

Adequacy of resources for effective inspections to be conducted within the South African labour market

Department of Labour

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Glossary

Term	Definition
APIS	Agricultural Products Inspection Service
ASO	Administration Support Officer
BCEA	Basic Conditions of Employment Act
CAA	Civil Aviation Authority
CCMA	The Commission for Conciliation, Mediation and Arbitration
CMS	Case Management System
COIDA	Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
CSO	Client Service Operator
DDLCO	Deputy Director: Labour Centre Operations
DHET	Department of Higher Education and Training
DOL	Department of Labour
DOSHS	Directorate of Occupational Safety and Health Services
DPSA	Department of Public Service and Administration
DWCP	Decent Work Country Programme
EEA	Employment Equity Act No. 55 of 1998 (as amended)
EMI	Environment Management Inspectorate
HSE	Health and Safety Executives
HWSETA	Health and Welfare Sector Education and Training Authority
IES	Inspections and Enforcement Services
ILO	International Labour Organisation
INTEFP	National Institute of Labour, Employment and Vocational Training
IMM	Institute of Maritime Medicine
ISRDL	Integrated sustainable rural development
LP&IR	Labour Policy and Industrial Relations
LRA	Labour Relations Act No. 66 of 1995
LSSI	Labour and Social Security Inspectorate
MGLSD	Ministry of Gender, Labour and Social Development
MLSS	Ministry of Labour and Social Security

Term	Definition
MLVT	Ministry of Labour and Vocational Training
MOL	Ministry of Labour
MOLE	Ministry of Labour and Employment
MOU	Memorandum of Understanding
NEDLAC	National Economic Development and Labour Council
NEMA	National Environmental Management Act
NMW	National Minimum Wage
OHS	Occupational Health and Safety
OHSA	Occupational Health and Safety Act No. 85 of 1993
PCI	Provincial Chief Inspector
PDP	Personal Development Plan
PES	Public Enforcement Services
POPI	Protection of Personal Information
PPE	Personal Protective Equipment
PSA	Productivity South Africa
QCTO	Quality Council for Trades and Occupations
RS	Registration Services
RSR	Railway Safety Regulator South Africa
SAMSA	South African Maritime Safety Authority
SAPS	South African Police Services
SASOM	South African Society of Occupational Medicine
SDA	Skills Development Act
SETA	Sector Education and Training Authority
SIC	Standard Industrial Classification
SOP	Standard Operating Procedures
SS	Statutory Services
SSO	Statutory Services Officer
UIA	Unemployment Insurance Act No. 63 of 2001
UIF	Unemployment Insurance Fund
UK	United Kingdom

1. Executive summary

EY was appointed to assist the Department of Labour (DOL) in conducting research into the adequacy of the Inspection and Enforcement Services' (IES) resources to conduct inspections and enforcement. In particular, EY was requested to investigate specific research objectives aimed at increasing the efficiency of IES and its ability to conduct inspections successfully and to enforce effectively. These research objectives are highlighted in the table below and indicate the relevant section of the report where this information resides.

Table 1: Project research objectives mapped to the research report

Research objectives		Section of the report where this information resides
Investigate internal challenges that contribute to inspection and enforcement not being adequately discharged by the Department.		<ul style="list-style-type: none"> ▶ Data Collection; ▶ Research Findings.
Identify approaches towards ensuring Inspection and Enforcement that is aligned with the Department's mandate, vision and mission.	Investigate whether approaches incorporate collaboration or adversarial practices; advances prevention rather than punitive; and improve stakeholder satisfaction and increases compliance.	<ul style="list-style-type: none"> ▶ Research Findings; ▶ Recommendations.
	Identify and analyse key areas of disjuncture between IES and the Department's mandate; and harmonise the two.	<ul style="list-style-type: none"> ▶ Background and Context; ▶ Findings; ▶ Recommendations.
Investigate resource capacity needed to carry out adequate and effective inspections.	Determine available and required capacity of human, technological, financial resources as well as other relevant resources needed to conduct inspections nationally.	<ul style="list-style-type: none"> ▶ Research Findings; ▶ Data Modelling; ▶ Recommendations.
	Undertake resources modelling and depict cost model, bearing in mind cost optimisation. This process is expected to include documenting capacity of human resources and highlighting required scope of skill levels/ competence; calculate ration of clients to inspectors and identify optimisation avenues.	<ul style="list-style-type: none"> ▶ Data Modelling
Investigate strategies for integrated labour inspection that display innovative, preventative and proactive monitoring inspection and enforcement approaches and strategies/ mechanisms.		<ul style="list-style-type: none"> ▶ Recommendations
Investigate national and economic activities to inform appropriate planning and resource allocations for inspections, identifying which economic activities warrant low, medium to higher inspections, presenting a spatial map that enables inspections to be targeted appropriately in local economies.		<ul style="list-style-type: none"> ▶ Data Modelling
Conduct inspections at Labour Centres, Provincial Offices and Head Office		<ul style="list-style-type: none"> ▶ Data Collection
Investigate key areas of collaboration on external policy environment that affects the		<ul style="list-style-type: none"> ▶ Data Collection; ▶ Research Findings;

Research objectives	Section of the report where this information resides
Department's mandate, for example Department of Trade and Industry, National Prosecuting Authority, Department of Home Affairs, etc.	► Recommendations

In order to effectively answer each research objective, EY began the project by conducting an in-depth review of the IES background and context, which including the following:

- The legislative mandate of the DOL and IES;
- IES resources (in terms of human resources and technical resources);
- The external policy environment; and
- The economic landscape in which inspectorate services operate.

Based on this review, EY then conducted diagnostic interviews with key stakeholders, both internal and external to the DOL. These interviews assisted EY in identifying some of the key areas of concerns that could later be investigated through the remaining research approaches.

As such, additional research approaches were designed and implemented, including fieldwork and the online survey for inspectors.

- With regard to the fieldwork conducted, the purpose was to provide a view on the current human resources, skills and competence, technological and financial resources of the inspectorate nationally. EY made a total of 59 visits across South Africa over a 3 month period. This included 9 Provincial Office visits and 50 visits. Of the 50 Labour Centre visits, 24 visits to various Labour Centres included accompanying inspectors on inspections which EY labelled as "site visits". EY conducted a total of 40 site visits across the country.
- With regard to the online survey for inspectors, the purpose was to gather information on IES inspectors' qualification, experience and skills as well as to obtain their views on IES' strengths, challenges and resources in respect of its mandate, and to obtain their views on how to address challenges and enhance IES' effectiveness. The online survey was completed by 508 inspectors out of a total of 1599 inspectors nationally, resulting in a representative response rate of 32%.

Based on the data collected, there were findings that emerged highlighting the key challenges that IES is currently facing that may be impacting on its ability to effectively enforce and regulate the South African labour market. The key challenges identified across all the research methodologies include:

- Inspectors do not believe that they are remunerated fairly across the various job levels;
- There is consensus amongst IES employees that there are limited opportunities to advance in their career within IES;
- It was reported that there is limited training provided to inspectors, particularly BCEA and EEA inspectors;
- There seems to be a lack of clarity on what the Department's objectives are in terms of capacitating the inspectors;
- There is consensus amongst IES employees that the way targets are set are unfair and drive the wrong behaviour, such as being more concerned with the quantity of cases completed as opposed to the quality of the cases completed;
- There is an issue with dual reporting lines within IES that may create duplication of function;
- It appears as though IES employees are not clear on their roles and how their role may differentiate from others within the unit;

- ▶ There is a sense of discomfort between specialist and generalist inspectors as it was commonly mentioned by inspectors that the generalist inspectors perceive their workload to be more than that of the specialist inspectors, yet they are not remunerated accordingly;
- ▶ A large majority of inspectors do not believe that follow-up inspections should have been removed from the Standard Operating Procedure (SOP);
- ▶ There seems to be a lack of uniformity in IES- related processes, procedures and structures;
- ▶ It was mentioned by a large percentage of inspectors that the enforcement process is currently not powerful enough to ensure compliance by employers;
- ▶ There appears to be a lack of resources experienced across the various Labour Centres, specifically referring to a lack of inspectors, printers and cars;
- ▶ There appears to be a lack of communication across IES impacting on overall efficiency;
- ▶ The safety of inspectors is often compromised when they conduct inspections;
- ▶ The storage of files is not secured and allows for confidential information to get lost or leaked; and
- ▶ The physical working conditions in most of the Labour Centres are problematic.

Based on these research findings, a key set of recommendations were developed. These recommendations were centered on a conceptual framework referred to as *responsive regulation*. A summary of the key recommendations is presented below:

- ▶ **Recommendation 1: The development of an IES Enforcement Strategy-** Development of an Enforcement Strategy focused on implementing a mix of collaborative and adversarial interventions to ensure compliance based on the guidance of an enforcement pyramid.
- ▶ **Recommendation 2: Advocacy and IES profiling-** Advocacy forms the basis of enforcement to promote voluntary compliance. It is recommended that the function of formal advocacy be elevated whereby roles are dedicated to conducting advocacy sessions and workshops with employees and employers. These advocacy sessions will also increase the visibility of IES and assist in profiling IES as an active and successful regulator.
- ▶ **Recommendation 3: Collaboration mechanisms with other inspection agencies-** Collaboration mechanisms should be initiated and through the implementation of 'Joint Inspection Forums', IES can take a proactive stance on collaborating on external policy and can make a significant impact on the enforcement of labour standards across the country.
- ▶ **Recommendation 4: Job- entry requirements and Recognition of Prior Learning-** Research indicated that the DOL changed the entry requirements for all those applying to become IES inspectors. Changing the qualification requirements for a job role is not an issue if the Department is willing to upskill those that are already in that position and do not have the necessary qualifications to advance in their careers.
- ▶ **Recommendation 5: Training for inspectors-** Particular training needs to be provided to inspectors. Based on the research, training to inspectors should be provided to increase their technical knowledge as well as their soft skills to assist in their ability to perform inspections more effectively.
- ▶ **Recommendation 6: Performance management (i.e. target setting) -** The target setting approach should be revised to ensure that targets differ per role and level of responsibility, and to ensure a focus on both quantity and quality.
- ▶ **Recommendation 7: Organisational structure, job grading and associated responsibilities-** Further investigation into the current IES organisational structure should be done in order to address issues such as dual reporting lines that may result in conflicting demands placed on

inspectors. In addition, job grading has proven to be a significant issue that emerged as a key finding across the research conducted. It is recommended that the job grades and associated responsibilities for each level and role need to be reviewed.

- ▶ **Recommendation 8: Resources-** There seem to be particular resources impacting on the inspectors' ability to perform their job effectively. In particular, the Department should ensure that there are enough printers available for inspectors; and the Department should also focus on reviewing the criteria and process inspectors have to follow to apply for subsidized vehicles. In addition, the Department should review how they allocate cars to various labour centres.
- ▶ **Recommendation 9: Facilities-** The facilities at the Labour Centres are not conducive to a healthy and effective working environment. It is recommended that the Department ensures that every Labour Centre has adequate and secure storage space for confidential files, and that there is security provided at each Labour Centre. In addition, the physical working conditions of Labour Centres need improvement and should comply with South African labour standards.
- ▶ **Recommendation 10: Case management-** It is recommended that an effective case management system is implemented that will assist with standardising templates, and ensuring that mandatory data is collected in a central point. In addition, this will assist with streamlining the feedback mechanisms when inspectors are trying to track the progress of a case once it has been referred to Statutory Services.

This research study has presented significant challenges that the IES is facing which is impacting on its ability to effectively deliver on its mandate. However, these challenges can be addressed through effectively implementing key interventions aimed at assisting the IES in successfully regulating the South African labour market.

2. Introduction

The Department of Labour (DOL) appointed EY in December 2015 to conduct research into the adequacy of the Inspections and Enforcement Services' (IES) resources to conduct inspections and enforcement. The specific research objectives include:

2.1 Investigate internal challenges that contribute to inspection and enforcement not being adequately discharged by DOL.

2.2 Identify approaches of ensuring Inspection and Enforcement that is aligned with the DOL mandate, vision and mission. Sub-objectives:

2.2.1 Investigate whether approaches incorporate collaboration or adversarial practices; advances prevention rather than being punitive; and improves stakeholder satisfaction and increases compliance.

2.2.2 Identify and analyse key areas of disjuncture between IES services and the DOL mandate; and harmonise the two.

2.3 Investigate resource capacity needed to carry out adequate and effective inspections. Sub-objectives:

2.3.1 Determine available and required capacity of human, technological, and financial resources, as well as other relevant resources needed to conduct inspections nationally.

2.3.2 Undertake resource modelling and depict cost models bearing in mind cost optimisation. This process is expected to include documenting capacity of human resources and highlighting required scope of skill levels/competence; calculate ratio of client to inspectors and identify resource optimisation avenues.

2.4 Investigate strategies for integrated labour inspections that display innovative, preventative and proactive monitoring inspection and enforcement approaches and strategies/mechanisms.

2.5 Investigate national and local economic activities to inform appropriate planning and resource allocations for inspections. Identifying which economic activities warrant low, medium to higher inspections, presenting a spatial map that enables inspections to be targeted appropriately in local economies.

2.6 Conduct inspections at Labour Centres, Provincial Offices and Head Offices.

2.7 Investigate key areas of collaboration on external policy environment that affects the DOL mandate, amongst others such as the Department of Small Business, DTI, NPA, and DHA.

The inception and scoping meetings provided some additional context to the research in respect of the existing strategies for inspections and the case management system. Further information was also given on the level of competence of inspectors, career progression and development opportunities for inspectors, performance management, and staff turnover.

The research objectives were enhanced through these discussions to include the need to understand inspections and enforcement in both the formal and informal sectors, and the existing and required levels of collaboration with other inspectorate agencies. The penalty system and its effectiveness in administration of fines and/or other sentences for non-compliant employers were also raised to inform research.

In order to ensure that all research objectives would be achieved, the following approach was developed and followed throughout the duration of the project:

Step 1	Step 2	Step 3	Step 4	Step 5
Identify	Diagnose	Design	Deliver	Sustain
Key activities <ul style="list-style-type: none"> Project scoping workshop Key deliverables <ul style="list-style-type: none"> Defined project scope Refined project plan 	Key activities <ul style="list-style-type: none"> Review of organisational documentation Literature review Diagnostic interviews with key stakeholders Skills transfer Key deliverables <ul style="list-style-type: none"> A comprehensive view of organisational mandate, challenges, etc. in a literature review report Skills transfer activities 	Key activities <ul style="list-style-type: none"> Design approach to field research, questionnaires, checklists and online survey Set-up of online survey Skills transfer Key deliverables <ul style="list-style-type: none"> Approved approach to undertaking field research Skills transfer activities 	Key activities <ul style="list-style-type: none"> Desktop research on leading practice Fieldwork Analysis and modelling of data Skills transfer Key deliverables <ul style="list-style-type: none"> Comprehensive analysed data Modelled scenarios, spatial map Skills transfer activities 	Key activities <ul style="list-style-type: none"> Analysis of results Development of recommendations Development of report Presentation to DOL Skills transfer Key deliverables <ul style="list-style-type: none"> Final report and recommendations Presentation to DOL Skills transfer activities
2 weeks	6 weeks	4 weeks	36 weeks	8 weeks

Figure 1: Research approach

This report includes all the findings from each step of the research project. The report first provides the background and context into IES to form the foundation of knowledge needed to address each research objective. Once this foundational knowledge has been outlined, the report will describe the data collection methodology and approaches which were implemented in an attempt to answer all research objectives. The report then specifies the actual research findings based on the various data collection approaches. Finally, the report will provide recommendations to address key challenges faced by IES in response to each of the research objectives specified.

The table provided below summarises how each phase of the project assisted in obtaining information outlined in each section in this report.

Table 2: Report sections correlating to each phase in the project

Report section title	Purpose	Project phase where information was obtained
Introduction	To outline finalised scope of the project and to determine finalised research objectives.	Identify
Background and context	To form the foundational knowledge needed to understand IES' context and current function.	Diagnose
Data collection	To outline the data collection methodology and approach undertaken.	Design
Research findings; Data modelling	To outline the key findings that emerged from each data collection approach undertaken. To provide a model illustrating various scenarios for optimal resourcing of IES.	Deliver
Recommendations	To provide key recommendations to address the research objectives of the project.	Sustain
Conclusion	Summarise key findings and recommendations of the research project.	Sustain

3. Background and context

3.1 The legislative mandate of the DOL and IES

This section describes the current state of the above-mentioned research items and includes preliminary desktop research on related issues. The report introduces the legislation and regulations, and the vision, mission and mandate of the DOL, as well as the existing strategies informing IES' operations and approaches to inspections and enforcement. The international benchmarks against which DOL measures its inspection and enforcement services are also described. The human, technical and financial resources in the IES are then discussed. The sub-section on human resources covers strategy, geographic spread, roles, numbers, skills, performance management, progression and remuneration. Technical resources refer to the resources supporting inspectors during inspections and financial resources are the budgets made available to DOL for inspections.

The external policy environment, including DOL's collaboration with other Government Departments and institutions are then unpacked. The DOL's engagements with international organisations, trade unions, employer organisations and bargaining councils are also reviewed in this section. The economic landscape that the DOL operates within is elaborated in the next section, considering the formal and informal sectors as well as employers and employees within each sector.

To conclude this section of the report, the challenges and opportunities facing the DOL inspectorate are presented which the fieldwork further investigated.

3.1.1 Legislative framework of DOL

This section outlines the legislation and regulations from which the DOL IES mandate is defined, as well as the vision and mission of the IES and existing strategies informing the IES' operations and approaches to inspections and enforcement. The international benchmarks against which DOL measures its inspection and enforcement services are also described.

3.1.1.1 Constitutional legislation

The DOL's mandate is defined by particular legislative frameworks which are informed by Chapter 2 of the South African Constitution known as the Bill of Rights. In particular, the DOL legislative framework pertains to the following sections of Chapter 2 of the South African Constitution¹:

- Section 9, to ensure equal access to opportunities
- Section 10, promotion of labour standards and fundamental rights at work
- Section 18, freedom of association
- Section 23, to ensure sound Labour relations
- Section 24, to ensure an environment that is not harmful to the health and well-being of those in the workplace
- Section 27, to provide adequate social security nets to protect vulnerable workers
- Section 28, to ensure that children are protected from exploitative labour practices and not required or permitted to perform work or services that are inappropriate for a person of that child's age or their well-being, education, physical or mental health or spiritual, moral or social development is placed at risk; and

¹ *Strategic Plan 2015- 2020. (n.d.). Department of Labour.*

- Section 34, access to courts and access to fair and speedy labour justice.”

3.1.1.2 Legislation administered by the DOL

The legislation administered by the DOL includes all employment legislation. The following table identifies the relevant statutes.

Table 3: Legislation administered by the DOL

Legislation	Overview
Basic Conditions of Employment Act, No. 75 of 1997 (as amended)	Gives effect to the right to fair labour practices referred to in section 23 (1) of the Constitution by establishing and making provision for the regulation of basic conditions of employment; and thereby to comply with the obligations of the Republic as a member state of the International Labour Organisation; and provides for matters connected therewith.
Labour Relations Act, No. 66 of 1995 (as amended)	Provides for freedom of association and general protections, for employers and employees. Contains prescripts for collective bargaining, including organisational rights, collective agreements and bargaining councils, bargaining councils in the public service, statutory councils, and general provisions concerning councils. Sets rules for strikes and lock outs and workplace forums. The rules for Trade Unions and Employers' Organisations, including registration and regulation, regulation of federations, Registrar of labour relations and appeals are provided for. Rules for dispute resolution and associated bodies, unfair dismissal and general provisions are established. Various schedules to support the legislation are established.
The Employment Equity Act, No. 55 of 1998 (as amended)	Prohibits unfair discrimination, and describes the rules for Affirmative Action. Establishes the Commission for employment equity and its structure, function and purpose. Describes monitoring, enforcement and legal proceedings of enforcing. Creates general provisions and schedules to support the legislation.
The Unemployment Insurance Act, No. 63 of 2001	To establish the Unemployment Insurance Fund; to provide for the payment from the Fund of unemployment benefits to certain employees, and for the payment of illness, maternity, adoption and dependant's benefits related to the unemployment of such employees; to provide for the establishment of the Unemployment Insurance Board, the functions of the Board and the designation of the Unemployment Insurance Commissioner; and to provide for matters connected therewith.
The Unemployment Insurance Contributions Act, No. 4 of 2002	To provide for the imposition and collection of contributions for the benefit of the Unemployment Insurance Fund; and to provide for matters connected therewith.
The Employment Services Act, No. 4 of 2014	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 Immigration Act, 2002; to provide for the registration and regulation of private employment agencies; to provide for the establishment of the Employment Services Board; 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.
The Occupational Health and Safety Act, No. 85 of 1993	Outlines and defines the functions of the Occupational Health and Safety Council. Explains the health and safety policy and the responsibilities of employers and employees to abide to the policy. Describes health and safety committees and their and their role in the workplace. Outlines the processes regarding monitoring and enforcing the Act.
The Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993	Explains the provision of compensation for occupational injuries and processes relating to claiming for the compensation. Explains the provision for occupational diseases and processes relating to it. Describes the conditions for medical aid in the workplace. Identifies employers' obligations in abiding by the Act and the legal procedures that can be carried out should the Act not be complied with.
Skills Development Act, No. 97 of 1998 (as amended)	Chapter 6 of the Skills Development Act (SDA), No. 97 of 1998 pertains specifically to the Department of Labour mandate. The South African President transferred skills functions to the Department of Higher Education and Training (DHET). Chapter 6 highlights the functions of the DOL in relation to this Act, and indicates the functions of Provisional Offices, Labour Centres and ministers in terms of Employment Services.
National Economic Development and	To establish a Council with the purpose of:

Legislation	Overview
Labour Council Act, No. 97 of 1998	<p>(a) striving to promote the goals of economic growth, participating in economic decision-making and social equity;</p> <p>(b) seeking to reach consensus and conclude agreements on matters pertaining to social and economic policy;</p> <p>(c) considering all proposed labour legislation relating to labour market policy before it is introduced in Parliament;</p> <p>(d) considering all significant changes to social and economic policy before it is implemented or introduced in Parliament;</p> <p>(e) encouraging and promoting the formulation of co-ordinated policy on social and economic matters.²</p>

3.1.1.3 Policy mandate

The legislation highlighted in the previous section provides the framework within which the DOL mandate operates. The DOL mandate has been described as “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;
- ▶ Promoting sound labour relations;
- ▶ Eliminating inequality and discrimination in the workplace;
- ▶ Enhancing occupational health and safety awareness and compliance in the workplace; and
- ▶ Giving value to social dialogue in the formulation of sound and responsive legislation and policies to attain labour market flexibility for competitiveness of enterprises which is balanced with the promotion of decent employment.”³

It is important to note that the Department is not only responsible for the above mandate, but is also responsible for the administration and effective functioning of several labour market institutions, including⁴ :

- ▶ Productivity South Africa (PSA): PSA aims to develop and enhance productive capacity in South Africa by continuously improving labour practices in South Africa. It works to build institutional capacity through sound project management skills, and through developing working relationships with other government agencies.
- ▶ National Economic Development and Labour Council (NEDLAC): A statutory social dialogue body, with its constituency comprising Organised Labour, Organised business, Organised Government departments, and community groups. Social partners discuss and negotiate on public finance and monetary policy, labour market policy, trade and industrial policy, and development policy.
- ▶ The Commission for Conciliation, Mediation and Arbitration (CCMA): An independent body established by the Labour Relations Act, No. 66 of 1995. The CCMA promotes social justice and

² *Strategic Plan 2015- 2020. (n.d.). Department of Labour.*

³ *Ibid*

⁴ *Ibid*

fairness in the workplace by providing high- quality, ethical, innovative and cost- effective dispute management as well as dispute resolution services.

3.1.1.4 Vision, mission and values

a) Vision

The DOL has defined its vision as “the Department of Labour will strive for a labour market which is conducive to investment, economic growth, employment creation and decent work”.⁵

b) Mission

The DOL’s mission is “to regulate the South Africa labour market for a sustainable economy through:

- ▶ Appropriate legislation and regulations;
- ▶ Inspection, compliance and monitoring and enforcement;
- ▶ Protection of human rights;
- ▶ Provision of Employment Services;
- ▶ Promoting equity;
- ▶ Social and income protection; and
- ▶ Social dialogue”⁶

c) Values

The DOL has identified several organisational values, including:

- ▶ “We treat employees with care, dignity and respect;
- ▶ We respect and promote:
 - Client centred services
 - Accountability
 - Integrity and ethical behaviour
 - Learning and development
- ▶ We live the Batho Pele Principles;
- ▶ We live the principles of the Department’s Service Charter; and
- ▶ We inculcate these values through our performance management system.”⁷

3.1.2 Strategy and structure

3.1.2.1 Strategy

DOL has defined a strategic plan to be achieved over a 5 year period (2015- 2020). The DOL strategy

⁵ *Strategic Plan 2015- 2020. (n.d.). Department of Labour.*

⁶ *Ibid*

⁷ *Ibid*

aims to achieve strategic outcome oriented goals, including:

- ▶ “Decent employment through inclusive economic growth;
- ▶ A skilled and capable workforce to support an inclusive growth path;
- ▶ Create a better South Africa, a better Africa and a better world;
- ▶ An efficient, effective and development orientated public service; and
- ▶ Transforming society and uniting the country.”⁸

To achieve these outcomes, the DOL was mandated to implement specific strategic goals. The table below provides these strategic goals in relation to each strategic outcome oriented goal.⁹

Table 4: Strategic goals of the DOL

Strategic outcome orientated goals	DOL strategic goals
1. Decent employment through inclusive economic growth	1. Promote occupational health services 2. Contribute to decent employment creation 3. Protect vulnerable workers 5. Strengthen occupational safety protection 6. Promote sound labour relations 7. Monitor the impact of legislation 9. Development of the occupational health and safety policies
2. A skilled and capable workforce to support an inclusive growth plan	2. Contribute to decent employment creation
3. Create a better South Africa, a better Africa and a better world	4. Strengthen multilateral and bilateral relations
4. An efficient, effective and development orientated public service	8. Strengthen the institutional capacity of the Department
5. Transforming society and uniting the nation	10. Promote equity in the labour market

3.1.2.2 Structure

The DOL comprises of the following core functions and services:¹⁰

Table 5: DOL core functions and services

Programme	Purpose
Administration	Provides strategic direction, leadership and administrative support services to the Ministry and the Department
Inspection and Enforcement Services (IES)	Examine how national labour standards are applied in the workplace through inspection and enforcement of labour legislation and to educate and advise social partners on labour market policies. The main functions of the inspectorate are: ▶ To conduct workplace inspections and audits of Accredited Inspection Authorities (AIAs) in order to monitor and enforce compliance with labour legislation;

⁸ *Strategic Plan 2015- 2020. Department of Labour.*

⁹ *Ibid*

¹⁰ *Ibid*

Programme	Purpose
	<ul style="list-style-type: none"> ▶ To provide advice, educate and give technical information and support services to both workers, employers and stakeholders and to prevent labour disputes and workplace incidents; and ▶ To investigate reported workplace health and safety incidents.
Public Employment Services (PES)	<p>The main functions of Employment Services are to register work-seekers, obtain vacancies and identify other opportunities so as to facilitate the entry and re-entry of work-seekers into the labour market. Employment Services therefore is supported by two main pillars: The 'Employer Services' and 'Work-Seeker Services'.</p> <p>The key services include:</p> <ul style="list-style-type: none"> ▶ Registration of work-seekers; ▶ Placement of work-seekers; ▶ Employment Counselling; ▶ Special labour market (employment) programmes; ▶ Regulation of private employment agencies; and temporary employment services; ▶ Regulate the number of foreign nationals corporate and individual work visas; ▶ Transfer funding to Supported Employment Enterprises (formerly known as Sheltered Employment Factories) to provide special employment to People with Disabilities; ▶ Transfer funding to Productivity South Africa to promote productivity and competitiveness; and ▶ Transfer funding to Compensation Fund for occupational injuries and diseases incurred by public servants.
Labour Policy and Industrial Relations (LP and IR)	<p>The Labour Policy and Industrial Relations branch is responsible for formulating the policy for eliminating inequality and discrimination, promoting labour standards and fundamental rights at work, including supervising policy research, labour market information and statistical services. It also regulates labour and employer organisations and bargaining councils, deal with all the Department's responsibilities and obligations in relation to the International Labour Organisation and other international and regional bodies which the Government of South Africa has formal relations with. It oversees the effective functioning of the CCMA and NEDLAC.</p>

The DOL Head Office is situated in Pretoria, South Africa and there is one Provincial Office in each of the nine provinces. Each province has several Labour Centres and 5 provinces have multiple satellite offices - the table below illustrates the number of Labour Centres and satellite offices per province¹¹.

Table 6: Number of Labour Centres and Satellite offices per province

Province	Number of Labour Centres	Number of Satellite Offices ^[2]
Eastern Cape	16	14
Free State	11	3
Gauteng	26	4
KwaZulu-Natal	16	-
Limpopo	13	-
Mpumalanga	16	26
Northern Cape	7	-

¹¹ *Organisational Structure for IES Branches. (n.d.). Department of Labour.*

^[2] *Contacts. (2013). Retrieved from Department of Labour: <http://www.labour.gov.za/DOL/contacts>*

North West	10	-
Western Cape	12	7
Total Labour Centres	127	54

Each Labour Centre has a registration service, an inspection service, an employment service and management support.¹²

3.1.3 Approved Inspection Authorities

In Chapter 10 section 63 of the BCEA it states that:

1. "The Minister may–
 - a) appoint any person in the public service as a labour inspector;
 - b) designate any person in the public service, or any person appointed as a designated agent of a bargaining council in terms of section 33 of the Labour Relations Act, 1995, to perform any of the functions of a labour inspector.
2. Any person appointed under subsection (1) must perform his or her functions in terms of this Chapter, subject to the direction and control of the Minister.
3. The Minister must provide each labour inspector with a signed certificate in the prescribed form stating–
 - a) that the person is a labour inspector;
 - b) which legislation that labour inspector may monitor and enforce; and
 - c) which of the functions of a labour inspector that person may perform."¹³

Therefore, according to the BCEA, any person in the public service or any person appointed as a designated agent can be appointed as a labour inspector if approved by the DOL. The OHS Act, No. 85 of 1993 and associated amendments, defines this service as an Approved Inspection Authority (AIA). The Act defines an AIA as "any person who with the aid of specialised knowledge or equipment or after such investigations, tests, sampling or analyses as he may consider necessary, and whether for reward or otherwise, renders a service by making special findings, purporting to be objective findings, as to:

- a) The exposure of any person
- b) The safety or risk to health of any work, article, substance, plant or machinery, or any condition prevalent on or in any premises
- c) The question of whether any particular legislated standard has been or is being complied with, with respect to any work, article, substance, plant or machinery, or with respect to work or a condition prevalent on or in any premises or with respect to any other matter, and by issuing a certificate, stating such findings, to the person to whom the service is rendered."¹⁴

¹² *Contacts. (2013). Retrieved from Department of Labour: <http://www.labour.gov.za/DOL/contacts>*

¹³ *The Basic Conditions of Employment Act, No. 75 of 1997*

¹⁴ *The Occupational Health and Safety Act, No. 85 of 1993*

In terms of the Act, an inspection authority can only operate if it has been approved by the Chief Inspector within the IES. The inspection authority approved by the Chief Inspector with respect to any particular service shall be an AIA with respect to that service only. The DOL has published a list of AIA's in relation to Occupational Health and Hygiene, Major Hazard Installations and Electrical Installation¹⁵.

The list of AIAs are included in Appendix A.

3.1.4 Bargaining Councils

Bargaining council agents have been delegated powers of inspection in terms of the BCEA and fulfil a complementary enforcement role in the scope of bargaining council collective agreements. All private sector bargaining councils, Local Government and Government bargaining councils and Statutory Councils are registered with the DOL. The inspection of employers' compliance with collective agreements is therefore not executed by IES.

The list of industries and associated Bargaining Councils are included in Appendix B.

The role of bargaining councils is discussed in more detail in the various sections of this report, as relevant.

3.1.5 IES

3.1.5.1 Establishment of the IES

When the Basic Conditions of Employment Act (BCEA), No. 75 of 1997 first came into effect on 1 December 1988, a new system to promote, monitor and enforce compliance with the BCEA was introduced¹⁶. Therefore, the introduction of this new system resulted in the establishment of the IES. Specifically, inspection services are governed by Chapter 10 in the BCEA which establishes a labour inspector's role, responsibility, function and powers. The role of a labour inspector, as explained by the BCEA (section 64) indicates that:

“(1) A labour inspector appointed under section 63(1) may promote, monitor and enforce compliance with an employment law by–

- (a) advising employees and employers of their rights and obligations in terms of an employment law;
- (b) conducting inspections in terms of this Chapter;
- (c) investigating complaints made to a labour inspector;
- (d) endeavouring to secure compliance with an employment law by securing undertakings or issuing compliance orders; and
- (e) performing any other prescribed function.

(2) A labour inspector may not perform any function in terms of this Act in respect of an undertaking in respect of which the labour inspector has, or may reasonably be perceived to have, any personal, financial or similar interest.”¹⁷

¹⁵ *Approved Inspection Authorities: Electrical Installations. (2013); Approved Inspection Authorities: Major Hazard Installations. (2015); Approved Inspection Authorities: Occupational Health and Hygiene. (2016)*

¹⁶ *Benjamin, P. (2011). Enforcement and sanctions to promote compliance with South African Labour legislation. Industrial Law Journal, 805- 833.*

¹⁷ *The Basic Conditions of Employment Act, No. 75 of 1997*

3.1.5.2 The role of the IES in monitoring and enforcing compliance of labour legislation administered by DOL

As mentioned previously, when the BCEA first came into effect, a new system was introduced focusing on monitoring and enforcing labour compliance resulting in the role of the IES. The IES seeks to ensure social protection for workers and does this by inspecting employer compliance with the labour legislation under its mandate. Even though the IES is guided by Chapter 10 of the BCEA, the IES has to inspect and enforce compliance to other labour legislation depending on the focus of the inspection service. Each labour law outlines the role of a labour inspector relevant to their particular function, in addition to the BCEA. The table below highlights labour legislation pertaining to the IES, as well as the role that IES plays in each Act.

Table 7: The role of IES in monitoring and enforcing legislation administered by DOL

Legislation	Broad role of inspectorate	Section references from Acts
Basic Conditions of Employment Act, No. 75 of 1997	Enforce Chapter 2 (Regulation of working time, Chapter 3 (Leave), Chapter 4 (Particulars of employment and remuneration), Chapter 5 (Termination of employment), and Chapter 6 (Prohibition of employment of children and forced labour) of the Act. ¹⁸	<ul style="list-style-type: none"> ▶ Chapter 1 (section 1); ▶ Chapter 2 (section 13); ▶ Chapter 8 (section 58); ▶ Chapter 10 (section 63-81); ▶ Chapter 11 (section 91- 92).
The Employment Equity Act, No. 55 of 1998	Enforce Chapter 3 (Affirmative action) of the Act. ¹⁹	<ul style="list-style-type: none"> ▶ Chapter 5 (section 35- 52).
The Unemployment Insurance Act, No. 30 of 1996	Enforce Chapter 2 (Unemployment Insurance Fund), and Chapter 3 (Claiming benefits) of the Act. ²⁰	<ul style="list-style-type: none"> ▶ Chapter 1 (section 1); ▶ Chapter 4 (section 38-39); ▶ Chapter 8 (section 62).
The Unemployment Insurance Contributions Act, No. 4 of 2002	Assist in enforcement of the payment of contributions.	<ul style="list-style-type: none"> ▶ Chapter 2 (section 15).
The Occupational Health and Safety Act, No. 85 of 1993	Enforce Chapter 6 (Health and Safety Policy), Chapter 21 ⁷ (General duties of employers to their employees), Chapter 8 (General duties of employers and self-employed persons to persons other than their employees), Chapter 9 (General duties of manufacturers and others regarding articles and substances for use at work), Chapter 11 (General duties of employers regarding listed work), Chapter 13 (General duties of employees are work), Chapter 15 (Duty not to interfere with, damage or misuse things), Chapter 16 (Chief-Executive Officer charged with certain duties), Chapter 17 (Health and safety representatives), Chapter 18 (Functions of Health and Safety representatives), Chapter 19 (Health and safety committees), Chapter 20 (Functions of health and safety committees), Chapter 21 (General prohibitions), Chapter 22 (Sale of certain articles prohibited), Chapter 23 (Certain deductions prohibited), and Chapter 26 (Victimisation forbidden) of the Act. ²²	<ul style="list-style-type: none"> ▶ Chapter 1 (section 1); ▶ Chapter 3 (section 4); ▶ Chapter 4 (section 1); ▶ Chapter 7 (section 1); ▶ Chapter 12 (section 2); ▶ Chapter 13; ▶ Chapter 17 (section 2, 6); ▶ Chapter 18 (section 1-2); ▶ Chapter 19 (section 4, 7); ▶ Chapter 20 (section 1-2); ▶ Chapter 24; ▶ Chapter 25; ▶ Chapter 26 (section 1) ▶ Chapter 27; ▶ Chapter 28; ▶ Chapter 29; ▶ Chapter 30; ▶ Chapter 31 (section 1, 2, 4); ▶ Chapter 32 (section 1, 2, 4, 5, 6, 7, 8, 9,10, 13); ▶ Chapter 33 (section 2); ▶ Chapter 34;

¹⁸ *The Basic Conditions of Employment Act, No. 75 of 1997*

¹⁹ *The Employment Equity Act, No. 55 of 1998*

²⁰ *The Unemployment Insurance Act, No. 63 of 2001*

²¹ *The Unemployment Insurance Contributions Act, No 4 of 2002*

²² *The Occupational Health and Safety Act, No. 85 of 1993*

Legislation	Broad role of inspectorate	Section references from Acts
		<ul style="list-style-type: none"> ▶ Chapter 35; ▶ Chapter 38 (section 1); ▶ Chapter 39 (section 2, 5, 6, 7); ▶ Chapter 42 (section 4); ▶ Chapter 43 (section 1); ▶ Chapter 44 (section 5).
The Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993	Enforce Chapter 3 (Compensation Fund and Reserve Fund), Chapter 4 (Compensation for occupational injuries), Chapter 5 (Claims for compensation), Chapter 6 (Determination and calculation of compensation), Chapter 7 (Occupational diseases), Chapter 8 (Medical aid), and Chapter 9 (Obligations of employers) of the Act. ²³	<ul style="list-style-type: none"> ▶ Chapter 2 (section 11); ▶ Chapter 9 (section 81).
The Skills Development Act, No. 97 of 1998 (as amended)	Enforce Chapter 6 (research and analyse the labour market in order to determine skills development needs for SA, the economic sectors, organs of state, assist in related policy formulation, provide information on skills to various bodies). ²⁴	<ul style="list-style-type: none"> ▶ Chapter 6.
The Employment Services Act, No. 4 of 2014	Enforce the provisions of the Act.	<ul style="list-style-type: none"> ▶ Chapter 7 (section 49).

3.1.5.3 IES vision, mission and values

The IES, which is a core function of the DOL, also has a vision, mission and set of values to support that of the Department.

a) Vision

The IES vision has been stated as:

“We will deliver a world class service that is effective and efficient and that promotes a labour market that is characterized by:

- ▶ Rising equity;
- ▶ Sound labour relations;
- ▶ Respect for employment standards;
- ▶ Workers’ rights; and
- ▶ Occupational health and safety.”²⁵

b) Mission

The mission of the IES has been identified as:

“The staff of the Department of Labour will serve the workers in the formal and informal sector, those working in the vulnerable sectors as well as those employed in sectors that are more vulnerable (and not

²³ *The Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993*

²⁴ *The Skills Development Act, No. 97 of 1998 (as amended)*

²⁵ *Department of Labour (2011). Enforcement Manual for Labour Inspectors. 1-105.*

protected by Sectoral Determinations and similar legislation) and people of the Republic of South Africa by:

- ▶ Promoting a culture of prevention and voluntary compliance;
- ▶ Improving the working conditions of workers in the vulnerable worker sectors, high risk sectors, designated employers and repeat violators;
- ▶ Securing strategic partnership and co-operation with all social partners/ role players;
- ▶ Encouraging and promoting self/co-regulation;
- ▶ Ensuring improved access to services; and
- ▶ Developing a professional service within the Department of Labour.”²⁶

c) Values

The IES shares the same values as the DOL. However, the IES has adopted additional values that are specifically important in the enforcement context. These values include:²⁷

- ▶ Consistency: similar cases should be treated in the same manner
- ▶ Equality: equal protection of workers in comparable situations
- ▶ Coherence: clear guidelines for common intervention approach for all inspectors including exercise of authority, discretion and judgement.

3.1.5.4 IES strategy and structure

a) Strategy

Within the DOL Strategy, the IES has positioned itself to support DOL in achieving its strategic objectives. In particular, the IES has built strategic objectives relating to strategic outcome-oriented goals relevant to the purpose of the IES.

Table 8: IES strategic goals in relation to DOL²⁸

Strategic outcome oriented goal	IES Strategic Goals
Decent employment through inclusive economic growth	<ol style="list-style-type: none"> 1. Promote equality in the labour market 2. Development of the occupational health and safety policies 3. Protect vulnerable workers 4. Strengthen social protection
Transforming society and uniting the nation	<ol style="list-style-type: none"> 5. Promote equity in the labour market

b) Structure

Mirroring the DOL structure, IES is represented at Head Office, provincially as well as in Labour Centres. Each Labour Centre has IES employees who conduct general inspections, as well as specialist inspections.

²⁶ Department of Labour (2011). *Enforcement Manual for Labour Inspectors*. 1-105.

²⁷ Department of Labour (2011). *Enforcement Manual for Labour Inspectors*. 1-105.

²⁸ *Strategic Plan 2015- 2020*. Department of Labour.

3.1.6 Integrated inspectorate approaches

In relation to the defined research objectives, it is necessary to identify approaches of ensuring IES is aligned with the DOL mandate, vision and objective. In addition, it is necessary to investigate various strategies for integrated labour inspection that display innovative, preventative and proactive monitoring inspection and enforcement approaches and strategies/ mechanisms. Therefore, this section aims to outline the several inspectorate approaches currently employed within the IES, as well as elaborate on the integrated inspection approach.

3.1.6.1 Inspectorate approaches

The table below shows the existing approaches to inspections used by IES.

Table 9: Inspectorate approaches

Stage	Normal/routine inspection	Blitz inspection	Re-active inspection	Follow-up inspection
Purpose	Routine inspection visits are concerned with checking compliance with the law and advising enterprises on how to comply with legal provisions. Such visits usually cover the full range of matters covered by the mandate of the inspectorate. ²⁹	The purpose of a blitz inspection is to target employers in the following sectors: <ul style="list-style-type: none"> ▶ Domestic; ▶ Wholesale and Retail; ▶ Private Security; ▶ Agriculture; ▶ Chemical; ▶ Construction/Civil Engineering; ▶ Iron and Steel. The objective of the blitz inspections in all provinces is to establish and ensure compliance with these above-mentioned identified sectors and to promote inspectors visibility in these sectors. ³⁰	Re-active Inspections may be in response to, or investigation of, a specific complaint from a worker in an organisation. They may concern a particular problem, or may involve investigating a particular problem. Such visits relate to a specific issue and to collecting information to assist in decision making on that issue. ³¹	Follow-up visits are undertaken to determine the extent to which the enterprise has responded to the outcome of an earlier routine visit. ³²
Process	<ul style="list-style-type: none"> ▶ Obtain information on employer; ▶ Determine the scope of the inspection; ▶ Make an appointment; ▶ Register the inspection; ▶ Compile an inspection preparation list; 	<ul style="list-style-type: none"> ▶ Provinces identify companies from their data-bases to be investigated during the blitz inspections; ▶ Employers are notified a week in advance of the intended blitz inspections; 	<ul style="list-style-type: none"> ▶ Obtain information on complainant and employer; ▶ Determine the scope of the inspection; ▶ Make an appointment; ▶ Register the inspection; ▶ Compile an inspection preparation list; ▶ Conduct a procedural inspection; 	<ul style="list-style-type: none"> ▶ A follow-up inspection must take place no later than one month after the compliance deadline; ▶ No notice of inspection needs to be given; ▶ If the inspector finds that the employer did not take

²⁹ Department of Labour (2011). *Enforcement Manual for Labour Inspectors*. 1-105.

³⁰ Consolidated Blitz Report: *Inspection and Enforcement Services*. (2014). Department of Labour.

³¹ Department of Labour (2011). *Enforcement Manual for Labour Inspectors*. 1-105.

³² *Ibid*

Stage	Normal/routine inspection	Blitz inspection	Re-active inspection	Follow-up inspection
	<ul style="list-style-type: none"> ▶ Conduct a procedural inspection; ▶ Conduct the inspection; ▶ Evaluate the compliance criteria; ▶ Report on inspection outcomes; ▶ Follow applicable enforcement procedures; ▶ Issue a written undertaking.³³ 	<ul style="list-style-type: none"> ▶ Each Province conducts inspections in its own areas of jurisdiction; ▶ Daily statistical reports are sent to Head Office for consolidation.³⁴ 	<ul style="list-style-type: none"> ▶ Conduct the inspection; ▶ Evaluate the compliance criteria; ▶ Report on inspection outcomes; ▶ Follow applicable enforcement procedures; ▶ Issue a written undertaking.³⁵ 	<p>significant steps towards compliance and rectification of the violations noted, then the inspector will initiate prosecution measures.³⁶</p>
Reporting/ outcome	<p>After inspection, the inspector is required to report back on the outcome and actions taken. The details of which are to be captured on the IT system and any notices served to be filled on the employer file.³⁷</p>	<p>Provinces are required to report daily and consolidate their blitz report as per the reporting time frames. Blitz inspection reports are sent to Head Office after completion using a national blitz reporting template.³⁸</p>	<p>When the complaint is finalised, the inspector must in writing (where the details of the Complainant were provided) inform the complainant of the outcome and the action taken.</p> <p>In the case where the complainant was verbally informed it must be noted in the file.³⁹</p>	<p>The Labour Inspector should explain the areas of non-compliance found as a result of the inspection and ensure that the employer understands his obligations.</p> <p>A compliance order is issued only if the employer fails to co-operate with the written undertaking.⁴⁰</p>

³³ Department of Labour (2011). *Enforcement Manual for Labour Inspectors*. 1-105.

³⁴ Consolidated Blitz Report: *Inspection and Enforcement Services*. (2014). Department of Labour.

³⁵ Department of Labour (2011). *Enforcement Manual for Labour Inspectors*. 1-105.

³⁶ *Ibid*

³⁷ *Ibid*

³⁸ Consolidated Blitz Report: *Inspection and Enforcement Services*. (2014). Department of Labour.

³⁹ Department of Labour (2011). *Enforcement Manual for Labour Inspectors*. 1-105.

⁴⁰ *Ibid*

3.1.6.2 Integrated labour inspections

An integrated labour inspection was designed in order to ensure that employers are fully compliant with all labour laws. Integrated labour inspections mean that a team of inspectors (usually comprised of about five) with differing competencies and areas of focus (such as specializing in a particular labour law) conduct an inspection as a team. The team is led by a Team Leader. The whole team will need to be satisfied with an employer's level of compliance across all the areas of specialization before a pronouncement can be made that the organisation is fully compliant. This is referred to as a "full inspection".⁴¹

3.1.7 International benchmarks

This section provides benchmarks defined by the ILO in respect of inspectorate services, as well as local and international leading practice approaches to inspections in various sectors and for various types of workers and approaches to training of inspectors, all aspects the IES would like to compare its own practices against. These IES practices will be compared against these during and after the interview and fieldwork parts of this project. The outcomes of that comparison will be described in the final report.

