bill referred to the Office of the Chief State Law Advisor for final Certification  | The Bill referred to the Department of Arts and Culture for Translation            |              |
|                       |   |                      |                       |   | Report on public comments received developed.<br><br>Stakeholder consultations undertaken | Socio economic Impact Assessment undertaken   | The Employment Services Amendment Bill 2021 referred to the Minister for gazetting |              |

| PERFORMANCE INDICATOR  | REPORTING PERIOD     | ANNUAL TARGET 2021-22 | QUARTERLY TARGETS                                 |   |  |   | BUDGET R'000 |
|--|----------------------|-----------------------|---|---|--|---|--------------|
|  |                      |                       | Q1 (APRIL - JUN)                                  | Q2 (JULY - SEP)   | Q3 (OCT - DEC)   | Q4 (JAN - MAR)  |              |
| 3 <b>Number of Regulations referred to the Minister by 31st March 2022</b><br><br><b>3.1. Regulations on Youth Employment Schemes (Section 6 ES Act, 2014)</b> | Quarterly & Annually | 1                     | Briefing session held with the procured provider. | Research on all available Public Employment Schemes finalised<br><br>Draft Regulations on Employment Schemes developed<br><br>Draft Regulations referred to the Minister for gazetting for public comments (60 days)                                    | Report on public comments received developed<br><br>Stakeholder consultations undertaken<br><br>Regulations referred to the Office of the Chief State Law Advisor for Certification  | Regulations referred to the Department of Arts and Culture for Translation<br><br>Regulations referred to the Minister for gazetting  |              |
| <b>3.2. Regulations on Schemes to minimise the retrenchment of employees (Section 7 ES Act, 2014)</b>  | Quarterly & Annually | 1                     | Briefing session held with the procured provider  | Research on all available Schemes to minimise retrenchments finalised<br><br>Draft Regulations on Schemes to minimise retrenchment of employees developed<br><br>Draft Regulations referred to the Minister for gazetting for public comments (60 days) | Report on public comments received developed.<br><br>Stakeholder consultations undertaken<br><br>Regulations referred to the Office of the Chief State Law Advisor for Certification | Regulations referred to the Department of Arts and Culture for Translation<br><br>Regulations referred to the Minister for gazetting. |              |

| PERFORMANCE INDICATOR |   | REPORTING PERIOD     | ANNUAL TARGET 2021-22 | QUARTERLY TARGETS  |   |  |   | BUDGET R'000 |
|-----------------------|---|----------------------|-----------------------|--|---|--|---|--------------|
|                       |   |                      |                       | Q1 (APRIL - JUN)   | Q2 (JULY - SEP)   | Q3 (OCT - DEC)   | Q4 (JAN - MAR)  |              |
| 4                     | <b>Number of Employment Schemes designed and implemented by 31st March 2022</b>   | Quarterly & Annually | 2                     | Briefing session held with the procured provider   | Research on all available Public Employment Schemes finalised<br><br>Draft Framework for Schemes revised<br><br>Employment Schemes designed and piloted (evaluation report developed) | Employment Schemes rolled out  | Employment Schemes monitored and evaluated  |              |
| 5                     | <b>Number of reports referred to the Minister by 31st March 2022</b>              | Quarterly & Annually | 1                     | QPR 1 developed<br><br>Annual Report 2020 - 2021 developed<br><br>Annual Report 2020-2021 referred to the Minister | QPR 2 developed   | QPR 3 developed  | QPR 4 developed   |              |
| 6                     | <b>Number of Provincial and Labour Centre visits conducted by 31st March 2022</b> | Quarterly & Annually | 2                     | Monitor Provincial and Labour Centre Performance   | Monitor Provincial and Labour Centre Performance<br><br>Identify Labour Centres to be visited   | Provincial and Labour Centre visits conducted<br><br>A report on the visit developed                   | Refer the report to the Minister  |              |
| 7                     | <b>Number of capacity building initiatives undertaken by 31st March 2022</b>      | Quarterly & Annually | 2                     | Finalise logistics for the Employment Services Webinar, and a Webinar on Employment Schemes.                       | Employment Services Webinar held.<br><br>Report on the Webinar developed and referred to the Minister   | Webinar on Employment Schemes held<br><br>Report on the Webinar developed and referred to the Minister | Consolidate lessons learnt from the two Webinars for inclusion in the Annual Report |              |
|                       |   |                      | 1                     |  |   | Orientation of the newly appointed ES Board  |   |              |

## NOTES













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