3.1.7.1 International Labour Organisation

South Africa was a founding member of the ILO but was then isolated from any international labour forums after the country withdrew from the ILO in 1964 as a result of political pressure. The country was readmitted as member of the ILO in 1994.⁴² As a current member of the ILO, South Africa has ratified specific ILO conventions. Once a country has ratified a convention, it is expected that the country complies with it in domestic legislation. In relation to labour inspections, the specific convention that South Africa has ratified and is expected to comply with is the ILO Convention 81 of 1947. South Africa has not yet ratified the ILO Convention 129 of 1969 which relates to Agricultural- specific labour inspections.⁴³

The ILO Convention 81 of 1947, which has been ratified by South Africa, indicates that:

1. "The functions of the system of labour inspection shall be:
 - a) to secure 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;
 - b) to supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions;
 - c) to bring to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions.

⁴¹ Department of Labour (2011). *Enforcement Manual for Labour Inspectors*. 1-105.

⁴² About the ILO. (2016). Retrieved from International Labour Organization: <http://www.ilo.org/global/about-the-ilo/mission-and-objectives/lang--en/index.htm>

⁴³ Labour Standards. (n.d.). Retrieved from International Labour Organization: http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102888

2. Any further duties which may be entrusted to labour inspectors shall not be such as to interfere with the effective discharge of their primary duties or to prejudice in any way the authority and impartiality which are necessary to inspectors in their relations with employers and workers.”⁴⁴

The articles of the convention reflect a range of themes relating to the operations of the inspectorate -

Table 10: Themes from Convention 81

Theme	Article no.
Hours, wages, safety, health, welfare, children	2
Authority	3
Impartiality	3
Central control	4
Co-operation with other government departments	5
Collaboration with employers, unions and workers	5
Stability of employment	6
Method of recruitment and selection of inspectors	7
Gender (split or special duties)	8
Specialist inspectors	9
Number of inspectors	10
Office and transport	11
Credentials and access	12
Powers of inspectors	13
Consequences and discipline	15
Regularity of inspections	17
Prosecutors	18
Reporting	19, 20, 21

The ILO conducted a needs assessment in 2009 on IES within its role of serving the South African labour force and compared South Africa with its other global members. The report indicated that:

“Today, within the DOL, there is a general agreement regarding the necessity of revitalization of the Inspection and Enforcement Services (IES), to more effectively fulfil its role of ensuring employers’ compliance with labour legislation, as required by the ILO

⁴⁴ *International Labour Organisation Convention, No. 81 of 1947*

Convention 81. A major constraint in this regard is the current organisational structure of IES which is insufficient to drive labour inspections as per ILO Convention 81 and ILO Convention 129"⁴⁵

The report also indicated that the IES has a very high employee turnover with staff who are under-trained. This has impacted on the IES' ability to perform its functions and deliver on its mandate. The ILO also reported that the lack of resources in the IES affects the level of professionalism, independence and impartiality of inspectors.⁴⁶

Shortly after the ILO report was issued, the Decent Work Country Programme (DWCP) was signed whereby South Africa took a step toward promoting decent work as a critical component of its national development. This programme was carried out throughout 2010- 2014 and focused on four priorities and nine outcomes. The priorities that relate directly to the South African labour inspectorate include:

- ▶ "Strengthening Fundamental Principles and Rights at work: Strengthening fundamental principles and rights at work through the ratification and implementation of International Labour Standards; and improved labour administration for effective employment services"⁴⁷;

The outcomes that relate directly to the South African labour inspectorate include:

- ▶ "Up-to-date International Labour Standards are ratified, complied with and reported on.
- ▶ Labour administrations apply up to-date labour legislation and provide effective services"⁴⁸.

The results of the fieldwork conducted as part of this research indicated that there are still some major gaps in the functioning of IES and were not all resolved into the DWCP.

The ILO has also recommended labour inspectorates across the globe which could be considered as international best practice. Refer to Appendix C to read more about the ILO recommended labour inspectorates. Appendix C illustrates the strategic and political positioning of labour inspectorates in various countries across the world. The International Labour Organisation (ILO) indicated that these countries, most of which form part of the Organization for Economic Co-operation and Development (OECD), are aligned with international labour standards contributing to the effectiveness of their labour inspections. The ILO specifies that each of these countries have structured their Labour Inspection Departments to promote teamwork, close interaction and direct communication between Inspector Generals and inspectors⁴⁹.

In addition, the ILO investigated labour inspection services world- wide and a number of African countries have ratified ILO Convention 81. These countries have been outlined in Appendix D and provide a useful

⁴⁵ *Technical Memorandum: South Africa. (2009). International Labour Office, 1-78.*

⁴⁶ *Ibid*

⁴⁷ *1996-2017 International Labour Organization (ILO): South Africa Decent Work Country Programme*

⁴⁸ *Ibid*

⁴⁹ *Technical Memorandum: South Africa. (2009). International Labour Office, 1-78.*

comparison to the South African IES.

3.1.7.2 Views on inspection approaches for vulnerable sectors

In a report by Steinruck the implications of outsourcing, undeclared work and the new types of employment relationships emerging are highlighted:

“...the outsourcing of work through subcontracting and temporary agency work often involves less skilled labour, and looser employment relationships, which makes it more difficult to determine who has responsibility for occupational health and safety (OHS).”⁵⁰

On undeclared work, often performed by migrant workers, Steinruck notes that it “...imposes insecurity, vulnerability and poverty on the people concerned” and accounts for up to 30% of Gross Domestic Product (GDP) in certain countries. In addition, the report comments that fragmentation of the employment market and an increase in varied employment arrangements may aggravate undeclared work. Steinruck also advises that “new types of employment relationship, which are increasingly hard to provide for under the existing regulations, continue to emerge” and highlights the various secondary negative consequences that affect irregularly employed workers.

Steinruck’s report advises that those migrant workers involved in undeclared work are extremely vulnerable and risk exploitation in a range of issues, including standards, wages, working hours, and environment. Co-operation between labour inspectors and immigration authorities is proposed for the purpose of identifying abusive employers as well as introducing training modules for inspectors focusing on migrant workers, undeclared work, and human trafficking. The effectiveness of penalties rests in weighting the cost of paying a penalty for falling foul of the law by employing undeclared workers greater than the cost of employing legal/registered workers. The emerging types of employment relationship, including “bogus self-employment, outsourcing and subcontracting”⁵¹ further dampen protection of these vulnerable undeclared workers and that introducing general contractor liability, whilst still conducting inspections at employers, could enhance compliance.

The fieldwork did seek to take into account how the inspectorate should consider improving inspections in these vulnerable sectors for undeclared workers as well as in respect of new types of employment relationships.

3.2 IES resources

The IES requires sufficient and appropriate human, technological, financial and other resources in order to effectively conduct inspections and enforcement. One of the research objectives this project sets out to establish is the resource capacity needed to carry out adequate and effective inspections. Ultimately, one of the final deliverables of this research project is modelled scenarios for resources and associated costs giving consideration to cost optimisation. This also includes the required scope of skill level/competence of inspectors, and the ratio of clients to inspectors. The information presented in this section provides input into this final deliverable.

The human resources of the IES are explored in this section, taking into consideration the various roles

⁵⁰ Steinruck, J. (2013) *Report on effective labour inspections as a strategy to improve working conditions in Europe*.

⁵¹ *Ibid*

of staff in the inspectorate, geographic spread of staff, staff numbers and the vacancy rate, and performance management, career development and remuneration and benefits structures. The technical and financial resources made available for inspections and enforcement are also considered.

3.2.1 Human resources

This section provides a current-state view of the human resources in the IES through various dimensions. Additionally, the technical resources and total spend in the Department are presented. The way in which employees are hired, located, and trained has a direct impact on productivity in the Department, and an understanding of the status quo could provide a view on productivity.

3.2.1.1 The role of inspectors

Benjamin notes the main functions of inspectors in the IES⁵²:

1. Advise employees and employers of their rights and obligations in terms of employment laws;
2. Conduct inspections and investigate complaints; and
3. Endeavour to secure compliance with employment laws by securing undertakings or issuing compliance orders.

Labour inspectors have extensive powers to enter workplaces, question persons and inspect documents in order to monitor or enforce compliance with labour laws. These powers are consistent with International Labour Organization (ILO) Convention 81 of 1947 (Convention concerning Labour Inspection in Industry or Commerce). An inspector may enter a workplace (and certain other business premises) at any reasonable time without warrant or notice. A labour inspector may only enter a home with the consent of the owner or occupier or if authorized by the Labour Court.

There are two broad inspector role clusters in the inspectorate function, excluding team leadership and management: generalist inspectors and specialist inspectors. Generalist inspectors are generalists in labour law and conduct inspections across industries and labour law requirements. Specialist inspectors have a specialisation in either a particular set of labour laws, or labour law requirements in a particular industry and thus conduct inspections in one of these two areas.

3.2.1.2 Geographic spread of human resources

Based on 2016 data received from the DOL, there are nine Provincial Offices, one located in each province in South Africa. There are Labour Centres in all nine provinces, totaling 127⁵³. The largest proportion of centres is found in Gauteng (20%), followed by KwaZulu-Natal and Mpumalanga (both 13%). The Northern Cape has the fewest centres, totaling 5% of all centres.

⁵² Benjamin, P. (2011) *Enforcement and sanctions to promote compliance with South African legislation. Industrial law Journal* 32. p. 805– 833.

⁵³ *Organisational Structure for IES Branches. (n.d.). Department of Labour.*

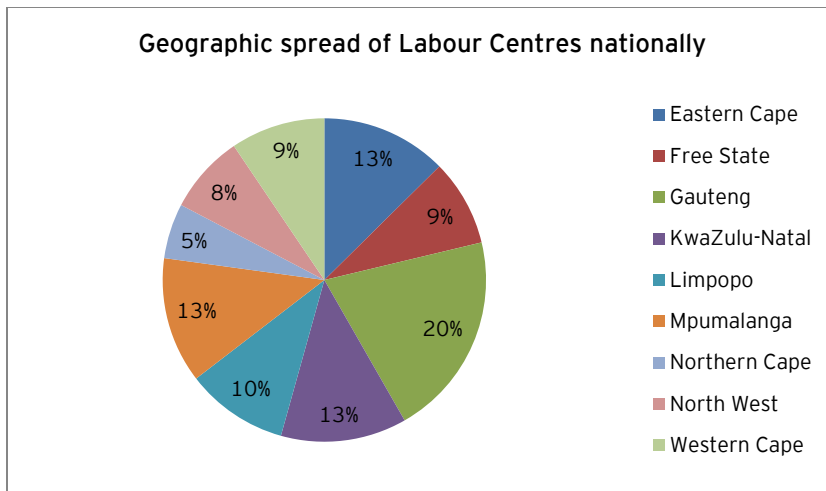


Figure 2: Geographic spread of Labour Centres nationally

Each Labour Centre has a combination of generalist and specialist inspectors, as well as team leaders and management staff. Of the total population of generalist inspectors, the majority are located in Gauteng (22%), followed by KwaZulu-Natal (20%).

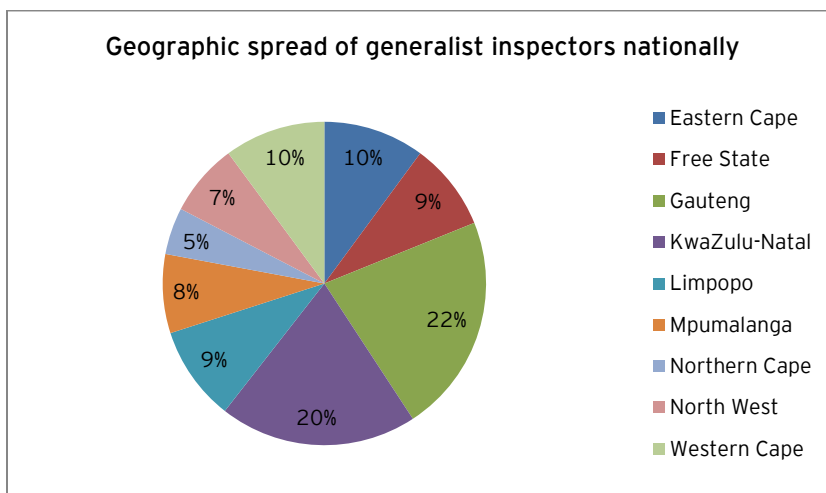


Figure 3: Geographic spread of generalist inspectors nationally

The Northern Cape has the least amount of generalist inspectors, with only 5% of the total population. Of the total population of specialist inspectors, they are almost equally allocated across provinces.

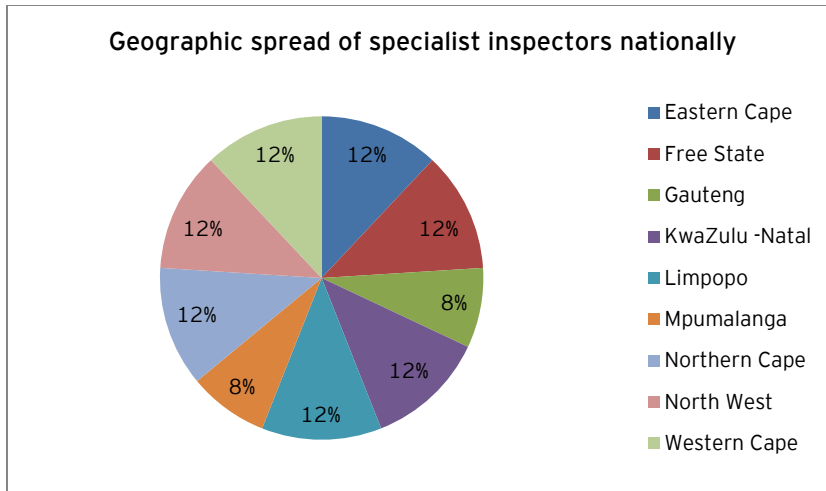


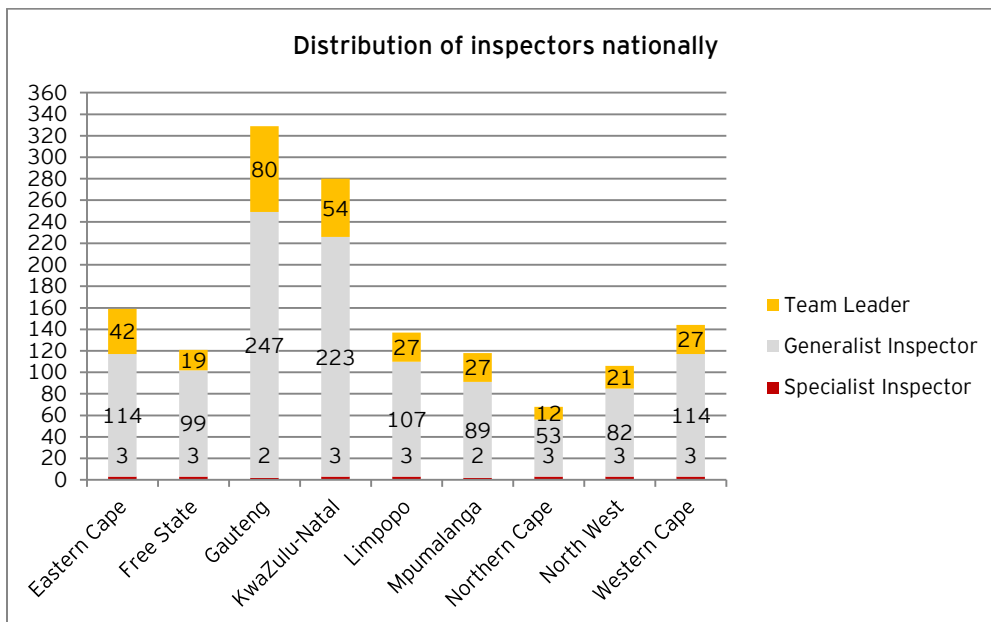
Figure 4: Geographic spread of specialist inspectors nationally

All provinces have the same number of specialist inspectors, excluding Mpumalanga and Gauteng, which have slightly fewer specialist inspectors (2 rather than 3 inspectors).

3.2.1.3 Number of human resources

a) Numbers

This section reviews the numbers, as well as the vacancy and turnover rates of inspectors. Of a total of 1153 inspectors, 1128 are generalists and 25 are specialists⁵⁴. The highest number of inspectors are based on Johannesburg (247 generalists; 2 specialists), the lowest number are allocated to the Northern Cape (53 generalists; 3 specialists). The chart below shows the number of inspectors per province.



⁵⁴ Organizational Structure for IES Branches. (n.d.). Department of Labour.

Figure 5: Number of inspectors per province

The table below shows the ratio of inspectors (total of generalist, specialist and team leader) to the economically active population per province as described in the latest Quarterly Labour Force Survey⁵⁵.

Table 11: Ratio of inspectors to economically active workers per province

Province	Total inspectors	Total economically active population	Ratio
Eastern Cape	159	1 372 000	1: 8 629
Free State	121	795 000	1: 6 570
Gauteng	329	5 011 000	1: 15 231
KwaZulu-Natal	280	2 573 000	1: 9 189
Limpopo	137	1 353 000	1: 9 876
Mpumalanga	118	1 184 000	1: 10 034
Northern Cape	68	302 000	1: 4 441
North West	106	921 000	1: 8 689
Western Cape	144	2 317 000	1: 16 090

The above table shows that the ratio of inspectors to workers is aligned to the recommended ILO benchmark of 1:10 000 in most provinces, excluding Gauteng and Western Cape.

The table below shows the ratio of inspector type (specialist to generalist to team leader) in each province.

Table 12: Ratio of inspector type per province

Province	Specialist : Generalist	Team Leader : Generalist	Team Leader : Specialist
Eastern Cape	1: 38	1: 3	14:1
Free State	1: 33	1: 5	6:1
Gauteng	1: 124	1: 3	40:1
KwaZulu-Natal	1: 74	1: 4	18:1
Limpopo	1: 36	1: 4	9:1
Mpumalanga	1: 45	1: 3	14:1
Northern Cape	1: 18	1: 4	4:1
North West	1: 27	1: 4	7:1
Western Cape	1: 38	1: 4	9:1

When comparing the ratio of specialist to generalist inspectors, for each specialist inspector in Gauteng, there are 124 generalist inspectors. This ratio is not consistent across provinces, with Gauteng having the highest of all provinces, thus this province has the least number of specialist inspectors per generalist inspector nationally. The lowest ratio is for the Northern Cape - with a ratio of one specialist to 18

⁵⁵ Quarterly Labour Force Survey Quarter 3: 2015. Pretoria. Statistics South Africa (2015)

generalist inspectors, therefore this province has the most specialist inspectors per generalist inspector.

When reviewing the ratio of team leaders to generalist inspectors, this ratio is also inconsistent across provinces. The province with the highest ratio is the Free State where there are five generalist inspectors to each team leader, meaning team leaders' span of control of generalist inspectors is the highest in this province, i.e. on average, a team leader in Free State leads more generalist inspectors than a team leader in another province. This ratio is lowest in Eastern Cape, Gauteng and Mpumalanga with only three generalist inspectors to each team leader.

As the number of specialist inspectors is small compared to team leaders and generalist inspectors, the ratio of specialist inspectors to team leaders is more logical when depicted as the number of team leaders to specialist inspector. In this comparison, again the ratio is inconsistent across provinces. Gauteng has the highest number of team leaders to specialist inspectors, with one specialist inspector to 40 team leaders. Northern Cape has the lowest number of team leaders per specialist inspector with four team leaders to each specialist inspector.

b) Vacancies

The DOL Annual Reports describe the vacancies for critical occupations in the Department. These are occupations within the DOL that need to be monitored. Inspectors and Employment Services Practitioners and Career Councilors form part of the critical occupations category. The table and figure below shows the vacancy rates for inspectors over the last five years.⁵⁶

Table 13: Employment and vacancies for the critical occupation of Inspectors over the last five financial years

Year	Approved establishment	Posts filled	Posts not filled	Vacancy rate
2016	1 735	1 553	182	10.5%
2015	1 735	1 599	136	7.8%
2014	1 417	1 324	93	6.56%
2013	1 429	1 366	63	4.4%
2012	1 356	1 251	105	7.7%

⁵⁶ *Annual Reports of the Department of Labour. Pretoria: Department of Labour: 2012-2016*

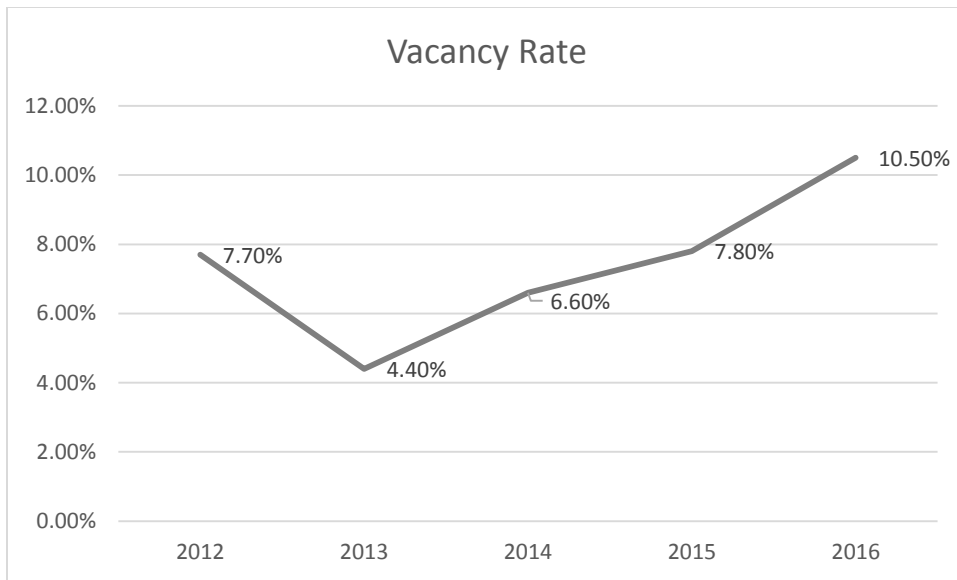


Figure 6: Vacancy rate of inspectors over the last five financial years

The vacancy rate over the last two years have increased with 2016 being the highest over the last 5 years.

c) Turnover

The Annual Reports also provide information on the turnover rates of inspector. The table below shows the turnover of inspectors over the last five years.

Table 14: Turnover rates of Inspectors over the last five financial years

Year	Number of employees at start of period	Turnover rate
2016	1599	2.7%
2015	1450	4.2%
2014	1429	4.8%
2013	1327	3.6%
2012	1234	3.6%

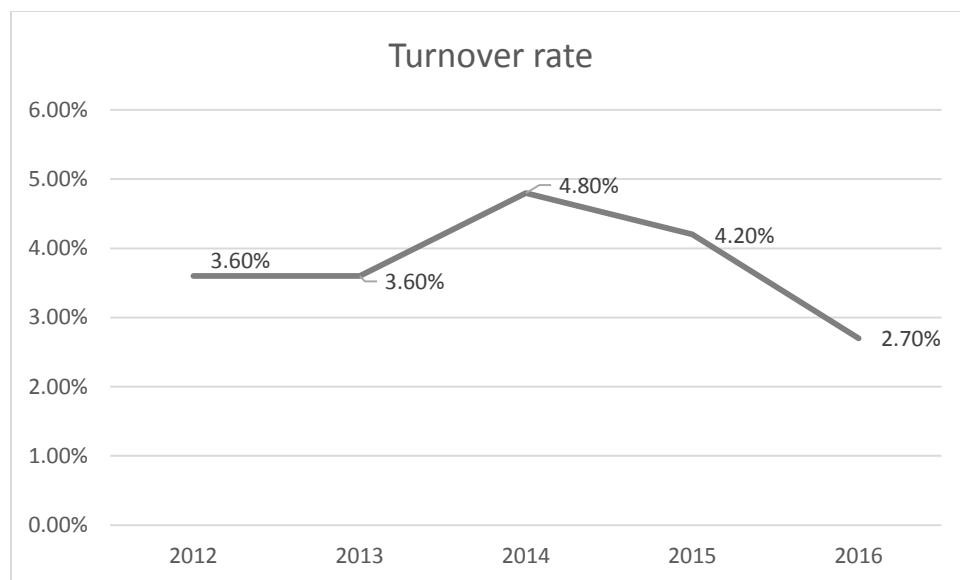


Figure 7: Turnover rate of inspectors over the last five financial years

The turnover rate increased from 2013 to 2014 and then decreased from 2014 to 2016. Specifically, Forbes (2014) indicated that a healthy turnover rate is 15% and below, therefore DOL's turnover rate is within the acceptable range specified by Forbes (2014). However, it was also mentioned that a certain degree of turnover is healthy as it ensures that new employees are coming into the business to bring new ideas and energy.

3.2.1.4 Attraction and recruitment of inspectors

The DOL career management and retention policy details the policy for retention and recruitment as well as career development and succession planning for the Department. Each of these topics is dealt with in their respective sections.⁵⁷

In respect of recruitment, the policy indicates that posts below the Senior Management Service may be advertised internally prior to external advertisement. The policy discusses the use of succession plan lists to identify candidates for shortlisting in an internal recruitment process. Further, the scope and focus of the interviewing panel has been broadened to include not only assessment and determination of relative suitability of candidates, but also addressing critical factors that can lead to premature departure of newly appointed staff, as well as motivation of the envisaged strengths and weaknesses of the on-the-job performance of each candidate.

Methods listed in the policy to attract scarce skills include head-hunting and granting higher salaries in order to counter-offer or attract new employees. Each of these is subject to particular criteria and requires appropriate motivation.

3.2.1.5 Training of inspectors

This section reviews the DOL expenditure for IES on training as well as relevant training provided where

⁵⁷ *Career Management and Retention Policy (2002). Department of Labour*

reported. The table below shows year on year training expenditure and related training provided to Inspectors⁵⁸. No information is provided in the annual reports as to whether the training is held locally or internationally, or on its effectiveness for inspectors in their day to day work.

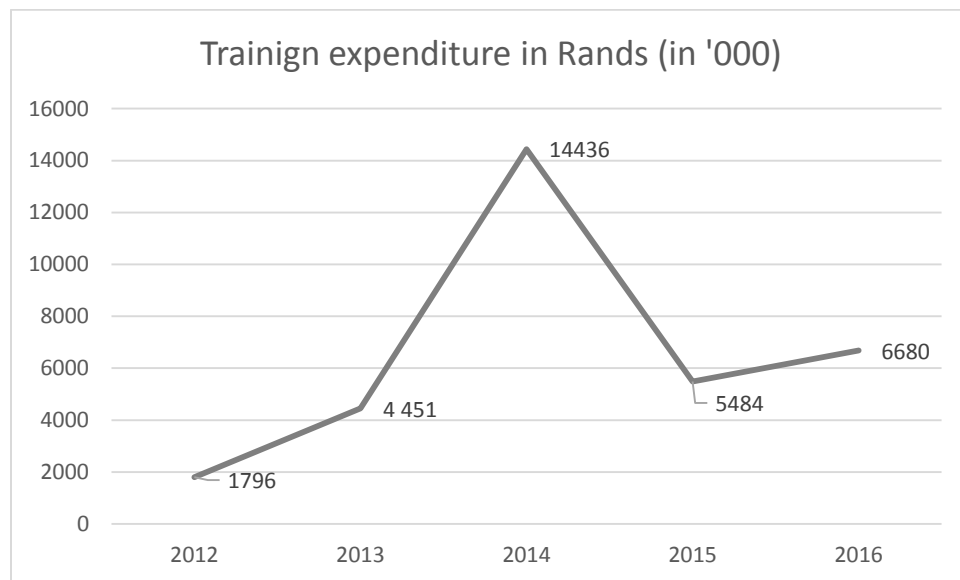


Figure 8: IES training expenditure in Rands for the last five financial years

IES has also conducted education and awareness sessions, as well as training for workers in the industries under its jurisdiction. This is discussed more in the section on the economic landscape of the DOL and IES.

3.2.1.6 Performance management, career progression, remuneration and incentives

The performance goals of the IES department are as follows⁵⁹:

Table 15: Strategic performance goals of IES

Strategic goal	Objective statement	Five year target
Promotion of employment equity in the labour market	Promotion of the transformation of the labour market by inspecting workplaces in order to achieve compliance with Employment Equity legislation	80% of Employment Equity Plans assessed against indicators Ensure that at least 40% of middle and senior management are African by 2018/19
Workers protected through inspection and enforcement of labour legislation	Ensure Decent Work principles are adhered to by protecting workers through the inspection and enforcement of labour legislation	30% increase in number of inspections

⁵⁸ Annual Reports of the Department of Labour. Pretoria: Department of Labour: 2012-2016

⁵⁹ Annual Report of the Department of Labour. (2015/16).

Strategic goal	Objective statement	Five year target
Strengthen occupational safety protection	Ensure that occupational safety of workers is protected through the enforcement of health and hygiene regulations	30% increase in number of inspections

3.2.1.7 Performance management

The DOL career management and retention policy describes performance management in the Department. A summary of the process, according to the policy, is as follows⁶⁰:

- ▶ Each employee must have a performance agreement, cascaded from a work plan, valid for 12 months;
- ▶ The performance agreement -
 - ▶ Must clearly indicate the outputs to be achieved, and each output should be specific and measurable, with clear achievement timeframes;
 - ▶ Must indicate enablers the employee requires to achieve the outputs;
- ▶ Assessment of performance takes place twice a year and an average of the two assessment scores will determine the final score at the end of the 12 month period; and
- ▶ A performance incentive category is linked to the score obtained during assessment.

The performance agreements of the inspectors in the Department are structured in accordance with the Departmental goals and strategic direction. Performance agreements should reflect the Department's goals clearly and defined measures should be identified in the contracts. We have reviewed a sample of performance agreements in accordance with standard performance management practices. The work plans have been associated with some of the goals at the appropriate levels. Specialist Inspectors have a selected focus area and have clear measurable goals associated with them⁶¹.

A shortcoming of the agreements is a lack of quality measures, as inspectors are measured on quantitative outputs only (how many inspections they perform in a month), therefore the focus is on the quantity rather than the quality of inspections conducted.

3.2.1.8 Career development and progression

In respect of career development and progression, the DOL career management and retention policy describes the process and criteria to classify employees for career development and retention, as shown in the table below⁶².

Table 16: Categories for career development and retention

Category	Definition	Action
High flyers	These are employees who are high performers as per performance management policy and are ready for promotion	These employees will be placed onto succession plan list.

⁶⁰ *Career Management and Retention Policy (2002). Department of Labour*

⁶¹ *Performance contracts of various members of IES (2016). Department of Labour*

⁶² *Career Management and Retention Policy (2002). Department of Labour, p.9*

Category	Definition	Action
Critical/scarcce/hot skills	Employees with crucial rare expertise	These employees will be Identified as per the Career Management and Retention Policy Document
Potential for development	Employees with potential for development who must be on an accelerated development program	These employees will have a personal development programme aimed at specifically addressing and closing the skills gap. Once the programme has been completed successfully, these employees can be moved to the succession plan list.

Based on the findings from this study, it appears as though the execution of this policy has not been actioned appropriately within IES, as career progression is a key challenge that emerged from the fieldwork.

3.2.1.9 Remuneration and incentives

Salaries for IES employees are set by the DPSA in agreement with the General Sector Bargaining Council. The average personnel cost is comprised of the salary, overtime and home owner's allowance. Some inspectors are also allocated a standby allowance. The Annual Reports provide the average annual cost per employee⁶³. The table below shows the average annual cost per employee over the last five financial years.

⁶³ *Annual Reports of the Department of Labour. Pretoria: Department of Labour: 2012-2016*

Table 17: Average annual cost per employee in IES for the last five financial years

Year	Average annual cost per IES employee
2016	R 120 000
2015	R 110 000
2014	R 109 000
2013	R 97 000
2012	R 87 000

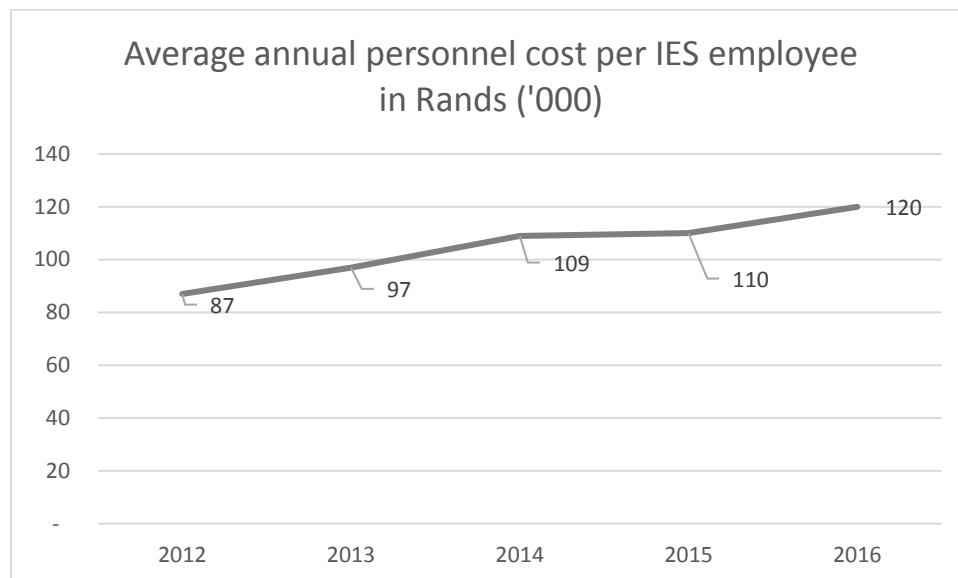


Figure 9: Average cost per employee over the last five financial years

In respect of benchmarks, limited information was made available regarding wage levels. However, Appendix E provides a comparison of average annual costs per employee between the South African Inspectors' and the Spanish Inspector Services' inspectors. There is quite a significant difference in wage levels between South Africa and Spain.

3.2.1.10 Retention

The DOL career management and retention policy provides mechanisms to be employed for retention of staff⁶⁴. These mechanisms include:

- ▶ Job rotation with the aim of multi-skilling;
- ▶ Identifying scarce and critical skills, as well as key posts for evaluation;
- ▶ Enhancing the culture of recognising positive effort and staff achievement;
- ▶ Well-structured and well-organised exit interviews.

⁶⁴ *Career Management and Retention Policy (2002). Department of Labour*

3.2.2 Technical resources

Labour inspectors are required to have certain equipment and technical resources in order to achieve their targets as well as for health and safety regulations. The inspectors are also required to travel extensively if the need arises for specialist knowledge or additional capacity.

According to the Cellphone Policy all inspectors are entitled to a cellphone and should apply to their relevant manager, a limit is set on the monthly amount which can be incurred, for which exceptions may be made under certain circumstances relating to the location or difficulty of inspections.

The policy on personal protective equipment and clothing for inspectors for national inspection, highlights the equipment that should be provided to the inspectors that do fieldwork, the table below identifies what should be provided to the inspectors.

Table 18: Equipment issued to all inspectors

Article	Quantity	Frequency
Safety shoes, black / brown with steel toe cap and neoprene sole	2 pairs per inspector	Every 3rd year
Overalls: overcoat & two piece (department logo & name)	2 per inspector	Every year
Hard hat (logo & name)	1 per inspector	Replacement in case of damage or lost ⁶⁵

The following are to be kept at the Labour Centers as and when needed, these items are for industries and workplaces that require this equipment as per health and safety requirements.

Table 19: Personal protection equipment for inspectors available at Labour Centres

Article	Quantity	Frequency
Disposable Ear plugs	For each office	To be replaced as per manufacturer's instructions
Disposable Masks	For each office	To be replaced as per manufacturers' instructions
Safety goggles	For each office	When required ⁶⁶

The next table identifies the equipment that should be available to inspectors at the Labour Centers. The issue that may arise is the amount and the control over these items, labour inspectors may be forced to cancel or delay inspections because of the lack of equipment. There should be proper control mechanisms put in place to monitor the equipment as well as maintenance on this equipment should be done regularly⁶⁷.

⁶⁵ *Personal Protective Equipment policy 1*

⁶⁶ *Personal Protective Equipment policy 1*

⁶⁷ *Personal Protective Equipment policy 1*

Table 20: Technical equipment available to inspectors at Labour Centres

Technical Equipment
1. Cameras
2. Electrical installation testers
3. Torches
4. Loop tester
5. Calculators
6. Monitoring equipment:
7. Multimeter
8. Noise meters
9. Insulation tester
10. Polarity tester
11. Lux meters (light)

3.2.3 Performance of IES

With a view of the IES' mandate, structure, strategy, desired approaches to inspections and enforcement, and resources, it is appropriate that the performance of the IES over the last few financial years is now examined, based on available data.

3.2.3.1 Spend of allocated budget

For the last five financial years, IES has been allocated roughly one fifth of the total DOL programme budget:

Table 21: IES budget allocation for the financial periods 2011/2012 - 2015/2016

Period	IES budget (000's)	Proportion of overall DOL programme spend
2015/2016	R 472 894	18%
2014/2015	R 432 405	17%
2013/2014	R 412 213	17%
2012/2013	R 400 376	19%
2011/2012	R 375 749	19%

In the 2015/2016 period, the IES budget was completely spent with no over-spend or under-spend. In 2014/ 2015 period, there was under-spend of R1527. In the 2013/2014 period, the IES budget was underspent by R 14 598 000, primarily attributed to "vacancies and to less than anticipated orders being processed for the procurement of IT and office equipment."⁶⁸ For the period 2012/2013, the IES budget was underspent by R 4 802 000, no reason appears to be provided⁶⁹. In the 2011/2012 period, no under-or over-spend was achieved⁷⁰.

3.2.3.2 Achievement of strategic objectives

IES' performance in respect of achieving strategic goals indicates that 2012/ 2013 and 2013/ 2014 were more successful in terms of achieving their goals, as opposed to 2014/ 2015 and 2015/ 2016. In particular, 2015/ 2016 strategic goals were 68% achieved.

The 2015/ 2016 strategic goals that were not achieved include:

- ▶ Promote equity in the labour market:
 - Percentage of non-compliant employers of those reviewed in reference to issue with a recommendation within 90 days of the review.
- ▶ Workers protected through inspection and enforcement of labour legislation:
 - Percentage of non-complying workplaces inspected per year dealt with in terms of the relevant labour legislation.
 - Number of advocacy and educational sessions conducted per year in identified sectors.
 - Percentage of inspections on request for work permits conducted within 5 working days.

⁶⁸ *Annual Report of the Department of Labour. (2013/14).*

⁶⁹ *Annual Report of the Department of Labour. (2012/13).*

⁷⁰ *Annual Report of the Department of Labour. (2011/12).*

- ▶ Strengthen occupational safety protection:
 - Percentage of non-complying workplaces inspected per year with reference to 3.1 dealt with in terms of the OHS legislation.
 - Percentage of applications for registration of entities processed within 4 weeks.

These are the strategic objectives that would have to be improved on during the next financial year. Appendix F provides an overview of IES' achievement of strategic goals over the past 4 financial years.

3.2.3.3 Comparison of IES against convention 81 standards

The table below is a high-level review of how IES has fulfilled its obligations in respect of the standards defined by the ILO in convention 81, based on the information available.

Table 22: Review of how IES has met convention 81 requirements

Article	Summary	Has IES met this?
1, 22	A system of labour inspection exists.	Yes, by virtue of the existence of IES.
2, 23	Application of the labour inspection system applies to all workplaces where legal provisions relating to conditions of work and protection of workers (including, hours, wages, safety, health, welfare, children) while engaged in work are enforceable by inspectors. Mining and transport may be partially exempt.	Yes, as defined in the BCEA.
3, 24	The labour inspection system has sufficient authority to execute its duties.	Yes, as defined in the BCEA.
	Duties are carried out impartially by inspectors.	The fieldwork confirmed that there have been reports of inspectors not carrying out their duties impartially.
4, 24	The inspectorate is under a central control body.	Yes, as defined in the BCEA.
5, 24	The inspectorate co-operates with other government departments.	To a certain degree. There are no collaboration mechanisms currently in place and so, Labour Centres are expected to form their own collaboration mechanisms with other government departments.
	The inspectorate collaborates with employers, unions and workers.	Yes, as specified in the fieldwork.
6, 24	Stability of employment of those in the inspectorate services.	Not within the scope of this project.
7, 24	Method of recruitment and selection of inspectors.	Yes, as defined in the BCEA. The IES has a method of recruitment and selection, however, the fieldwork and online survey indicate that this may not be the best method to use.
8, 24	Inspectors of both genders are eligible for appointment (split or special duties).	Yes, as described later in this report.

Article	Summary	Has IES met this?
9, 24	Inspectors with specialist skills are appointed.	In theory, this is what is stated. However, on the ground, as a result of the fieldwork conducted, many inspectors are under the impression that this is not the case.
10, 24	The number of inspectors is sufficient to effectively discharge duties with regard for a set of variables.	The number of inspectors differ per Labour Centre and the fieldwork revealed that in not all cases is the number of inspectors sufficient.
11, 24	Offices, equipment and transport for inspectors to execute their duties, etc.	The fieldwork proved that the facilities that inspectors work in are not conducive to high productivity. Equipment and transport is also not evenly distributed.
12, 24	Credentials and access for inspectors.	Yes, as defined in the BCEA. Private households and farms are very difficult for inspectors to gain access into.
13, 24	Powers of inspectors.	Yes, as defined in the BCEA and amendments. Lack of an enforcement strategy is impacting on the ability of inspectors to enforce effectively.
14, 24	The inspectorate will be notified of industrial accidents, etc.	Yes, as defined in the OHS Act and COIDA
15, 24	Conflict of interest, penalties for revealing secrets discovered during execution of their duties, confidentiality of complaints and consequences and discipline for breaking these.	There are mechanisms in place for disciplinary action by the IES.
17, 24	Regularity of inspections.	Yes, to a certain degree. This is elaborated further in the fieldwork findings.
18, 24	Prosecutions, penalties, recommendations and advice in lieu of proceedings.	This is not achieved due to the current enforcement mechanisms in place.
19, 20, 21, 24	Reporting.	Yes, as discussed throughout this report. However, reporting can be improved to be more standardised across provinces.

The 'Recommendations' section of this report provides some key suggestions as to how IES can improve its efficiencies and address some of the Convention 81 requirements that IES has not fulfilled to date. Many of the research findings correspond directly to IES having not fulfilled all of the IES Convention 81 requirements.

3.2.3.4 Comparison of self-reported data against convention 81 requirements

In an analysis of 2013/14 data provided by Boikie Mampuru⁷¹, articles 8, 9 and 24 of convention 81 are being upheld by IES as illustrated in the table below, showing both genders as well as specialist skills reflected in the inspector complement.

Resources

Table 23: Numbers of inspectors by province, inspection category and gender

Province	Inspectors by categories					Sub-total	Inspectors by gender		Sub-total
	Specialist inspectors	Employer audit	Provincial inspectors	Labour Relations inspectors	OHS inspectors		Female	Male	
Eastern Cape	3	12	8	132	18	173	77	85	162
Free State	2	4	4	66	10	86	39	53	92
Gauteng	2	18	12	279	36	347	122	110	232
KwaZulu-Natal	3	14	7	196	32	252	112	116	228
Limpopo	3	10	9	62	17	101	29	50	79
Mpumalanga	3	10	8	98	11	130	50	62	112
North West	3	10	8	81	16	118	55	39	94
Northern Cape	2	4	5	38	6	55	18	37	55
Western Cape	4	16	4	26	6	56	24	34	58
Total	25	98	65	978	152	1318	526	586	1112

Further, the tools provided to inspectors are documented in the three figures below, showing IES' compliance to articles 11 and 24 of convention 81.

⁷¹ Mampuru, B. (2014) *Inspection and Enforcement Services Report 2014*. Department of Labour

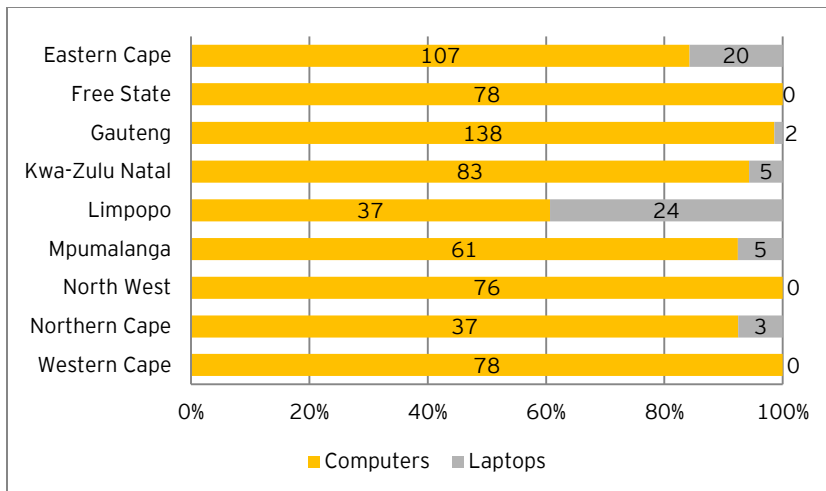


Figure 10: Equipment (computers and laptops) allocated to inspectors per province

The largest number of computers was allocated to Gauteng (138), with Limpopo and Northern Cape receiving the fewest (37 each). Limpopo received the most number of laptops (24), whilst Western Cape, Free State and North West did not receive any.

In relation to the Inspector Survey that was conducted as part of this research, the inspectors that completed the survey indicated that the Western Cape was most satisfied with the number of desktop computers made available to them, while Limpopo was the least satisfied. Regarding laptop distribution, the majority of provinces were satisfied with the distribution of laptops (refer to Appendix N).

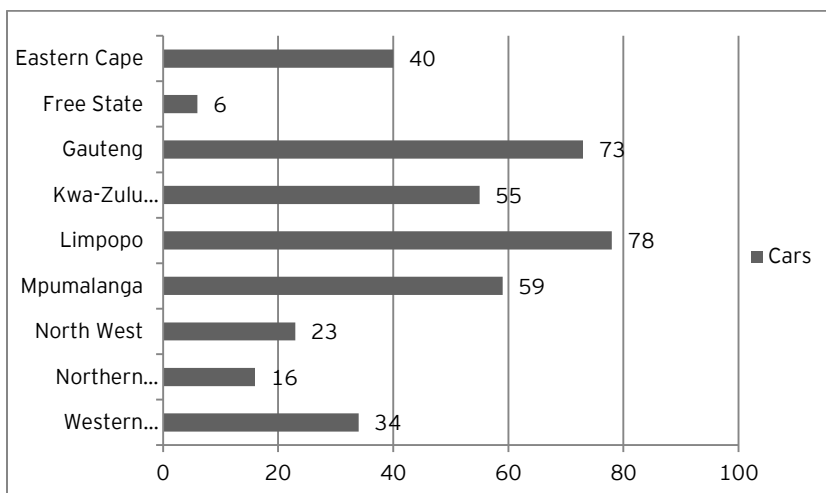


Figure 11: Transport (cars) allocated to inspectors per province

The most number of cars was allocated to inspectors in Limpopo (78), whilst the least number of cars was allocated to inspectors based in the Free State (6).

In relation to the Inspector Survey that was conducted as part of this research, the inspectors that completed the survey indicated that the majority of provinces are satisfied with the number of cars made available to them. Gauteng provinces was the least satisfied with the number of cars made available to them, while the Western Cape was the most satisfied with the number of cars made available to them

(refer to Appendix N).

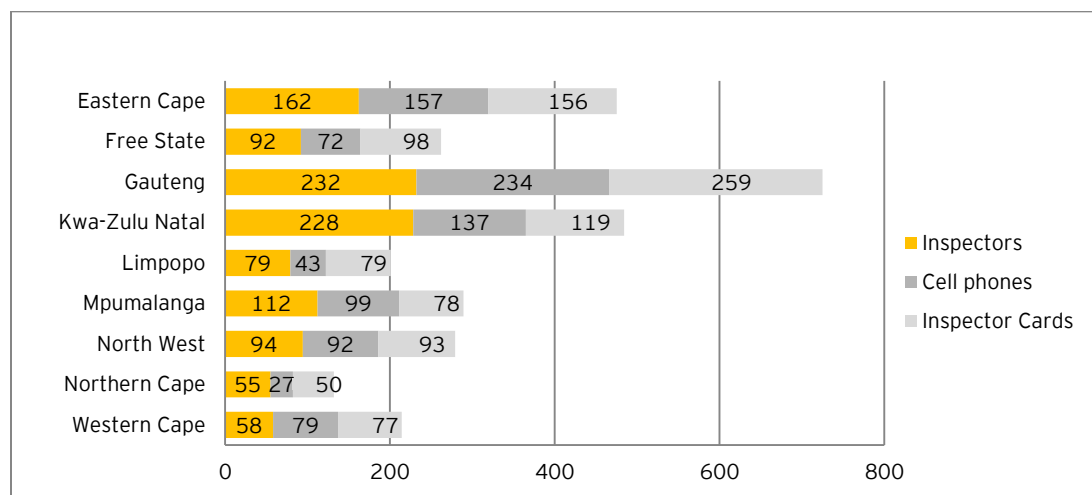


Figure 12: Equipment (cellphones and inspector cards) allocated to inspectors per province

The highest number of cellphones was provided to inspectors in Gauteng (234), whilst Northern Cape has the lowest number of cellphones allocated (27). The highest number of inspector cards is also found in Gauteng (259), with the lowest number again allocated to Northern Cape (50). The figure above also illustrates IES' compliance with articles 12 and 24 of convention 81, in respect of credentials (cards) provided for inspectors to execute their duties.

In relation to the Inspector Survey, the inspectors that completed the survey indicated that all of provinces are satisfied with their cellphones (refer to Appendix N).

Activities

The table below evidences IES' compliance with article 2 of convention 81, effectively, that the inspectorate is conducting inspections.

Table 24: Inspections conducted for the 2013/14 period per province by Act ⁷²

Province	BCEA	EEA	UIA Audits	OHSA	Total
Eastern Cape	13 076	54	594	3126	16850
Free State	9429	0	894	1327	11650
Gauteng	14 534	80	908	11 133	26655
KwaZulu-Natal	24 041	74	913	11 422	36 450
Limpopo	5330	1048	799	2716	9893
Mpumalanga	9391	21	563	2468	12 443
North West	7 777	0	589	2590	10 956

⁷² Department of Labour Annual Report (2013/14). The last two financial year annual reports do not provide this breakdown.

Province	BCEA	EEA	UIA Audits	OHSA	Total
Northern Cape	5028	22	465	608	6123
Western Cape	9121	19	12	1443	10 595
Total	97 727	1318	5737	36 833	141 615

The most number of inspections were conducted on the BCEA, in Kwa-Zulu Natal (24 041), the least number of inspections were conducted on the Employment Equity Act in both Free State and North West (0). All provinces conducted the most inspections relating to the BCEA.

For those inspections conducted on compliance with the BCEA, the following outcomes were documented:

Table 25: Number of inspectors, number of inspections conducted and outcomes on inspections conducted on BCEA compliance, per province

Province	Labour Relations inspectors	Inspections conducted	Notices issued	Undertakings	Compliance orders	Referred to court	Variations granted
Eastern Cape	132	13 076	3454	3298	156	249	12
Free State	66	9429	1961	1117	76	48	59
Gauteng	279	14 534	173	1396	95	140	29
KwaZulu-Natal	196	24 041	3196	3144	133	383	39
Limpopo	62	5330	3533	3134	29	1	43
Mpumalanga	98	9391	1724	1712	11	5	52
North West	81	7777	1324	1210	108	3	69
Northern Cape	38	5028	517	364	36	31	26
Western Cape	26	9121	0	2128	525	60	0
Total	978	97 727	15 882	17 503	1169	920	329

Kwa-Zulu Natal conducted the most BCEA compliance inspections (24 041). The highest number of notices issued was in Limpopo (3533), the highest number of undertakings obtained was in Eastern Cape (3298), whilst Western Cape had the highest number of compliance orders (525). The most referrals to court were in Kwa-Zulu Natal (383) and North West saw the most variations granted (69). No notices were issued or variations were granted in Western Cape and only one referral was made to court in Limpopo over the period.

For those inspections conducted on compliance with the OHS, the following outcomes were documented:

Table 26: Number of inspectors, number of inspections conducted and outcomes on inspections conducted on

OHS compliance, per province

Province	OHS inspectors	Inspections conducted	Notices issued	Undertakings	Compliance orders	Referred to court
Eastern Cape	18	2136	746	0	671	11
Free State	10	1327	549	21	528	6
Gauteng	36	11 133	430	48	323	66
KwaZulu-Natal	32	11 422	2605	74	2421	110
Limpopo	17	2716	456	6	490	0
Mpumalanga	11	2468	168	12	156	0
North West	16	2590	332	51	310	0
Northern Cape	6	608	140	10	124	1
Western Cape	6	1443	339	51	554	0
Total	152	36 833	5765	273	5577	194

Kwa-Zulu Natal conducted the most OHS compliance inspections (11 422), issued the most notices (2605), obtained the most undertakings (74) and the most compliance orders of all provinces (2421), as well as having the most cases referred to court (110). Eastern Cape obtained no undertakings during the period. Limpopo, Mpumalanga, North West and Western Cape had no referrals to court during the period.

For those inspections conducted in compliance with the Employment Equity Act, the following outcomes were documented:

Table 27: Number of inspections conducted and outcomes on inspections conducted on Employment Equity Act compliance, per province

Inspections	Notices Issued	Undertakings	Compliance Orders	Referred to Court
Limpopo conducted the highest number of EEA inspections (1 048).	The highest number issued was in Limpopo (1318).	Limpopo obtained the highest number of undertakings (1066).	Gauteng issued the highest number of Compliance Orders (35).	Eastern Cape referred the most, 11 cases to court.
No inspections conducted in Free State and North West	Free State, North West, Northern Cape and Western Cape that issued no notices.	The other eight provinces obtained no undertakings	Mpumalanga and Western Cape issued no Compliance Orders	There were no cases referred to court in seven provinces, except Mpumalanga

For those inspections conducted on compliance with the Unemployment Insurance Act, the following outcomes were documented:

Table 28: Number of audits conducted and outcomes on inspections conducted on Unemployment Insurance Act compliance, per province

Audits	Notices Issued	Undertakings	Compliance Orders	Referred to Court
Kwa-Zulu Natal conducted the most audits (913), and Western Cape, the least (12)	Limpopo issued the most notices (429), followed by North West (340). No notices were issued by Gauteng, Kwa-Zulu Natal and Western Cape	Limpopo had the most undertakings (429), and Gauteng and Kwa-Zulu Natal had the least (0).	Eastern Cape had the most compliance orders (84), followed by North West (26). The other provinces had no compliance orders.	No data

For those employee complaints received, the following outcomes were documented:

Table 29: Employee complaints, duration to settlement and percentage of settled complaints

Province	Complaints received in 2013/2014	Complaints settled within 14 days	% of settled complaints
Eastern Cape	5024	2391	47.6%
Free State	5901	4852	82.2%
Gauteng	36 170	22 916	63.4%
KwaZulu-Natal	9603	7851	81.8%
Limpopo	2596	1664	64.1%
Mpumalanga	10 658	9095	85.3%
North West	1682	1267	75.3%
Northern Cape	2707	2447	90.4%
Western Cape	1674	1369	81.8%
Total	76 015	53 852	70.8%

Gauteng received and settled the most complaints in the prescribed time (36170; 22916). Northern Cape has the highest percentage of settled complaints (90.4%).

IES shows compliance with articles 15 and 24 of convention 81 by documenting complaints against inspectors. There were four complaints against Inspectors reported in Free State, two in Western Cape and one in both Gauteng and Mpumalanga. The remaining provinces did not report the complaints against Inspectors. Overall, there were eight complaints against inspectors across the country. No data is provided in respect of how these complaints were dealt with.

IES demonstrates compliance with articles 14 and 24 of convention 81 by documenting non-fatal and fatal incidents reported to inspectors as shown in the tables below.

Table 30: Non-fatal incidents reported and finalized per province

Province	Non- fatal incidents reported	Non- fatal incidents finalised	Percentage
Eastern Cape	137	137	100%
Free State	22	5	22.7%
Gauteng	613	458	74.7%
KwaZulu-Natal	521	322	61.8%
Limpopo	16	11	68.8%
Mpumalanga	28	18	64.3%
North West	60	29	48.3%
Northern Cape	5	1	20.0%
Western Cape	32	29	90.6%
Total	1434	1010	70.4%

The most incidents were reported and finalized in Gauteng (613; 458). Eastern Cape has a 100% finalization rate.

Table 31: Fatal incidents reported and finalized per province

Province	Fatal incidents reported	Fatal incidents finalised	Percentage
Eastern Cape	28	24	85.7%
Free State	15	0	0%
Gauteng	256	71	27.7%
KwaZulu-Natal	0	0	0%
Limpopo	6	4	66.7%
Mpumalanga	30	18	60%
North West	9	14	N/A
Northern Cape	12	5	41.7%
Western Cape	46	45	97.8%
Total	402	181	45%

The most incidents were reported and finalized in Gauteng (256; 71), while Western Cape had the highest percentage finalization rate (97.8%).

Of the OHS Act investigations, Kwa-Zulu Natal finalised 673 cases and has the most outstanding (250).

Gauteng has the most cases referred to court (71).

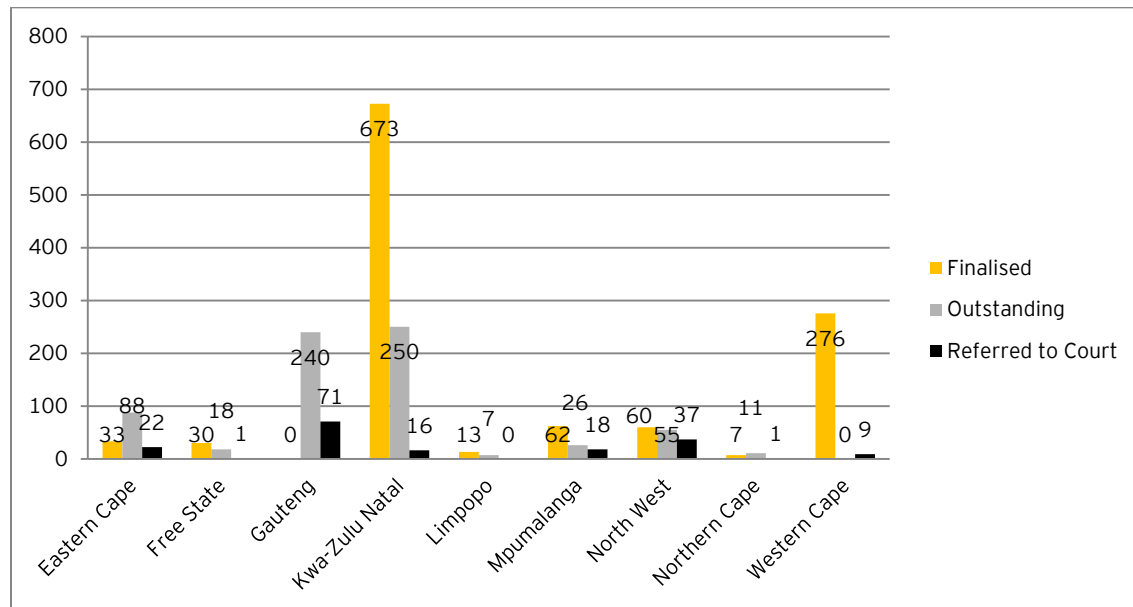


Figure 13: Occupational Health & Safety Act investigations finalised, outstanding and cases referred to court

Additionally, three cases of child labour were in Free State and one was reported in the Eastern Cape. The remaining provinces did not report cases of child labour. Inspectors reported five cases in the Free State for obstruction of their duties, followed by Eastern Cape, Mpumalanga and Northern Cape reporting one case each. The remaining provinces did not report cases for obstruction of duties.

The fieldwork to be undertaken as part of this project assisted in providing information where compliance was not unclear.

3.3 External policy environment

In order to gain a holistic understanding of the IES, it is important to understand the external environment in which the IES operates and with whom IES collaborates. For the purpose of this report, the external policy environment has been researched within a South African and international context. Therefore, the purpose of this section is to investigate key areas of collaboration in the external policy environment that affects the IES mandate.

3.3.1 Other Government Departments

3.3.1.1 Other governmental departments which have their own inspection services

Almost all other government departments conduct their own inspections relevant to the specific legislation governing them. From the research conducted, it has been identified that many government departments may require inter-departmental cooperation based on applicable legislation. In addition, although most of the inspections that are conducted across different government departments are aligned to the powers of inspectors as specified in the BCEA, there are a few fundamental differences that have been noted.

The table provided on the following page outlines different government departments and how their inspections may differ from the IES inspections.

Table 32: Government Departments and their respective inspections processes

Governmental Departments	Relevant legislation	Type of inspection	Powers of inspectors
Department of Labour	Basic Conditions of Employment Act, No. 75 of 1997	Labour inspectors: to promote, monitor and enforce compliance with employment law	<p>The Basic Conditions of Employment Act (BCEA), No. 75 of 1997 (sections 65- 66) describe the extensive powers of labour inspectors to enter workplaces, question persons and inspect documents in order to monitor or enforce compliance with labour laws. An inspector may enter a workplace (and certain other business premises) at any reasonable time without warrant or notice. A labour inspector may only enter a home with the consent of the owner or occupier or if authorised by the Labour Court.</p> <p>All relevant legislation pertaining to the Department of Labour is aligned to the powers of labour inspectors as specified in the BCEA.</p>
	The Skills Development Act No. 97 of 1998 (as amended)		
	The Employment Services Act, No. 4 of 2014		
	Occupational Health and Safety Act, No. 85 of 1993		
	Employment Equity Act, No. 55 of 1998		
	Unemployment Insurance Contributions Act, No. 4 of 2002		
	Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993		
Department of Agriculture	Agricultural Pests Act, No. 36 of 1983	Agricultural Products Inspection Service (APIS): to inspect plant health, quality assurance, genetic resources, liquor products and animal health	<p>The powers of inspectors in these Acts are consistent with that of the BCEA. However, in the Acts relating to the Department of Agriculture, executive officers or directors have the power to inspect if appointed by the Minister. Some of the Acts pertaining to the APIS, require inspectors to issue a written letter of authorization or have a warrant before accessing the site. The Acts that require a warrant include:</p> <ul style="list-style-type: none"> ▶ Agricultural Products Standards Act, 1990 (Act no. 119 of 1990) ▶ Animal Disease Act, No. 35 of 1984 (Section 16, 1-3) ▶ Genetically Modified Organisms Act, 1997 (Act no.15 of 1997) ▶ Meat Safety Act, 2000 (Act no. 40 of 2000) ▶ Plant Breeder's Right Act, 1976 (Act no.15 of 1976)

Governmental Departments	Relevant legislation	Type of inspection	Powers of inspectors
			► Plant Improvement Act, 1976 (Act no. 53 of 1976)
Department of Mineral Resources	Mine, Health and Safety Act, No. 29 of 1996	Mine, Health and Safety Inspectorate: to execute the statutory mandate of the Department of Mineral Resources to safeguard the health and safety of mine employees and communities affected by mining operations	The powers of the Mine, Health and Safety Inspectorates are aligned to the inspector powers outlined in the BCEA. Inspectors do not have to issue a warrant when inspecting a mine. However, any household that may be built on the land of the mine would require a warrant to be issued.
Department of Environmental Affairs	National Environmental Management Act, No. 107 of 1998	Environment Management Inspectorate (EMI): environmental enforcement officials from various national, provincial and municipal government departments created by National Environmental Management Act (NEMA)	The Environment Management Inspectors (EMIs) have the same powers as listed in the BCEA. It must be noted that EMIs are not empowered to prosecute cases in court. All cases continue to be handed over to the National Prosecuting Authority (NPA) for prosecution. The EMIs therefore work closely with prosecutors across the country to ensure the successful prosecution of offenders. EMIs also work very closely with the South African Police Services (SAPS). In terms of NEMA, all police officers have the powers of an EMI.
Department of Home Affairs	Immigration Act, No. 13 of 2002	Immigration Inspectorates: to investigate and report on illegal foreigners at the individual and organisational level	Immigration inspectors mostly have the same powers as listed in the BCEA. However, if an immigration inspector would like to call upon any person to be questioned then the inspector would have to provide notice in writing. In addition, if the inspector would like to enter or search any premise to investigate any matters relating to this Act then they will have to have issued a warrant.

Governmental Departments	Relevant legislation	Type of inspection	Powers of inspectors
<p>Department of Health</p>	<ul style="list-style-type: none"> ▶ Medicines and Related Substances Act, No. 101 of 1965 ▶ Foodstuffs, Cosmetics and Disinfectants Act, No. 54 of 1972 (as amended) ▶ Hazardous Substances Act, No. 15 of 1973 ▶ Occupational Diseases in Mines and Works Act, No. 78 of 1973 ▶ Health Professions Act, No. 58 of 1974 (as amended) ▶ Pharmacy Act, No. 53 of 1974 (as amended) ▶ Dental Technicians Act, No. 19 of 1979 ▶ Allied Health Professions Act, No. 63 of 1982 (as amended) ▶ Human Tissue Act, No. 65 of 1983 ▶ National Policy for Health Act, No. 116 of 1990 ▶ South African Medical Research Council Act, No. 58 of 1991 ▶ Academic Health Centres Act, No. 86 of 1993 ▶ Choice on Termination of Pregnancy Act, No. 92 of 1998 ▶ Sterilisation Act, No. 44 of 1998 ▶ Medical Schemes Act, No. 131 of 1998 ▶ Tobacco Products Control Amendment Act, No. 12 of 1999 (as amended) ▶ National Health Laboratory Service Act, No. 37 of 2000 ▶ Council for Medical Schemes Levy Act, No. 58 of 2000 ▶ Mental Health Care Act, No. 17 of 2002 	<p>Health Inspectors: the supervision and safeguarding of environmental sanitation, food, water supplies, housing conditions and the prevention of disease</p>	<p>The Health Inspectors mostly have the same powers as listed in the BCEA, however the nature of their inspection will differ according to their area of focus.</p> <p>In some Acts, only medical examiners will be able to carry out inspections relating to any medical examination. Most inspectors, if they are not a professional in the area of scope, will have to be monitored by the relevant professionals while conducting the inspections.</p>

Governmental Departments	Relevant legislation	Type of inspection	Powers of inspectors
South African Maritime Safety Authority (SAMSA)	<ul style="list-style-type: none"> ▶ Nursing Act of 2005 ▶ SAMSA Act, 1998 (“the Act”). ▶ Merchant Shipping Act, 1951 ▶ Marine Traffic Act, 1981 ▶ Marine Pollution (Control and Civil Liability) Act, 1981 ▶ Carriage of Goods by Sea Act, 1986 ▶ Marine Pollution (Prevention of Pollution from Ships) Act, 1986 ▶ Marine Pollution (Intervention) Act, 1987 ▶ Maritime Zones Act, 1994 ▶ Wreck and Salvage Act, 1996 ▶ SAMSA Levies Act, 1998 ▶ Ship Registration Act, 1998 	Port State Control Inspections and inspections of ships and cargoes of timber, grain and hazardous goods	The powers of inspectors are mostly aligned to the BCEA. However, it must be noted that surveyors or officers within the marine economy are expected to conduct inspection services. A surveyor or officer may inspect any ship or property while it is within the Republic of South Africa, regardless of whether the property is registered in South Africa. The Marine Pollution Act extends inspection services to be conducted by the South African Police Service or the South African National Defense Force when inspecting ships and tankers in relation to harmful substances.
Civil Aviation Authority (CAA)	<ul style="list-style-type: none"> ▶ Air Services Licensing Act No. 115 of 1990 ▶ Air Traffic and Navigation Services Company Act No. 45 of 1993 ▶ Airports Company Act No. 44 of 1993 ▶ Aviation Act No. 74 of 1962 ▶ Carriage by Air Act No. 17 of 1946 ▶ Civil Aviation Act No. 13 of 2009 ▶ Convention on International Interests in Mobile Equipment Act No. 4 of 2007 ▶ Convention on the International Recognition of Rights in Aircraft No. 59 of 1993 ▶ International Air Services Act No. 60 of 1993 ▶ South African Airways Act No. 5 of 2007 ▶ South African Civil Aviation Authority Levies Act No. 41 of 1998 	<p>The CAA Flight Inspection Unit ensures that navigational aids in South Africa are safe, by focusing on two distinct areas:</p> <ul style="list-style-type: none"> ▶ It carries out precision certification for the commissioning of newly installed air navigation systems ▶ It periodically checks the technical and operational parameters of existing surveillance and navigational aid instruments. <p>The CAA Flight Inspection Unit</p>	The powers of inspectors are outlined in the Civil Aviation Act, No. 13 of 2009. These powers are aligned to that of the BCEA. However, the Civil Aviation Act, No. 13 of 2009 specifies that the inspector needs to display his or her certificate of authorization to inspect when requested. In addition, any personal or confidential information gathered by the inspector cannot be made public or disclosed to any other person without the permission of the person to whom the information relates. The Act also specifies the conditions and powers of inspectors when they conduct an inspection with the purpose of gathering evidence to potentially prosecute a person. This type of inspection requires a warrant otherwise no inspection is allowed to commence.

Governmental Departments	Relevant legislation	Type of inspection	Powers of inspectors
	<ul style="list-style-type: none"> ▶ South African Express Act No. 34 of 2007 ▶ South African Maritime and Aeronautical Search and Rescue Act No. 44 of 2002 	<p>provides the following services:</p> <ul style="list-style-type: none"> ▶ Site evaluation ▶ Commissioning ▶ Routine ▶ Special ▶ After accident ▶ Surveillance ▶ Calibration. 	
<p>Railway Safety Regulator (RSR)</p>	<ul style="list-style-type: none"> ▶ National Railway Safety Regulator Act No. 16 of 2002 	<p>The role of the Operations department within the RSR is to monitor and enforce safety compliance in the rail sector by:</p> <ul style="list-style-type: none"> ▶ issuing safety permits ▶ Proactively conducting inspections and audits. 	<p>The powers of railway safety inspectors are aligned to the inspector powers outlined in the BCEA. However, any inspector entering a property must, at the request of any person on that property, identify himself or herself and display the certificate of appointment.</p>

3.3.1.2 Other government departments with which the IES collaborates/ interacts

For the IES to work effectively and to apply consistent labour standards across the country, it is important that the IES is consistent with local Government and Government- related agencies. The IES interacts with various Governmental departments and it is important to understand the relationships that exist. A few of these relationships are outlined below:

a) National Nuclear Regulator

Often the IES may have an overlap of roles with other Government departments and therefore require a high degree of collaboration between the two. For example, the National Nuclear Regulator (NNR) abides by certain legislation regulating nuclear activities. Most of the NNR legislation is promulgated under the Occupational Health and Safety (OHS) Act, No. 85 of 1993, and the DOL has the responsibility to regulate occupational safety under the Act. The IES is also responsible for the approval and regulation of approved inspection authorities and enforcement of these regulations⁷³.

b) South African Police Service

Another Government department that interacts with the IES is the South African Police Service (SAPS). Specifically, labour inspectors are allowed to request assistance from SAPS and therefore, the IES needs to be familiar when police are allowed to get involved and vice- versa. In addition, the South African police need to be familiarized with all labour legislation should they be required to assist the IES. Examples of when the IES would request assistance from SAPS include⁷⁴:

- ▶ When an employer is unwilling to cooperate with an inspection
- ▶ Pertaining to child labour- the police would have to be consulted with and the inspector would be required to make a statement at the SAPS charge office and request a case study. It is standard policy that if the inspector investigates child labour then the police would have to be involved.
- ▶ When an inspector refers a case to the labour court. The police may be responsible for commissioning an affidavit.
- ▶ When an inspector requests a police officer to accompany him/ her when entering a premise to conduct an inspection service.

Challenges facing collaboration between the SAPS and IES were not evident in the literature reviewed for this report, but were investigated further during interviews and fieldwork.

c) National Prosecuting Authority

The National Prosecuting Authority (NPA) was established from Section 179 of the Constitution of the Republic of South Africa, Act No. 108 of 1996. The function of the NPA is to provide prosecuting authority with the power to institute criminal proceedings and carry out any necessary functions relating to establishing criminal proceedings. An IES labour inspector is not empowered to prosecute cases in court and therefore relies on the NPA. When a labour inspector initiates prosecution then the relevant

⁷³ *Position Paper: Conformity Assessment of Pressure Equipment in Nuclear Service. (n.d.). National Nuclear Regulator.*

⁷⁴ *Department of Labour (2011). Enforcement Manual for Labour Inspectors. 1-105.*

case will be handed over to the NPA⁷⁵. Therefore, labour inspectors work closely with prosecutors to ensure successful prosecution of offenders. Challenges facing collaboration between the NPA and IES were not highlighted in the literature reviewed for this report, but were investigated further during interviews and fieldwork.

3.3.2 Institutions

There are two primary enforcement institutions that interact with the IES. In particular, these enforcement institutions are the Commission for Conciliation, Mediation and Arbitration (CCMA) and the Labour Court. These are two external institutions that function outside of the DOL, yet may impact on the outcome of inspection services.

3.3.2.1 Commission for Conciliation, Mediation and Arbitration (CCMA)

The CCMA is a dispute resolution body established in terms of the Labour Relations Act, 66 of 1995 (LRA)⁷⁶. It is an independent institution not controlled by any political party, trade union or business and governed by a tripartite governing body.

In terms of s115 of the LRA, the CCMA has the following *mandatory* functions:

- ▶ To attempt to resolve, through conciliation, any dispute referred to it in terms of the LRA;
- ▶ If a dispute that has been referred to it remains unresolved after conciliation, arbitrate the dispute if-
 - The Act requires arbitration and any party to the dispute has requested that the dispute be resolved through arbitration; or
 - all the parties to a dispute in respect of which the Labour Court has jurisdiction consent to arbitration under the auspices of the Commission;
- ▶ Assist in the establishment of workplace forums in the manner contemplated in Chapter V of the Act;
- ▶ Compile and publish information and statistics about its activities; and
- ▶ At least every second year, review any rules made in relation to the above.

In addition, the Act provides for a range of *discretionary* functions of the CCMA which include:

- ▶ Providing advice
- ▶ If requested, providing assistance of an administrative nature to an employee earning less than the BCEA threshold to serve any notice or document in respect of conciliation or arbitration proceedings
- ▶ Offering to resolve a dispute that has not been referred to the Commission through conciliation;
- ▶ Making rules and
- ▶ Providing training.

Should the IES inspectors wish to take up a complaint against an employer, the inspector should establish whether or not a complainant has already referred the particular case to the CCMA. If this has been done, the IES should not assist the complainant further as the IES will not have jurisdiction in terms of Section

⁷⁵ Department of Labour (2011). *Enforcement Manual for Labour Inspectors*. 1-105.

⁷⁶ *Welcome to CCMA*. (2016). Retrieved from CCMA: <http://www.ccma.org.za/>

70 (c) of the BCEA⁷⁷. This does not mean that there are no possible or existing mechanisms for collaboration between CCMA and IES, it merely highlights the boundaries in jurisdiction between the two bodies. Opportunities for collaboration were investigated further during interviews and fieldwork.

3.3.2.2 Labour Court

The South African Labour Court adjudicates matters relating to labour disputes. The court was established by the Labour Relations Act, 1995⁷⁸, and has a similar status to that of the High Court.

The Labour Court plays a significant role during the enforcement procedures when an employer fails to comply with the BCEA. The enforcement process as outlined in the BCEA is described below:

- ▶ Step 1: Securing an undertaking. An inspector may endeavour to secure a written undertaking from the employer if the employer has contravened the provisions of the BCEA or sectoral determination. There are no prescribed time periods to comply with the written undertaking and it is up to the parties to agree on the time frames. In endeavouring to secure the undertaking, the inspector must seek to obtain an agreement from the employer and the employee as to any amount owed to the employee. This step was mandatory prior to the amendments to the Act which were implemented in 2014. These amendments introduced a discretion on the part of the inspector regarding obtaining a written undertaking, however statistics indicate that in the case of BCEA and EEA inspections particularly, written undertakings are the most common outcome of an inspection.
- ▶ Step 2: The inspector may issue a compliance order if the employer is unwilling to make a written undertaking or fails to honour the written undertaking.
- ▶ Step 3: If the employer has not complied with a compliance order, the Department applies to the Labour Court for the compliance order to be made a court order. Prior to the amendments of 2014, the employer had the option of objecting to the compliance order to the Director General. The 2014 amendments deleted this possibility.
- ▶ Step 4: The application to court must be served on the employer, who has 10 court days to file answering affidavits.
- ▶ Step 5: When a response is delivered, the parties to the proceedings must hold a pre-trial conference within ten days of that date.
- ▶ Step 6: When the minutes of a pre-trial conference are delivered, the registrar will send the file to a judge of the court for an instruction to enrol the matter for a hearing.
- ▶ Step 7: The registrar of the court notifies the parties of the time, date and place for the hearing and the matter is argued. Labour inspectors have the right of appearance in the Labour Court.
- ▶ Step 8: Judgment is delivered and a copy of a judgment is served on the employer.
- ▶ Step 9: If the employer fails to comply with the judgment, the Registrar of the Labour Court is requested to issue a writ and the sheriff of the court is instructed to attach the assets of the employer.⁷⁹

According to Benjamin (2011), there were difficulties encountered in this enforcement process. These

⁷⁷ Department of Labour (2011). *Enforcement Manual for Labour Inspectors*. 1-105.

⁷⁸ *The Labour Relations Act, No .66 of 1995*

⁷⁹ Benjamin, P. (2011). *Enforcement and sanctions to promote compliance with South African Labour legislation*. *Industrial Law Journal*, 805-833.

included the written undertaking and objection processes, long delays, parties not arriving at court and prosecutors dealing inadequately with cases. These challenges result in an increase of time that inspectors spend on one case when they should now be focusing their attention on other cases. There are differing responses to addressing the difficulties that are encountered in the enforcement process. It has been argued that the administrative enforcement processes should be replaced with criminal prosecution. Benjamin (2011) states that this school of thought is an expression of frustration about the complexity of the administrative enforcement system and the inspectorate's lack of capacity and power to encourage compliance with employment standards.

The amendments introduced in 2014 in the BCEA were aimed at reducing the inefficiency of the administrative process by:

- ▶ Making the securing of a written undertaking discretionary rather than mandatory, and
- ▶ Eliminating the objection process all together.

Amendments to the LRA in 2014 in relation to labour brokers provide that a labour inspector acting in terms of the Basic Conditions of Employment Act may secure and enforce compliance against the temporary employment service or the client as if it were the employer, or both.

It remains to be seen whether these amendments have ameliorated the process and this will be considered in the fieldwork.

3.3.3 Trade unions, employer organisations and bargaining councils

Trade unions, employer organisations and bargaining councils form part of the external environment within which IES operate.

3.3.3.1 Trade Unions

Trade unions should always be involved regarding labour inspection services. Firstly, before an inspector can perform his/ her duties of inspecting workplace premises, it is necessary for the inspector to understand whether a trade union exists in the organisation and whether there is collective agreement between the trade union and management. As far as possible, the inspector should consult with any trade union representatives in the organisation and inform them of any violations of labour legislation encountered and what further action the inspector intends to take⁸⁰.

Benjamin (2011) has noted that trade unions are very critical of the poor level of enforcement of labour law and allege that some inspectors tend to only seek information from employers during inspections and do not include union representatives. Additionally, trade unions mentioned other problems identified with labour inspectors that are impacting on the way in which labour disputes get recognised and resolved. These problems include⁸¹:

- ▶ Labour inspectors have jurisdiction limited to particular statutes;
- ▶ Labour inspectors' actions are normally not proactive, but reactive after a complaint and complaints take a long time to receive attention;

⁸⁰ Department of Labour (2011). *Enforcement Manual for Labour Inspectors*. 1-105.

⁸¹ Benjamin, P. (2011). *Enforcement and sanctions to promote compliance with South African Labour legislation*. *Industrial Law Journal*, 805- 833.

- ▶ Labour inspectors have limited knowledge, even within their area of responsibility;
- ▶ There is a lack of feedback after investigations;
- ▶ Compliance orders and investigations are not always followed through.

Additional information regarding the involvement of trade unions in inspections was gathered during the interviews and fieldwork.

3.3.3.2 Employer organisations

Employer organisations seek to influence labour administration through all of the stages of the process from policy development through to ensuring that action at the organisational level is directed at ensuring and maintaining a compliance culture for sustainable organisations⁸².

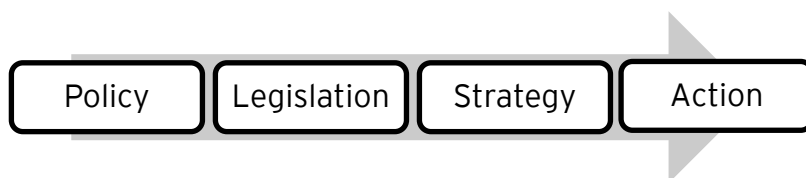


Figure 14: Labour administration stages

As Benjamin (2011) stated, employers are also dissatisfied with the services provided from labour inspectors. The employer representatives mentioned that there is a great need for accelerated training among inspectors and that there should be particular consideration given to the establishment of an inspector certification course. In addition, employer representatives stated that there should be industry inspectors who deal with sectoral issues as well as those who specialise in particular labour law practices. This was supported by a 2011 study by commissioned by DOL, undertaken by Mjaji Research and Development (MRD) Consulting⁸³. Further, Benjamin (2011) notes that inspectors would also favour the use of a hand-held device which would facilitate the providing of a report at the conclusion of the inspection to mitigate the issue of no feedback being given once an inspection has been conducted. The BCEA and amendments do not make provision for inspectors to provide feedback on inspections, outside of those steps described for non-compliance.

3.3.3.3 Bargaining councils

Bargaining council agents have powers of inspection similar to labour inspectors in terms of the BCEA and fulfil a complementary enforcement role in the scope of bargaining council collective agreements where IES inspectors do not have jurisdiction. Therefore, it is essential for a labour inspector to be aware of any bargaining council agreements before embarking on an inspection, because an inspector is limited to what he/she can do if the employee is covered by a bargaining council collective agreement. For example, an inspector cannot issue a compliance order if the complainant is covered by a bargaining council agreement⁸⁴. More detail will be provided on bargaining councils in the next section of the

⁸² *Labour administration and labour inspection. (2011). An IOE Guide to current policy and practice.*

⁸³ *Mjaji Research and Development (MRD) Consulting for DOL. (2011). Levels of Compliance and Non-Compliance with Occupational Health and Safety (OHS) Regulation by Companies in the Iron and Steel, Construction and Agricultural Sectors*

⁸⁴ *Department of Labour (2011). Enforcement Manual for Labour Inspectors. 1-105.*

report.

3.3.4 International organisations, and memoranda of understanding

The DOL is involved with international organisations that affect the policy environment of the IES. Therefore, it is essential to understand which international organisations the DOL primarily liaises with and how this may affect the functioning of the IES. In addition, the DOL has a number of different memorandums of understanding (MOUs) on an international and local level. These MOUs are essential in understanding how the DOL may cooperate with other authorities.

3.3.4.1 International organisations

The primary international organisation with which the DOL interacts with is the ILO. The ILO is a global specialised agency that aims to promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue on work-related issues. The ILO developed a Decent Work Agenda for the community of work focusing on job creation, rights at work, social protection and social dialogue with the concept of gender equality as a cross-cutting objective⁸⁵.

The ILO has a presence in many countries all over the world, one of which is South Africa. As mentioned in the second section of the report, South Africa was readmitted as a member of the ILO on 26 May 1994. South Africa was isolated from any international labour forums for 30 years prior to 1994 due to political pressure⁸⁶. The ILO is involved in many labour-related dimensions in South Africa involving the DOL. These dimensions include⁸⁷:

- ▶ Child labour
- ▶ Employment labour market
- ▶ Forced labour
- ▶ Hiring and firing
- ▶ Labour administration and inspection
- ▶ Minimum wage
- ▶ National development strategy and employment
- ▶ Non-discrimination at work
- ▶ Occupational safety and health
- ▶ Social dialogue (including collective bargaining, industrial action and dispute resolution, information and consultation, as well as social partners and tripartite regulation)

⁸⁵ *About the ILO. (2016). Retrieved from International Labour Organization: <http://www.ilo.org/global/about-the-ilo/mission-and-objectives/lang--en/index.htm>*

⁸⁶ *International Labour Organisation. (2004). Retrieved from Department of International Relations and Cooperation: <http://www.dfa.gov.za/foreign/Multilateral/inter/ilo.htm>*

⁸⁷ *South Africa. (2015). Retrieved from International Labour Organisation: http://www.ilo.org/gateway/faces/home/ctryHome?locale=EN&countryCode=ZAF&_adf.ctrl-state=147ynkgbux_9*

- ▶ Social protections (including employment injury, family and children, healthcare, maternity, pensions, sickness, social assistance, as well as unemployment).

As outlined above, the ILO monitors the labour administration and inspection services of the IES, the IES realised that the inspection services could be improved and therefore, as part of the improvement process, the DOL requested that the ILO conduct a needs assessment of their labour administration and inspection services. The aim of this was to reposition the IES in playing a key role in advancing the ILO's Decent Work Agenda in South Africa⁸⁸.

The results of the IES needs assessment conducted by the ILO indicated that the management structure of the DOL Head Office should be restructured to emphasize key areas of labour administration, as identified by the ILO standards and international practice. In addition, and with specific reference to Labour Inspections, the ILO recommended the following in the IES needs assessment:

- ▶ "forming a High-Level Inter-Departmental Technical Working Group (TWG) to reorganize the existing labour administration structure in an effort to position the labour inspectorate in accordance with ILO Convention No. 81 and 150;
- ▶ restructuring the Central Inspectorate and strengthening the human resource capacity by increasing staff, in order to enable the system of labour inspections to fulfil the mandate and principles of ILO Convention No. 81;
- ▶ revising the existing labour inspections mechanism to ensure consultation and collaboration between the inspectorate, social partners and other stakeholders on all issues within the purview of labour inspections, including piloting of self-regulation mechanisms;
- ▶ reviewing entry qualifications of new inspectors and increasing the recruitment of university graduates to the inspectorate to facilitate the process of gaining Occupational Specific Dispensation for labour inspectors;
- ▶ re-examining the salary scales of labour inspectors with the purpose of upgrading the existing salary scales that account for their quasi-judicial functions, and placing inspectors in a special category for Occupational Specific Dispensation;
- ▶ establishing a Training Division to manage training programmes for inspectors and clients of the labour inspection system and undertaking capacity building for all inspectors;
- ▶ taking steps to ratify Labour Inspection Convention No. 81;
- ▶ developing the national inspection policy framework in consultation with social partners and other stakeholders;
- ▶ developing and implementing public information and awareness raising campaigns to improve the understanding of labour inspection services and increase knowledge of labour legislation."⁸⁹

The ILO needs assessment stated that South Africa had only ratified 20 ILO Conventions, which is a very low number compared to other middle- income countries⁹⁰. However, since this report was published in 2009, South Africa has now ratified a total of 27 Conventions, one of which is Convention No. 81 of 1947. This Convention was ratified on 20 June 2013.

While some of these recommendations have been implemented (e.g. ratification of Labour Convention

⁸⁸ *Technical Memorandum: South Africa. (2009). International Labour Office, 1-78.*

⁸⁹ *Technical Memorandum: South Africa. (2009). International Labour Office, 1-78.*

⁹⁰ *Ibid*

81), a number of them have not or have only partially been implemented. In addition, a number of the recommendations contained in this report build on those previously made by the ILO.

3.3.4.2 Memoranda of Understanding

The DOL has several memoranda of understanding in place, some of which are international. These memoranda correlate to the external policy environment of the IES, and have been tabulated on the following page⁹¹.

⁹¹ *Memorandum of Understanding: Department of Labour and South African Society of Occupational Medicine. (2015). Department of Labour.*

Table 33: Memoranda of understanding between DOL and external bodies

No.	Entered into by and between	Description	Signed date
1	DOL and the South African Society of Occupational Medicine (SASOM)	<p>The Parties undertake to involve each other in the development of any:</p> <ul style="list-style-type: none"> • new legislation or amendments to existing legislation; • new Regulations and/or Guidelines (standards) or revision of existing Regulations and/or Guidelines (standards). <p>DOL and SASOM will collaborate for promotion and development of occupational health and hygiene at national, international and global levels within the limits of their vision, mission, strategies, competence and resources⁹².</p>	2015
2	DOL and Zimbabwe	<ol style="list-style-type: none"> 1. Compensation of ex migrant workers in the South African Gold mines. 2. The amendment of the Zimbabwean labour legislation. 3. South Africa to assist Zimbabwe with the establishment of the labour market database. 4. Occupational Health and Safety Issues (Zimbabwe to learn from the South African experience in the field of occupational diseases). 5. Department of labour to facilitate an interaction by the Zimbabwean government with the Medical Bureau of Occupational Diseases in South Africa. 	2004
3	DOL and the Health and Welfare Sector Education and Training Authority (HWSETA)	HWSETA to register FATO on behalf of the Department.	2004
4	DOL and the Health and Safety Executive (HSE) in the United Kingdom (UK)	Mutual recognition of qualification with the HSE in the UK.	
5	DOL and The Ministry of Labour of Cuba	<ol style="list-style-type: none"> 1. Send two experts from Cuba to conduct a diagnostic survey of a community or region selected by South African Ministry of Labour. 2. Implement a programme using methodologies that will allow for an overall evaluation of the programme results. 	2003-2004

⁹² *Memorandum of Understanding: Department of Labour and South African Society of Occupational Medicine. (2015). Department of Labour.*

No.	Entered into by and between	Description	Signed date
		<ol style="list-style-type: none"> 3. Provision to their respective high level officials with the opportunities of sharing and improving their knowledge and skills mainly the knowledge related to Occupational Health and Safety administration and Skills Development Programmes. 4. Exchange of information and documentation and mutual support in the organisation of seminars, workshops and exchange programmes and the exchange dissemination and promotion of the publications of one another wherever possible. 5. Involving as far as possible, the public institutions falling under the jurisdiction of the respective Ministries in these mutual exchanges and support actions involving other relevant stakeholders when it is desirable. 6. Keeping one another informed in writing through diplomatic channels about the steps taken to realise these intentions. 	
6	DOL and The Ministry of Labour and Social Security of the Peoples of China	Exchange and cooperate in the fields of human resources development and employment creation strategies.	2002
7	DOL and National Department of Transport	<ol style="list-style-type: none"> 1. Execution of the mandate of the Chapter 3 of the Constitution by providing for cooperative governance. 2. Develop standard operating procedures. 3. Test SOP in practice 3. 4. Amend or cancel the area of cooperation for final incorporation through experience. 5. Reporting of railway occurrence by the RSR and DOL. 	2002
8	DOL and South African Medical Services - Institute of Maritime Medicine (IMM)	<ol style="list-style-type: none"> 1. Transfer of the following functions: Drawing up of a syllabi for the training of designated Medical Practitioners 2. Approval of organisations intending to train designated medical practitioners 3. Training of designated medical practitioners 4. Registering designated medical practitioners 5. Keeping a databases 	

3.3.5 Introduction of a national minimum wage

There are mixed views in respect of the implications of the introduction of a national minimum wage in South Africa. The ILO released a booklet in 2015 on the proposed minimum wage⁹³. The objective of the minimum wage is to raise the income of those at the bottom of the wage scale through a distribution of national income in order for every worker to maintain a minimum living standard. This is also a manner in which to alleviate poverty and address income inequality. The hope is that the minimum wage is also a way to reduce industrial unrest in South Africa.

Opposing arguments for the national minimum wage (NMW)⁹⁴:

Table 34: Arguments in opposition to the national minimum wage

The effect on...	Argument
Unemployment	<ul style="list-style-type: none"> ▶ If wage costs are unreasonably increased employers will be forced to reduce the number of workers employed. ▶ Employers will make more productive use of labour because of higher labour costs and thus require fewer workers. ▶ Employers adopt more capital intensive production and thus replace semi-skilled and unskilled workers with machinery especially in traditional labour intensive industries. Employers may also increase their reliance on more part-time and casualised work and reduce the number of hours of work leading to a drop in the wage bill.
Inflation	<ul style="list-style-type: none"> ▶ An increase in wages of lower paid workers employers will increase prices of goods and services leading to higher inflation. ▶ Due to the higher cost structure that is introduced with a NMW on the final products, these increases will be passed onto the consumers, thus creating an inflationary effect. ▶ There will be an increase in the cost structure of goods and thus exports will be uncompetitive in the global market and may well decline. There will be an overall negative effect on the export sectors of the economy especially in agriculture, textiles and mining. ▶ The increased inflation will force employers to reduce the other possible services provided to workers including housing, transport, water and electricity (the so-called social wage), which are not fully factored into the wage bill. This problem is particularly important in the agricultural and mining sectors.
Productivity	<ul style="list-style-type: none"> ▶ Increases in the real value of a NMW will affect the price of labour and thus levels of productivity. A NMW will artificially set the price of labour above its value thus lowering levels of productivity. ▶ Decent work for the few was achieved through rising capital intensity and job destruction. This is tragic for the millions of unskilled, unemployed South Africans whose only hope of regular employment is a more labour-intensive growth path.
Investment and Economic Growth	<ul style="list-style-type: none"> ▶ There will be a decline in the real demand for goods and services resulting from higher prices after a NMW that has been fixed too high. There will therefore be a negative effect on employment as fewer profits will be available for reinvestment and expansion of businesses. ▶ The higher cost structure is likely to lead to reduced investment by companies both locally and internationally and will thus have a negative effect on economic growth. ▶ The higher cost structure may lead to a reduced and less successful export sector which may conflict with the trade and exchange rates policy of government.

⁹³ *Towards a South African National Minimum Wage (2015) International Labour Organisation.*

⁹⁴ *Ibid, p. 9-10.*

The effect on...	Argument
	<ul style="list-style-type: none"> ▶ The setting of a NMW does not take into account the present and expected profit of a company or an industry and may result in the bankruptcy of some firms. There will thus be an increased bankruptcy rate of businesses especially smaller business as a result of the higher labour cost. ▶ Industries that rely heavily on semi-skilled and unskilled labour or labour intensive industries may experience a decline in growth and hamper the economy's ability to create employment. ▶ Potential new firms do not open businesses because of poor profit expectations.

Supporting arguments for the national minimum wage⁹⁵:

Table 35: Arguments in support of the national minimum wage

The effect on...	Argument
Inflation	<p>Employers argue that the introduction of a NMW would rapidly increase inflation... when we consider inflation we cannot only look at wages. In countries where a NMW has been implemented it generally added less than 1% to inflation but real inflationary effects can be neutralised by the following factors:</p> <ul style="list-style-type: none"> ▶ Wages forms only one small part of the unit cost of production and employers can reduce the non-wage input costs. The overall unit percentage increase will be lower than the percentage increase in costs of wages. ▶ Increases in cost can also be borne by lower returns on profit by shareholders resulting in an increase in the wage share. ▶ The macro-economic consequences of an increase in disposable income of the low paid might actually reduce average costs as production runs increase to meet higher demand. There is thus no need to pass on costs to the consumer.
Productivity	<ul style="list-style-type: none"> ▶ Many employers underpay workers despite improvements in productivity and profit thus maintaining the cheap labour system inherited from apartheid. ▶ Low wages permit inefficient companies to remain in business and low pay effectively serves to subsidise inefficiency and incompetence of employers. ▶ When labour costs increase employers will use labour more efficiently, provide training and improve management and production methods for producing goods and services. In the process companies will have higher productivity and so recover the additional wage costs without increasing the price of goods and services or reducing the profit margin. ▶ The minimum wage should not raise total costs if companies improve management and production methods. ▶ There will be a decrease in industrial disputes and an improvement in workers' morale and living standards which will improve the workers' capacity to work and ensure a reduction in debilitating disease and time off due to illness and accidents caused by fatigue. Low productivity is thus a direct consequence of low pay.
Unemployment	<ul style="list-style-type: none"> ▶ Those who argue that unemployment must take precedence over poverty wages until unemployment is substantially reduced base this upon a false assumption that poverty wages reduce unemployment. The persistently high average rate of 25% unemployment since the days of Apartheid testifies that poverty wages do not save workers from retrenchment. ▶ The main flaw in the argument is that labour is treated as a cost like all other costs of production. But labour is unique in that it is also at the time a buyer of goods and services. When wages are low workers cannot buy the outputs of production and workers get retrenched. In this case low pay is the cause of unemployment. ▶ The increased productivity arising from a NMW will increase the buying power of workers and expand markets thus increasing employment in the economy as a whole.

⁹⁵ *Towards a South African National Minimum Wage (2015) International Labour Organisation, p. 11 – 14.*

The effect on...	Argument
Investment and Economic Growth	<ul style="list-style-type: none"> ▶ It is argued that if a NMW entails redistribution from the owners of capital to the low paid workers then savings and investment in the economy would decline. For one it is true that workers will likely spend their new higher incomes rather than save it. ▶ In post-Apartheid South Africa there has been massive redistribution of wealth towards capital and the profit rate in the non-financial corporate sector more than doubled between 1994 and 2012 to 13.5%. For the large firms listed on the Johannesburg Stock Exchange (JSE), business has been particularly good. A 2013 Credit-Suisse study compared these companies to more than 30 000 competitors and found them to be amongst the most profitable anywhere in the world. Returns for shareholders have been consistently high, averaged 18.4% p.a. over the 10 years up to 2013. However, the track record of the rich in South Africa shows that they are not inclined to either save or invest their profits in the local economy. As we can see above, investment in South Africa over the last four decades averaged just 15.6% of GDP for 1994 to 2003 and 19.2% between 2004 and 2013 compared to 26.4% in the 1970s. ▶ These rates are far below those commonly agreed to be a precondition of rapid growth. Investment, of course, is the precondition for high growth and employment creation. This low investment rates occur despite the maintenance of a cheap labour system in South Africa. Most of the wealth of the rich has been transferred overseas and much of it has been spent on the consumption of luxury imported goods. On the other hand workers spend most of their income on basic goods which have very low import content. ▶ The core economic logic of the old system was the cheapening of the price of labour. As many early Marxist scholars pointed out, this functioned by making workers partly reliant on the subsistence economies in Bantustans and rural areas, allowing employers to get away with paying extremely low wages. The current macro-economic strategy perpetuates the legacy of Apartheid South Africa which suffers from a weak internal market. ▶ Instead, those who do not support a NMW or at least a 'living national minimum wage' tend to confine the debate to a single dimension of higher wages causing unemployment by causing lower profits and thus a lack of investment. They base their views on the low wage growth path inherited from apartheid and perpetuated by the African National Congress (ANC) government. ▶ One of the most striking critiques levelled against the government's macro-economic strategy, the National Development Plan is that it plans to create 11 million precarious and low paid jobs in the Small Medium and Micro-sized Enterprises (SMMEs) - outside the core productive sectors of the economy. It is further argued that the SMME sector would not be able to afford the higher wages imposed by a NMW and thus most of the un-skilled and semi-skilled workers employed in this sector would be retrenched. The key question is should workers who find themselves in poverty continue to subsidise unproductive business enterprises with low pay? Low pay reduces the loss of unprofitable firms and permits them to stay in business longer. Workers are thus subsidising their employers by accepting low wages. Furthermore, the tax payer also provides subsidies to unproductive companies through the youth wage subsidy of the government.

In 2016, a final draft report on “A national minimum wage for South Africa: Recommendations on Policy and Implementation” was published. This report highlighted the current South African landscape and outlined a number of challenges, including: the low wage levels, high unemployment rates, the high number of people living in poverty, and the massive inequality in South Africa⁹⁶. The report states that the implementation of a NMW is a positive intervention in addressing these key challenges in South Africa. The proposed NMW is reflected in the table below.

⁹⁶ A National Minimum Wage for South Africa: Recommendations on Policy and Implementation, 2016

Table 36: The National Minimum Wage

Hourly wage	Weekly wage (40 hours/ week)	Monthly wage (4.3 weeks/ month)
R20.00	R800.00	R3 440.00

Specific to the context of the Department of Labour, the report then indicates the importance of enforcing the proposed NMW, and highlights the important role that targeted labour inspections will have on enforcement. As previously mentioned, IES is responsible for ensuring compliance with labour legislation through effective monitoring and enforcement. However, the report also makes reference to the lack of capacity available in IES impacting on IES' ability to ensure that effective inspections are conducted. Specifically, the report states that "the IES is under- resourced and the probability of inspection is therefore low"⁹⁷ emphasizing the concern that the lack of capacity in IES will impact on the enforcement of the NMW. However, the report suggests that through the implementation of a NMW, the IES may be provided with an optimal opportunity to reskill the inspectorate and improve the conditions under which inspectors are employed, as well as improve the quality (and quantity) of inspections conducted⁹⁸.

3.4 The economic landscape in which inspectorate services operates

This section reviews the economic landscape of the IES, the formal and informal sectors and how they are geographically spread across South Africa. The research objective linked to this section is to understand the local economic activities nationally, which economic activities warrant low, medium or higher inspections and which associated challenges impede labour law enforcement in these areas. A view of this activity will inform resource allocation for effective inspections - a spatial map will be produced from the outcomes of this research and the fieldwork that enables inspections to be targeted appropriately in local economies.

3.4.1 Definitions

South African labour statistics and information is gathered differently by statistical bodies and related institutions and the information is categorised differently when reported. For ease of reference, this section describes how we have aligned definitions. Stats SA provides the standard industrial classification of economic activities (SIC) into economic sectors⁹⁹, although it uses industries when reporting in the Quarterly Labour Force Survey (QLFS). This is because the ILO discourages the use of the term *economic sector* in favour of the term *industry*¹⁰⁰. To reconcile these, we have used the industries described by Stats SA and aligned these to the SIC sectors.

Table 37: Industry categorisation used by Stats SA as aligned to SIC sectors

⁹⁷ *A National Minimum Wage for South Africa: Recommendations on Policy and Implementation, 2016*

⁹⁸ *Ibid*

⁹⁹ *Statistics South Africa (2012). Standard Industrial Classification of all Economic Activities, 7th Ed . Website: http://www.statssa.gov.za/classifications/codelists/Web_SIC7a/SIC_7_Final_Manual_Errata.pdf*

¹⁰⁰ *Statistics South Africa (2010). Concepts and Definitions for Statistics South Africa, Version 3. Website: <http://www.statssa.gov.za>.*

Industry categorisation by Stats SA	SIC Sector
Agriculture	A. Agriculture, forestry and fishing
Mining	B. Mining and Quarrying
Manufacturing	C. Manufacturing
Utilities	D. Electricity, gas, steam and air conditioning supply
Utilities	E. Water supply, sewerage, waste management and remediation activities
Construction	F. Construction
Trade	G. Wholesale and retail trade, repair of motor vehicles and motorcycles
Transport	H. Transportation and storage
Finance and other business services	I. Accommodation and food service activities
	J. Information and communication
	K. Financial and insurance activities
	L. Real estate activities
	M. Professional, scientific and technical activities
	N. Administration and support service activities
Other	O. Public administration and defence; compulsory social security
Other	P. Education
Community and social services	Q. Human health and social work activities
Other	R. Arts, entertainment and recreation
Other	S. Other service activities
Private households	T. Activities of households as employers, undifferentiated goods and services producing activities of households for own use
N/A	U. Activities of extraterritorial organisations and bodies, not economically active people, unemployed people, etc.

Also, Stats SA and DOL categorise employment between the *formal* and *informal sector* and refer to *informal employment*. Additionally, DOL refers to *vulnerable workers*, not defined or referred to by Stats SA in its QLFS.

The *formal sector* includes employees working in establishments employing more than five employees, for whom income tax is deducted from their salaries/wages, and those employers registered for either income tax or value-added tax¹⁰¹.

The informal sector has “the following two components:

- i. Employees working in establishments that employ fewer than five employees, who do not deduct income tax from their salaries/wages; and
- ii. Employers, own-account workers and persons helping unpaid in their household business who are not registered for either income tax or value-added tax.”¹⁰²

Similarly, the ILO defines the *informal sector*¹⁰³ as “...consists of unregistered and/or small unincorporated private enterprises engaged in the production of goods or services for sale or barter. The enterprises typically operate on a small scale at a low level of organization, with little or no division between labour and capital as factors of production. Labour relations are based mostly on casual employment, kinship or personal and social relations. The fixed and other assets do not belong to the production units as such but to their owners, and the units cannot engage in transactions or enter production unit that is not constituted as a separate legal entity independently of the individual (or group of individuals) who owns it, and for which no complete set of accounts is kept.”

Employment in the informal sector is defined by ILO¹⁰⁴ as “...the total number of jobs in informal sector enterprises. For practical reasons, the concept is measured as the number of persons employed in informal sector enterprises in their main job. The key characteristics of informal employment are that it is a job-based concept (focus on characteristics of the job) that includes: (1) all jobs (main and secondary jobs); (2) jobs in all types of production units; (3) workers in all status in employment; and (4) all branches of economic activity (agriculture and non-agriculture). This final element is particularly important in economies where subsistence agriculture exists.”

Informal employment is referred to by SSA as “persons who are in precarious employment situations irrespective of whether or not the entity for which they work is in the formal or informal sector. Persons in informal employment therefore comprise all persons in the informal sector, employees in the formal sector, and persons working in private households who are not entitled to basic benefits such as pension or medical aid contributions from their employer, and who do not have a written contract of employment.”¹⁰⁵ The DOL also recognises that migrants may be included in the definition of people working in precarious jobs, as supported by a study by Fauvelle (2012)¹⁰⁶.

While the ILO describes *informal employment*¹⁰⁷ as “Informal employment, which encompasses all of the

¹⁰¹ *Quarterly Labour Force Survey Quarter 3: 2015. p. xx. Pretoria. Statistics South Africa (2015)*

¹⁰² *Ibid.*

¹⁰³ *Decent work indicators: concepts and definitions, v1 (2012) International Labour Organisation.p.54*

¹⁰⁴ *Ibid*

¹⁰⁵ *Quarterly Labour Force Survey Quarter 3: 2015. p. xx. Pretoria. Statistics South Africa (2015)*

¹⁰⁶ *Fauvelle (2012) Migration and employment in South Africa: An econometric analysis of domestic and international migrants*

¹⁰⁷ *Decent work indicators: concepts and definitions, v1 (2012) International Labour Organisation.p.54*

jobs included in the concept of employment in the informal sector (except those which are classified as formal jobs in informal sector enterprises), refers to those jobs that generally lack basic social or legal protections or employment benefits and may be found in formal sector enterprises, informal sector enterprises or households. Informal employment includes the following types of jobs: (i) own-account workers employed in their own informal sector enterprises; (ii) employers employed in their own informal sector enterprises; (iii) contributing family workers, irrespective of whether they work in formal or informal sector enterprises; (iv) members of informal producers' cooperatives; (v) employees holding informal jobs in formal sector enterprises, informal sector enterprises, or as paid domestic workers employed by households; (vi) own-account workers engaged in the production of goods exclusively for own final use by their household, if they are considered employed given that the production comprises an important contribution to total household consumption. For operational reasons the concept is measured as the number of persons employed (and not the number of jobs) in informal employment in their main job. Where they exist, employees holding formal jobs in informal sector enterprises should be excluded from informal employment. As regards (v) above, employees are considered to have informal jobs if their employment relationship is, in law or in practice, not subject to national labour legislation, income taxation, social protection or entitlement to certain employment benefits (such as advance notice of dismissal, severance pay, paid annual or sick leave)."

Vulnerable workers may be employed in both the formal or informal sector but are not protected by the BCEA or a collective agreement. Vulnerable workers may be protected by a sectoral determination.

A list of industries and their associated Sector Education and Training Authorities (SETAs) is also provided in Appendix G.

3.4.2 The employed population

The most recent QLFS¹⁰⁸ puts the total employed population (formal and informal sector) at 15 828 000, of which 13 651 000 are employed in non-agricultural sectors. Of this, 10 930 000 are employed in the formal sector and 2 721 000 in the informal sector. Agriculture comprises 897 000 employed, and Private Households, 1 280 000. The split by industry is shown below.

Table 38: The employed population of South Africa by industry

Industry	Number employed
Agriculture	825 000
Mining	447 000
Manufacturing	1 712 000
Utilities	111 000
Construction	1 388 000

¹⁰⁸ Quarterly Labour Force Survey, Quarter 2, 2016

Industry	Number employed
Trade	3 136 000
Transport	862 000
Finance and other business services	2 220 000
Community and social services	3 544 000
Private households	1 296 000

The industries included in the QLFS wholly under IES' jurisdiction include agriculture, private households, and mining, comprising an estimated 2 568 000 workers under its responsibility.

3.4.2.1 Workers protected by industry collective agreements

Of the employed population, workers in several industries are protected through collective agreements, enforced by industry bargaining councils¹⁰⁹. These industries can further be investigated by mapping the number of employees covered by bargaining councils per industry.¹¹⁰

Table 39: Bargaining Council employee coverage by sector

Industry	Employees covered by bargaining council per industry
Agriculture	10 522
Mining	(data not available)
Manufacturing	569 441
Utilities	(data not available)
Construction	47 052
Trade	192 026
Transport	286 116
Finance and other business services	10 543
Community and social services	0
Private households	0
Other	1 285 568

¹⁰⁹ List of registered Bargaining Councils. Department of Labour (2016) www.labour.gov.za

¹¹⁰ Godfrey, S., Maree, J., & Theron, J. (2006). *Conditions of Employment and Small Business: Coverage, Compliance and Exemptions*. University of Cape Town, Cape Town.

Total	2 401 268
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(Please note that this information was extracted from a 2006 source due to limited information available)

3.4.2.2 Workers protected by sectoral determinations

DOL administers sectoral determinations in 11 sectors where there are no bargaining councils, and conducts IES conducts inspections in these industries to ensure compliance. Compliance with sectoral determinations is enforced as per the provisions in the BCEA¹¹¹. Many of the sectors covered by sectoral determinations form part of the informal sector, including the Domestic Worker, Taxi, and parts of Wholesale and Retail sectors.

Table 40: Sectors (industries) for which sectoral determinations have been established, and the number of employees covered by each determination

Determination	Sector	No. employees covered ¹¹²
1	Contract Cleaning	35 000
2	Civil Engineering	27 000
5	Learnerships	16 000
6	Private Security	165 000
7	Domestic Worker	800 000
9	Wholesale and Retail	1 200 000
10	Children in the Performance of Advertising, Artistic and Cultural Activities	±5 000
11	Taxi	75 000
12	Forestry	32 000
13	Farm Worker	700 000
14	Hospitality	650 000
	Total	3 705 000

¹¹¹ Benjamin, P. (2011) Enforcement and sanctions to promote compliance with South African Labour legislation. *Industrial Law Journal* 32. p.805 – 833.

¹¹² Benjamin, P. (2011) Enforcement and sanctions to promote compliance with South African Labour legislation. *Industrial Law Journal* 32. p.805 – 833.

3.4.2.3 Focus of IES work

Whilst IES inspects employers' compliance in respect of sectoral determinations, workers not protected by these or collective agreements, are considered the most vulnerable. Such workers may be in the formal or informal sector and inspections are primarily focused on employers of these types of workers. These workers may include, illegal immigrants, undocumented employees, child labourers, illegal miners, and forced labour.

Du Toit and Ronnie (2014) propose that, as the inspectorate seeks to regulate the informal labour force, the employment of workers in the informal sector becomes less informal by virtue of the introduction of regulation and inspection similar to that at formal sector employers¹¹³. Rather they consider the economy as integrated but unevenly regulated:

“A more consistent conception, it is argued, is that of a single, integrated economy which is unevenly regulated but, with the development of more effective regulatory systems, could become more evenly regulated.”

This view of the economy is coupled with an approach to inspection and enforcement which encourages education and awareness creation in the sector, coupled with organisation in one form or another, while not necessarily adapting regulation approaches to the informal sector specifically, a¹¹⁴ -

“Transformation, premised on greater empowerment of workers both individually and collectively, into a system capable of regulating work in general and thereby transcending the distinction between 'formal' and 'informal' categories.”

This view of an integrated formal and informal economy as well as an education/awareness orientation to inspections and enforcement should be borne in mind when considerations are made in respect of the integrated approach to inspections.

Awareness sessions have been delivered to workers in the past, as reported in the 2013 Annual Report. The IES delivered advocacy and educational sessions to workers in various industries¹¹⁵. Additionally, in 2014, shop stewards were trained on labour legislation in the workplace¹¹⁶.

3.4.3 Geographic spread of industries

Part of the scope of this research project is to obtain a view of the geographic spread of industries nationally for the purposes of understanding whether the location of Labour Centres across the country and the skills of inspectors at those Labour Centres is appropriate/sufficient for the inspections required in relation to the concentration of industries under the IES' jurisdiction.

While a view of the spread of Labour Centres and the number of inspectors per Centre is given in the third section of this report, existing research on the location of Labour Centres is limited to the

¹¹³ Du Toit, D. & Ronnie, R. (2014) *Regulating the Informal Economy: Unpacking the Oxymoron — From Worker Protection to Worker Empowerment*. *International Labour Journal* 35, p 1804.

¹¹⁴ *Ibid*

¹¹⁵ *Annual Report of the Department of Labour. (2012/13)*.

¹¹⁶ *Annual Report of the Department of Labour. (2013/14)*.

AfricaScope study on accessibility of government services in the integrated sustainable rural development (ISRD) nodes in South Africa¹¹⁷. The study provides an indication of where DOL Labour Centres are distributed nationally, vis-à-vis the 15 ISRD nodes considered in the study. It also provides spatial maps showing average distance travelled from communities to the centres.

¹¹⁷ *AfricaScope (2009) Study of the accessibility of government services in the integrated sustainable rural development (ISRD) nodes in South Africa for the Department of Public Service and Administration (DPSA)*

3.5 Challenges and opportunities

The DOL's own strategic plan for 2011-2016 noted challenges it faces more broadly¹¹⁸:

- ▶ The principal difficulties undermining the effective enforcement of labour legislation are identified as:
- ▶ The absence of an inspection and enforcement manual and a standard operating procedure which has resulted in non-uniform procedures being applied and implemented by inspectors in different provinces; 18
- ▶ The absence of a structured relationship with the Department of Justice & Constitutional Development to ensure speedy and successful prosecution of cases;
- ▶ The lack of a reliable and efficient case reporting and management technology for the inspectorate for the past few years resulting in unreliable data, poor reports generated, and poor management of cases and feedback to clients;
- ▶ A high staff turnover owing to inspectors leaving for better remuneration elsewhere; and
- ▶ The lack of a coherent communications strategy to ensure advocacy and education of employers and employees about labour legislation.

In engagement with the DOL team, the challenges facing IES have been fleshed out. Challenges IES faces, and may face in the future, from the external environment include -

- ▶ Employers in the informal economy are more difficult to inspect for compliance because they are not regulated as stringently as employers in the formal economy.
- ▶ The informal economy also has the most vulnerable workers. Workers in the informal economy are in some cases also considered to have atypical employment, as they are not defined as workers in terms of standard employment.
- ▶ The legal framework officials, including SAP, are deemed to have little knowledge of DOL enforcement procedures;
- ▶ The implications of the amendments to COIDA;
- ▶ The implications of the introduction of a minimum wage; and
- ▶ The issue of labour brokers.

The internal challenges faced by IES include -

- ▶ Deficiencies in the penalty system, as well as out-dated or old offences and penalties on legislation which should be updated;
- ▶ A view that IES human resource planning could be optimised;
- ▶ IES currently has 200 vacant inspector posts;
- ▶ The level of competence amongst inspectors varies;
- ▶ No proper strategies for inspections in the informal sector exist;
- ▶ The case management system is not optimised and is manually driven;
- ▶ There is no career path for inspectors;

¹¹⁸ Benjamin, P. (2011) *Enforcement and sanctions to promote compliance with South African legislation. Industrial law Journal* 32

- ▶ There are no formalised training modules for inspectors;
- ▶ There is a high staff turnover, resulting in a constant need for training of new inspectors;
- ▶ The performance management system does not differentiate between inspectors' objectives and the objectives of support function staff members;
- ▶ The OHS inspectors' targets are the same as the targets for inspectors who conduct inspections on BCEA and EEA compliance; and
- ▶ There is no qualification approved by the inspectorate.

Further challenges facing IES, identified by the study conducted by MRD on behalf of the DOL, that may have bearing on this project¹¹⁹ include:

- ▶ The on-going implementation of modern, consistent and effective operating systems;
- ▶ The existence of an accurate and up-to-date database of information on inspections;
- ▶ The extent to which trade unions are involved in inspections.

Benjamin (2011)¹²⁰ also highlights the critical challenges faced in establishing an effectively functioning labour inspectorate from South Africa's Decent Work Country Programme for 2010-2014, which include:

- ▶ The acute shortage of qualified labour inspectors due to their high turnover and difficulty in recruiting suitably qualified inspectors;
- ▶ Insufficient data gathering and information systems for policy design;
- ▶ The lack of an effective communication and record keeping system hindering the capacity of the inspectorate to perform, and properly to follow up on, inspections;
- ▶ Inadequate use of electronic means of reporting and data collection making it difficult to assess compliance for the purposes of strategic planning and setting priorities.

These challenges identified were taken into consideration during design of the interview questions for the stakeholder interviews, as well as the design of the approach to fieldwork.

3.6 Conclusion

The 'Background and Context' has provided in-depth discussions on the policy and economic landscape that the DOL and IES operates within. This background knowledge assisted in providing the relevant context needed to frame the remaining research approach.

In particular, the 'Background and Context' section assisted in fulfilling the following research objectives:

- ▶ Investigate internal challenges that contribute to inspection and enforcement not being adequately discharged by the Department; and
- ▶ Identify and analyse key areas of disjuncture between IES services and the Department's mandate; and harmonise the two.

¹¹⁹ Mjaji Research and Development (MRD) Consulting for DOL. (2011). *Levels of Compliance and Non-Compliance with Occupational Health and Safety (OHS) Regulation by Companies in the Iron and Steel, Construction and Agricultural Sectors*, p. ix.

¹²⁰ Benjamin, P. (2011) *Enforcement and sanctions to promote compliance with South African legislation*. *Industrial law Journal* 32

4. Data collection methodology

As part of the research approach, it was essential for EY to design a data collection methodology that would gather the required information needed to support each research objective. EY undertook a mixed research approach whereby qualitative and quantitative research methods were utilized. In particular, EY carried out the following research approaches:

- ▶ Qualitative research: interviews with key stakeholders and fieldwork; and
- ▶ Quantitative research: an online survey accessible to all inspectors across South Africa.

These data collection methodologies will be discussed in more detail below.

4.1 Interviews with key stakeholders

EY conducted interviews with both internal and external DOL IES stakeholders. The purpose of conducting these interviews was to provide various stakeholders with an opportunity to provide their views on the current effectiveness of IES. In particular, these interviews aimed to gather information on IES' current strengths, challenges, and resources in respect of its mandate and to obtain the various stakeholders' views on how best to address the challenges and enhance IES' effectiveness. These interviews assisted EY in identifying certain issues and determining what areas to investigate further in the fieldwork and survey.

The tables below outline the interview schedule for the internal and the external DOL stakeholders.

Table 41: Interview schedule for internal DOL stakeholders

Name of interviewees	Job title	Interview date
Ester Tloane	Public Employment Services Director	1 April 2016
Tibor Szanza	Chief Director- OHS	
Aggie Moiloa	Deputy Director General: IES	
Jacky Adams	Team Leader	18 April 2016
Lindiwe Khanyile	Inspector	
Fikiswa Mncanca	Chief Director: Statutory Services	22 April 2016
Abigail Qomoyi	Assistant Director: Human Resource Development	20 April 2016
Dumela Malindzisa	Director: Fleet and Auxiliary Services	20 April 2016
Tibor Szanza	Chief Director- OHS	6 February 2017

Table 42: Interview schedule for external DOL stakeholders

Name of interviewees	Organisation	Job title	Interview date
Ronald Bernickow	Commission for Conciliation, Mediation and Arbitration	National Senior Commissioner: Operations	5 May 2016
Vonani Lucky Bila	Department of Agriculture, Forestry and Fisheries	Chief Agricultural Legislation Inspector	18 April 2016

Name of interviewees	Organisation	Job title	Interview date
Modiri Matthews	Department of Home Affairs	Chief Director: Inspectorate	20 July 2016
Joni Musabayana	International Labour Organisation	Director	4 May 2016

In addition to conducting stakeholder interviews, EY reached out to other stakeholders such as bargaining councils, approved inspection authorities, and other departmental organisations. Due to the large number of stakeholders in these categories, EY sent out an online survey to the various groupings to allow them to provide their views on the effectiveness of IES.

Table 43: List of organisations that completed the online survey

Name	Category
Amanzi Bargaining Council	Bargaining council
Bargaining Council for Meat Trade, Gauteng	Bargaining council
Bargaining Council for Restaurants, Catering and Allied Trades	Bargaining council
Building Industry Bargaining Council, Cape of Good Hope	Bargaining council
Bureau for International Risk Assessments (Pty) Ltd	Approved inspection authority
Department of Environmental Affairs	Departmental organisation
Education Labour Relations Council	Bargaining council
Furniture Bargaining Council, Gauteng	Bargaining council
Furniture Bargaining Council, KwaZulu-Natal	Bargaining council
Furniture Bargaining Council, Western Cape	Bargaining council
ISHECON	Approved inspection authority
Metal and Engineering Industries Bargaining Council	Bargaining council
Major Hazard Risk Consultants	Approved inspection authority
Motor Ferry Industry Bargaining Council	Bargaining council
National Bargaining Council for Sugar	Bargaining council
National Bargaining Council for the Clothing Manufacturing Industry	Bargaining council
National Bargaining Council for the Road Freight and Logistics Industry	Bargaining council
Nature & Business Alliance Africa (Pty) Ltd	Approved inspection authority
Occutech CC	Approved inspection authority
Public Service Coordinating Bargaining Council	Bargaining council
Riscom (PTY) Ltd	Approved inspection authority
South African Road Passenger Bargaining Council	Bargaining council
Bargaining Council for the Laundry, Cleaning and Dyeing Industry (KwaZulu-Natal)	Bargaining council
Statutory Council for the Squid and Related Fisheries of South Africa	Bargaining council
Statutory Council for the Fast Food, Catering, Restaurant and Allied Trades	Bargaining council
Transnet Bargaining Council	Bargaining council

Refer to Appendix H for the interview transcripts for both the internal and external stakeholder interviews.

4.2 Fieldwork

The other qualitative research approach that EY utilized as part of the data collection methodology was conducting fieldwork. The purpose of the fieldwork was to provide a view of the current human resources, skills and competence, technological and financial resources of the inspectorate nationally. The fieldwork was focused on obtaining first-hand insight in order to effectively and realistically identify and suggest improvements for resource planning in relation to local economic activities across all 9 provinces.

EY conducted fieldwork across all 9 provinces. Each provincial visit included a visit to the Provincial Office and to a sample of Labour Centres. EY included the following research techniques in their fieldwork

approach:

- ▶ Interviews held at the Provincial Offices and at the various Labour Centres with key stakeholders;
- ▶ Focus group of inspectors (specialists and generalists, if applicable); and
- ▶ Observations of inspectors on inspections (site visits).

EY conducted a total of 59 visits across South Africa over a 3 month period. This included 9 Provincial Office visits and 50 Labour Centre visits. Of the 50 Labour Centre visits, 24 visits to various Labour Centres included accompanying inspectors on inspections which EY labelled as “site visits”. EY conducted a total of 40 site visits across the country.

Table 44: List of Labour Centres visited

Province	Labour Centre	Site visit type	Legislation	Site visit economic sector
Gauteng	Gauteng Provincial Office			
	Benoni Labour Centre			
	Boksburg Labour Centre	Routine	LRA	Chemical manufacturing
		Routine	OHSA	Chemical manufacturing
	Carletonville Labour Centre	Routine	BCEA, UIA and OHSA	Education and training
	Germiston Labour Centre	Routine	BCEA	Wholesale and retail
		Routine	OHSA	Manufacturing
	Krugersdorp Labour Centre			
	Pretoria Labour Centre	Routine	BCEA	Information technology
		Routine	BCEA, UIA and COIDA	Wholesale and retail
Soweto Labour Centre				
Vanderbijlpark Labour Centre				
Soshanguve Labour Centre				
Mpumalanga	Mpumalanga Provincial Office			
	Witbank Labour Centre			
	Middleburg Labour Centre			
	Secunda Labour Centre			
	Nelspruit Labour Centre	Routine	LRA, EEA and OHSA BCEA	Wholesale and retail Wholesale and retail
Malelane Labour Centre	Routine and advocacy session	BCEA and OHS BCEA	Wholesale and retail Agriculture	
North West	North West Provincial Office			
	Mahikeng Labour Centre			
	Rustenburg Labour Centre	Routine	BCEA	Education
		Routine	BCEA	Recycling
	Brits Labour Centre			
	Potchefstroom Labour Centre	Routine	BCEA	Agriculture
Re-active		BCEA	Hospitality	
Klerksdorp Labour Centre	Routine	BCEA	Agriculture	
Northern Cape	Northern Cape Provincial Office			
	Kimberley Labour Centre			
	Kuruman Labour Centre	Routine	BCEA	Wholesale and retail
Routine		BCEA, UIA and COIDA	Wholesale and retail	
Limpopo	Limpopo Provincial Office			
	Polokwane Labour Centre			
	Seshego Labour Centre	Routine	BCEA	Wholesale and retail
	Mokopane Labour Centre	Routine	BCEA	Hospitality

Province	Labour Centre	Site visit type	Legislation	Site visit economic sector
Free State	Free State Provincial Office			
	Bloemfontein Labour Centre			
	Welkom Labour Centre	Routine	OHSA and LRA	Agriculture
	Sasolburg Labour Centre	Routine	OHSA and BCEA	Manufacturing
	Ficksburg Labour Centre	Routine and advocacy session	BCEA	Wholesale and retail
Western Cape	Western Cape Provincial Office			
	Mitchell's Plain Labour Centre			
	Somerset West Labour Centre	Re-active	OHSA	Community, social & personal services
	Belville Labour Centre			
	Paarl Labour Centre	Re-active	OHSA and EEA	Agriculture
		Routine	BCEA	Wholesale and retail
	Worcester Labour Centre			
	Mossel Bay Labour Centre			
Eastern Cape	Oudtshoorn Labour Centre			
	George Labour Centre			
	Eastern Cape Provincial Office			
	East London Labour Centre			
	Butterworth Labour Centre	Routine	BCEA	Insurance, real estate & business services
		Follow-up	BCEA	Wholesale and retail
		Follow-up	BCEA	Wholesale and retail
		Routine	LRA	Wholesale and retail
	Mthatha Labour Centre			
	King Williams Town Labour Centre			
	Grahamstown Labour Centre	Routine	BCEA, UIA and COIDA	
	Routine	BCEA, UIA and COIDA	Hospitality	
Port Elizabeth Labour Centre				
Kwazulu-Natal	KwaZulu-Natal Provincial Office			
	Durban Labour Centre			
	Pinetown Labour Centre			
	Pietermaritzburg Labour Centre	Routine	BCEA	Wholesale and retail
		Routine and advocacy session	BCEA	Wholesale and retail
		Routine	OHSA	Construction
	Richards Bay Labour Centre	Routine	BCEA	Wholesale and retail
	Ulundi Labour Centre	Routine	BCEA and UIA	Wholesale and retail
		Blitz	BCEA and UIA	Wholesale and retail
	Vryheid Labour Centre			
	Verulam Labour Centre	Blitz	BCEA	Hospitality
		Blitz	BCEA	Hospitality
	KwaDukuza Labour Centre	Routine	BCEA	Fast moving consumer goods
	Routine	OHSA	Fast moving consumer goods	

During the visit to each Provincial Office and Labour Centre, EY followed a particular schedule to ensure that all necessary stakeholders were interviewed.

Table 45: Provincial Office and Labour Centre visit schedule

	Activity
Provincial Office	Interview with Chief Director Provincial Operations
	Interview with Provincial Chief Inspector
	Focus group with IES Specialist Inspectors
	Interview with Assistant Director: Support Services (if applicable)
	Interview with Statutory Services Officer (if applicable)
Labour Centre	Interview with Deputy Director Labour Centre Operations
	Walk- through of the Labour Centre (covering all steps in the IES process)
	Interview with Supervisor Client Service Operator and the Client Service Operator
	Interview with Team Leader/s of the Labour Centre
	Focus group discussion with Inspectors of the Labour Centre
	Interview with Admin Clerk (if applicable)
	Site Visit

For each interview that was conducted, EY compiled an interview transcript to assist in guiding the interviews and to ensure that all interviews were standard across the various provinces and Labour Centres. The interview questions were validated with the DOL project team. Once the transcripts were finalized, EY included them in a 'Fieldwork Toolkit' which each EY team member would use when visiting a province and/ or Labour Centre (see Appendix I).

4.3 Online survey

The third data collection approach was quantitative in nature, and was referred to as the "online survey for inspectors". The purpose of the online survey was to gather information on IES inspectors' qualifications, experience and skills as well as to obtain their views on IES' strengths, challenges and resources in respect of its mandate, and to obtain their views on how to address challenges and enhance IES' effectiveness. The online survey provided all IES inspectors from across the country with an opportunity to provide their opinions on specific IES matters.

The online survey was completed by 508 inspectors out of a total of 1599 inspectors nationally. Therefore, there was a 32% response rate which is a high enough response rate to be considered as representative of the total population¹²¹.

The online survey was developed and validated with the DOL project team and was uploaded onto EY's survey platform (Refer to Appendix J for the survey questions).

4.4 Conclusion

The 'Data Collection' section of the report has specified exactly what research approach was followed and assisted in fulfilling the following research objectives:

- ▶ Investigate internal challenges that contribute to inspection and enforcement not being adequately discharged by the Department.
- ▶ Conduct inspections at Labour Centres, Provincial Offices and Head Office;
- ▶ Investigate key areas of collaboration on external policy that affects the Department's mandate.

¹²¹ Retrieved from https://facultyinnovate.utexas.edu/sites/default/files/response_rates.pdf

5. Research findings

As a result of the research conducted, there were key findings that emerged. The findings that emerged from the interviews with the key stakeholders, the fieldwork conducted and the online survey were often consistent and aligned. These findings form the basis of the recommendations made later in this report. The key findings from the research conducted will be discussed in more detail below.

5.1 Interviews with key stakeholders

As mentioned previously, EY conducted diagnostic interviews with key stakeholders that helped to identify the main themes and/ or challenges that IES is currently experiencing. The results from these interviews assisted EY in determining what areas to focus on when conducting the fieldwork and when compiling the online survey.

A summary of key themes that emerged from these interviews are highlighted below. These themes will be explained in more detail in the 'Fieldwork' findings as the themes were further investigated and explored.

5.1.1 Internal challenges

- ▶ It was mentioned that the resources made available to inspectors are very limited (such as the pool of cars);
- ▶ Stakeholders mentioned that the DOL does not seem to understand their own strategic role in the labour market;
- ▶ Stakeholders believed that inspectors do not have sufficient levels of power to manage non-compliance;
- ▶ The geographical spread of inspectors may not be adequate in all provinces;
- ▶ Furthermore, it was commonly mentioned that inspectors do not seem to receive sufficient training (including training on the labour laws, training for entry level workers when entering the workplace or additional training requested on their PDPs);
- ▶ There seems to be no sight of a retention policy and therefore, stakeholders believe that IES are losing highly experienced and qualified inspectors;
- ▶ Stakeholders expressed concern that the safety of inspectors when conducting site visits is often compromised;
- ▶ The task of 'target setting' per Labour Centre has posed a challenge, and stakeholders believe that inspections have become a "hit and run" exercise therefore compromising on the quality of the inspections conducted.
- ▶ The IES Case Management System (CMS) was first initiated in 2007 (August) and expected to be rolled out nationally in 2009 (March). The objective of the system was to streamline the IES case resolution process by designing and implementing an online user-friendly, integrated and paperless system that can:
 - Access information from other systems (DHA, CIPC etc.);
 - Track a case from the beginning to the end (for all stakeholders);
 - Ensure the correct information is captured (with mandatory fields);
 - Ensure accountability and responsibility for cases;
 - Provide a country-wide database of cases to analyse trends (employer/employee/labour market);
 - Access to cases at a national level;

- Manage workload and allow access and input from SS and Specialist from the beginning of a case.

5.1.2 External challenges

- ▶ There seems to be a lack of synergy between the different inspection bodies;
- ▶ Stakeholders believed that because inspectors are underpaid, they may be more susceptible to bribes;
- ▶ Stakeholders mentioned that the Department's processes take too long for a non-complying employer to be prosecuted, so employers do not fear the Department any more.
- ▶ Stakeholders further stated that the Department seems to have lost its reputation for being able to ensure compliance; and
- ▶ There is a willingness to collaborate with other inspection agencies and government organisations as collaboration could offer numerous benefits to all, such as sharing of resources, avoiding duplication and extending the mandate. However, stakeholders mentioned that there are jurisdiction and bureaucratic issues that need to be addressed.

5.2 Fieldwork

Based on the results from the interviews with key stakeholders, the themes that emerged were further investigated during the fieldwork conducted and the online survey. The findings from the fieldwork have been categorized into 'National' and 'Provincial', and are well- aligned with the stakeholder interviews and the online survey results. Provided below is an explanation of the key themes that were most consistent across all the fieldwork visits conducted.

5.2.1 National trends

The themes presented below are overall challenges that emerged across the majority of provincial visits.

The survey further investigated whether inspectors believe that there are additional skills that they feel they need to acquire

a) HR- related issues:

i. Remuneration

Based on the fieldwork visits, it appears as though the majority of IES employees are not happy with their current salaries. Employees indicated that they feel that that are overworked and underpaid. EY recognizes that when asked about salary the typical response would be to indicate that one is underpaid. In order to effectively investigate this, a benchmarking exercise would need to be done with other inspection agencies which was not within scope of this project.

Additionally, many IES employees mentioned that there is an issue with the current job grading system as job grades are not consistent across the various functions.

Provided below are some challenges relating to the issue of remuneration based on the different job roles:

- ▶ **Deputy Director: Labour Centre Operations (DDLCO):** It was mentioned that all DDLCO's are on a job grade of SR12 despite the fact that Labour Centres vary in sizes, are based in different locations and have varying number of satellite offices and visiting points. It was further mentioned that the salary bands within the SR12 job grade are not aligned to the abovementioned factors either.
- ▶ **Team Leader:** Team Leaders are on a job grade of SR8 and so are some of the inspectors. The Team Leaders do not believe that this is appropriate as the Team Leaders are expected to supervise these inspectors even though they are of the same job grade. Team Leaders also indicated that they are performing a management function as well as conducting inspections to meet their targets- therefore the requirements of their role are more than the inspectors at SR8 but they are graded the same.
- ▶ **Inspectors:** The inspector role is graded differently - there are inspector roles at SR6, SR7 and SR8. There are various explanations as to why this is the case (for example, according to the DPSA employees on SR8 need to have a qualifications, another explanation is that there used to be Practitioners at SR8 and inspectors were SR6, but the roles were combined and everyone became an inspector with the same/similar job descriptions at different job grades). Inspectors are thus pursuing legal action against the Department of Labour on the basis of Employment Equity Act 1998, section 6(4). Inspectors also feel that they should not be on the same job grade

as Client Service Officers (CSOs), because their jobs are more complex, require a qualification and legal knowledge.

- ▶ **CSO:** Registration Services (RS) is funded by IES, Compensation Fund (COIDA) and Unemployment Insurance Fund (UIF). However, COIDA and UIF contributes more than IES. Labour Centre staff somehow know this and CSOs have been asked, told and threatened to prioritise COIDA or UIF work over IES work because they contribute more to their salaries. Some CSOs themselves push this agenda without being told to, because they think that it is justified.

"The Department expects us to enforce the very same law that they are violating against their own employees!"

ii. Career progression

The various IES employees that were interviewed for the fieldwork seemed to believe that the Department does not have a retention strategy for its talent/people. EY has received a copy of the retention strategy and reference was made to it in the 'Background and Context's section of this report. However, employees are not aware of this strategy and the execution of the strategy may be what is causing this perception on the ground- level. It was mentioned that there is high turnover of the OHS inspectors due to the high demand in the labour market for them. IES employees believe that the Department does not have many opportunities for career growth, although there is an invisible career ladder, the opportunities are not there. For example a CSO can become an inspector, an inspector can become a Team Leader and from there either become a DDLCO as a more managerial role or take the specialist route and become a specialist inspector at Provincial Office. However, IES employees stated that these opportunities are only available if someone retires or dies leaving the post vacant. However, IES employees further stated that even in those circumstances the Department either fills the vacancies with political appointees or people from other provinces, instead of looking within the Labour Centre or the province. The 2015- 2016 annual report indicates that the total number of inspectors promoted for the period 1 April 2015 to 31 March 2016 is 11 inspectors out of a total of 1599 inspectors nationally, representing an overall percentage of 0.6% of inspectors were promoted.

"Someone has to retire first or die first, even then you have the whole country applying for that post."

iii. Learning and development

The results of the fieldwork have indicated that the training that the Department provides inspectors and Team Leaders appears to be inconsistent, irrelevant, unstructured, abrupt and poorly delivered due to the train-the-trainer model. The Department has adopted the train-the-trainer model which, according to IES employees has been poorly implemented. Specialist inspectors are expected to train the inspectors on the legislation, amendments and provide refresher training. However due to their workload and budget constraints, these trainings do not seem to happen. Inspectors are also not happy with the quality of the training sessions. Specifically, inspectors state that the person providing the training is usually not knowledgeable enough on the content and therefore, when inspectors ask questions they do not know how to answer them. The inspectors also mentioned that they would like training that is measurable and test- based so that they can test their understanding and interpretation of the content.

"They call it training, but its information sessions, they call us to Provincial Office, they read slides to us and call it training."

The inspectors also think that the Team Leaders, DDLCO and Provincial Office staff need management training. They believe that most of them do not understand their roles and responsibilities in terms of managing people, teams and projects.

It was mentioned that OHS inspectors receive training all the time, and good training from specialists in their field. However BCEA and EE inspectors seem to rarely go on training. There is a perception amongst IES employees that the Department generally treats OHS inspectors better than the BCEA and EE inspectors. They believe that the Department does not equip them with the skills and knowledge for them to perform their role successfully.

" We find out about amendments to the legislation from the employers and it's embarrassing."

"When we do inspections we meet big companies CEO's, HR Directors and Heads of Legal departments with their MBA's, LLM's and PHD's in law and labour relations. There is nothing you can tell them about law. Because we get no training on amendments or on how to interpret the law we get easily intimidated and lose confidence. Then they chow us for breakfast and we walk out licking our wounds!"

The Department has been trying to implement a case management system (CMS) for the past few years. Labour Centres were asked to nominate people who would get trained on the system and then to go back to the Labour Centre and train the rest of the team (train-the-trainer approach). IES employees indicated that the selection process was not transparent, and so the DDLCOs chose people they favoured. It was reported that these nominated people have been for training three times and have returned and trained the Labour Centre staff three times in the past few years, but the CMS has still not been implemented. Those who were nominated to get training on the system said that they have suffered because when they had returned to the Labour Centre they still had to catch up on their inspections to meet their targets. Their targets did not get adjusted because they went for training.

The inspectors also mentioned that the Department would send them on what they call "irrelevant" training just to use the training budget at the end of a financial year. They would get sent on Sign Language training which they see as irrelevant and think it would be more important to attend a refresher course on legislation, amendments, interpretation of the law with case study exercises and the SOP.

The inspectors also indicated that the training is also planned abruptly and is scheduled at the last minute, yet they are expected to drop everything and attend it. Additionally, inspectors indicated that they are always required to put their training/learning objectives in their PDP's but they never receive the training they ask for.

" It's a tedious exercise of dreaming."

It must be noted that every IES employee that was interviewed during the fieldwork has identified lack of training as a significant challenge to IES.

iv. Skills capacity

There seems to be no clarity on what the Department's objectives are in terms of capacitating the

inspectors. IES employees stated that the Department do not have any qualifications aligned to becoming an inspector, so they generally accept any qualification. However, inspectors indicated that whenever they apply to study, using the Department's bursary, they get declined on the basis that what they want to study is not aligned to their jobs.

It was further mentioned that at some point the Department made Safety Management a requirement to becoming an OHS inspector. According to inspectors, many of them studied Safety Management, only for the Department to decide that it was no longer a requirement to becoming an OHS inspector. An organisation was also appointed by the Department to train all the inspectors in an attempt to "professionalise" them, only for them to find out at the end of the programme that the appointed service provider was not accredited and licensed.

The Department also seems to be prioritising qualifications over experience and does not want to recognise prior learning in terms of grading jobs and aligning that to remuneration. It uses the Department of Public Service and Administration (DPSA) job grading and salary structure, and does not acknowledge the matric-entry requirement and experience legacy that the DOL has.

v. Performance management

According to the research conducted, it seems as though there are weaknesses in the performance management system and the way targets are set for inspectors. It is based on one measurement variable (targets) and it appears that there is no reward and recognition programme for exceptional performers. There also seem to be no mechanisms in place for dealing with poor performance. Performance is measured based solely on targets. Inspectors and Team Leaders are all allocated a monthly number of active inspections that they have to conduct. They also have to finalise/resolve 75% of the complaints (walk-in cases that CSOs failed to resolve) allocated to them.

From the fieldwork conducted, it became apparent that Labour Centres focus on either individual targets or Labour Centre targets. There is no consistency or uniformity in how it is done, it is at the discretion of the DDLCO. It is at Labour Centres where they are measured on the Labour Centre reaching its target that things become problematic as some inspectors are expected to do other inspectors' work. In addition, there were reported instances where there were inspector vacancies in the Labour Centre and the Labour Centres' targets did not get adjusted. Inspectors were then expected to do the work for the vacancies as well, in order for the Labour Centre to reach its target. Inspectors reported that they do not get rewarded or acknowledged for reaching or exceeding their targets. However, they mentioned that they were reprimanded, threatened and harassed if they missed their targets.

Inspectors prioritise reaching targets over the quality of cases, due to the emphasis that the Department places on reaching targets. This becomes problematic when SS has to take these cases to court.

b) Organisational structure issues:

All the provinces use a different organisational structure, with different reporting lines. In some provinces SS reports directly to Head Office and not to the PCI, and Employer Audit reports into UIF and Compensation fund. In some provinces the SSO reports to the Assistant Director: Support Services. The Employment Standards Specialist role is usually vacant and the BCEA and EE specialist inspectors report directly into the PCI. In addition, the Support Services function has many vacancies and usually has one person supporting the entire Provincial Office, all the Labour Centres, and requests from the Team

Leaders and inspectors at the Labour Centres.

Provided below are specific challenges that emerged relating to organisational structure.

i. Dual reporting

Inspectors and Team Leaders currently have dual reporting lines as they report to their DDLCO and to their PCI. Dual reporting lines work when they are explicit and everyone's role is clear with proper communication channels. In the case of IES, that does not seem to be the case. From the fieldwork conducted, it appears as though the reporting lines are not clear, bureaucratic channels are often avoided and DDLCO feels undermined, whilst Inspectors and Team Leaders are left confused. The DDLCO feels undermined when the PCI gives instructions directly to Team Leaders and inspectors, which they would be expected to carry-out using the LC's resources. Team Leaders and inspectors are not sure if they are allowed to report directly to the PCI or if they need to go through the DDLCO.

ii. Role ambiguity

IES employees are not clear of their roles, especially the roles listed below:

- ▶ **Specialist inspectors at Provincial Offices:** The role is supposed to support Labour Centre inspectors with OHS, EE, BCEA, and to provide specialist assistance per economic sector. In addition, these specialists need to conduct inspections to meet their own targets, and are required to provide training to Labour Centre inspectors and host advocacy sessions. However, it was stated that due to the requests from Head Office their role is predominately admin- based. In spite of that even the above-mentioned functions seem to be too much for one role, overlooking an entire province.
- ▶ **Team Leaders at Labour Centres:** Team Leaders are expected to play an inspector and supervisory role. The Team Leader role seems to be unclear due to the misalignment of the job grade, functions of the role and its placement in the organisational structure.
- ▶ **OHS inspectors at Labour Centres:** OHS inspectors at Labour Centres seem to be unsure of the extent of their role and powers. They indicated that they are not sure whether they are allowed to investigate fatalities, shut down a workplace that does not meet the health and safety requirements as stated in the Occupational Health and Safety Act, 1993. Some OHS Labour Centre inspectors only do what they refer to as "Basic OHS" inspections.
- ▶ **DG Review inspectors at Labour Centres:** The results of the fieldwork indicate that these inspectors do not know or understand their roles. They were appointed as DG Review inspectors and attended a workshop at Head Office but most of them have not done anything since they were appointed.
- ▶ **Economic Sector inspectors at Labour Centres:** The Department appointed some inspectors as specialists in certain economic sectors, for example a Wholesale and Retail inspectors, Domestic inspectors or Agriculture inspectors. These inspectors only conduct inspections in their respective economic sectors. These inspectors were then told to discontinue doing their designated economic sector, however not all of them received formal communication about the decision and some of them still conduct inspections in their designated economic sector.

iii. Specialist vs generalist debate

Specialist inspectors have no jurisdiction limitations in a province, they can conduct inspections anywhere. There have been many reported cases in which a Labour Centre inspector would go and conduct an inspection at a workplace and a specialist inspector from Provincial Office would go to

conduct an inspection at the same workplace. Inspectors stated that employers then get angry and refuse to co-operate with the Department in general. This also ruins relationships and sometimes disadvantages the employees. It also discredits the Department and makes it appear incompetent.

According to the fieldwork conducted, it was apparent that there is an issue between the generalist inspectors and the specialist inspectors. The inspectors at the Labour Centre mentioned in almost all the interviews that they do more work than the specialist inspectors yet they are graded lower and are paid less. This is where the concept of “equal pay for work of equal value” was mentioned in almost all inspector interviews.

In addition, some Labour Centres have IES specialising CSO’s. These CSOs only handle IES cases, whilst other Labour Centres circulate its CSOs and they are exposed to IES cases, UIF claims, etc. Labour Centres that allow their CSO’s to specialise in IES, have fewer issues concerning quality of cases and there is more resolution of cases at Registration Services.

c) Process- related issues:

i. Inspection process

One of the main challenges that inspectors experienced is that they are no longer allowed to conduct follow-up inspections. Inspectors indicated that even though they are no longer able to conduct these type of inspections, they still have to follow up to finalise a case or to send the case to SS. Follow-up inspections no longer count towards targets. This brings along a host of problems such as deviation from authorised trips, cases that lack quality information as well as cases that cannot be resolved and are then sent to SS.

ii. Uniformity/ standardisation

From EY’s observations while conducting fieldwork, it became evident that there is no uniformity across the country on most IES- related processes, procedures and structures. Every Provincial Office and every Labour Centre visited operates differently, uses different templates (from Department memos to compliance orders). Some Labour Centres rotate their CSOs, others have IES specialist CSOs, whilst others have made some CSOs a Registration Service Back-up Support. Some Labour Centres refer cases from the frontline immediately while others wait for the 14 days to pass before referring the case even when they can see that they will not be able to resolve it. They also use different terminology: resolve vs. finalise; case vs. complaint; investigation vs. inspection, etc.

Not all the Labour Centres have received the SOP and those that have say that it is not logical and have amended it to work for them, hence every Labour Centre operates differently. Inspectors think that it is very important that they are consulted when documents such as the SOP are drafted because they have a better understanding of what is happening on the ground and what type of challenges they face. There also seems to be no change management strategy/ programme that supports the implementation of the SOPs as the SOPs are sent via email and inspectors are told to follow them from a certain date.

iii. Enforcement process

The enforcement process is definitely the biggest challenge that EY observed from the fieldwork visits conducted. Currently, inspectors send their cases to SS at Provincial Office where their cases “go to die”.

SS is a Department in IES that is responsible for taking cases to the Labour Court. Inspectors are no longer allowed to take cases to court themselves and refer all their unresolved cases to SS. That is approximately 200 inspectors referring more than 20 cases each to the one SSO at Provincial Office to be taken to court.

SS is extremely understaffed, both from a headcount perspective and an organisational structure perspective. SS is only available at Head Office and Provincial Office. According to the organisational structure there should be one Chief Director, two Directors and two Deputy Directors with three Administrators at Head Office¹²². All of the Provincial Offices are supposed to have an SSO. However, despite SS having a very lean structure- they also have many vacancies. They require SSOs to have a legal qualification, however their remuneration package does not meet the industry standard for the caliber of employees they require. It is thus hard to attract and retain SSOs.

Most of these cases never make it to court, and there is a significant back-log at SS where a large portion of cases are referred to SS yet SS does not have the capacity to deal with each one. The Department has thus built a reputation for being a *“tooth-less dog”*. Employers do not respect them and they know that even if they issue them with a compliance order nothing is going to happen due to cases taking so long to get to court or most of them not even getting to court. Inspectors feel that SS prioritises large cases, which have the potential of having large pay outs. According to them employers deliberately do not comply anymore.

“They even tell you that you must take them to court, they will see you in 10 years’ time, they know!”

Inspectors indicated that their clients have lost faith in the Department. They do not see the point of IES and opening cases against their employers at the Department because they seem to never receive any feedback/outcome on their cases.

“We never give them justice, but they are the reason we are here, doing what we do- for them!”

Cases that are prosecuted by the Labour Court usually come with a fine and if the employer is unable to pay a fine then the sheriff attaches the employers’ property. The costs of the sheriff attaching a non-complying employer’s property is usually more expensive than the property itself. For example the sheriff would charge R 10 000 to attach property worth R 5 000. SS states that it also evaluates the cases weight, if a case is for unpaid wages worth R 1 000 then they would rather prioritise a case of unpaid wages worth R 10 000.

In addition, it must be noted that according to legislation, inspectors have the power to access a workplace. However, what is happening on the ground is far from what is in the legislation. Inspectors feel that their authority is not respected by employers, this is further aggravated by the fact that cases never go to court, and so employers do not take them seriously or respect labour laws.

“Even if we use the power of entry that the legislation awards us, when employers complain the Department takes the employer’s side.”

¹²² *Organisational structure for branch: Inspection and Enforcement Services compiled by Organisational Development*

“Entering a workplace is extremely dangerous and we have no protection, it’s just risky entering when you are not welcomed.”

d) Resource- related issues:

i. Number of inspectors

It was reported in interviews and fieldwork that the process is significantly lengthy to fill IES vacancies: up to two years to fill a vacancy. The Department abolishes vacancies that have been vacant for too long. There are apparently a number of roles that have been abolished because they have been vacant for too long. It was stated that the recruitment process is not transparent as when people apply for a job they never receive a response about their application even when they actively follow up.

Due to the abovementioned practice, it was further mentioned by IES employees that there are crucial roles that are vacant or have been abolished such as OHS inspectors, inspectors and Admin Support Officers (ASO). Due to the way some targets are measured, some roles are strained and overworked. For example, in the absence of an ASO, Team Leaders are expected to do an ASO’s duties. Whenever an inspector role is vacant the other inspectors are expected to do the work of the vacant role in order for the Labour Centre to meet its targets. In some instances inspectors are expected to do the work of inspectors who are still within the Department but are not able to do their work for various reasons such as: they cannot drive, for medical reasons they can no longer do inspections or they were politically appointed and are never at work.

ii. Tools of trade (i.e. distribution of stationery, laptops, computers, cars, printers, etc.)

Uniforms

There seems to be an inconsistent distribution of resources, and in most cases the amount of resources distributed is not sufficient. It was reported that inspectors were given uniforms but all the provinces’ uniforms were different, quality was reportedly poor and they received incomplete sets. The majority of the OHS inspectors interviewed do not have PPE or OHS equipment to do their jobs, some of them last received PPE 5 years ago and the OHS equipment is over 20 years old.

Inspectors believe that uniform, branded bags and business cards will assist them in gaining entry and assist them in being visible to employers when going to conduct inspections. It was reported that most of them do not have inspectors’ cards either. In addition, most Labour Centres visited do not have sufficient printers in terms of quality and quantity and it was claimed that there is often insufficient stationery for inspectors to do their jobs efficiently.

Issuing of tablets and cellphones

Additionally, it was reported that the Department takes very long to issue inspectors with tablets and cell phones when they join or if theirs are stolen. An aggravating factor appears to be the claim that the Department may take the desktop computers away from inspectors. Inspectors cannot print directly from their tablets and are required to send the documents to a desktop computer in order to print so if they were relieved of their desktops, this problem would be exacerbated.

With regards to cell phones, inspectors mentioned that once the allocated monthly data on their cellphones has been depleted, then the additional spend has to be paid out of their own pockets. The Department migrated to Vodacom and deducted the additional spend from their salaries. Inspectors complained about these unauthorised deductions and stated that they would like this money to be reimbursed but there seems to be no headway because inspectors believe that no one is supporting their case. The issue has been unresolved for more than 18 months and has even been escalated to DG level but inspectors believe that no one wants to take responsibility (from DDG, DG or Chief Director).

IES cars

The Department seems to have a rather significant issue with the distribution of vehicles referred to as “pool cars”. These are cars owned by the Department and used by the Department’s staff. Due to the shortage of cars in most Labour Centres, there are not enough cars for everyone so inspectors have to share cars in order to go out and conduct enough inspections to meet their targets. It was reported that at times between two and four inspectors share a vehicle. This presents various issues such as location, time and safety issues. Inspectors are forced to conduct inspections at locations close to each other and they can usually only conduct one inspection per day. In addition, if an inspector’s safety is compromised then he/she cannot get away immediately because he/she has to wait for other inspector to complete his/her inspections in the same area. Inspectors are under the impression that the cars are not insured and so are not replaced when they are damaged in an accident. EY interviewed the DOL Director: Fleet and Auxiliary Services and was informed that vehicles are, in fact, insured. However, due to the misalignment of information communication of policies may need to be improved.

The Department also has scheme A and scheme B vehicle contract options. Scheme B involves inspectors leasing their own cars to the Department and being paid based on the kilometers they travel. Scheme A are subsidised vehicles whereby the Department contributes 70% to the car instalment and the inspector contributes the remaining 30%. However, some of the inspectors indicated that the requirements to be provided with a subsidized vehicle are not realistic. This requires that the inspector travels 1 500 km per month and they mentioned that it is often not possible to meet this mileage requirement.

“I can never travel for more than 1 500 km per month when I share a vehicle with four other people.”

“I have applied for a subsidy car over 10 times in the past three years, if you ever get a response you are lucky!”

“I got robbed at gun-point, whilst I was waiting for my colleague to come pick me up.”

Network and system issues

The Department uses a system called CITRIX. In almost all interviews conducted it was mentioned that this system is extremely slow and inspectors often get expelled from the network. This impacts on their ability to complete their work timeously as they resort to manual processing instead.

Inspectors have the expectation that CMS, SAP, will automate the entire process from the RS stage to SS at Provincial Office but are concerned that this has been promised for seven years but is only

currently in the pilot stage.

An interview with an internal stakeholder confirmed that the department had procured the services of an external service provider to design and implement a CMS for IES cases. The system was supposed to have been implemented in 2009, however due to many project issues that occurred the system has still not been implemented yet. An internal audit conducted in March 2014 concluded that the service provider failed to deliver some of the objectives/ design interfaces required and that the Department failed to hold the service provider accountable for missing deadlines.

e) Other issues:

i. Budget constraints

Labour Centre employees feel that the budget constraints are unreasonable and that the Department is not strategic in how it spends its budget. They feel that most of the items/projects that the Department spends capital on are wasteful expenditure. For example, inspectors mentioned the uniform that the Department implemented for all inspectors to assist in making them more visible to employers, employees and the public. Some inspectors received the wrong sizes, incompatible sets and poor quality. Inspectors believe that this was a waste of money that could have been used more beneficially. Other examples that inspectors and Team Leaders gave were the Professionalisation project, IES restructuring and Project Shanduka. Inspectors believe that these projects never actually materialized because whenever there was a change of management in the Department some projects stopped and new ones arose.

ii. Top management continuity

As mentioned previously, IES employees perceive that every time there is a change in leadership then everything in the Department changes (i.e. No continuity of projects whenever there is a change at management level). It was reported that every top management team has its own vision and strategy for the Department and they do not seem to look at what the previous management team was doing, what their vision was and how the broader Department was responding to it.

“Every time there is a vacancy at the top, the Department changes.”

iii. Communication and planning

There was consensus among IES employees that the Department is generally weak at communicating whether this is about changes within the Department, projects or changes to the legislation. IES employees believe that the little communication that currently takes place is either extremely late, inconsistent or irrelevant.

It appears that one of the challenges that is negatively impacting on communication is bureaucracy and the organisational structure with its dual reporting lines that are not clearly outlined. Team Leaders and inspectors reported that they do not appreciate when the Provincial Office or Head Office communicates things to them last minute (which they claim happens often). The last minute communication may be caused by the bureaucratic protocol that has to be followed in order to filter down the message. The Department's communication barriers often lead to poor planning and poor execution of programmes and projects. It was reported that people who are expected to execute programmes or attend training

often get the message a day or two before due to the bureaucratic communication channels that a message has to follow. According to our interviews, there have been cases where a specialist inspector from Head Office would organise training for inspectors in a certain region for a particular day and no one would show up for the training due to no communication being sent out.

iv. Risk to inspectors

In most of the interviews conducted with inspectors and Team Leaders, it became apparent that they are often exposed to many risks while conducting inspections. They have been exposed to risks caused by the employee and the employer when it comes to inspections conducted.

- ▶ **Employees:** There have been an abundance of cases where inspectors would randomly select an employer and conduct an inspection at their workplace. After their departure, inspectors are informed that the employer would either fire an employee or harass them on the assumption that the employee called the DOL. After losing their jobs they would blame the inspector by harassing and threatening them and their families. Employees would also make a complaint against an employer and there have been reported cases where the employee takes the Labour Centre hostage until they feel that justice has been served against their employer.
- ▶ **Employers:** EY was informed through the interviews conducted that employers have harassed, threatened, assaulted, shot, abused (verbal and physical), insulted and discriminated (racially and sexually) against inspectors. Inspectors who have experienced this type of treatment allegedly receive no support from the DOL. The Department does not have any programmes in place to assist inspectors who have been victimised. Inspectors indicated that the employers in the following sectors are the most problematic and risky to inspect: Taxi, Agriculture and Domestic.

It must be noted that there were several occasions where EY fieldworkers went to conduct fieldwork and felt as if our safety was compromised on the visits. This was due to the lack of security in the actual Labour Centre as well as the vulnerability they felt when attending a site visit with a difficult employer.

v. Physical working conditions

EY observed several issues with the physical working conditions at Labour Centres which poses a health risk to its employees. For example, several Labour Centres did not provide sanitary bins in the ladies' bathrooms. In addition, some Labour Centres did not have water or if they did have access to water then it was not safe to drink. In these circumstances, these Labour Centres did not provide employees with bottled water and employees were expected to buy the water themselves. Another example is one of a Labour Centre with a sewage problem where employees were still expected to continue working in that office. Also, a Labour Centre that EY visited had a roof that leaked whenever it rained and so all their case documentation was destroyed due to water damage.

vi. Storage space

When visiting the various Labour Centres, EY noticed that almost every Labour Centre visited did not have a secure storage space where files would be safely secured and confidential information would be safe. In fact, most Labour Centres had their client files scattered all over the office and occasionally a few of them would be filed in a cabinet that rarely had a key. This poses a significant risk to IES and the Department due to the newly implemented Protection of Personal Information (POPI) Act.

5.2.2 Provincial trends

The provinces have the same challenges as the challenges presented in the 'National' section. However, some challenges may be more prevalent in some provinces than others. The ones identified below are challenges specific to certain provinces only.

Table 46: Provincial challenges

Province	
Gauteng	<ul style="list-style-type: none"> ▶ Province's biggest Labour Centre was shut down for not meeting OHS standards. ▶ Insufficient cars for some Labour Centres.
Limpopo	<ul style="list-style-type: none"> ▶ Vacant posts do not get filled. ▶ Ageing workforce. ▶ Insufficient training received. ▶ Illegal immigrant workers are an issue for this province. ▶ Insufficient cars for some Labour Centres.
Mpumalanga	<ul style="list-style-type: none"> ▶ Seasonal employment peaks which creates seasonal Labour Centre peaks. ▶ Labour Centres that do not meet OHS standards. ▶ Illegal immigrant workers are an issue for this province.
North West	<ul style="list-style-type: none"> ▶ Labour Centres that do not meet OHS standards. ▶ Access to farms problematic.
Free State	<ul style="list-style-type: none"> ▶ Illegal immigrant workers are an issue for this province. ▶ Vacant posts do not get filled. ▶ Access to farms problematic.
KwaZulu-Natal	<ul style="list-style-type: none"> ▶ Province's biggest Labour Centre was shut down for not meeting OHS standards. ▶ Access to employers' premises is a significant challenge. ▶ Lack of OHS inspectors.
Northern Cape	<ul style="list-style-type: none"> ▶ Labour Centre jurisdictions covers large areas - it takes a full day to visit one farm (due to the distance). ▶ Some Inspectors do not know how to drive.
Western Cape	<ul style="list-style-type: none"> ▶ Unions aggressively harass inspectors. ▶ The eastern part of the Western Cape feels left out from provincial activities.
Eastern Cape	<ul style="list-style-type: none"> ▶ Vacant posts that have been abolished. ▶ Labour Centres that do not meet OHS standards. ▶ Political appointees who do not pull their weight.

5.2.2.1 Head Office specialists

EY conducted a focus group with the Head Office specialists as their function tends to differ from the other inspectors. Most of the challenges that Head Office specialists face are covered under the national trends, especially those pertaining to resources (tools of trade). However, provided below is a list of challenges specific to Head Office specialist inspectors:

- ▶ They believe that they do not have enough specialists at Head Office level or even teams to support them. They have to be strategic, operational and support at the same time. They put together legislation and policy, support Provincial Offices and Labour Centres, have their own inspection target and they have to do their own administration - hotel bookings, flights and write minutes, etc.
- ▶ They mentioned that they experience a lack of technical assistance in terms of collating public responses or a legislation or policy that was put out for public comment.
- ▶ They also stated that they do not have access to International standards/ benchmarks. The Department does not have a knowledge management system or a library.

- ▶ They have to pay for professional registration out of own pocket which they believed to be unfair e.g. Engineering council of SA.
- ▶ When they are conducting advocacy sessions, Head Office specialist inspectors stated that they are expected to find venues for free.
- ▶ There seems to always be budget cuts yet the Head Office specialist inspectors stated that the Department gave R107 million back to Treasury in 2015. They believe that the budget is not accurately calculated and the work plan is not adhered to.
- ▶ The Department does not have sufficient storage space. When a company closes down, they need to submit all their reports but there is no space for files to be kept. They stated that each employer sends about 2kg of paperwork. The Head Office specialist inspectors stated that the Department has to keep the files for 40 years.
- ▶ The Head Office specialist inspectors stated that they believe management is biased and usually takes the side of the employer whenever there are complaints or cases against them without considering both sides of the story.
- ▶ The Department has been trying to establish its own laboratory for the past 7 years, up until today nothing has come out of it.
- ▶ The Head Office specialist inspectors believe that their roles need to be re-evaluated as there is a significant difference between specialists at Provincial Office and Head Office but they are on the same job grade. When Provincial Office inspectors have a problem, Head Office specialist are expected to support them. They also train the Provincial Office specialists.
- ▶ The Head Office specialist inspectors stated that their roles are too complex and they have too many responsibilities. They mentioned that they have to give input on policies and legislation, support Provincial Offices and Labour Centres, conduct advocacy sessions, investigate cases that come to the Department and reach their targets.
- ▶ Head office specialists claim that they do not have jurisdiction and wherever they go to conduct inspections (to meet their own target) they are in someone else's jurisdiction.
- ▶ Head Office specialists indicate that there is no collaboration between Head Office specialists, Provincial Office specialists and Labour Centre inspectors because they argue about who will get the target.

5.3 Online survey

5.3.1 Demographics

The survey was sent to 1599 inspectors whereby 508 surveys were completed and 347 surveys were incomplete. This yields a total response rate of 32%. This response rate is high enough to be considered as representative of the total population.

The following statistics were conducted on basic demographics such as race, gender, age, SR level and province participation:

- ▶ **Race:** 79% of participants who completed the survey (i.e. 399 participants) are African, 12% of the participants (i.e. 61 participants) are Coloured, 6% of the participants (i.e. 33 participants) are White and 3% (i.e. 15 participants) are Indian.
- ▶ **Gender:** 57% of the participants (i.e. 289 participants) who completed the survey are male, and the remaining 43% of the participants (i.e. 219 participants) are female.
- ▶ **Age:** 42% of participants (i.e. 213 participants) are between the ages of 35- 44 years old, 27% of participants (i.e. 138 participants) are between the ages of 25- 34 years old, 24% (i.e. 122 participants) are between the age of 45- 54 years old, 7% of participants (i.e. 34 participants) are between the ages of 55- 64 years old, and 0% of participants (i.e. 1 participant) are between the ages of 18- 24 years old.
- ▶ **SR level:** 46% of the participants (i.e. 235 participants) who completed the survey are at SR level 6, 38% of the participants (i.e. 191 participants) are at SR level 8, 7% of the participants (i.e. 34 participants) are at SR level 7, another 7% of participants (i.e. 33 participants) are at SR level 10, 2% of participants (i.e. 10 participants) reported to be at SR level 12, and 0% of participants are at SR level 5, 9 and 13 (i.e. 1, 2, 2 participants respectively).
- ▶ **Province participation:** 22% of participants (i.e. 114 participants) who completed the survey are based in Gauteng, 14% of participants (i.e. 73 participants) are based in KwaZulu-Natal, 13% of participants (i.e. 65 participants) are based in Limpopo, 12% of participants (i.e. 59 participants) are based in Eastern Cape, 10% of participants (i.e. 52 participants) are based in Mpumalanga, 9% of participants (i.e. 48 participants) are based in the Western Cape, 8% (i.e. 38 participants) are based in the Free State, 6% (i.e. 28 participants) are based in North West and another 6% (i.e. 31 participants) are based in the Northern Cape.

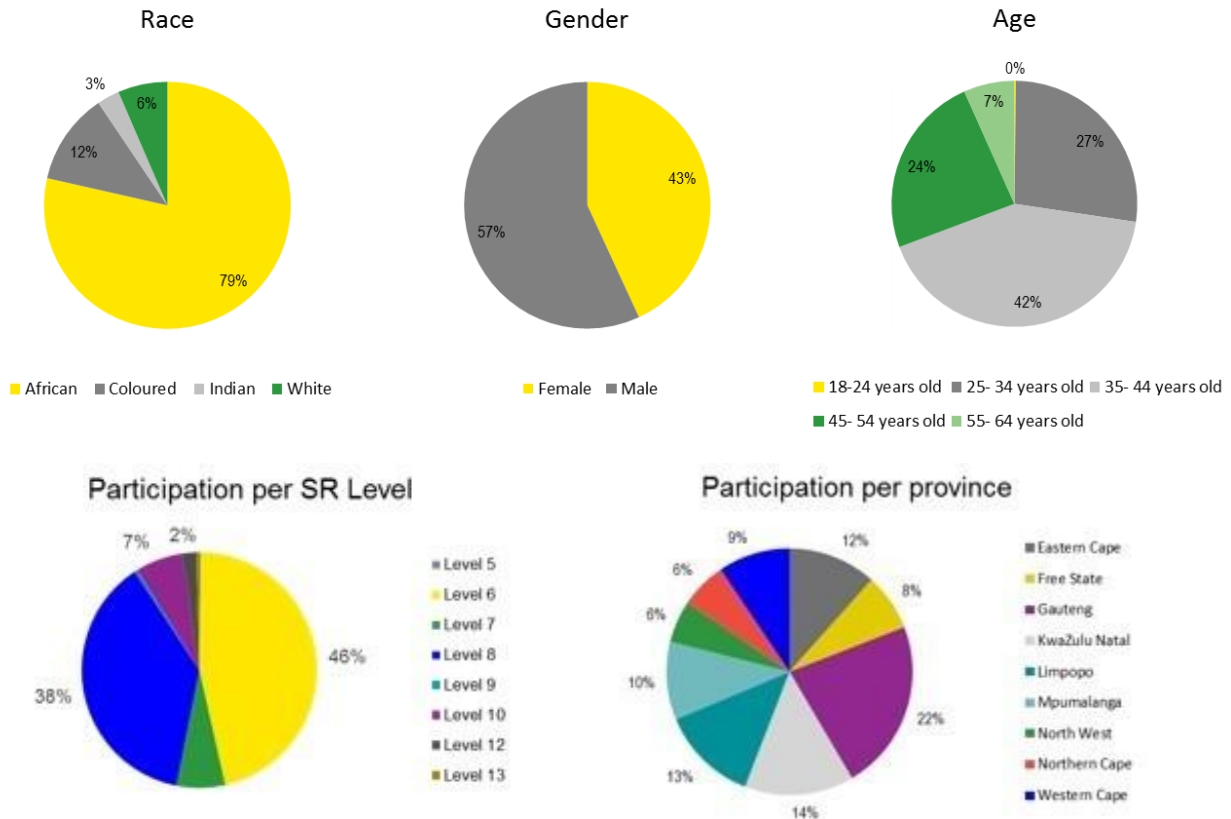


Figure 15: Demographic survey results

5.3.2 Qualifications and work experience

The survey probed the current qualifications and work experience that inspectors have:

- **Qualifications:** 31% of participants have a diploma as their highest qualification, 26% of the inspectors who completed the survey hold a Matric certificate, 14% of participants have a first degree, 11% of participants have a post-graduate degree, and another 11% of participants have a certificate, and 7% of participants recorded having a higher diploma. Of the recorded qualifications, 19% of respondents indicated that they majored in Labour Relations/ Law and 11% of the respondents have a Human Resource related background and an Engineering background.

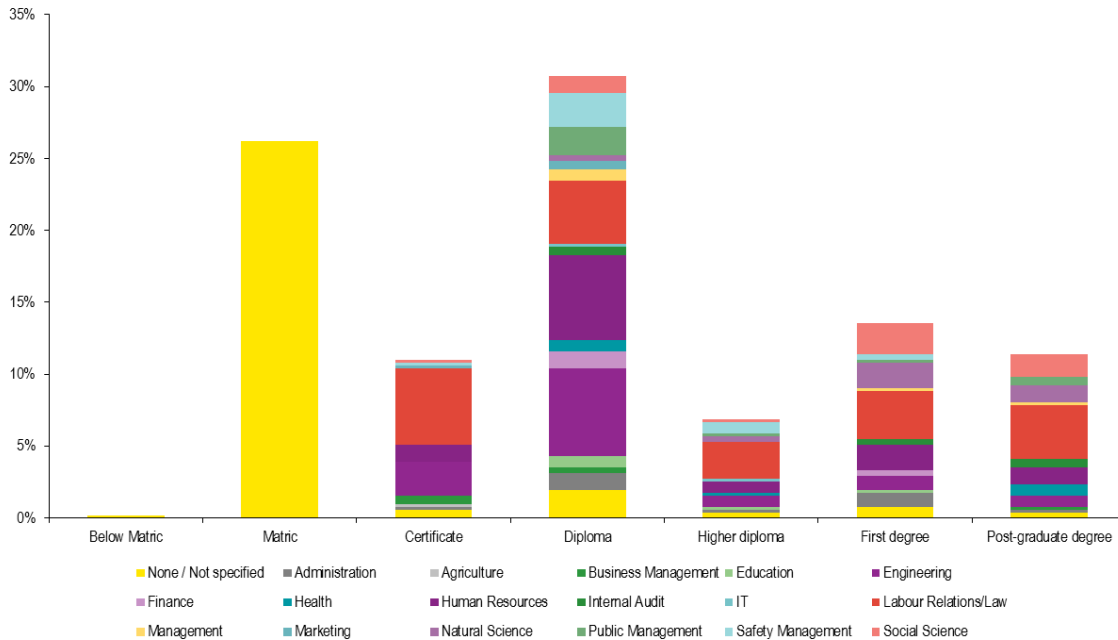


Figure 16: Qualification survey results

In addition to the above, further analysis was made to compare qualifications with the SR levels. The results indicate that 76% of respondents at SR level 8 do not have a first degree. The results also indicate that 42% of respondents at SR level 10 do not have a first degree.

SR Level vs Qualification

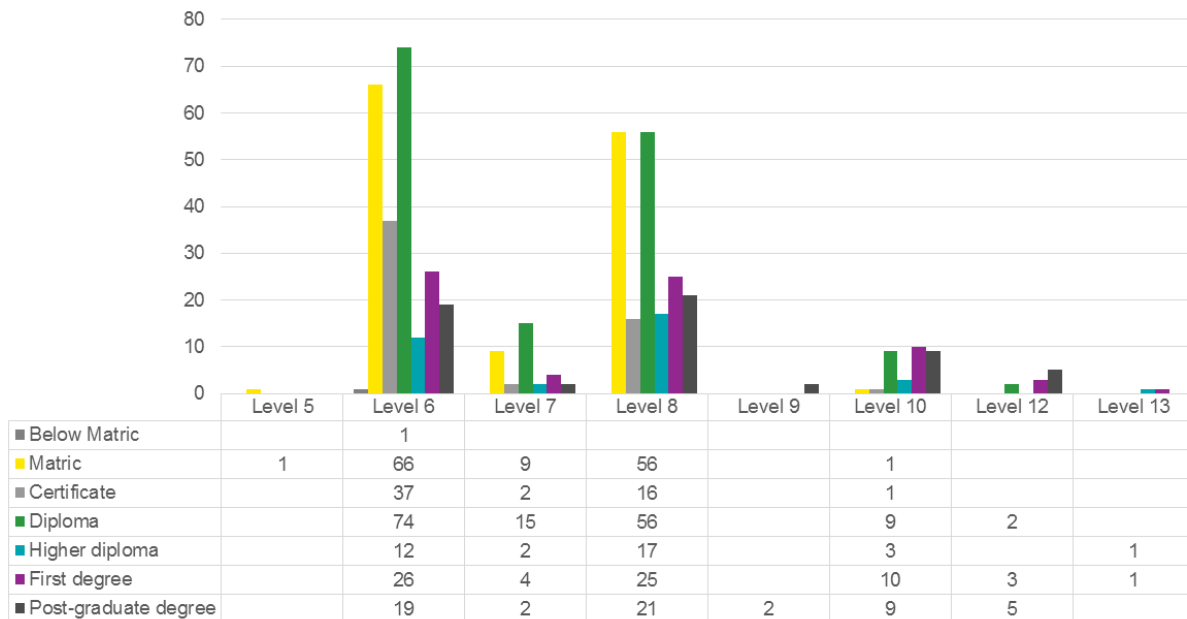


Figure 17: SR levels vs qualification survey results

The survey also investigated inspectors' prior work experience to being an inspector within IES:

- **Work experience:** 45% of the respondents indicated that they have had prior work experience in the public sector, 34% of the respondents indicated that they have had prior work experience in the private sector, and 21% of the respondents indicated no prior work experience. Of those respondents who had prior work experience in the public sector, 54% of them had worked in the Department of Labour, and 14% of them had worked for the Department of Education. Of those respondents who had prior work experience in the private sector, 26% of the respondents had prior work experience in wholesale, retail and motor trade; catering and accommodation, and 21% of the respondents had prior work experience in manufacturing.

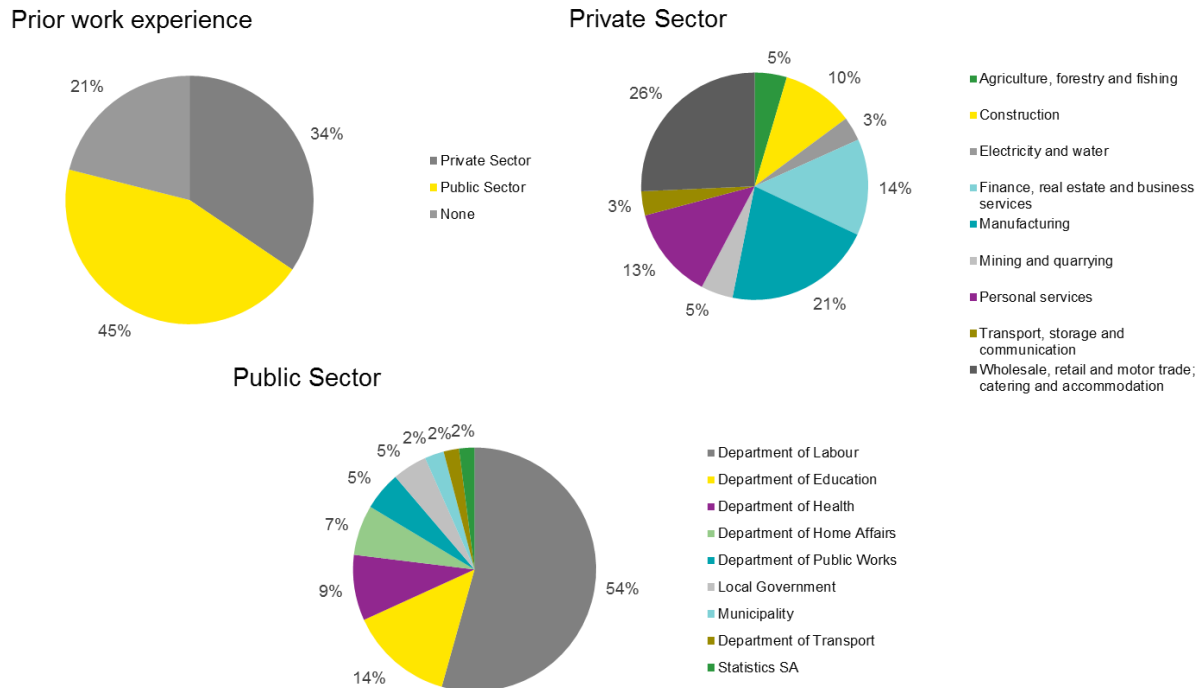


Figure 18: Work experience survey results

5.3.3 Sectors

The survey further explored economic sectors that inspectors primarily operate within, as well as the most utilized sectoral determinations when conducting inspections.

Respondents indicated that the majority of employers in their area fall within the wholesale, retail and motor trade, catering and accommodation sector (17%). Similarly, the majority of inspections occur within this economic sector (19%). During the fieldwork, a majority of inspectors who were interviewed stated that most inspections occur within the wholesale and retail sector as it is the most accessible sector and this assists inspectors in reaching their targets. Inspectors mentioned that this results in other sectors being neglected, therefore resulting in less compliance in the other sectors.

Employer economic sector



Inspections per sector

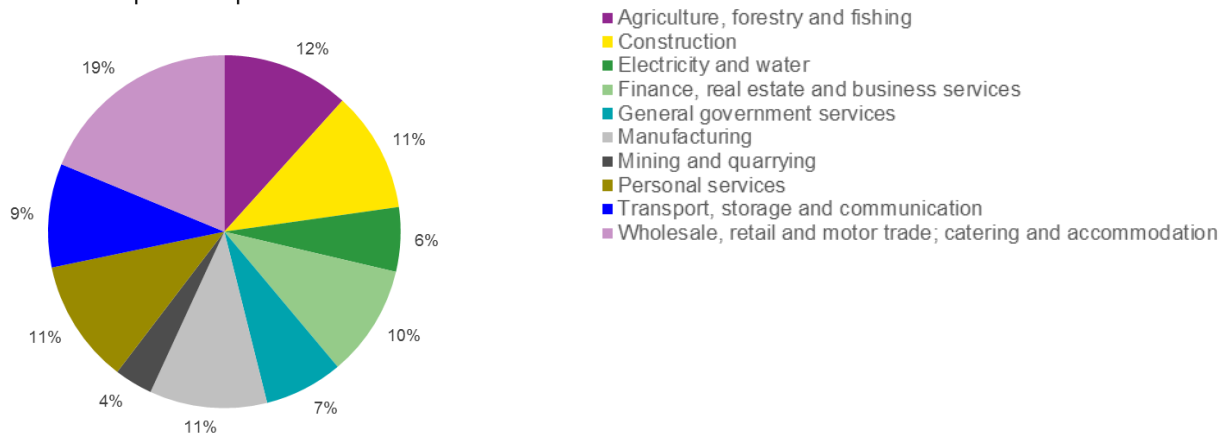


Figure 19: Economic sectors survey results

Regarding sectoral determinations, 33% of respondents indicated that they never deal with sectoral determinations when conducting inspections. However, of all the sectoral determinations, the wholesale and retail sectoral determination is the most frequently reviewed during inspections, followed by the hospitality sectoral determination.

Refer to Appendix K for a detailed illustration of the sectoral determination results per province. Provided below is a high level summary of each province:

- ▶ **Eastern Cape:** An average of 39% of Eastern Cape respondents indicated that they never deal with sectoral determinations during inspections. However, of those that do deal with sectoral determinations, the wholesale and retail sectoral determination is most frequently reviewed during inspections, followed by hospitality. The children in performing arts sectoral determination is the sectoral determination that is used the least.
- ▶ **Free State:** In the Free State, an average of 43% respondents indicated that they never deal with sectoral determinations during inspections. However, of those that do deal with sectoral determinations, the domestic worker and hospitality sectoral determinations are the most frequently reviewed sectoral determinations in the Free State. Forestry and children in the performing arts sectoral determinations scored the lowest in the Free State.

- ▶ **Gauteng:** An average of 30% of respondents in Gauteng indicated that they never deal with sectoral determinations during inspections. However, of those that do deal with sectoral determinations, the domestic worker sectoral determination followed by the wholesale and retail are most frequently reviewed during inspections in Gauteng. Forestry was reported as the lowest sectoral determination reviewed when conducting inspections in Gauteng.
- ▶ **KwaZulu-Natal:** In KwaZulu-Natal, an average of 37% respondents never deal with sectoral determinations during inspections. However, of those that do deal with sectoral determinations, the wholesale and retail sectoral determination, as well as the hospitality sectoral determination are both as frequently reviewed during inspections. The children in the performing arts and the clothing and knitting sectoral determinations are reported to be the sectoral determinations used the least in inspections in KwaZulu-Natal.
- ▶ **Limpopo:** In Limpopo, a 30% average of respondents never deal with sectoral determinations during inspections. However, of those that do deal with sectoral determinations, the wholesale and retail sectoral determination is most frequently reviewed during inspections, followed by the private security sectoral determination. The lowest sectoral determinations in Limpopo are reported to include children in the performing arts and learnerships.
- ▶ **Mpumalanga:** A 29% average of respondents in Mpumalanga stated that they always deal with sectoral determinations during inspections. The wholesale and retail sectoral determination is reported to be the most frequently reviewed during inspections, followed by the hospitality sectoral determination. The lowest sectoral determinations reviewed in Mpumalanga according to the respondents include children in the performing arts and learnerships.
- ▶ **North West:** In the North West, an average of 29% of participants stated that they always deal with sectoral determinations during inspections. The wholesale and retail, and hospitality sectoral determinations tied for the most frequently reviewed during inspections. The lowest number of sectoral determinations reviewed during inspections in the North West include children in the performing arts, learnerships and clothing and knitting. The forestry sectoral determination was also significantly lower than the rest.
- ▶ **Northern Cape:** An average of 35% of inspectors who completed the survey in the Northern Cape indicated that they always deal with sectoral determinations during inspections. The wholesale and retail, and hospitality sectoral determinations tied for the most frequently reviewed during inspections. The lowest scoring sectoral determination reviewed in the Northern Cape is forestry.
- ▶ **Western Cape:** In the Western Cape, 31% of respondents never deal with sectoral determinations during inspections. However, of those that do deal with sectoral determinations, the wholesale and retail sectoral determination is the most frequently reviewed during inspections alongside the hospitality sectoral determination. The lowest scoring sectoral determinations include: civil engineering, taxi, learnerships, clothing and knitting, forestry, and children in the performing arts.

5.3.4 Challenges

The survey investigated what which challenges inspectors may experience which may prohibit them from performing their jobs successfully. EY presented a number of various possible challenges to the inspectors with which they could indicate whether they experience that item as a challenge when they conduct inspections. Almost all the respondents indicated that they experience all the challenges that EY presented to them.

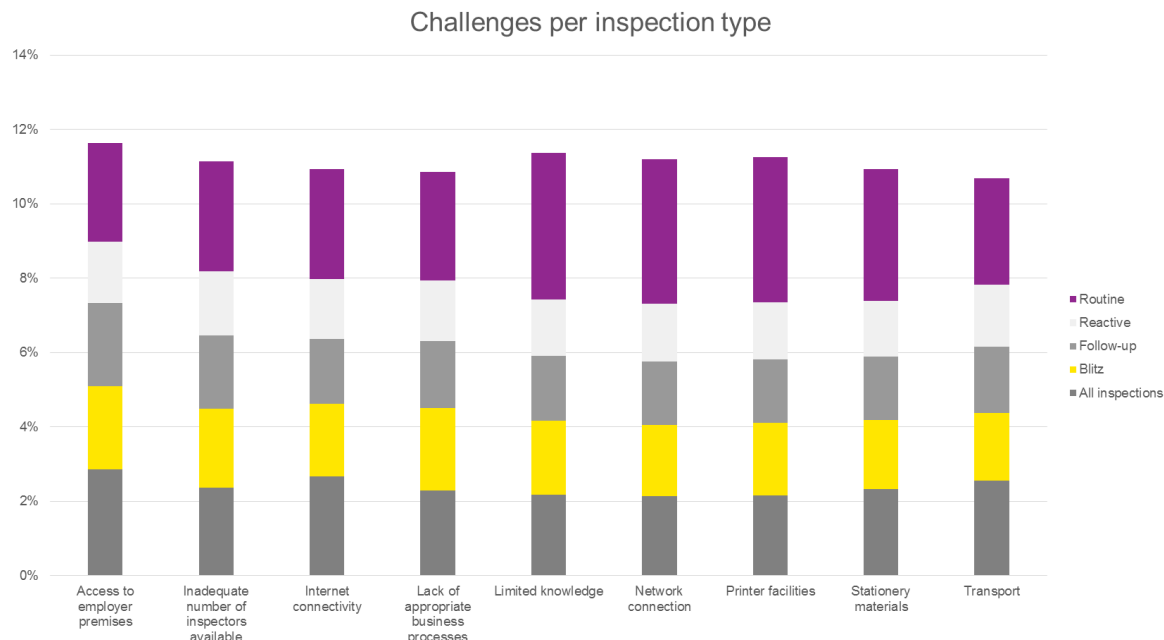


Figure 20: Challenges per inspection type survey results

Provided below is a breakdown of the challenges experienced by inspectors, according to the respondents.

i. Access to employer premises

Access to employer premises refers to the limited ability to access employer premises when they attempt to conduct an inspection. At a national level, this challenge scored the highest as almost all respondents indicated that they experience this as a challenge across all the different inspection types. A large percentage of the comments made by respondents stated that access to employer premises for private households (i.e. to access domestic workers) and in the agriculture economic sector (i.e. to access farm workers) seem to be the most prevalent. Inspectors are refused entry to employer premises or if they do gain access they often experience safety risks, such as feeling threatened by an employer’s dog.

A few of the comments made regarding the difficulty to access employer premises include:

“We struggle to get access of entrance especially in private households. Some employers are still under the impression that there is nothing that the Department can do against them.”

“We normally experience challenges when accessing employers on farming and domestic sectors during blitz and results in a limited number of employers inspected.”

“Accessibility, especially for domestic employers, is the greatest challenge and poses as a security threat since we have to go visit people's households; I mean they have dogs and most of the time the premises is access controlled, and therefore they can just set the dogs on you.”

From a provincial perspective, access to employer premises was the highest scoring challenge in the Free State, Gauteng, Mpumalanga, North West and Northern Cape (see Appendix L).

ii. Limited knowledge

Limited knowledge refers to the lack of knowledge inspectors may believe they have that may impact on their ability to perform their job effectively. This was ranked as the second most common challenge across all inspection types, and it was the most prevalent amongst routine inspections. According to the comments made by respondents they do not feel as though they are up-to-date with the latest legislative amendments, and often they will go to employers' premises and the employers will inform them of the latest amendments effecting the inspectors' perceived levels of credibility. In addition, several comments indicated that respondents do not have knowledge of other similar cases conducted, or whether other inspections have been conducted at that employer. This limited knowledge disempowers inspectors as they feel that they are not equipped with the relevant knowledge to perform their job successfully.

A few of the comments made by the respondents regarding limited knowledge include:

"Management support and limited knowledge of the legislation."

"Limited knowledge on cases referred to other Labour Centres and other Institutions by Client Services."

"Limited knowledge on enforcement, especially during court proceedings (subpoena/ section 92/93)."

"For limited knowledge- you find out that the employer knows about the labour legislation but the employees have got limited knowledge, or both employers and employees have got limited knowledge about labour legislation."

From a provincial perspective, limited knowledge was the highest scoring challenge in the Eastern Cape (see Appendix L).

iii. Printer facilities

Printer facilities refers to the limited number of printers available to inspectors that may be impacting on their ability to perform their job effectively. The lack of printer facilities was also very prevalent across all the inspection types, and particularly for routine inspections. From the respondents' comments, it was evident that a major challenge relating to printer facilities is that inspectors can only print from their desktop computers and not from their tablets. Most inspectors are required to share desktop computers and therefore, they are not always accessible. It also becomes a challenge to transfer any documents from the tablet to the desktop computer in order to print the documents needed. In addition, it was mentioned that there are not enough printers per Labour Centre in order to cope with the high demand of printing.

A few of the comments made by the respondents on printer facilities include:

"We are only able to print on desktops and not from the tablets so even if you have a tablet, you need the desktop to print documents."

"My only challenge is the printer facility (21 Inspectors use 1 printer)."

"Too many people sharing one printer causes printers to break down more often and by the time you want to print you find that the printer is out of order. Sometimes your printouts get lost because someone may have mistakenly take them with theirs."

"Printing from our laptops once returned from inspection is a problem."

"Printers are very outdated and too many people print at a printer."

From a provincial perspective, the lack of printer facilities was the highest scoring challenge in the Western Cape.

iv. Network connection

Network connection refers to the connection that inspectors are able to make to the network via their tablets or desktop computers. Respondents also indicated that this is quite a prevalent challenge that impacts on their ability to perform their job successfully. Based on the comments made by respondents, it was evident that inspectors battle to connect and maintain a connection to the network, CITRIX, especially on their tablets. This limited connection results in respondents not being able to use their tablets efficiently and impacts on their ability to do their work in a timeous manner.

A few of the comments made by respondents relating to network connection include:

"The network on the tablets keep on being interrupted."

"Most of the time, we experience challenges with regard to the network and internet connection. As a result, we fail to finish progress reports during inspections."

"You cannot rely on the current network (citrix)."

"Network and internet connection is not always available during inspections."

"Most of the time I do not have network connection."

"We have been given nice tablets but the main problem is network connectivity."

"The network on our tablets keeps logging out."

"Network connection is always a problem especially with citrix. One cannot connect for long as the network always goes on and off. I suggest something should be done with regard to that."

v. Inadequate number of inspectors available

Inadequate number of inspections available refers to the number of inspectors available to meet the demand of inspections needed to be conducted. This challenge was also scored quite high by respondents. Some of the comments made by the respondents in the survey indicated an issue with target setting, and mentioned that the targets set for each Labour Centre are not linked to the volume of work received. Therefore, there may not be enough inspectors available to meet the demand and will

therefore negatively impact on that Labour Centre's ability to reach their targets. In addition, it was noted that sometimes vacancies for inspector posts do not get filled for a long period of time impacting on that Labour Centre's performance.

A few of the comments made by respondents on the inadequate number of inspectors available include:

"The target is not linked to the volume of work an employer auditor does. As a result, we are unable to reach our targets based on the high target and low number of auditors."

"In my Labour Centre there is shortage of inspectors. For the past 5 years we had four inspectors that resigned and their post are not filled to date."

"We have 4 inspectors (inadequate) to monitor compliance in Potch, Fochville and Ventersdorp, including farming areas."

"The number of inspectors versus the number of workplaces is a big challenge, especially when dealing with cases. E.g. in Pretoria, as I am doing this survey, we received 1800 cases and only 26 inspectors are available."

"Number of inspectors is low."

"Only 2 of the 3 inspector posts were filled."

"Most positions have been abolished."

From a provincial perspective, this challenge was rated the highest in KwaZulu-Natal and Limpopo.

vi. Stationery

This challenge was also quite prevalent across all inspection types. A few of the respondents indicated that inspectors only get stationery once a year, and often have to get their own stationery as the request for new stationery is a lengthy process.

A few of the comments made regarding stationery include:

"Have to get own stationery."

"With the stationery- we work with what we have."

"No stationery is given to us but we are requested to write notices without stamps, etc."

"No stationery provided by our employer. We use our own pens and sometimes we have to re-use the photocopy paper."

"Stationery- you get once a year."

"Requests for stationery are put in but material arrives very late or sometimes never, and I end up buying my own stationery."

vii. Internet connectivity

Internet connectivity refers to the inspectors' ability to connect to the internet allowing them to perform their job more successfully. Internet connectivity was a challenge prevalent amongst all inspection types, however- it was not as high as the other challenges already mentioned. With regards to internet connectivity, respondents indicated that they have limited or no access to the internet.

A few of the comments made by respondents regarding internet connectivity include:

"We find ourselves having no internet to use our tablets."

"Limited access to internet."

"When we conduct inspections, the network connectivity, internet facilities and lack of appropriate business processes is a problem."

"Laptops don't have adequate access to the internet."

viii. Lack of appropriate business processes

Lack of appropriate business processes refers to a non-standardised way of following a particular process that allows an inspector to perform his/her job more efficiently. This challenge did not score as high as the others, however respondents often referred to this challenge in their comments. In particular, the respondents feel that because of the lack of business processes, different units in the Department develop their own business processes impacting on overall uniformity. In addition, respondents indicated that the communication and consistency of business processes may be the issue. It was stated that the SOP assisted with this to a certain degree- but it still remains an issue.

A few of the comments made by respondents regarding the lack of business processes include:

"Sometime I feel that the support from team leaders is lacking in terms of business process."

"The challenges are more based on communication and proper business processes used for effective approaches in conducting efficient inspections."

"Lack of business processes is still a problem e.g. New UIF and COIDA registration after inspections is still a problem to execute."

"There are limited business processes in place."

"Lack of appropriate business processes within the Department, in such that the deferent units within the Department are working in isolation. This leads to units resisting to assist other units."

"SOP addressed some of the challenges when coming to business processes, however a lot has to be done to enable common understanding amongst inspectors."

ix. Transportation

Transportation refers to the way inspectors travel to their inspection sites. This challenge, surprisingly, scored the lowest in terms of prevalence across all inspection types. However, in the comment section, respondents often mentioned this issue. In particular, respondents mentioned that there is a shortage of cars and inspectors are required to share cars limiting their ability to go out on inspections. With limited cars available, the targets become more difficult to achieve as inspectors are restricted in terms of how many inspections they can conduct on a weekly basis. In addition, the transportation issue, combined with the targets could be driving inappropriate behaviour as there is some evidence that inspectors will target a shopping centre to conduct inspections as a number of employers can be reached relatively easily due to their proximity to each other and ease of access.

A few of the comments made regarding the issue of transportation include:

"The issue of transport for inspectors should be looked at, especially dedicated cars so that they are always available. The Department can also introduce scheme vehicles as this can really help inspectors because we are expected to be on standby also."

"Sometimes there is a shortage of cars."

"Limited resources in terms of cars- we must either co-ordinate or cancel appointments."

"Shortage of cars."

"There is a limited number of cars therefore it's a big challenge when I have to go out for a proactive inspection."

"Transport- limited number of cars. I only go out two days per week."

"There are not enough vehicles to accommodate inspectors in their day to day activities. Inadequate transportation is a major hindrance in carrying out our duties efficiently. Sharing a car can seriously compromise the quality of work you produce."

5.3.5 Follow-up inspections

According to the survey, respondents indicated an average of 39 follow-up inspections conducted per year. Respondents were provided with an opportunity to provide a reason as to why they believe the number of follow-ups conducted per year may be low. The most common reasons provided by respondents include:

- ▶ Lack of employer availability: Respondents mentioned that the lack of follow-up inspections are due to the employers not availing themselves for the inspector to visit the site to conduct a follow-up inspection. In some instances, an inspector cannot gain access to an employer premises without the employer allowing them in.
- ▶ Targets: Respondents mentioned that conducting follow-up inspections does not contribute toward achieving their targets. Therefore, inspectors would prefer to focus on conducting other inspection types that will assist them in reaching their targets.

- ▶ Increased employer compliance: A few respondents indicated that most of their employers are compliant and therefore, no follow-up inspection is needed.
- ▶ Transportation: Respondents mentioned that the lack of cars available to them prohibits them from conducting follow-up inspections. Because most inspectors do not have access to a car every day of the week then they will rather use the car to conduct other inspection types than follow-up inspections because the other inspection types are needed to achieve their targets.
- ▶ Standard Operating Procedure: Respondents mentioned that recent updates to the SOP have indicated that follow-up inspections are no longer supposed to be conducted and inspectors should proceed from a compliance order to prosecution should the employer not have complied within the 14 days. The SOP only makes reference to follow-up inspections as part of the 'OHS Directive'.

Some of the comments made by respondents in relation to follow-up inspections include:

"Employers not availing themselves for follow-ups."

"Do not conduct follow- ups due to the targets we have."

"Most employers I have inspected are complying."

"Not required to do follow-up inspections as per SOP."

"It is the issue of cars."

"Inspectors will rather do new inspections to reach their monthly targets."

"Due to the implementation of the new SOP - inspectors are no longer allowed to do follow-up inspections but need to proceed with prosecution. This, in turn, has the employer needing to comply within 14 days and most employers find this unreasonable."

5.3.6 Related acts

As part of the online survey, participants were requested to rank the order of Acts that their inspection cases predominantly relate to. The overall rankings were as follows:

Table 47: Overall ranking of Acts that cases predominantly relate to

Ranking	Act
1	Basic Conditions of Employment Act, No. 75 of 1997
2	Unemployment Insurance Act, No. 63 of 2001
3	Unemployment Insurance Contribution Act, No. 4 of 2002
4	Compensation for Occupational Injuries and Diseases act, No. 130 of 1993
5	Occupational Health and Safety Act, No. 85 of 1993
6	Labour Relations Act, No. 66 of 1995
7	Employment Equity Act, No. 55 of 1998
8	Employment Services Act, No. 4 of 2014
9	Skills Development Act, No. 97 of 1998 (Chapter 6)

5.3.7 Bottlenecks

The online survey further investigated whether inspectors believe that their cases get bottlenecked at

any point in time in the IES process to prohibit them from conducting their job successfully. The results of the survey indicated that 72% of respondents do not believe that their cases get bottlenecked.

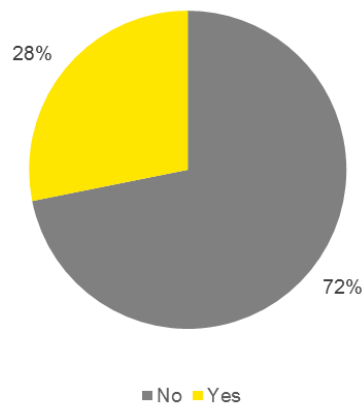


Figure 21: Bottleneck survey results

At a provincial level, a majority of respondents across all provinces indicated that their cases do not get bottlenecked. In particular, 89% of respondents in Limpopo indicated that their cases do not get bottlenecked. The province that indicated the highest percentage of cases getting bottlenecked was the North West with 39%.

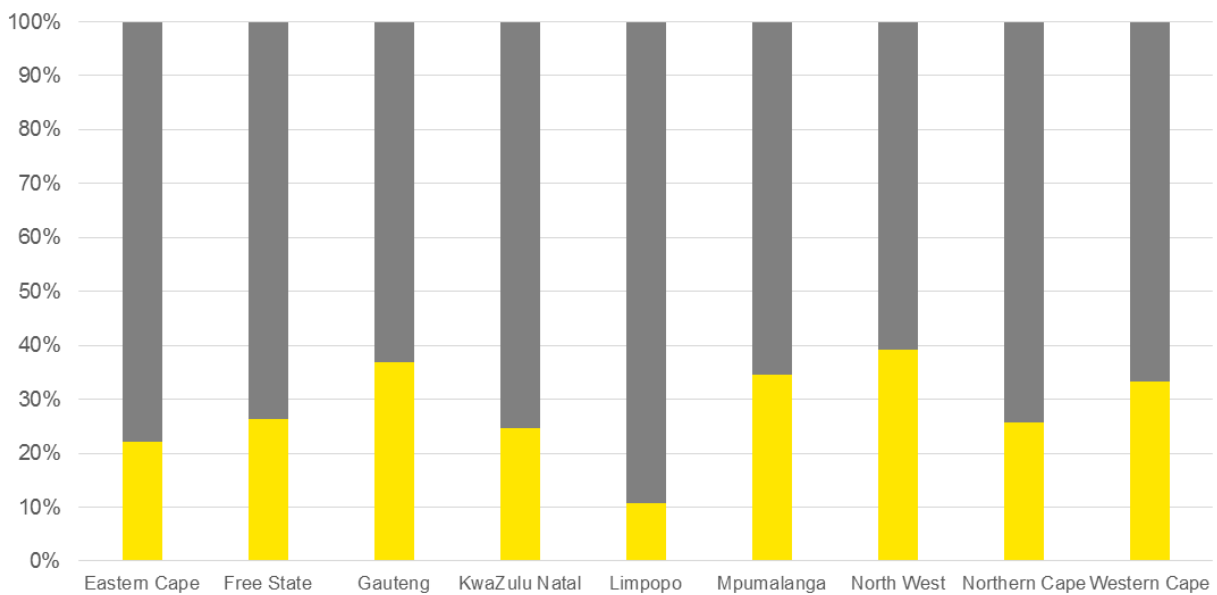


Figure 22: Provincial bottleneck survey results

5.3.8 Current powers

Additionally, the survey investigated whether inspectors believe if their current powers are sufficient enough to effectively manage non-compliance. 67% of respondents indicated that they do not believe that the current powers are sufficient to effectively manage non-compliance.

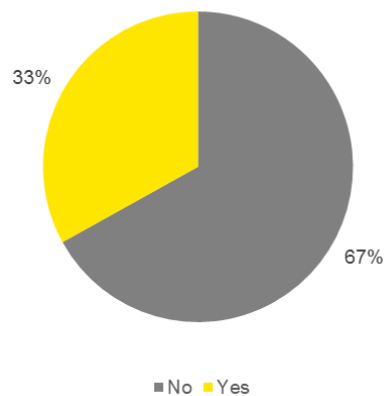


Figure 23: Current powers of inspectors survey results

Respondents who indicated that they do not believe that they have sufficient powers to effectively manage non-compliance specified that the lack of power that inspections have results in employers not taking them seriously as there seems to be no serious consequence for non-compliance. Respondents mentioned that because there is a significant delay with prosecution- employers do not take the enforcement seriously. Several respondents indicated that the implementation of spot fines would assist in strengthening their powers of enforcement.

A few of the comments made by respondents who indicated that the current powers of inspectors are not sufficient include:

“Inspectors barely have any powers, and employers know that. Therefore, the lack of compliance and employers dragging the cases all the way to Labour Court before they decide to pay.”

“Prosecution and the powers given to inspectors are not sufficient and effective in order to manage non-compliance. Non-compliance to all labour laws should start being treated as criminal offences and a fine should be paid before the Magistrate Court.”

“Inspectors have limited powers to enforce legislation, and employers know that the prosecution process is long and sometimes non-existing.”

“I think if labour can strengthen the penalty system it can help a lot to change the attitude of some employers who continue to treat their employees badly.”

“The employers take our enforcement procedures for granted. This is because the DOL/ Labour Court takes too long to prosecute.”

“Spot fines should be considered.”

“The prosecution process is not effective. If there were spot fines issued to employers, just like traffic cops, this would increase compliance. Employers would know that if you do not comply

immediately then you must pay a fine within so many days. Currently they regard us as dogs that cannot bite."

An average of 33% of respondents indicated that they do believe that the current powers are sufficient to effectively manage non-compliance.

A few of the comments made by respondents who indicated that the current powers of inspectors are sufficient include:

"There are legislations, sectoral determinations and ministerial determinations to assist."

"There are clear enforcement procedures for an inspector to follow should employers not comply with the requirements of the legislation. The inspector's attitude is also a factor when approaching employers."

"Because we refer non-compliance cases to our prosecution team."

"The powers is sufficient. The shortcomings on admin support and process is a hindrance."

"Because there is a standard operation procedure in place to follow."

From a provincial perspective, the majority of participants across all provinces indicated that they do not believe that the current powers of inspectors are sufficient to effectively enforce non-compliance. In particular, 75% of participants in KwaZulu-Natal indicated that they do not believe inspectors have sufficient powers to enforce non-compliance effectively. The Northern Cape had the lowest scoring majority with 51% to indicate that inspectors do have sufficient powers to effectively enforce non-compliance.

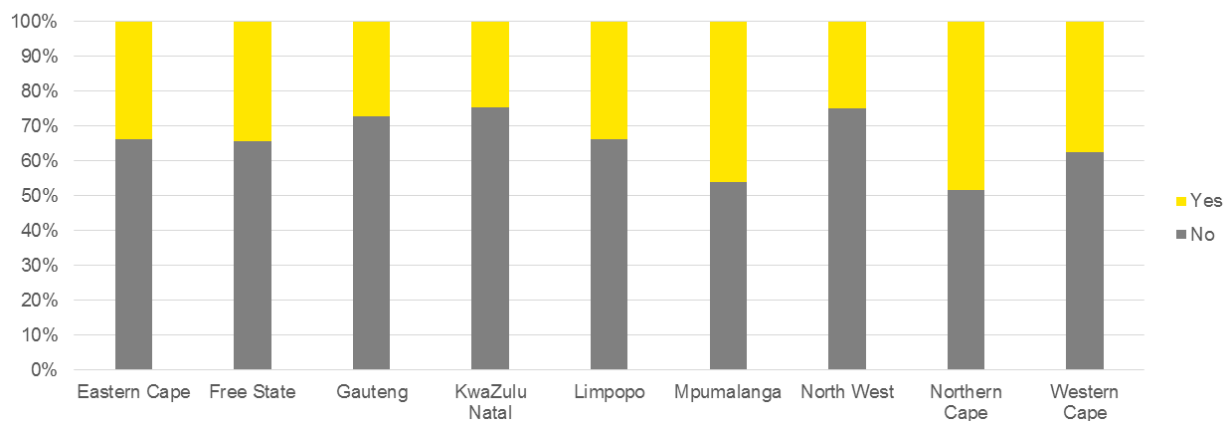


Figure 24: Current powers of inspectors' provincial survey results

5.3.9 Skills

The survey further investigated whether inspectors believe that there are additional skills that they feel they need to acquire in order to do their jobs efficiently. 87% of the participants stated that there are additional skills that they feel they need to acquire in order to do their job efficiently. Across all the

provinces, an overwhelming majority of respondents indicated that there are additional skills needed to conduct their job successfully.

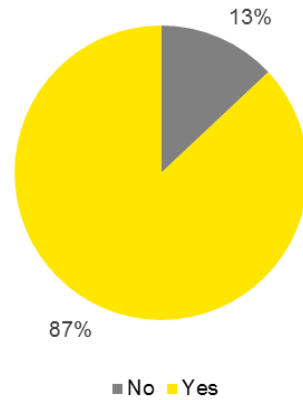


Figure 25: Skills survey results

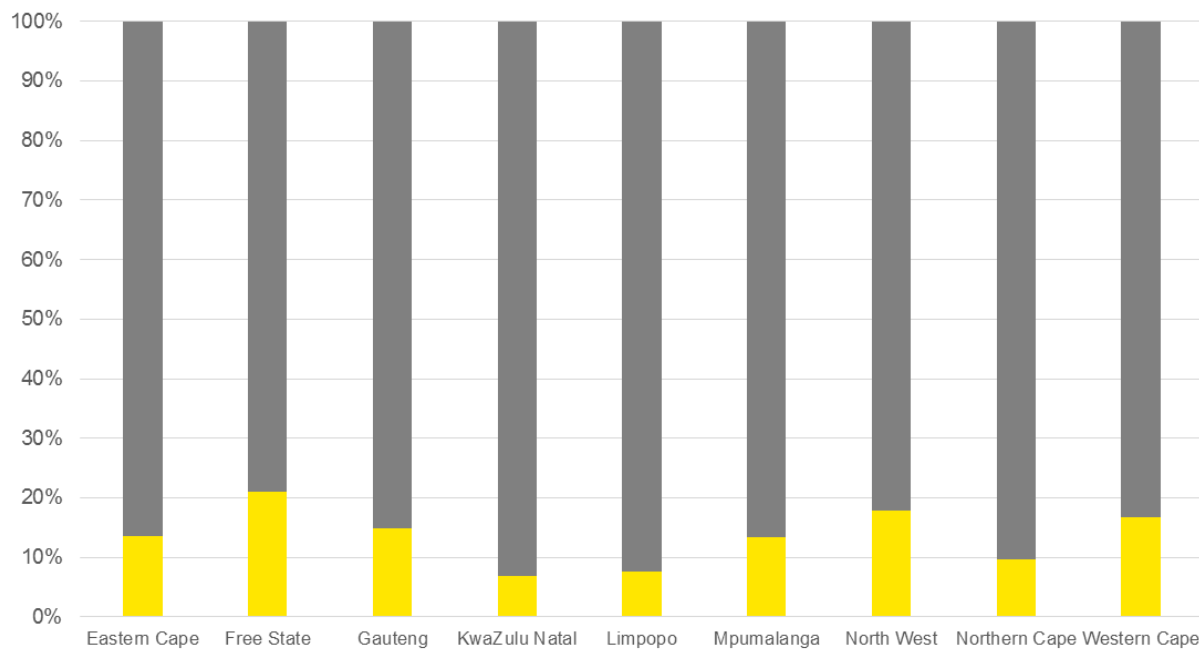


Figure 26: Skills per province survey results

The survey further investigated what additional skills the respondents believe they need to acquire in order to conduct their job more efficiently. The majority of respondents indicated that they would like to acquire communication skills, negotiation skills, conflict management skills and report writing skills. In addition, reference was made to training that they would like and many indicated that training on legislation and enforcement procedures to be a necessity.

A few of the comments made by respondents relating to skills they would like to acquire are provided below:

“Communication, enforcement, presentation skills.”

“Being trained on prosecution processes until court procedures as this will assist one to have more knowledge of making a case, and also have experience in that, as one can always assist in case there’s a backlog.”

“Labour law training.”

“Negotiation skills.”

“Case investigation; report writing.”

“On how to write a correct undertaking and compliance order.”

“Professionalization and correct career pathing in IES.”

“Inspectorate- focused training upon appointment.”

5.3.10 Training

Often linked to the development of skills, the survey asked respondents whether they receive training on how to do their jobs. 52% of the respondents indicated that they do not receive training on how to do their jobs. At the provincial level, Eastern Cape appears to receive the least training according to the respondents.

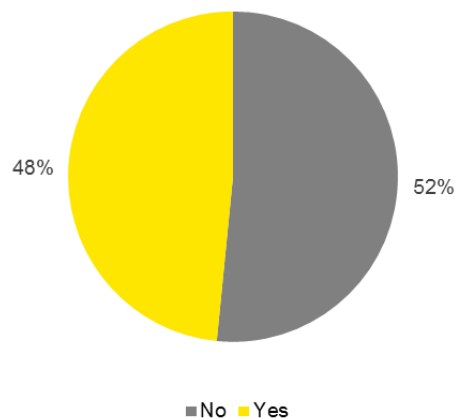


Figure 27: Training survey results

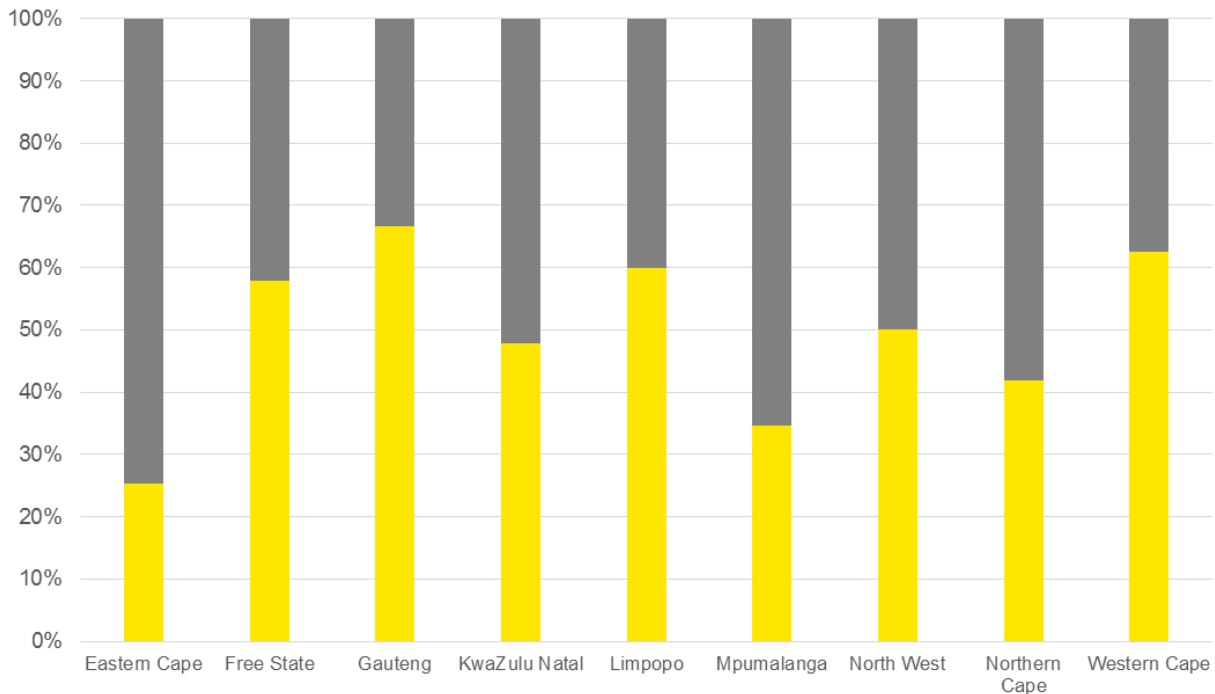


Figure 28: Training per province survey results

The respondents who indicated that they do not receive training on how to do their jobs provided suggestions as to what training would be beneficial. The majority of the suggestions included: Labour Law training, legislation and prosecution training, as well as management training. Regarding legislation training, it was mentioned several times that respondents would like to be trained on amendments to legislation so that they are aware and fully understand the amendments made. This will increase the inspectors' knowledge and improve their credibility when confronting non-complying employers.

A few of the comments made by the respondents who indicated that they do not receive enough training to do their jobs include (these comments include suggestions as to what training they would like to receive):

"Limited training maybe once a year or nothing at all."

"Inspection, enforcement and monitoring, basic labour law."

"If we can have Fridays that are dedicated to training where we meet as inspectors and share our experience in the field- mostly on how to resolve cases."

"Training on legal and technical aspects of the enforcement processes will be beneficial to inspectors."

"The Department normally conducts workshops for inspectors who have never been trained on how to do the job and they call that training."

"Legislation and prosecution training."

"Training is always essential and should be an ongoing thing. Training about the amendments and new information would be beneficial."

"As team leader, I need training on emerging managers because it will be beneficial to effectively manage the team."

Even though the majority of respondents indicated that they do not receive enough training to do their job, it was not a significant majority as 48% indicated that they feel there is enough training provided. At a provincial level, it appears as though Gauteng respondents receive the most training to do their jobs, followed by Western Cape, Limpopo and the Free State.

These respondents indicated that they do receive the following training:

"BCEA, sectoral determination, emerging management, report writing."

"Internal training on labour legislation."

"BCEA, COIDA, UIF and sectoral determinations."

"In house EEA training through self-learning and sharing experience."

"My colleagues and I train each other."

"Ergonomics, risk assessment, compensation claims."

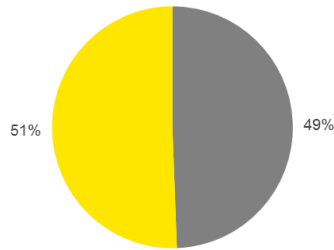
"Occupational Health and Safety prosecution."

There seems to be some discrepancy between certain provinces and the training provided as there seems to be some overlap between the training they would like and the training they have received. In addition, a few respondents indicated that they have received training to do their jobs however, this training was provided many years ago and they have not been on training since then.

5.3.11 Career progression

The survey also investigated career progression for inspectors whereby the survey asked if inspectors are able to see opportunities for themselves to progress in IES. The results of career progression were interesting because 51% of the respondents indicated that there are visible opportunities for progression in IES, however, 57% of them indicated that they have not had past opportunities for progression.

Visible opportunities for progression



Past opportunities for progression

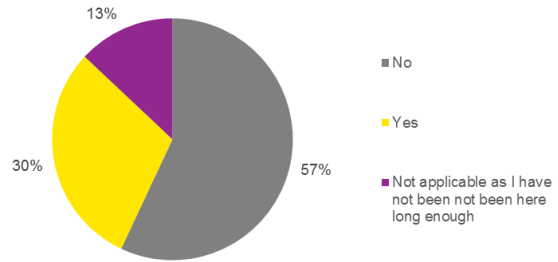


Figure 29: Career progression survey results

Further analysis was conducted to determine age and tenure in relation to opportunity for progression in IES.

Have you been given an opportunity for progression in your time at IES

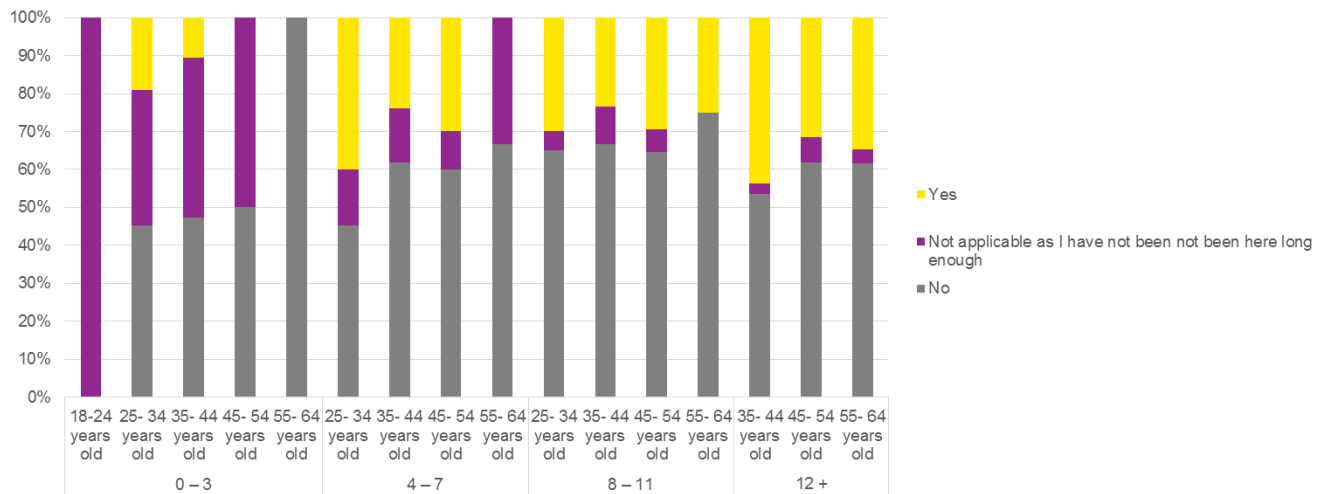


Figure 30: Age and tenure in relation to career progression survey results

The results of this graph are interesting as it demonstrates that the older age groupings have apparently not been given opportunities to progress in IES. The older age grouping, i.e. 55-64 years old, with a tenure of 0-3 years is not as alarming as they would more than likely be reaching retirement soon. However, the history of career progression for the longer tenures is the minority across all age groupings which is typically problematic. This graph demonstrates that historically, career progression in IES has been fairly stagnant.

From a provincial perspective, respondents in the Northern Cape have identified the most opportunities for career progression, whereas the North West respondents were the least optimistic regarding career progression within IES.

The following comments were made by respondents regarding career progression:

"I haven't seen any movement thus far, and it's been almost 10 years down the line."

"The organogram is flat hence not many positions."

"Experience is not recognised if you have no qualifications."

"If you are an inspector then there is no career path. You are an inspector until a team leader retires or dies and only then will a post become vacant and be advertised."

"There are very limited chances of growth after level 8, at any age this is your ceiling and it's very demotivating."

"The posts are given to certain known people."

"People are not appointed based on their skills and qualifications- rather as to who they know."

"Little opportunity because of number of posts available. The 15 year wait from one notch level another is ridiculous and demotivating."

"Higher level posts are not opening up frequently. The Department is more worried about formal qualifications rather than an individual's ability to do the work."

"Discrimination against race, gender and age."

5.3.12 Available resources

Within the survey, further investigation was made regarding whether inspectors believe that they have the necessary resources available to them to do their jobs sufficiently. The following resources were listed and respondents had to indicate whether these resources were made available to them to perform their job effectively: car/ transport, cell phone, desktop computer, laptop/ tablet, official stamps, printer, stationery, other. Common items in the "other" category included Personal Protective Equipment, and copies of the legislation. The results from a national perspective indicate that 58% of inspectors do not think that the resources available to them are sufficient to do their jobs.

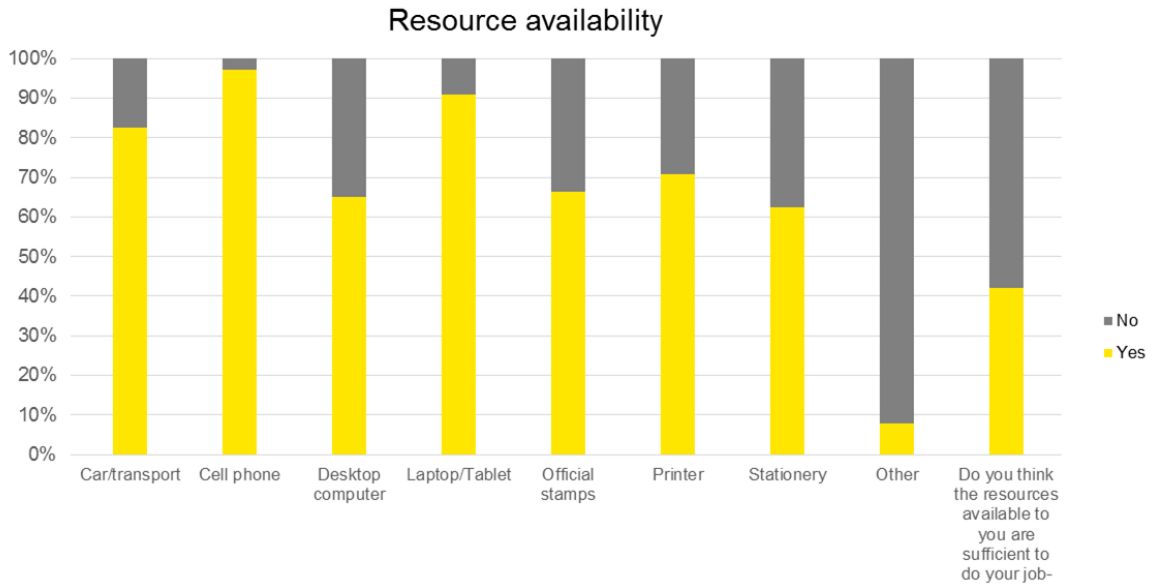


Figure 31: Resource availability survey results

From a provincial perspective, the provinces that appear to not have enough resource available to them include Free State, KwaZulu-Natal, Gauteng, Western Cape, Limpopo and Eastern Cape. In particular, only 42% of respondents in Limpopo have access to desktop computers, and 57% of respondents indicated that they do not have printers at their disposal. In Gauteng, only 48% of respondents have official stamps. Appendix N will provide an illustration of each resource in relation to every province.

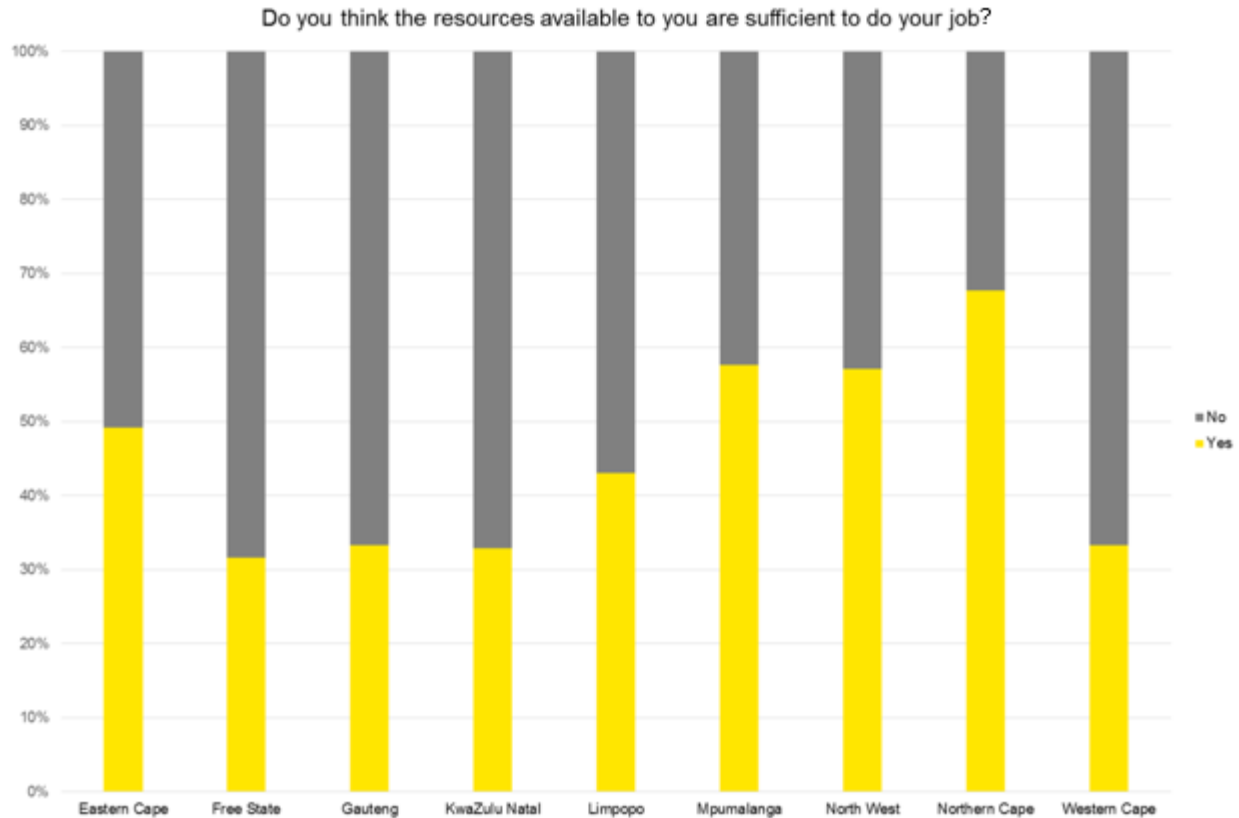


Figure 32: Resource availability per province survey results

A few of the comments made by respondents in relation to the availability of resources include:

"Resources are limited. PC's are not allocated to each inspector. Printers are very limited and causes a traffic jam when it's reporting time."

"We cannot print documents from a laptop when in the office and on the field."

"Transport is not always available."

"The availability of vehicles is a problem. On a few occasions I had to cancel/postpone my appointments with employers as the vehicle was used for other purposes (Blitzes)."

"Not enough desktop computers we have to share when it's time for reports- this is a headache and stressful. On our floor, we don't have a printer and so we have to go to the other floor to print. Devices are hardly working and they lose the network connection frequently."

"Have you ever seen 20 officials share 1 stapler and puncher?"

5.3.13 Collaboration

Another area of investigation in the survey was the level of collaboration between inspectors and other

inspection agencies, employers and trade unions.

a) Other inspection agencies

According to respondents, collaboration with other inspection agencies is not that common. However, respondents, from a national and provincial perspective, indicated that they collaborate with the South African Police Service, Department of Home Affairs and the Commission of Conciliation, Mediation and Arbitration (CCMA) the most compared to the other inspection agencies. Based on the external stakeholder interview conducted with the DHA, there is an inspection forum structure implemented at Provincial level across some key inspection agencies, however, the DHA reported that the DOL's participation in these forums is minimal.

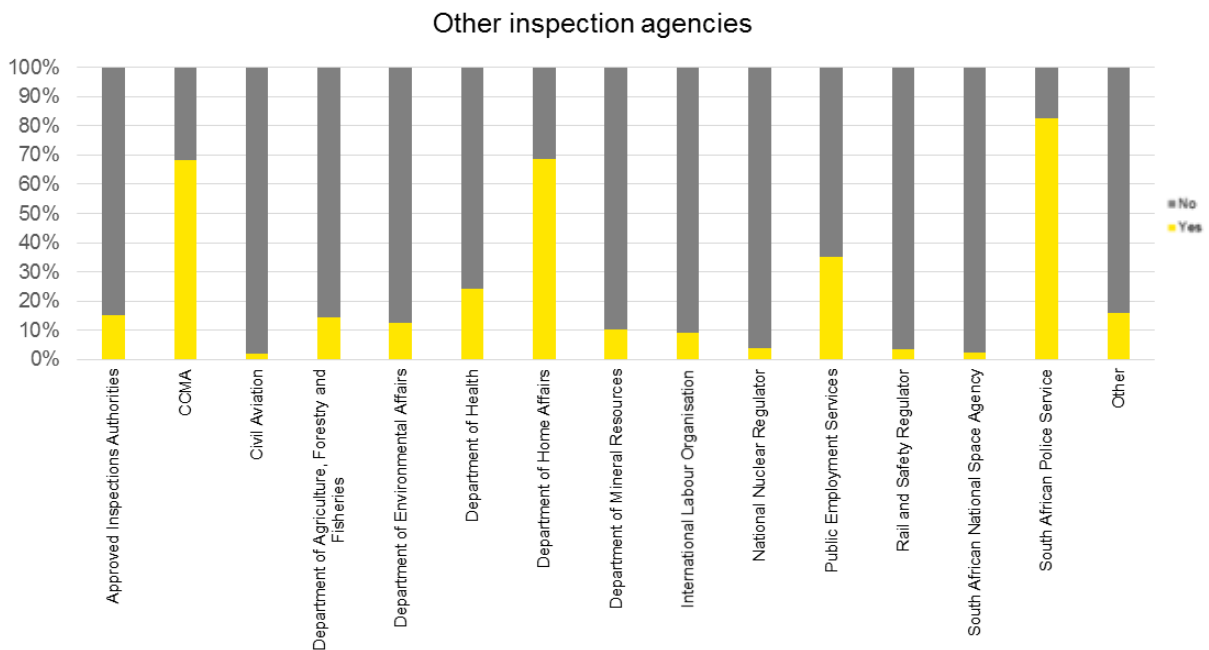


Figure 33: Collaboration with other inspection agencies survey results

Refer to Appendix O for more detail on the collaboration with other inspection agencies per province.

Some of the respondents who indicated that they do not collaborate with other inspection agencies stated the following reasons:

"They are not available to us."

"Provision is not made by our Directors to work with officials from the state departments."

"Never given an opportunity to collaborate with them."

"There is no working relationship with other institutions."

"No relationship established at senior level that will able us to collaborate at the LC level."

“Our work is not integrated. We focus more on targets while other agencies focus on quality of work.”

b) Employers

Nationally, 80% of respondents indicated that they collaborate with employers. In addition, at a provincial level, a majority of respondents across all the provinces stated that they currently collaborate with employers.

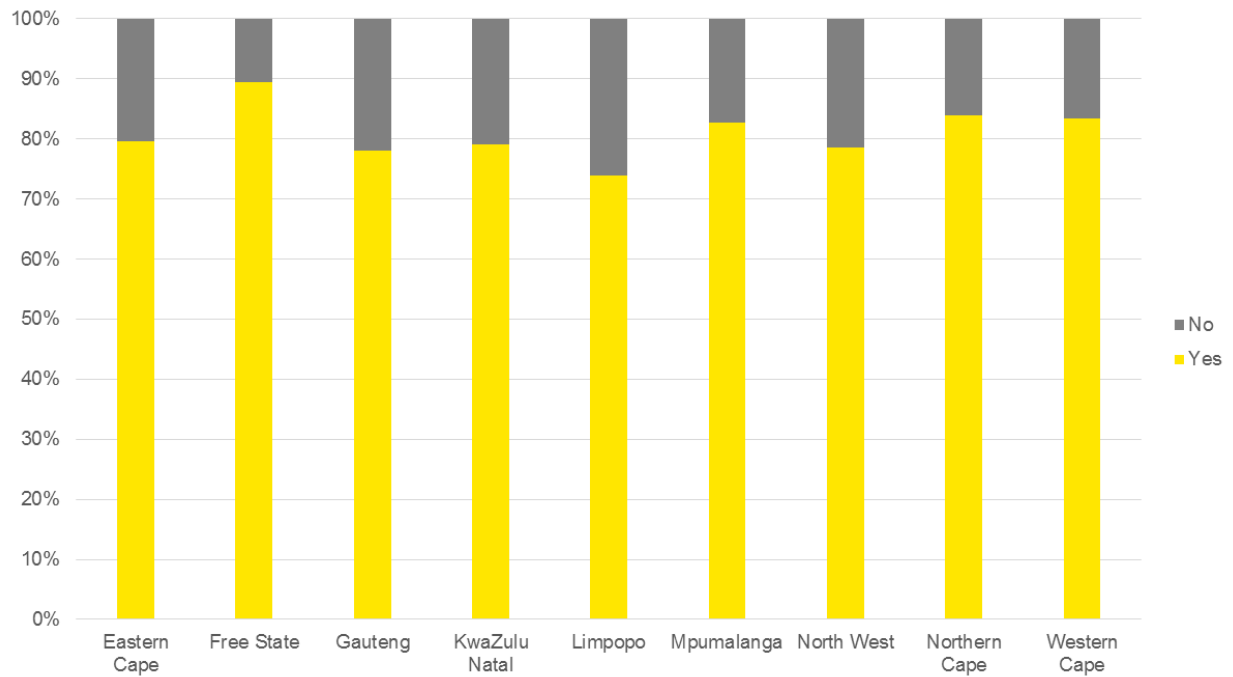


Figure 34: Collaboration with employers' survey results

c) Trade unions

Nationally, 76% of respondents indicated that they collaborate with trade unions when conducting inspections. The national results are consistent with the provincial results as a majority of respondents across all provinces indicated that they collaborate with trade unions.

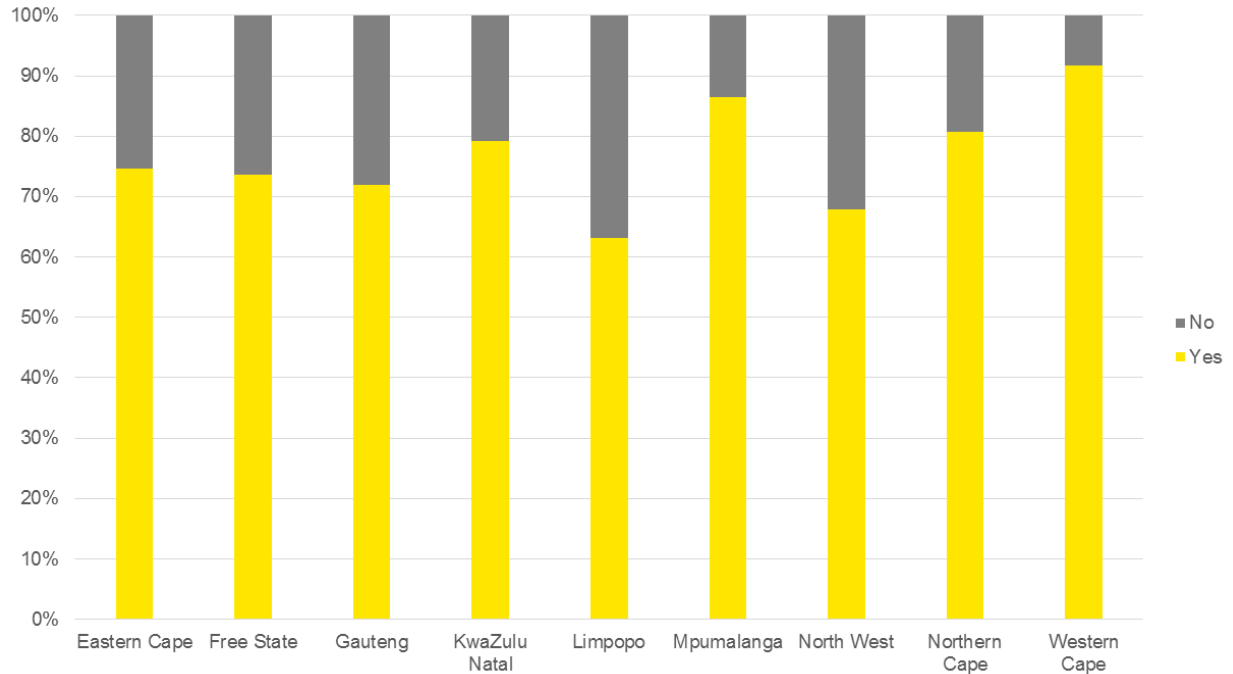


Figure 35: Collaboration with trade unions survey results

5.3.14 Reasons inspectors leave their jobs

The survey enquired why respondents believe that inspectors leave their jobs. Nationally, the 3 leading reasons why respondents believe that inspectors leave their jobs are: salary issues (96%), lack of career progression (71%), and poor working conditions (58%).

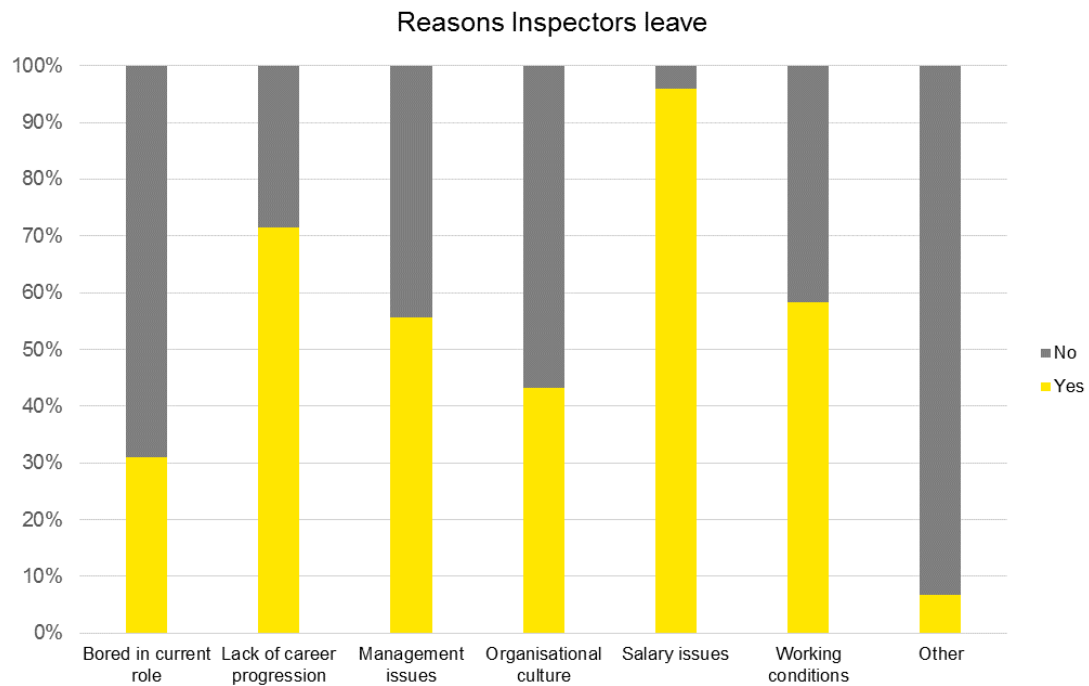


Figure 36: Reasons why inspectors leave their jobs survey results

At a provincial level, most reasons were consistent across all provinces indicating the same trends that have emerged at a national level. Refer to Appendix P for an illustration of reasons why inspectors leave their jobs per province.

A few of the comments made by the respondents as to why they believe inspectors leave their job include:

"The inspectors' performance agreements keep changing resulting in more responsibilities and increasing their work load with no recognition. The Assessment tool does not allow for achieving more than the norm, but it does allow for underachieving."

"Lack of training and motivation. We are not taken seriously."

"Same role but not remunerated equally."

"Unequal pay for work of equal value."

"Lack of flexibility and support."

"No growth."

"Salary disparities especially between level 8 and 12."

"Lack of acknowledgement where one performs."

"Issue of quantity, not quality."

"Inequality of inspectors, doing same job but different salaries. Having team leaders with only a matric while you have a degree."

5.3.15 Job satisfaction

The survey asked respondents how satisfied they are in their current job at IES. Overall, 39.7% of the inspectors who completed the survey are dissatisfied with their current job at IES, while only 22.4% are satisfied. A large portion of respondents stated "neutral" indicating uncertainty.

Table 48: Job satisfaction results

Strongly dissatisfied	Dissatisfied	Neutral	Satisfied	Strongly satisfied
16.5%	23.2%	37.8%	17.9%	4.5%

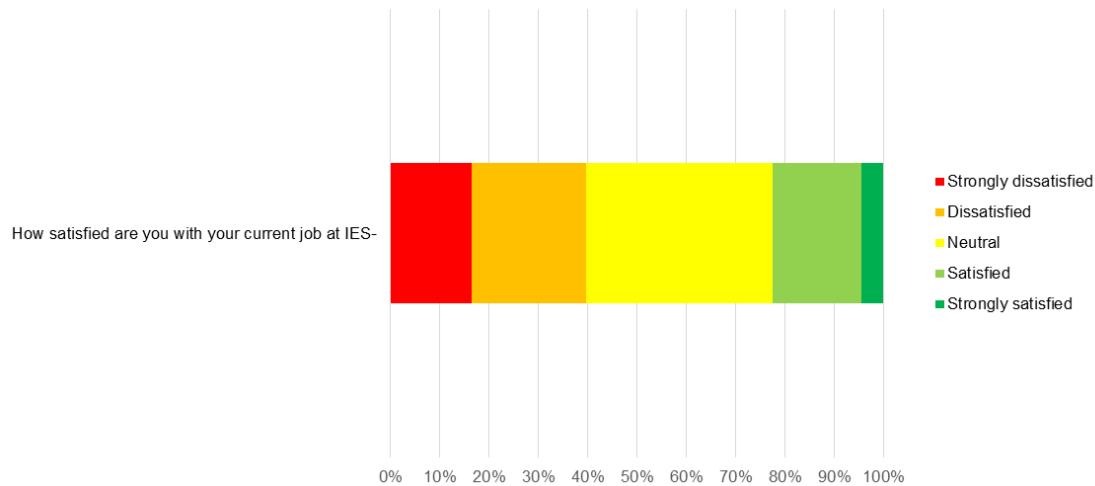


Figure 37: Job satisfaction survey results

At a provincial level, KwaZulu-Natal scored the highest in terms of respondents feeling the most dissatisfied, followed by Limpopo, Mpumalanga, Free State and Gauteng.

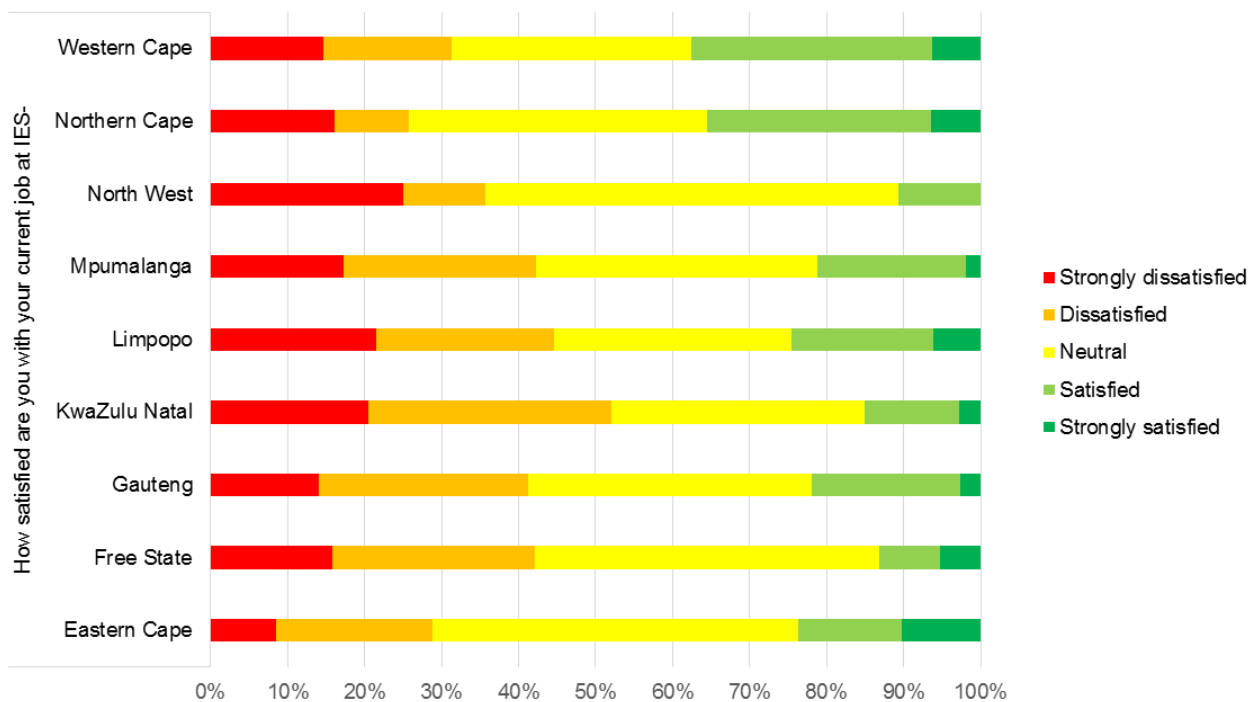


Figure 38: Job satisfaction per province survey results

5.3.16 Recommendations to improve inspection services

The final question in the survey asked respondents to provide any recommendations they may have to improve the inspection services. Provided below are some of the comments made by respondents:

"Training of inspectors."

"Shorten the new report system. Focus on quality inspections and not quantity."

"The Department has to implement risk allowance for inspectors, as we are working with risks on a daily bases, Ensure that we have access of printing from our laptop while on the field and office, and also address a salary matter within our section."

"Government to introduce training academy for inspectors before any appointment."

"Equal work for equal pay. The managers and team leaders should stop treating us as criminals. We are really doing our work. Victimization should be stopped."

"Improvement of salaries at entry level and resolving the dispute on equal pay for work of equal value. Amending the OSH Act and COIDA to give more powers to inspectors."

Look at our Court process it is frustrating for Inspectors if they do not have enough power."

"Review target systems."

"Equal opportunities should be given when one applies for higher positions. I have applied more than 20 times for a team leader and supervisor position, and I have not received a single interview invite."

"If there can be a Labour Court in the Magistrate Court- this will assist to speed up the process."

"Prosecution processes must improve."

"Problem with foreigners must be looked at, because they claim that they do not understand English."

5.4 Conclusion

There are a set of key findings that have emerged that are consistent across all research approaches. These reoccurring themes are most prominent and have been addressed in the 'Recommendations' section that follows. This section of the report is fundamental in identifying what has been prohibiting IES inspectors from performing their job effectively.

In particular, the 'Research findings' section assisted in fulfilling the following research objectives:

- ▶ Investigate internal challenges that contribute to inspection and enforcement not being adequately discharged by the Department;
- ▶ Investigate whether approaches incorporate collaboration or adversarial practices; advances prevention rather than punitive; and improve stakeholder satisfaction and increases compliance;
- ▶ Determine available and required capacity of human, technological, financial resources as well as other relevant resources needed to conduct inspections nationally; and

- ▶ Investigate key areas of collaboration on external policy environment that affects the Department's mandate.

6. Data modelling

A key component of this research project was to conduct a data modelling exercise making use of a specific workforce planning tool to model the mix of inspectorate skills required nationally, aligned with local economy requirements.

The application of the workforce planning logic model, and the steps in the conceptual framework is demonstrated in the diagram below. It is this model that was adapted and customized for the purpose of this project, in consultation with the DOL.

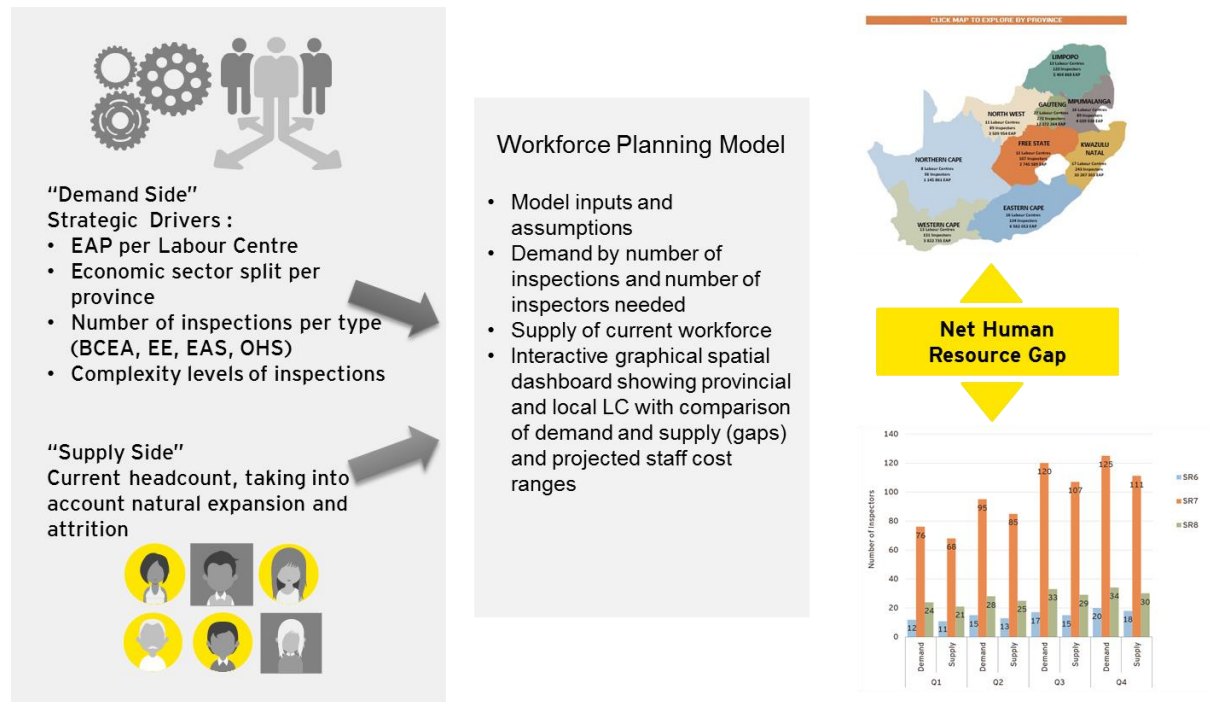


Figure 39: EY strategic workforce planning model

EY has designed a data model that addresses two of the research objectives, specifically:

1. Undertake resource modelling and depict cost model, bearing in mind cost optimisation. This process is expected to include documenting capacity of human resources and highlighting required scope of skill levels/ competence; calculate ratio of clients to inspectors and identify optimisation avenues; and
2. Investigate national and economic activities to inform appropriate planning and resource allocations for inspections, identifying which economic activities warrant low, medium to higher inspections, presenting a spatial map that enables inspections to be targeted appropriately in local economies.

Provided below is an explanation of the model logic, demand projections and key assumptions made.

6.1 Model logic

6.1.1 Calculations modules

The model incorporates the following modules:

- ▶ Demand Module: Calculates the future demand for required roles and capabilities based on business strategy and market drivers, and guided by anticipated changes to DOL projected future case load by Labour Centre;
- ▶ Supply Module: Captures the current supply of people in roles across Labour Centres and projects supply through modelling of workforce segment transition rates (promotion, attrition, retirement, death); and
- ▶ Gap and Surplus Analysis Module: Identifies gaps in terms of capacity based on projected required workforce vs projected available workforce.

6.1.2 Demand projections

The model uses the following summarised underlying logic in order to project the required workforce per Labour Centre. Inputs are indicated in yellow in the figure provided on the next page.

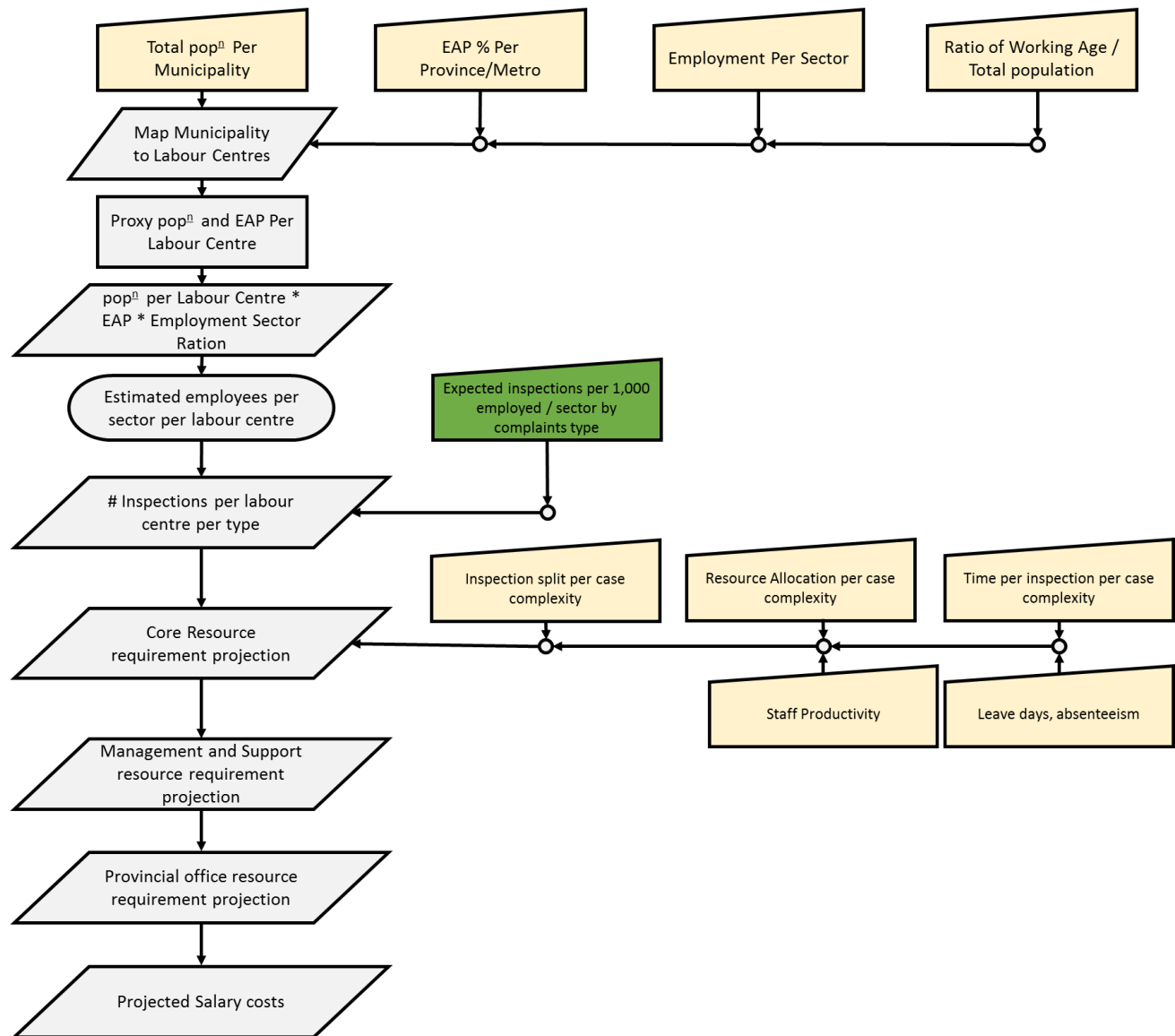


Figure 40: Data modelling logic

6.1.3 Limitations on the information provided

EY did not receive readily usable information from all of the provinces, and therefore the model has been built on assumptions that can be easily edited once this information becomes available. The critical elements which are missing in order to generate meaningful outputs from the model are:

- ▶ Historic inspection data split by economic sector and inspection type per province;
- ▶ Headcount segmented based on inspection type per inspector;
- ▶ Population covered per Labour Centre;
- ▶ Inspection complexity ratios (i.e. High, Medium, Low levels of complexity per inspection type);
- ▶ Inspection productivity/ efficiency data.

The following underlying demand assumptions have been used to calculate initial values:

- ▶ EAP per Labour Centre- based on an allocation of total population covered per Labour Centre, adjusted by labour force ratios;
- ▶ Pro-active and Re-active inspection experience per inspection type and sector;
- ▶ Economic sector segmentation per province (obtained from quarterly Labour Force survey - STATS SA);
- ▶ Levels of complexity (High, Medium, Low) per inspection type (BCEA, EE, EAS, OHS);
- ▶ Inspection team efficiency- days taken to complete each level of inspection (High, Medium, Low) by inspection type;
- ▶ Inspection team ratios (i.e. number of team leaders and admin support needed per number of inspectors);
- ▶ Staff productivity factors (absenteeism, leave, etc.).

The following underlying supply assumptions have been used to calculate initial values:

- ▶ Current headcount per inspector level (missing inspection type), admin support, team leaders, provincial office inspectors;
- ▶ Expected labour force movements (attrition, growth, etc.).

6.1.4 Data model demonstration

The model has been created based on assumptions and once the relevant information for each province has been obtained, the DOL will be able to input the data to extract the correct information. Screenshots have been provided in Appendix Q to illustrate how the data model looks and the information that can be extracted from it.

7. Conclusions and recommendations

Based on the findings from the stakeholder interviews, the fieldwork and the online survey some key challenges emerged that should be addressed through the recommendations provided later in this section.

These challenges include:

- ▶ Lack of enforcement across IES resulting in limited compliance amongst employers;
- ▶ Statutory Services being bottlenecked due to the high number of cases being referred for prosecution;
- ▶ Inspectors not being taken seriously amongst employers due to limited enforcement and lack of consequence for non-compliance;
- ▶ Limited accessibility to employers in the agriculture and domestic sector;
- ▶ Limited collaboration with other inspection agencies impacting on IES' ability to conduct more integrated inspections across various South African legislation;
- ▶ Multiple reporting lines resulting in conflicting demands placed on the inspector;
- ▶ Inspectors not having the right qualifications to progress in their careers at IES, and there seems to be limited effort to upskill these inspectors accordingly;
- ▶ Limited training provided to inspectors, particularly the BCEA inspectors;
- ▶ Target setting approach is more of a "one-size fits all" approach whereby the number of inspections conducted is emphasized impacting on the overall quality of inspections;
- ▶ There are different inspectors at different job grades but it was reported that the job they perform is highly similar;
- ▶ Limited resources provided to inspectors impacting on the inspectors' ability to perform effectively. These resources include:
 - The lack of printer facilities;
 - The network system on their tablets;
 - The allocation of cars per Labour Centre.
- ▶ Limited storage space at the Labour Centres for confidential information;
- ▶ Limited security provided at Labour Centres contributing to inspectors feeling vulnerable at work;
- ▶ Physical working conditions are not conducive to a healthy working environment;
- ▶ Lack of case management system impacting on the overall efficiency of the inspectorate.

Based on these findings that emerged from the various research approaches, EY developed a distinct set of recommendations aimed to address the key challenges experienced by IES inspectors that may be impacting on their ability to perform effectively in accordance with the Department's mandate.

7.1 Conceptual framework

A popular theory in labour regulation is referred to as "responsive regulation" (Ayres & Braithwaite, 1992) and is the leading approach to describing and suggesting how regulatory enforcement best promotes compliance. This theory states that in order to be an effective, efficient and legitimate

regulator, the regulatory policy should not solely be preventative nor solely cooperative¹²³. In fact, responsive regulation theory denotes that employers may seek to comply due to the following three motives:

- ▶ Calculative motivations: People are motivated to comply due to the fear of detection of violations and the application of sanctions¹²⁴;
- ▶ Social motivations: People are motivated to comply due to a desire to earn the respect and approval of others¹²⁵; and
- ▶ Normative motivations: People are motivated to comply due to a sense of moral duty and agreement with the legitimacy of regulation¹²⁶.

Responsive regulation proposes a theory whereby all three differing motivations interact with one another. Furthermore, this theory proposes that enforcement strategies should be arranged in a hierarchy, or alternatively referred to as a pyramid, whereby collaborative strategies will form the base of the pyramid and as the hierarchy progresses, the more punitive the enforcement approaches will be¹²⁷. A key aspect of the enforcement pyramid is that it assumes that regulation is more likely to be effective when regulators have several different options available to them when it comes to enforcing compliance. The enforcement pyramid represents two things: the difference between levels of sanction in regulatory response, and the frequency of the different regulatory responses that may be utilized¹²⁸.

The figure below illustrates the enforcement pyramid as developed by Ayres & Braithwaite (1992).

¹²³ *Testing Responsive Regulation in Regulatory Enforcement, Nielson & Parker (2009)*

¹²⁴ *Corporate Crime, Law and Social Control, Simpson (2002) as cited in Testing Responsive Regulation in Regulatory Enforcement, Nielson & Parker (2009)*

¹²⁵ *Shades of Green: Business, Regulation and Environment, Gunningham, Kagan, & Thornton (2003) as cited in Testing Responsive Regulation in Regulatory Enforcement, Nielson & Parker (2009)*

¹²⁶ *Building a Law-Abiding Society: Taking Public Views About Morality and the Legitimacy of Legal Authorities into Account when Formulating Substantive Law, Tyler & Darley (2000) as cited in Testing Responsive Regulation in Regulatory Enforcement, Nielson & Parker (2009)*

¹²⁷ *Testing Responsive Regulation in Regulatory Enforcement, Nielson & Parker (2009)*

¹²⁸ *Labour and Labour-Related Laws in Micro and Small Enterprises: Innovative Regulatory Approaches (2007)*

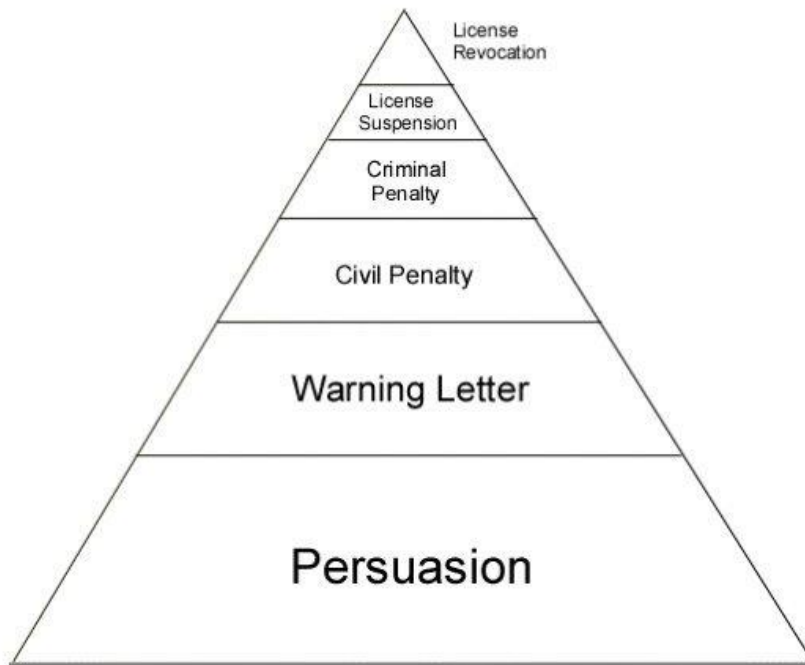


Figure 41: Enforcement pyramid¹²⁹

The theory of responsive regulation may easily be related to the context of the DOL, and in particular, IES. The function of IES serves as the regulator between employees and the business to ensure that national labour standards, as reflected in legislation, sectoral determinations and regulations, are applied in the workplace. In addition, according to the DOL's Strategic Plan 2015- 2020, the purpose of IES is not only to actively conduct inspections but to also educate and advise social partners in labour market policies. Therefore, the enforcement pyramid as illustrated above can be adopted to the IES context while ensuring that key characteristics of responsive regulation are maintained.

¹²⁹ *Responsive Regulation, Ayres & Braithwaite (1992).*

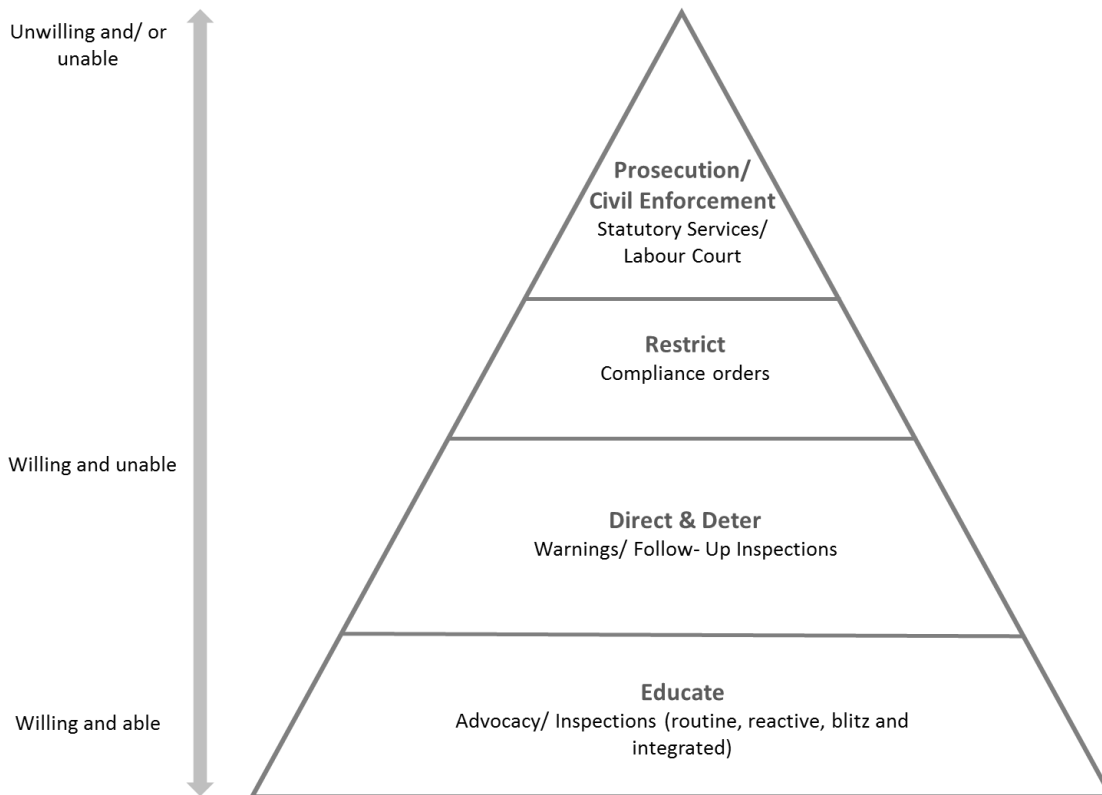


Figure 42: Potential IES enforcement pyramid¹³⁰

Illustrated above are different levels of the enforcement pyramid representing the different levels of sanctions and the frequency of responses that could be utilised. This enforcement pyramid will form the basis of the first recommendation: the development of an Enforcement Strategy.

7.2 Recommendation 1: Enforcement Strategy

As noted in the research findings, a key area of distress amongst the IES inspectors is the ability to effectively resolve cases. Inspectors indicated a number of challenges that are impacting on their ability to enforce compliance effectively. These challenges include:

- ▶ Limited powers of enforcement;
- ▶ Employers do not take IES seriously as there are no immediate consequences for non-compliance;
- ▶ Limited collaboration with other inspection agencies;
- ▶ Cases are bottlenecked when they are referred to Statutory Services and statutory institutions, and most cases do not proceed to the Labour Court;
- ▶ Follow-up inspections have been removed from the SOP for BCEA and EEA inspections; and
- ▶ Follow-up inspections are included in the SOP for OHS and Audit, but conducting these inspections does not count towards their targets.

The terms of reference of this report highlight the need to identify the impact of collaborative and enforcement activities within the IES. The regulatory approach reflected in the enforcement pyramid clarifies that successful regulation requires an appropriate mix of collaborative (persuasive) activities

¹³⁰ *Responsive Regulation, Ayres & Braithwaite (1992)*

and adversarial activities. A combination of these two elements is necessary to ensure optimum use of the resources available to an inspectorate. In particular, adversarial activities such as the use of Labour Court to pursue claims are time consuming and require extensive resources, and therefore a policy must be implemented to make effective use of these cases and maximize their impact. Ultimately, collaborative and adversarial processes must seek to serve the same goal: increasing the level of voluntary compliance with statutory labour standards. At a more practical level, this can be illustrated as follows:

- a) Activities such as training workers and trade unions on the content of legislation should increase voluntary compliance as these workers will be able to ensure that their employers comply with the law;
- b) Activities directed at increasing employers' knowledge will promote voluntary compliance, where non-compliance is a result of ignorance;
- c) Activities involving collaborative/ integrated inspections will assist in protecting workers across various legislation;
- d) Re-introducing follow-up inspections to ensure that compliance is achieved and to provide feedback and support to employers who are willing yet unable to comply;
- e) A successful legal claim against an employer will have the result that other employers will comply with the law. For this to occur, it will be necessary for IES to publicise the outcome of the case.

As such, the development of an Enforcement Strategy focused on implementing a mix of collaborative and adversarial interventions to ensure compliance would be highly beneficial. In particular, it is recommended that IES develops an Enforcement Strategy that provides enforcement interventions as per the enforcement pyramid.

Based on the responsive regulation theory, the Enforcement Strategy could incorporate the following levels of sanctions imposed on employers who are non-compliant:

a) Educate

The base of the pyramid refers to 'Educate' which requires the inspector (i.e. the regulator) to provide information and guidance, conduct targeted inspections, and provide feedback to support continuous quality improvement. When developing the IES Enforcement Strategy, this level of activity should highlight the importance of conducting advocacy sessions with the employer and the employee as a form of 'persuasion' to comply. In addition, this level of response should include conducting targeted inspections for routine, reactive, blitz and integrated inspections. Integrated inspections are pivotal as, according to the responsive regulation theory, a large component of ensuring compliance is through networking and collaborating with other stakeholders concerned with protecting workers and creating the conditions in which employers voluntarily comply with standards.

This section forms the base of the enforcement pyramid depicting that most of an inspectors' time should be about 'educating' employers and employees in an attempt to ensure voluntary compliance.

b) Direct and deter

The next level of enforcement refers to 'Direct and Deter'. This level of enforcement is actioned if the previous enforcement intervention did not result in compliance. The interventions addressed at this level of the pyramid are to issue penalties to deter future non-compliance. Therefore, in relation to developing an IES Enforcement Strategy, this level of enforcement could involve the inspector providing specific directions to the non-compliant employer using administrative actions, such as issuing warning letters/ subpoenas and requiring employers to report on steps that they have taken. If the inspector has not received any evidence of the employer complying within a certain timeframe after the warning was issued, then the inspector should conduct a follow-up inspection to determine if they are now compliant.

c) Restrict

As the levels of the enforcement pyramid get higher- so do the degrees of consequence placed upon the non-compliant employer. The next phase of the pyramid refers to 'Restrict'. This phase makes use of statutory sanctions such as the inspector issuing a compliance order if the employer is still non-compliant after the warning was issued. Once an inspector has issued a compliance order then this case should be handed over to SS, although the inspectors should remain involved to brief and advise SS.

d) Prosecute

The highest phase of the enforcement pyramid refers to the consequence of prosecution. This is the phase where the case will then be referred to SS and will possibly be taken to the Labour Court in respect of cases such as breaches of the BCEA and sectoral determinations, involving non-payments and underpayments. As per the research findings, it became known that there are significant delays with the prosecution of cases. In order to address these delays, it is recommended that IES develops and implements a strategy for identifying and prioritising cases for SS, as well as focusing on increasing the headcount/ capacity of SS officers in each province. In particular, the SS function should consist of several roles that focus on the following:

- ▶ Ensure that the cases referred to SS are non-compliant (i.e. check whether employers have responded to the compliance order);
- ▶ Filter cases that can be referred to the Small Claims Court (maximum of R15 000 claims). It is acknowledged that IES has been prevented from referring cases to the Small Claims Court due to an instruction from the Department of Justice, although there is no legislative basis for this. However, as per the BCEA, inspectors may engage in multiple legislative fora in order to assist in settling unresolved cases. The ability to refer cases to the Small Claims Court should be taken up at a senior level with the Department of Justice;
- ▶ Prepare and represent cases to be dealt with in the Labour Court, in particular, cases involving issues of precedent, large numbers of workers or significant amounts; and
- ▶ In the case of a statute, such as OHS Act which creates criminal offences, or offences involving child labour or forced labour under the BCEA, this would require a referral to the Prosecuting Authority.

In addition, our research findings have indicated that inspectors currently play little role in a case once it has been referred to SS as the SOP does not allow for this. It is evident that this is contributing to the large case load for SS and rendering their operation less successful. EY interviewed a Labour Court Judge who appears in both the Cape Town and Johannesburg Labour Court. The Judge indicated that the prosecution process in the Western Cape appears to be more effective than in Gauteng. He accredits this effectiveness to inspectors' level of confidence and skill in taking cases to the Labour Court themselves, and not relying on Statutory Services. He mentioned that the Western Cape Department officials even take the initiative to meet with the Labour Court Judge in chambers beforehand and inform them of the current state of cases as this assists the Judge in prioritising cases or identifying which cases have been resolved in the period prior to appearing in Court. EY acknowledges that this action is out of scope for inspectors as per the SOP, however, due to SS being significantly under-staffed, revision of the SOP could allow for highly skilled inspectors (possibly inspectors of a higher job grade) to take cases straight to the Labour Court in an attempt to resolve cases timeously.

Based on these findings, a number of changes could be introduced to ensure that there is greater co-ordination between SS, inspectors and the Labour Court:

- ▶ Inspectors with the appropriate level of skills and experience should be able to brief and provide ongoing assistance to SS;

- ▶ Increase headcount/ capacity within SS to effectively manage the high demand of cases per province;
- ▶ The IES and SS should jointly develop a strategy to identify key cases and issues that should be prioritised by SS for enforcement;
- ▶ Experienced and skilled inspectors should remain entitled to take cases to the Labour Court and appear in the Labour Court against employers; and
- ▶ The Department should focus on strengthening their relationships with the Labour Courts to ensure the expeditious handling of cases.

Furthermore, as the report notes, one of the major grievances is that many employers adopt the view that IES is not able to impose consequences on them. It will be necessary for key cases to be taken all the way through the enforcement process and its result to be publicized for this attitude to be changed. For example, when a case has successfully been prosecuted then the local newspaper should compile a write- up highlighting IES' success. This will assist in changing employers' mindsets that there is no consequence for non- compliance. An example of where EY saw this being done during the fieldwork visits is the Soshanguve Labour Centre as they had a newspaper clip on display publicizing an IES case.

7.2.1 Protecting vulnerable workers

An essential input into the Enforcement Strategy relates to how IES can be more successful in protecting vulnerable workers. The enforcement pyramid does address protecting vulnerable workers to a certain extent, but the Enforcement Strategy could explicitly provide the following interventions at the relevant level of sanction:

- ▶ Training courses could be developed for inspectors that focus on how to successfully protect vulnerable workers whose employers' are non- compliant. This could include training modules focused on migrant workers, undeclared work and human trafficking.
- ▶ Co-operation between labour inspectors and immigration authorities such as the Department of Home Affairs; and
- ▶ Advocacy of employees to raise their level of awareness of labour standards.

7.3 Recommendation 2: Advocacy and IES Profiling

As mentioned in the above recommendation, advocacy forms the basis of enforcement to promote voluntary compliance. It is recommended that the function of formal advocacy be elevated whereby roles are created within IES that are dedicated to conducting advocacy sessions and workshops with employees (including vulnerable workers) and employers. Therefore, inspectors will no longer be required to focus on formal advocacy sessions and conducting inspections as this role will be split. Through the proper roll out of formal advocacy sessions, voluntary compliance should be increased thereby decreasing the number of cases reaching SS.

Not only will formal advocacy sessions increase employers' and employees' knowledge of the relevant legislation, but it will also increase the visibility of IES and assist in profiling IES as an active and successful regulator. Profiling IES is an essential element of ensuring enforcement as it will assist in increasing the credibility of IES and may also assist IES in gaining access to difficult employer premises such as private households and farms. In order to strengthening the identity of IES, attention should be paid on branding IES resources such as cars, uniforms, equipment and ensuring that all inspectors have inspector cards. EY is aware that IES did attempt to provide inspectors with uniforms, however, as per the labour inspectors, it was mentioned that the uniforms were of poor quality, were not distributed across the whole country and there was no maintenance plan in place. This initiative should be relooked at and should be carefully managed so as to not unnecessarily spend a large portion of the budget.

7.4 Recommendation 3: Collaboration mechanisms with other inspection agencies

The enforcement pyramid highlights the importance of collaboration when ensuring effective enforcement. In addition, the terms of reference of this report also highlight the need for IES to collaborate on external policy environment that may affect the DOL mandate. As such, the research approach investigated whether IES currently collaborates with other inspection agencies in an attempt to ensure enforcement across a variety of legislation. The findings indicate that limited collaboration exists and when it does exist, then the collaboration mechanisms are established at a Labour Centre level.

It is recommended that the collaboration mechanisms should still be initiated at a Labour Centre level and could possibly be the DDLCO's responsibility to establish (this could be included in their performance agreement). In particular, it is suggested that each Labour Centre establishes a 'Joint Inspection Forum' whereby the DDLCO is responsible for contacting the various inspection agencies, such as the Department of Home Affairs, CCMA, Bargaining Councils, SAPS, DAFF, NPA, etc. and plan targeted integrated inspections. By teaming up with other inspection agencies and government bodies, a collaborative approach to enforcement would be utilized and will provide specific benefits, such as labour inspectors may feel more comfortable in approaching certain employers where they may have believed that their safety could be compromised when teaming up with SAPS.

Through the implementation of a 'Joint Inspection Forum', IES can take a proactive stance on collaborating on external policy and can make a large impact on the enforcement of labour standards across the country. These joint targeted inspections should also be publicized to promote compliance across various legislation and to change the attitude of employers whereby they believe that there is no consequence for non-compliance.

During our research studies, there have been reports of a similar forum being put in place in IES, however, as far as EY is aware- this is not conducted at a Labour Centre level. It is recommended that these forums are established at Labour Centre level where the DDLCO takes full responsibility for the implementation and execution of these forums. The DDLCO should include particular targets in his/ her performance agreement to drive this action and to ensure accountability at each Labour Centre (see Recommendation 6 for more on target setting).

There are a few examples of where Labour Centres took the initiative to develop a similar forum and where it appears to be successful. Examples of where this approach was implemented includes Soshanguve, Carletonville and Malelane Labour Centres.

7.5 Recommendation 4: Job requirements and Recognition of Prior Learning

As discussed in the research findings, a large percentage of labour inspectors only possess a matric certificate as several years ago this was the minimum qualification needed to be an inspector. During the fieldwork, labour inspectors indicated that the minimum qualification required to be an inspector has changed to include a higher qualification and therefore, they are unable to advance in their careers as they do not possess a higher qualification. EY investigated this further and saw that in two of the recent job advertisements for a Team Leader and an inspector on the Department's website, the job requirements include: "3 year relevant tertiary qualification in Labour Law/ Human Resource Management".

Changing the qualification requirements for a job role is not an issue if the Department is willing to upskill those who are already in that position and do not have the necessary qualifications to advance in their careers. It was brought to EY's attention that there is a policy on RPL within the Department but it seems

as though it is not being acted on. An RPL programme should focus on upskilling those employees who have years of experience as an inspector but do not have the relevant qualification which will allow them an equal opportunity to progress in their careers. According to the fieldwork conducted, Gauteng is the only province that seems to have implemented a RPL to address this issue.

7.6 Recommendation 5: Training for inspectors

A consistent finding that emerged from the various research approaches is the lack of training provided to BCEA and EEA inspectors. According to the research, it seems as though OHS inspectors receive sufficient training and are generally pleased with the quality of training. However, particular focus needs to be given to the training provided to BCEA and EEA inspectors. With respect to training provided, the following is recommended:

- a) IES should consider creating an “Introduction to Labour Inspection” training course that new joiners are expected to complete before officially joining as an inspector at the particular Labour Centre or Provincial Office, or within a specified period of doing so. The course should provide new joiners with a holistic view as to what IES is about and provide detailed training on the inspection process relevant to the different legislation. In fact, the ILO’s International Training Centre developed a training curriculum aimed at strengthening labour inspection systems with a view towards ensuring compliance with labour laws and sound labour inspection policies¹³¹. This curriculum is based on labour inspection principles, policies and strategies to more practical tools and methods. This curriculum has been reported to be quite generic but the IES can edit the content to make it more relevant to a South African context, and this content can then be used for the “Introduction to Labour Inspection” training course. In addition to this curriculum, content can also be included that focuses on developing some key soft skills essential to the role.

Table 49: ILO labour inspection curriculum¹³²

Module	Purpose
1. General Framework; Labour Administration and its key functions	To provide a general framework in which labour inspections operate. It starts from the broader System of Labour Administration and follows with the main functions, roles and trends of labour inspection.
2. Introduction to the Labour Inspection	
3. Policy and procedures	To target policy and decision-makers and provide guidance for developing a vision and mission for their labour inspection system and define patterns for operationalizing them.
4. Strategies of compliance	
5. Cooperation and partnership	
6. Inspection of working conditions	To identify and explain the three main areas of labour inspection, namely working conditions, employment relations and occupational safety and health. A specific module addresses vulnerable groups of workers, with particular focus on child labour, human trafficking, forced labour, HIV/AIDS and workers in the informal economy.
7. Inspection of employment relationships	
8. Inspection of occupational safety and health	

¹³¹ Casale, G., & Eyraud, F. (2010). *Building Modern and Effective Labour Inspection Systems*. Geneva, Switzerland.

¹³² Casale, G., & Eyraud, F. (2010). *Building Modern and Effective Labour Inspection Systems*. Geneva, Switzerland.

Module	Purpose
9. Vulnerable Groups	
10. Labour Inspection Visit	Focuses on factory visits, the very heart of labour inspection work. It provides guidance and tools for preparing, conducting, reporting and ensuring follow-up to the visit.
11. Tools of the labour inspectorate	To illustrate tools for improving the performance of labour inspectors, with particular emphasis on strengthening their competences.
12. Institutional Capacity Development	

- b) IES should further consider training focused on providing continuous refresher training on legislation, amendments and the enforcement process. The majority of labour inspectors mentioned that this training would be the most beneficial as it will assist in raising their level of awareness and interpretation to ensure that they are effectively enforcing based on the right facts. It is essential that this training should be:
- ▶ Planned in advance and should be communicated to inspectors at least 1 month in advance; and
 - ▶ Facilitated by a Subject Matter Expert who will be able to deliver the content efficiently.

Effective and continuous training is essential and this should be taken into consideration when setting inspectors' targets. Provisions for training should be made when setting targets, and allow an inspector to attend training even if this may impact on reaching their targets.

- c) In addition, IES should provide all IES employees in a managerial role with a "fundamentals of management" training. This training will provide Team Leaders, DDLCOs, specialist inspectors at Provincial Office, Provincial Chief Inspectors, etc. with key concepts related to management and how to effectively manage a team.
- d) The online survey for inspectors investigated what additional skills the respondents believe they need to acquire in order to conduct their job more efficiently. The majority of participants indicated that they would like to acquire communication skills, negotiation skills, conflict management skills, and report writing skills. Therefore, consideration should be given as to what training can be provided to inspectors to increase their skill level in these particular areas.
- e) During the fieldwork, the IES inspectors did not seem to believe that the train- the- trainer model that is currently implemented is an effective approach. They indicated that the trainers are too busy to conduct the training and are not necessarily subject matter experts in their fields. In theory, a train- the- trainer model is typically an effective approach, however, the implementation of this approach may be the issue. Currently, it has been reported that the trainers are specialist inspectors and are expected to train the Labour Centre inspectors relevant to their field of practice. One reason that was reported as to why specialist inspectors are unable to conduct training sessions is because they are currently pre- occupied with ensuring that they meet their targets as this is how their performance is managed. Therefore, a specialist inspector would rather ensure that he/she is meeting their targets as opposed to training inspectors. In

addition, the training of the specialist inspector needs to be relooked at to ensure that specialists are well- trained and highly informed to ensure that the training they provide is well- executed and well- informed.

7.7 Recommendation 6: Performance management (i.e. target setting)

In terms of the current performance management approach, all inspectors are required to undertake a set amount of workplace inspections per month to reach their targets, and are expected to finalise 80% of reactive cases. The current target setting approach seems to be a “one size fits all” approach which isn’t working particularly well for IES. This approach is problematic because it is ultimately driving the wrong behaviours as it is focusing on quantity over quality. This is exacerbated by the fact that follow-up inspections do not form part of inspectors’ targets. This has a major impact on enforcement as follow-up inspections are critical in ascertaining whether an employer has complied in response to a warning or a compliance order. This reiterates the fact that targets are more of a “tick box activity” concerned with how many workplaces are visited and are less concerned with whether the outcome of those inspections have resulted in compliance.

It is recommended that the target setting approach be revised to include the following:

- ▶ Targets should differ based on the different roles, responsibilities and scope of management. In other words, targets should differentiate based on the levels of complexity per job. For e.g. the DDLCO should have targets to reflect collaboration with other inspection agencies to drive the recommendation of the “Joint Inspection Forum”. Another example is that the IES employees who are ultimately responsible for conducting formal advocacy sessions should have targets around the number of sessions conducted and the quality of sessions conducted.
- ▶ Targets should also take into account a case from “cradle to grave” meaning that an inspector should be held responsible to a certain degree of the outcome of a case even if it is referred to SS. This approach should also re- introduce follow-up inspections which would drive the outcome of compliance as opposed to the number of inspections conducted.

7.8 Recommendation 7: Organisational structure, job grading and associated responsibilities

In the majority of interviews conducted, there was mention of the multiple reporting lines which are impacting on the efficiency of how IES is operating. For example, the Team Leader at the Labour Centre is expected to report into the DDLCO and the PCI, and may often experience conflicting demands and instructions. It is suggested that further investigation is conducted to understand the current reporting lines and how best to improve the structure of IES.

Job grading has proven to be a significant issue that emerged as a key finding across the research conducted. In particular, IES inspectors indicated that there are inspectors at different job grades (for example SR Level 6, 7 and 8) but the role that they perform is reportedly the same. In addition, it was reported that there are some Team Leaders and inspectors on the same level (SR 8) but their job responsibilities differ quite significantly. It was mentioned to EY during the fieldwork that a few cases have been made against the Department by inspectors based on this issue. Therefore, the Department needs to focus on how to resolve this to avoid any similar cases being made against the Department. It is recommended that the job grades and associated responsibilities for each level and role need to be reviewed. In particular, each job grade should represent a particular level of complexity aligned to their job responsibilities and associated targets. Therefore, the salary levels associated with grade will be justified based on level of complexity. Once this review is conducted, it will be necessary to ensure that each job incumbent is able to perform at that level of complexity, and appropriate personal development

plans should be put in place to bridge any gaps that are observed.

7.9 Recommendation 8: Resources

The research conducted indicated that there are particular resources (or lack thereof) that are impacting on the inspectors' ability to perform their job effectively. In particular, the following resources were mentioned in the research that IES should address:

- ▶ **Printers:** The findings have indicated that there are not enough printers to support the high demand of printing necessary as printers are shared with the other units in the Labour Centre. In addition, it was specified that inspectors are unable to print from the tablets which is an inefficiency that needs to be corrected. If the Department focuses on ensuring that there are enough printers available for the inspectors to sufficiently deal with the high demand, and provides inspectors with a connection allowing printing to be done from their tablets, then these quick-wins could rapidly impact on increasing efficiency amongst the inspectorate.
- ▶ **Tablets:** The main issue related to tablets is the limited ability to connect to the network (I.e. CITRIX). However, we were informed by the DOL project team that this seems to have been corrected since the fieldwork was concluded.
- ▶ **Cars:** The availability of cars in some Labour Centres were a large concern because the availability of cars impacts on the number of inspections conducted which ultimately affects their targets. IES needs to review the allocation of cars per Labour Centre in respect of the number of inspectors at each Labour Centre. During the fieldwork, it became evident that some of the Labour Centres have enough cars to go out on inspections multiple times a week, whereas other Labour Centres barely have enough cars for inspectors to conduct inspections at least once a week. In addition, inspectors mentioned that subsidized vehicles were in issue in terms of the length of process to apply for one as well the particular criteria put in place that inspectors need to meet once they have the vehicle. The current process to apply for a subsidized vehicle should be reviewed to identify where the bottlenecks of the process are that are turning it into a lengthy process. In addition, the criteria should be reviewed to determine whether they are fair across all provinces and labour centres.

7.10 Recommendation 9: Facilities

As per the findings of the research, there are three key areas relating to IES facilities that were identified as problematic. These include:

- ▶ **Storage space:** It became evident from the fieldwork conducted that there is an issue with storage space at the Labour Centres, particularly regarding where cases are stored. All cases are hardcopies and are stored somewhere in the Labour Centre, whether it is a designated filing cabinet or on the floor in the inspectors' offices. These cases have confidential information that are easily accessible to anyone in the Labour Centre. It is recommended that a secure facility be introduced to every Labour Centre that will store the relevant cases for the recommended duration and be access controlled. In the long-term, it is recommended that cases are secured electronically and are backed-up on the server.
- ▶ **Safety:** The majority of the Labour Centres visited did not have the necessary security and made inspectors feel vulnerable and at risk of harm. The work that inspectors do is highly sensitive and in many instances, employers or employees may become aggravated with the process or outcome and may potentially pose as a threat to inspectors. Therefore, appropriate security

needs to be put in place at the entrance of every Labour Centre to monitor who enters and exits the premises.

- ▶ Physical working conditions: The physical working conditions of the majority of the Labour centres visited when conducting fieldwork were highly alarming, as discussed in the research findings. The physical working conditions of the Labour Centre have a direct impact on the overall morale of the inspector, and their levels of productivity. The physical working conditions need to be relooked at and specific actions need to be in place to create better working conditions. For example, IES could provide Labour Centres with filtered water in the regions where tap water is non- drinkable. Another example could be for IES to provide sanitary bins in each of the ladies' bathrooms.

7.11 Recommendation 10: Case management

IES was in the process of implementing a case management system and were piloting the system in certain Labour Centres such as Carletonville and Witbank. However, reviews on this systems from the areas where it is being piloted have not been positive. An interview with an internal stakeholder responsible for the implementation of the CMS indicated that due to version updates and enhancements to the system made by the service provider the system is no longer user-friendly and does not meet the departments' requirements. Currently a decision needs to be made as to whether the Department should build a completely new system or if they should fix the current system. The cost implications of either decision will be the same.

The lack of case management is impacting on the overall efficiency of the inspectorate and therefore, this initiative needs to be fast- tracked. The benefits of fast- tracking the implementation of the case management system include:

- ▶ A successfully implemented case management system should eliminate the manual process of compiling handwritten files and should eliminate the issue of storing these files. The case management system should provide an electronic means of capturing cases and the cases should be backed- up daily.
- ▶ The uniformity and standardisation of information will be consistent across all provinces, Labour Centres, and units within IES; and
- ▶ The case management system will assist inspectors in tracking the progress of cases referred to SS.

The proposed recommendations are significant and could potentially transform the IES function if implemented effectively. These recommendations support the strategic goals of the IES and the DOL, as well as align very clearly to IES' mission, which incorporates the following elements:

- ▶ Promoting a culture of prevention and voluntary compliance;
- ▶ Improving the working conditions of workers in the vulnerable worker sectors, high risk sectors, designated employers and repeat violators;
- ▶ Securing strategic partnership and co-operation with all social partners/ role players;
- ▶ Encouraging and promoting self/co-regulation;
- ▶ Ensuring improved access to services; and
- ▶ Developing a professional service within the Department of Labour."

7.12 Recommendations for further investigation

Based on our research, there are some areas that we believe should be investigated further where specific and key recommendations could be made in order to address key challenges. In particular, the key areas for further investigation include:

- i. IES organisational structure and how IES fits into the broader DOL;
- ii. Remuneration benchmarking;
- iii. Inspections conducted in particular problematic economic sectors- more focus and in-depth investigation to understand the problems associated in each economic sector prohibiting inspectors from conducting inspections in these sectors; and
- iv. Interventions to deal with safety of inspectors when they conduct inspections.

7.13 Conclusion

The 'Recommendations' section and the implementation of these recommendations is pivotal in ensuring that changes are made to address key challenges. The research objectives that are fulfilled through this section include:

- ▶ Investigate whether approaches incorporate collaboration or adversarial practices; advances prevention rather than punitive; and improve stakeholder satisfaction and increases compliance;
- ▶ Identify and analyse key areas of disjuncture between IES services and the Department's mandate; and harmonise the two;
- ▶ Determine available and required capacity of human, technological, financial resources as well as other relevant resources needed to conduct inspections nationally;
- ▶ Investigate strategies for integrated labour inspection that display innovative, preventative and proactive monitoring inspection and enforcement approaches and strategies/ mechanisms;
- ▶ Department's mandate, for example Department of Trade and Industry, National Prosecuting Authority, Department of Home Affairs, etc.

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78. The Employment Equity Act, No. 55 of 1998
79. The Employment Services Act, No. 4 of 2014
80. The Foodstuffs, Cosmetics and Disinfectants Act, No. 54 of 1972 (as amended)
81. The Genetically Modified Organisms Act, No. 15 of 1997
82. The Hazardous Substances Act, No. 15 of 1973
83. The Health Professions Act, No. 58 of 1974 (as amended)
84. The Human Tissue Act, No. 65 of 1983
85. The Immigration Act, No. 13 of 2002
86. The Labour Relations Act, No. 66 of 1995
87. The Liquor Products Act, No. 16 of 1986
88. The Meat Safety Act, No. 40 of 2000

89. The Medical Schemes Act, No. 131 of 1998
90. The Medicines and Related Substances Act, No. 101 of 1965
91. The Mental Health Care Act, No. 17 of 2002
92. The Mine, Health and Safety Act, No. 29 of 1996
93. The National Economic Development and Labour Council Act, No. 35 of 1994
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9. Appendices

Appendix A: Inspection authorities approved by the DOL

Category	Approved Inspection Authorities
Occupational Health and Hygiene	<ol style="list-style-type: none"> 1. VDH Industrial Hygiene CC 2. PSM Industrial Hygiene Services CC 3. The Safety Network (Africa) CC 4. Geozone Environment AL (Pty) Ltd 5. NOSA Occupational Hygiene Services 6. Occupational Hygiene Monitoring Services CC 7. Pierre Wepener CC 8. Health and Occupational Hygiene Laboratory CC 9. Safetrain cc T/A SAFETECH 10. Human Hygiene Consultation 11. EXCO Environmental and Occupational Health Services, Belville 12. SHE Technologies CC 13. Focused Risk & Training Services CC 14. EXCO Environmental & Occupational Health Services, Gauteng 15. Innovative Occupational Hygiene Solutions 16. National Environmental Health Consultants CC 17. Gijiima Occupational Hygiene and Environmental Services 18. Consulting Occupational Hygienist 19. Poltech (Pty) Ltd 20. Occupational Care South Africa (PTY) LTD 21. ASHEREQ- Environmental and Occupational Hygiene Consultants (Pty) Ltd 22. SINE QUO NON Health Safety and Environment CC 23. OHE Monitoring CC 24. SHIP 25. SHE GLOBAL 26. Modderfontein Laboratory 27. OH & AP Consulting Services CC 28. OCCUTECH CC 29. Impala Platinum Limited 30. SeniNhle Occupational Health Services (Pty) Ltd 31. NOHS Consultants CC 32. Earth and Occupational Health Sciences CC 33. CSE Consultants (Pty) Ltd 34. Hazardous Environment Decontaminators 35. Sasol Chemical Industries (Pty) Ltd 36. National Education Research Safety & Health Consultancy (Pty) Ltd 37. Aspirata Auditing, Testing and Certification (Pty) Ltd 38. Vivos Occupational Health (Pty) Ltd 39. Lexis Nexis (Pty) Ltd 40. Occupational Health and Safety Advisers CC 41. Eskom Holdings SOC Ltd 42. National Institute for Occupational Health 43. Aircheck Occupational Health, Environmental and Training Services CC 44. BUREAU VERITAS (Pty) Ltd 45. The South African Nuclear Energy Corporation LTD
Electrical Installations	<ol style="list-style-type: none"> 1. Western Cape Approved Electrical Inspection Authority CC 2. Dricon Electrical Solutions 3. RBI Technical Solutions International (Pty) Ltd
Major Hazard Installations	<ol style="list-style-type: none"> 1. ISHECON 2. Nature and Business Balliance South Africa (Pty) Ltd 3. RISCO (Pty) Ltd 4. Sasol Technology 5. Major Hazard Risk Consultants CC 6. Environmental Risk Resource Southern Africa 7. Occutech CC

Category	Approved Inspection Authorities
	<ol style="list-style-type: none"><li data-bbox="610 243 1451 275">8. Burea for International Risk Assessments (Pty) Ltd<li data-bbox="610 275 1451 306">9. African Oxygen Limited

Appendix B: Industries and associated Bargaining Councils

Industry	Sub-industry	Bargaining Council
Agriculture	<ul style="list-style-type: none"> ▶ Fishing; ▶ Agriculture. 	<ul style="list-style-type: none"> ▶ Bargaining Council for the Fishing Industry (National); ▶ Statutory Council for the Squid and Related Fisheries of South Africa; ▶ Bargaining Council for the Grain Industry (National).
Mining	<ul style="list-style-type: none"> ▶ Diamond Cutting. 	<ul style="list-style-type: none"> ▶ Bargaining Council for the Diamond Cutting Industry (SA).
Manufacturing	<ul style="list-style-type: none"> ▶ Civil Engineering; ▶ Furniture manufacture; ▶ Metal and Engineering; ▶ Textile; ▶ Wood and Paper. 	<ul style="list-style-type: none"> ▶ Bargaining Council for the Civil Engineering Industry; ▶ Furniture Bargaining Council; ▶ Bargaining Council for the Furniture Manufacturing Industry of the Western Cape; ▶ Bargaining Council for the Furniture Manufacturing Industry of the Eastern Cape; ▶ Bargaining Council for the Furniture Manufacturing Industry of the South Western Districts; ▶ Bargaining Council for the Furniture Manufacturing Industry, KwaZulu-Natal; ▶ Metal and Engineering Industries Bargaining Council (National); ▶ National Textile Bargaining Council; ▶ National Bargaining Council for the Wood and Paper Sector.
Utilities	<ul style="list-style-type: none"> ▶ Electrical; ▶ Water. 	<ul style="list-style-type: none"> ▶ National Bargaining Council for the Electrical Industry of South Africa; ▶ Amanzi Bargaining Council.
Construction	<ul style="list-style-type: none"> ▶ Building. 	<ul style="list-style-type: none"> ▶ Bargaining Council for the Building Industry (Bloemfontein); ▶ Building Industry Bargaining Council (Kimberley); ▶ Building Industry Bargaining Council (Southern and Eastern Cape); ▶ Building Industry Bargaining Council (Cape of Good Hope); ▶ Building Industry Bargaining Council (East London); ▶ Building Bargaining Council (North and West Boland).
Trade	<ul style="list-style-type: none"> ▶ Canvas Goods; ▶ Clothing Manufacturing; ▶ Meat trade; ▶ Motor ferry; ▶ New tyre manufacturing; ▶ Sugar manufacturing and refining. 	<ul style="list-style-type: none"> ▶ Bargaining Council for the Canvas Goods Industry (Witwatersrand & Pretoria); ▶ National Bargaining Council for Clothing Manufacturing Industry (Head Office); ▶ Bargaining Council for the Meat Trade, Gauteng; ▶ Motor Industry Bargaining Council (National); ▶ Motor Ferry Industry Bargaining Council of South Africa (National); ▶ Bargaining Council for the New Tyre Manufacturing Industry (National); ▶ National Bargaining Council for the Sugar Manufacturing and Refining Industry.
Transport	<ul style="list-style-type: none"> ▶ Road Freight and Logistics; ▶ Road Passenger; ▶ Transnet. 	<ul style="list-style-type: none"> ▶ National Bargaining Council for the Road Freight and Logistics Industry (NBCRFLI); ▶ South African Road Passenger Bargaining Council (SARPBAC); ▶ Transnet Bargaining Council (National).
Finance and other business services	<ul style="list-style-type: none"> ▶ Food Retail, Restaurant, Catering & Allied Trades; ▶ Printing, Newspaper and Packaging. 	<ul style="list-style-type: none"> ▶ Bargaining Council for the Food Retail, Restaurant, Catering & Allied Trades; ▶ Bargaining Council for the Restaurant, Catering and Allied Trades; ▶ Statutory Council for the Fast Food, Restaurant, Catering and Allied Trades (SCFFRCAT); ▶ Statutory Council of the Printing, Newspaper and Packaging Industry of South Africa.
Community and social services	<ul style="list-style-type: none"> ▶ None. 	<ul style="list-style-type: none"> ▶ None.

Industry	Sub-industry	Bargaining Council
Private households	▶ None.	▶ None.
Other	<ul style="list-style-type: none"> ▶ Chemical; ▶ Public Service; ▶ Education; ▶ Contract Cleaning; ▶ Hairdressing, Cosmetology, Beauty and Skincare; ▶ Laundry, Cleaning and Dyeing; ▶ Leather. 	<ul style="list-style-type: none"> ▶ National Bargaining Council for the Chemical Industry; ▶ General Public Service Sectoral Bargaining Council; ▶ Public Service Co-ordinating Bargaining Council; ▶ Safety and Security Sectoral Bargaining Council; ▶ South African Local Government Bargaining Council; ▶ Education Labour Relations Council (Local Government and Government); ▶ Public Health and Social Development Sectoral Bargaining Council (Local Government and Government); ▶ Bargaining Council for the Contract Cleaning Services Industry (KwaZulu-Natal); ▶ National Bargaining Council for the Hairdressing, Cosmetology, Beauty and Skincare Industry; ▶ Bargaining Council for the Laundry, Cleaning and Dyeing Industry (Cape); ▶ Bargaining Council for the Laundry, Cleaning and Dyeing Industry (KwaZulu-Natal); ▶ National Bargaining Council of the Leather Industry of South Africa.

Appendix C: ILO recommended labour inspectorates

Table 50: Role of labour inspectorates in benchmark countries¹³³

Country	Role of the labour inspectorate
<p>Spain</p>	<p>The Labour and Social Security Inspectorate (LSSI) in Spain is within the purview of the Ministry of Labour and Immigration. A major change took place in 2010 when the functions and services of the LSSI were transferred to the Government of Catalonia. The inspectorate has a broad mandate to enforce compliance with OHS and conditions of work regulations. The LSSI is a unitary organization of a generalist model, and is accountable to a tripartite board, and subsequently, to the Secretary General of Labour.</p> <p>The LSSI and its social partners identified weaknesses in the inspection services, and one weakness that was observed was that the inspectorate was criticized for failing to take sufficient account of the demographic and productive changes, and of the economic and social challenges at play. Therefore a strategic plan was developed that focused on the inspectors playing more of a proactive role. Within the strategic plan, there was a focus to improve the inspectorate's information systems and the equipment used by inspectors. Within this strategic approach, the following was implemented:</p> <ul style="list-style-type: none"> ▶ System enabling users to review the processes of the LSSI. This has been implemented, for example, with regard to the complaints procedure, the computerisation of the 'visitors' book' and other facilities. ▶ Coordination with several major databases of the administration and with the social security services has also been increased. In general, the computerisation has made it possible to enhance the relations with other areas of the administration and with citizens - for instance, through the inspectorate's website, the National Registry of Companies and the citizens' web portal. ▶ Inspectors have been provided with mobile equipment, while the inspectorate's premises have been upgraded. <p>An additional weakness that was identified was the training of inspectors. Therefore, in 2009, Spain established a Labour Inspection Training School focusing on developing and implementing comprehensive training programs for new inspectors as well as inspectors who would just like to refresh their knowledge.</p>
<p>France</p>	<p>The labour inspectorate in France is centrally managed through a regional and local structure and is accountable to the Labour Minister. It has wide jurisdiction over OHS, working conditions, wages, hours of work, holidays, etc.</p> <p>The French decided that it was necessary to strengthen labour inspection at the national level since two labour inspectors were murdered by employers while conducting site visits in 2004. Therefore, the French plan 'de modernisation et de développement de l'inspection du travail' was introduced by Labour Minister Gérard Larcher on 9 March 2006. This plan was aimed at strengthening labour inspection services by implementing objectives focused on quality, training and organisation.</p> <p>In addition, a draft reform of the labour inspectorate was presented to the Council of Ministers in France and accepted in November 2013. This reform would extend the powers of labour inspectors allowing them to impose fines on organisations where they are in breach of labour laws. This reform has also given more power to inspectors allowing them to close down dangerous workplace/ work sites.</p>
<p>Japan</p>	<p>The Labour Standards Bureau of Japan, also a centrally managed organization that is accountable to the Labour Ministers and Deputy Ministers, is responsible for health, safety and conditions of employment.</p>

¹³³ *Technical Memorandum: South Africa. (2009). International Labour Office, 1-78.*

Country	Role of the labour inspectorate
Brazil	The Office of Labour Inspections is one of four executive offices that reports directly to the Ministers' Office. The Office enjoys great prestige and holds a politically strategic position as it has branches, 27 Regional Labour Offices, which are then divided into 114 branch offices and again into 480 service agencies that are located throughout the country. The Regional offices, which also report to the Minister, are responsible for enforcing policies designed by the federal Office of the Labour Inspectorate.
Malaysia	The labour inspectorate in Malaysia is separated by jurisdiction: one department is responsible for conditions of work, including wages, working hours, holidays and migrant workers, and the other department is responsible for occupational health and safety. Both departments report to the Permanent Secretary of the Ministry of Human Resources.
Singapore	The labour inspectorate in Singapore comprises of four agencies: OHS, Workers' Compensation and Labour Relations and Welfare, Employment Promotion, and Foreign Labour Management, all of whom report to the Permanent Secretary.

These countries' labour inspectorates have been benchmarked according to the ILO. The structure of these inspectorates have assisted in the effectiveness of these inspectorates. These are various approaches that the DOL IES could consider when determining how to improve effectiveness amongst the South African labour inspectorate.

As outlined above, Spain and France both took a proactive approach in improving their inspection services, and South Africa could potentially model similar approaches. Therefore, provided below is more detail on both the Spanish and French labour inspectorates.

i. Spain¹³⁴

Table 51: Spanish labour inspection services

ILO areas of investigation	Findings
Name of managing labour institution	Ministry of Labour and Immigration
Departments responsible for labour inspections	Within the Ministry of Labour and Immigration is the Labour Inspection and Social Security which deals directly with labour inspections.
Scope of labour inspection	The Inspectorate of Labour and Social Security is a public service which is responsible for monitoring compliance of social order and enforcing the relevant responsibilities. This legislation is very broad and includes, among other matters, concerning labour relations, social security, employment or health and safety conditions at work. It also performs functions of technical assistance and arbitration, conciliation and mediation.
Local divisions	Spain consists of 17 autonomous communities, which comprise of 52

¹³⁴ Spain. (2009). Retrieved from International Labour Organization: [http://www.ilo.org/labadmin/info/WCMS_114180/lang--en/index.htm](http://www.ilo.org/labadmin/info/WCMS_114180/lang-en/index.htm)

ILO areas of investigation	Findings
	<p>provinces-which mostly have competence in labour matters. Therefore, it has inspection model based on the principle of inter-agency collaboration between the State and the Autonomous Communities. This collaboration is carried out through two bodies:</p> <ul style="list-style-type: none"> ▶ The Sectoral Conference on Labour Affairs, which integrates all the Autonomous Communities and general administration ▶ Territorial Commissions, at the level of each region.
Background required and training for labour inspection selection	<p>The selection process consists of several theoretical and practical tests. A university degree is required for admission to the corps of inspectors and a university diploma is required for entry into the body of sub-inspectors.</p> <p>In relation to the professional development of staff of the inspection system of Labour and Social Security, there is a specific body for initial and continuing training: School Inspectorate of Labour and Social Security. The School Inspectorate of Labour and Social Security has a comprehensive approach in that it include training on its monitoring on all matters of social order; its scope not only relates to safety and health at work, but to all elements affecting the world of labor relations, including Employment and Social Security.</p>
Ratifications	Spain has ratified ILO Conventions No. 81 and No. 129.

ii. France¹³⁵

Table 52: French labour inspection services

ILO areas of investigation	Findings
Name of managing labour institution	Ministry of Labour
Departments responsible for labour inspections	The Central Authority: Directorate General of Labour The central authority of the system is essentially the Directorate General of Labour, inspectors and labour controllers.
Scope of labour inspection	<p>The overall mission of labour inspectors is that of ensuring compliance with labour laws. They shall in particular enforce compliance with the Labour Code, but also in respect to conventions and collective agreements. Thus, as appropriate, they must report infringements.</p> <p>They are also required to provide advice and information to employers, employees and</p>

¹³⁵ France. (2009). Retrieved from International Labour Organization: [http://www.ilo.org/labadmin/info/WCMS_144167/lang--en/index.htm](http://www.ilo.org/labadmin/info/WCMS_144167/lang-en/index.htm)

ILO areas of investigation	Findings
	<p>employee representatives on their rights and obligations.</p> <p>The French Labour Inspection system is general, and labour inspectors are called upon to intervene in many areas:</p> <ul style="list-style-type: none"> ▶ Health and safety in the context of the prevention of occupational hazards and working conditions ▶ Quality and effectiveness of the law ▶ Social dialogue within the framework of collective labor relations ▶ The fight against illegal employment ▶ Employment and vocational training
Local divisions	<p>The labour inspectorate in France is characterized by decentralized services that are deployed at regional and departmental level- at regional level, the Regional Directorates include enterprise, competition, consumption, labour and employment.</p>
Background required and training for labour inspection selection	<p>The members of the body of the labour inspectorate are distinguished between inspectors and controllers. Labour inspectors are recruited through open competition, by internal promotion or by recruitment.</p> <p>The body of the labour inspectorate has three grades:</p> <ul style="list-style-type: none"> ▶ Labour Inspector; ▶ Deputy Director; ▶ Director of Work. <p>Labour inspectors are recruited by external or internal competition, or through professional examination for administrative assistants with 15 years of seniority, or by secondment.</p> <p>Candidates, once admitted have a status of trainee labour inspectors for 12 months. The National Institute of Labour, Employment and Vocational Training (INTEFP) provides training for Labour Inspectors within the first 12 months of employment.</p>
Ratifications	<p>France has ratified ILO Convention No. 81, No. 129 and No. 178.</p>

Appendix D: African labour inspectorates

i. Kenya¹³⁶

Table 53: Kenyan labour inspection services

ILO areas of investigation	Findings
Name of managing labour institution	Ministry of Labour (MOL)
Departments responsible for labour inspections	<p>MOL has a dual system of labour inspections: general labour inspections (Department of Labour) and occupational health and safety inspections (Directorate of Occupational Safety and Health Services).</p> <p>The DOL has two divisions:</p> <ul style="list-style-type: none"> ▶ Labour (child labour, workers' compensation and industrial relations); ▶ Employment. <p>The DOSHS has six divisions:</p> <ul style="list-style-type: none"> ▶ Inspectorate; ▶ Medical Hygiene; ▶ Work Injury Benefits; ▶ Institute of Occupational Health and Safety; ▶ Safety; ▶ Administrative Support.
Scope of labour inspection	<p>The DOSHS is responsible for enforcing and monitoring the following legislation:</p> <ul style="list-style-type: none"> ▶ Occupational Safety and Health Act, 2007 ▶ Workers' Injury Benefit Act, 2007 <p>The DOL is responsible for enforcing and monitoring the following legislation:</p> <ul style="list-style-type: none"> ▶ Employment Act ▶ Industrial Relations Act 2007
Local divisions	<p>The structure of the MOL is divided into:</p> <ul style="list-style-type: none"> ▶ Ministry's headquarters in Nairobi ▶ 8 Provincial Labour Offices ▶ 20 District Labour Offices
Background required and training for labour inspection selection	<p>Applicants require the following when applying to be a labour officers:</p> <ul style="list-style-type: none"> ▶ General university level degree <p>Once employed, most officers receive training which consists of an induction course with limited training occurring after this.</p>

¹³⁶ Kenya. (2016). Retrieved from International Labour Organization: http://www.ilo.org/labadmin/info/WCMS_151305/lang--en/index.htm

ILO areas of investigation	Findings
Ratifications	Kenya has ratified the ILO Convention No. 81 in 1964 as well as the ILO Convention No. 129 in 1979.

ii. Lesotho¹³⁷

Table 54: Lesotho labour inspection services

ILO areas of investigation	Findings
Name of managing labour institution	Ministry of Labour and Employment (MOLE)
Departments responsible for labour inspections	The MOLE has 6 divisions, two of which are responsible for labour inspections: <ul style="list-style-type: none"> • Industrial Relations (divided into Textile, Construction and Security) • Occupational Health and Safety
Scope of labour inspection	The MOLE inspection services are responsible for monitoring and enforcing the following legislation: <ul style="list-style-type: none"> • Labour Code • Workmen's Compensation Act • Wages Order • Occupational Health and Safety Act
Local divisions	The structure of the MOLE is divided into: <ul style="list-style-type: none"> • Ministry's headquarters in Masaru • 10 Administrative District Offices
Background required and training for labour inspection selection	The recruitment of all public employees is done through the Ministry of Public Service. Training is provided on an ad-hoc basis and is usually conducted through donor- funded courses.
Ratifications	Lesotho ratified ILO Convention No. 81 in 2001 and has not ratified Convention No. 129.

iii. Uganda¹³⁸

¹³⁷ Lesotho. (2009). Retrieved from International Labour Organization: http://www.ilo.org/labadmin/info/WCMS_112603/lang-en/index.htm

¹³⁸ Uganda. (2016). Retrieved from International Labour Organization: http://www.ilo.org/labadmin/info/WCMS_209370/lang-en/index.htm

Table 55: Ugandan labour inspection services

ILO areas of investigation	Findings
Name of managing labour institution	Ministry of Gender, Labour and Social Development (MGLSD)
Departments responsible for labour inspections	<p>The MGLSD has three directorates:</p> <ul style="list-style-type: none"> • Directorate of Labour, Employment and Occupational Health and Safety (divided into the Department of Labour, Industrial Relations and Productivity; Department of Occupational Health and Safety; Department of Employment Services) • Directorate of Gender and Community Development • Directorate of Social Protection
Scope of labour inspection	<p>The Directorate of Labour, Employment and Occupational Safety is responsible for monitoring and enforcing the following legislation:</p> <ul style="list-style-type: none"> • Occupational Safety and Health Act, 2006 • Employment Regulations, 2011 • Employment Act, 2006 • National Employment Policy for Uganda 2011
Background required and training for labour inspection selection	<p>Posts are normally filled in consultation with the Ministry of Public Service and the Ministry of Finance to ensure adequate budget resources are available.</p> <p>All labour office applicants are required to have a university bachelor's degree.</p> <p>New labour officers receive standard training given to all civil servants. There is occasional ad hoc instruction on specific technical competencies they have been hired to perform. However, if labour officers desire training on a particular technical subject, they must identify these opportunities and secure funding.</p>
Ratifications	Uganda ratified Convention No. 81 in 1963 and has not ratified Convention No. 129.

iv. Zambia¹³⁹

Table 56: Zambian labour inspection services

ILO areas of investigation	Findings
Name of managing labour institution	Ministry of Labour and Social Security (MLSS)
Departments responsible for labour inspections	The MLSS is divided into 5 departments and 1 unit, amongst which two of them are: <ul style="list-style-type: none"> • Department of Labour (divided into Employment, Industrial Relations and Inspections) • Department of Occupational Health and Safety (divided into Mechanical, Electrical and Pressure Vessels; Occupational Hygiene; and Construction and Civil Engineering)
Scope of labour inspection	The Department of Labour and Department of Occupational Health and Safety are responsible for enforcing and monitoring the following legislation: <ul style="list-style-type: none"> ▶ Employment Act (No. 57 of 1965) ▶ Employment (Special Provisions) Act (No.13 of 1994) ▶ Employment of Young Persons and Children's Act (No. 10 of 2004) ▶ Factories Act (No.2 of 1966) ▶ Industrial and Labour Relations (Amendment) Act (No. 8 of 2008) ▶ Workers Compensation Act (No.10 of 1999) ▶ Mines Safety Act ▶ Minimum Wages and Conditions of Employment Act (No. 13 of 1994) <p>Inspectors are responsible for a wide range of activities other than labour inspection services, these include; conciliating disputes, processing workers compensation claims and for permits for foreign workers.</p>
Local divisions	The Labour Inspection unit is divided into: <ul style="list-style-type: none"> ▶ 21 district labour offices covering 9 provinces ▶ Headquarters in Lusaka
Background required and training for labour inspection selection	All labour office applicants are required to have a university degree.
Ratifications	Zambia has ratified Conventions No. 81, 129 and 155 in December 2013. Convention No. 150 was ratified in 1980.

¹³⁹ Zambia. (2009). Retrieved from International Labour Organization: [http://www.ilo.org/labadmin/info/WCMS_112936/lang--en/index.htm](http://www.ilo.org/labadmin/info/WCMS_112936/lang-en/index.htm)

v. Malawi¹⁴⁰

Table 57: Malawian labour inspection services

ILO areas of investigation	Findings
Name of managing labour institution	Ministry of Labour and Vocational Training (MLVT)
Departments responsible for labour inspections	The MLVT is divided into 4 departments: <ul style="list-style-type: none"> ▶ Administration ▶ Labour Services (divided into the Inspectorate, Industrial Relations, Employment Services, Worker Compensation, Field Services) ▶ Occupational Safety and Health (divided into Inspection Services, Industrial Hygiene, Information and Documentation) ▶ Technical and Vocational Training
Scope of labour inspection	The MLVT is responsible for enforcing and monitoring the following legislation: <ul style="list-style-type: none"> ▶ The Labour Relations Act 1996 ▶ The Malawi Employment Act 2000 ▶ Occupational Safety, Health and Welfare Act 1997
Local divisions	The Inspectorate has the following: <ul style="list-style-type: none"> ▶ 3 regional labour offices ▶ 29 district labour offices
Background required and training for labour inspection selection	All labour inspector applicants are required to have a university bachelor's degree with no less than 4 years' experience in labour administration work. Labour inspectors must pass a labour law examination after which they are issued with a certificate of appointment. Labour inspectors receive specialized training which includes scholarship from Government and donors for postgraduate trainings.
Ratifications	Malawi ratified Convention No. 81 in 1965 and Convention No. 129 in 1971.

An interesting finding demonstrated above is that most international countries require that labour inspector job applicants must have a bachelor's degree as a minimum requirement in the application process.

¹⁴⁰ Malawi. (2009). Retrieved from International Labour Organization: [http://www.ilo.org/labadmin/info/WCMS_112605/lang--en/index.htm](http://www.ilo.org/labadmin/info/WCMS_112605/lang-en/index.htm)

Appendix E: Average annual cost benchmarks

The Spanish Inspector Services (LSSI) 2014 annual report unpacked the daily performance wages of inspectors¹⁴¹. For comparative purposes, we have converted this according to the current exchange rate and multiplied it by 365 for an annual wage.

Table 58: Comparison of average annual cost per employee between South African Inspectors' and Spanish Inspector Services Inspectors estimated equivalent for the last three financial years

Year	Average annual cost per IES employee in South Africa	Average annual cost per LSSI employee in Spain (converted to South African ZAR whereby €1 = R16.71)
2014	R 109 000	R 236 739
2013	R 97 000	R 228 901
2012	R 87 000	R 224 193

¹⁴¹ (2014). Retrieved from Empleo y Seguridad Social: http://www.empleo.gob.es/its/ITSS/ITSS_Descargas/Que_hacemos/Memorias/Memoria_2014_2.pdf

Appendix F: IES achievement of strategic objectives

Table 59: IES' achievement of strategic objectives for 2012-2016¹⁴²

Strategic goal	Key outputs	Actual achievement 2012/ 2013	Actual achievement 2013/ 2014	Actual achievement 2014/2015	Planned target 2015/2016	Actual achievement 2015/2016
1. Promote equity in the labour market.	1.1 Number of designated employers reviewed per year to determine compliance with employment equity legislation.	Partially achieved 269 employers were reviewed.	Achieved 435 employers were reviewed against the expected 340.	Achieved 551 employers were reviewed against the expected 523.	750	Achieved 831 employers were reviewed against the expected 750.
	1.2 Percentage of non-compliant employers of those reviewed in reference to issue with a recommendation within 90 days of the review.	N/A	Achieved A total number of 176 (78 Public and 98 Private) recommendations served 13 (8 Public and 5 Private) referred to court. These were companies supposed to be dealt with; implying that 100% was dealt with.	Achieved A total number of 176 (78 Public and 98 Private) recommendations served and 13 (8 Public and 5 Private) referred to court. These were companies supposed to be dealt with; implying that 100% was dealt with.	100%	Not Achieved 86% of non-compliant employers of those reviewed in reference to 1.1 issued with a recommendation within 90 days of the review.
	1.3 Number of designated employers inspected per year to determine compliance with employment equity legislation.	N/A	N/A	Not Achieved 1 364 designated employers were inspected.	4176	Achieved 5 022 designated employers were inspected
	1.4 Percentage of non-complying Workplaces inspected per year with reference to 1.3 dealt with in terms of the Employment Equity Act.	N/A	N/A	Not Achieved 93% (515 of the 521) non-compliant workplaces were dealt with.	100%	Achieved 100% (1 040 of the 1 036) non-compliant workplaces were dealt with.
	1.5 Percentage of employment equity	N/A	N/A	N/A	80%	Achieved 92% of equity plans in 1.1

¹⁴² Annual Report of the Department of Labour. (2012- 2016).

Strategic goal	Key outputs	Actual achievement 2012/ 2013	Actual achievement 2013/ 2014	Actual achievement 2014/2015	Planned target 2015/2016	Actual achievement 2015/2016
	plans of those companies inspected/ reviewed in 1.1 and 1.3 above assessed annually.					were assessed against a target of 80%. 91% of equity plans in 1.3 were assessed against a target of 80%.
2. Workers protected through inspection and enforcement of labour legislation.	2.1 Number of workplaces inspected per year to determine compliance with labour legislation.	Achieved 101 792 against a target of 87 795 workplaces were inspected and 55 438 complied, and 46 354 did not comply.	Achieved 129 259 against a target of 90 000 workplaces were inspected, and 97 526 (75%) complied, and 31 733 (25%) did not comply.	Not Achieved A total of 149 847 workplaces were inspected.	135 356	Achieved A total of 146 307 workplaces were inspected against an annual target of 135 356.
	2.2 Percentage of non-complying Workplaces inspected per year with reference to 2.1 dealt with in terms of the relevant labour legislation.	Achieved 10 880 follow-up inspections against a target of 46 354 workplaces were inspected and 10 588 complied and 3 036 did not comply.	Achieved A total of 25 759 notices were issued and 295 cases were referred to court. Therefore, 82% (26 054 of 31 733) of non-compliant companies was dealt with.	Not Achieved 91% of non-complying workplaces were dealt with. A total of 27 291 notices were issued and 394 cases were referred to court.	100%	Not Achieved 97% of non-complying workplaces were dealt with. A total of 29 015 notices were issued and 217 cases were referred to court.
	2.3 Number of advocacy and educational sessions conducted per year in identified sectors.	Achieved Forestry seminar conducted; Hospitality seminar; Construction; Accord signed; Construction breakfast conducted; Major hazard Installation seminar conducted.	Achieved 4 seminars were conducted as planned: ▶ Construction; ▶ Chemical; ▶ Wholesale; and ▶ Retail were held. There was also the signing of accord.	Achieved 6 sessions conducted.	4 seminars in the following sectors: ▶ Private security sector ▶ Construction sector ▶ Forestry sector ▶ Hazardous biological agents 1 Training programme (600 shop stewards trained)	Not Achieved Four seminars were conducted with the following sectors: ▶ Construction ▶ Hazardous Biological Agents. ▶ Forestry ▶ Private Security Number of shop stewards trained in following sectors: ▶ Construction = 112 Shop stewards trained. ▶ Hazardous Biological agents = 60 Shop stewards trained. ▶ Forestry = 52 Shop stewards trained. ▶ Private security = 56 Shop stewards trained
	2.4 Percentage of inspections on request for work permits	N/A	Achieved 93% (148 of 159) requested	Not Achieved 75% (730 of 968) requested investigations	90%	Not Achieved 63% (626 of 994) requested investigations were conducted

Strategic goal	Key outputs	Actual achievement 2012/ 2013	Actual achievement 2013/ 2014	Actual achievement 2014/2015	Planned target 2015/2016	Actual achievement 2015/2016
	conducted within 5 working days.		investigations were conducted within 5 days.	were conducted within 5 days.		within 5 days.
	2.5 One report developed on proposals to improve the capacity of the Inspectorate.	N/A	N/A	N/A	1 report	Achieved A draft report on proposal to improve the capacity of the inspectorate has been crafted by external service provider (Ernst and Young).
3. Strengthen occupational safety protection	3.1 Number of workplaces inspected per year to determine their compliance with the OHS legislation.	Not achieved 26 333 against a target of 41 965 workplaces were audited, and 13 640 complied, and 12 593 did not comply.	Partially achieved 35 174 (59% of the targeted 59 700) workplaces were audited. 26 181 (74%) complied while 8 993 (36%) did not comply.	Achieved A total of 23 678 workplaces were inspected.	20 476	Achieved A total of 22 423 workplaces were inspected.
	3.2 Percentage of non-complying workplaces inspected per year with reference to 3.1 dealt with in terms of the OHS legislation.	Not achieved 2 270 follow-up inspections audited against a target of 12 593 workplaces audited; and 1 807 complied, and 1 121 did not comply.	Partially achieved 6 052 notices issued and 22 cases referred to court. Therefore, 68% of non-compliant workplaces were dealt with in terms of the relevant OHS legislation.	Achieved 106% was dealt with. A total of 6 570 notices were issued and 112 cases were referred to court.	100%	Not Achieved 99.7% was dealt with. A total of 9490 notices were issued and 34 cases were referred to court.
	3.3 Percentage of reported incidents Investigated within 90 days.	N/A	N/A	Not Achieved 45% (of the 1 305 reported) 589 incidents were investigated within 90 days.	60%	Achieved 82% (of the 1 309 reported) 1 080 incidents were investigated within 90 days.
	3.4 Percentage of applications for registration of entities processed within 4 weeks.	N/A	N/A	Achieved 100% (4 474 applications were received and 4 474 were processed within 4 weeks).	100%	Not Achieved.
	3.5 Processing of the amendments to the Occupational Health and Safety Act and regulations through the relevant structures.	N/A	N/A	Not Achieved <ul style="list-style-type: none"> ▶ The Bill submitted to NEDLAC ▶ Draft Major Hazardous Installation (MHI) Regulations were developed 	OHS Amendment Bill submitted to NEDLAC. Two regulations amended.	Achieved The OHS Bill was finalised at NEDLAC. No further sessions were scheduled for discussion of the Bill in the new financial year. The NEDLAC process is considered finalised and NEDLAC was required to

Strategic goal	Key outputs	Actual achievement 2012/ 2013	Actual achievement 2013/ 2014	Actual achievement 2014/2015	Planned target 2015/2016	Actual achievement 2015/2016
						<p>produce a final report. Bill to be submitted to the Cluster in Q1 of 2016/17.</p> <p>Three Regulations amended - explosives Regulation; Ergonomics Regulation and the Major Hazard Installation Regulation.</p> <p>Explosives Regulations amended is to be published for public comment. Only one regulation was given permission by ACOHS to be published.</p> <p>The Business constituent of ACOHS did not give permission for the Ergonomics Regulation and the Major Hazard Installation regulation to be published as one member was not satisfied despite the extra effort by the Department of Labour and the additional session arranged.</p>
	3.6 Number of employer payroll audits conducted per year to determine employers' contribution to the Unemployment Insurance Fund.	N/A	N/A	Not Achieved 5 378 employer payroll audits were conducted.	11 576	Achieved 12 288 employer payroll audits were conducted.

Appendix G: Sector Education and Training Authorities (SETA) linked to sectors

Sector	SETA
A. Agriculture, forestry and fishing	<ul style="list-style-type: none"> ▶ Agriculture: Agricultural Sector Education and Training Authority (AgriSETA); ▶ Fishing: Transport Education and Training Authority
B. Mining and Quarrying	<ul style="list-style-type: none"> ▶ Mining Qualifications Authority (MQA)
C. Manufacturing	<ul style="list-style-type: none"> ▶ Manufacturing, Engineering & related Services Education and Training Authority (MERSETA)
D. Electricity, gas, steam and air conditioning supply	<ul style="list-style-type: none"> ▶ Electricity, gas, steam supply: Energy and Water Sector Education Training Authority (EWSETA); ▶ Air conditioning supply: Manufacturing, Engineering & related Services Education and Training Authority (MERSETA)
E. Water supply, sewerage, waste management and remediation activities	<ul style="list-style-type: none"> ▶ Water supply: Transport Education and Training Authority ▶ Water supply and sewerage: Construction Education & Training Authority (CETA) ▶ Energy and Water Sector Education Training Authority (EWSETA)
F. Construction	<ul style="list-style-type: none"> ▶ Construction Education & Training Authority (CETA)
G. Wholesale and retail trade, repair of motor vehicles and motorcycles	<ul style="list-style-type: none"> ▶ Wholesale and Retail Sector Education and Training Authority (W&RSETA)
H. Transportation and storage	<ul style="list-style-type: none"> ▶ Transport Education and Training Authority
I. Accommodation and food service activities	<ul style="list-style-type: none"> ▶ Accommodation: none ▶ Food services: Food & Beverages Manufacturing Industry (FOODBEV)
J. Information and communication	<ul style="list-style-type: none"> ▶ Media, Information and Communication Technologies SETA (MICTS)
K. Financial and insurance activities	<ul style="list-style-type: none"> ▶ Financial activities: Financial and Accounting Services SETA (FASSET); Banking Sector Education & Training Authority (BANKSETA) ▶ Insurance activities: Insurance Sector Education & Training Authority (INSETA)
L. Real estate activities	<ul style="list-style-type: none"> ▶ Service Sector Education and Training Authority (SERVICES)
M. Professional, scientific and technical activities	<ul style="list-style-type: none"> ▶ Professional activities: Service Sector Education and Training Authority (SERVICES) ▶ Scientific and technical activities: Chemical Industries Education & Training Authority (CHIETA)
N. Administration and support service activities	<ul style="list-style-type: none"> ▶ None.
O. Public administration and defence; compulsory social security	<ul style="list-style-type: none"> ▶ Public administration: Public Service Sector Education and Training Authority (PSETA); Local Government, Education and Training Authority (LGSETA) ▶ Defence: Safety and Security Education and Training Authority (SASSETA) ▶ Compulsory social security : none
P. Education	<ul style="list-style-type: none"> ▶ Education, Training & Development Practices SETA (ETDP)

Sector	SETA
Q. Human health and social work activities	▶ Health & Welfare Sector Education and Training Authority (HWSETA)
R. Arts, entertainment and recreation	▶ Culture, Arts, Tourism, Hospitality and Sports Education and Training Authority (CATHSSETA)
S. Other service activities	▶ Service Sector Education and Training Authority (SERVICES)
T. Activities of households as employers, undifferentiated goods and services producing activities of households for own use	▶ None
U. Activities of extraterritorial organisations and bodies, not economically active people, unemployed people, etc.	▶ None

Appendix H: Interview transcripts for both the internal and external stakeholder interviews

Stakeholder interview guide - internal stakeholders

Department of Labour Resource Adequacy Project

Thank you for your time.

The Department of Labour has appointed Ernst and Young (EY) to investigate the effectiveness of the Inspections and Enforcement Services (IES) to conduct inspections in the South African labour market. The outcome of this investigation is intended to enhance the protection of workers and improve resource planning in relation to local economic activities. The Department has identified you as a key stakeholder and this interview is an opportunity for you to provide your views on the effectiveness of IES. The interview seeks to gather information on IES' strengths, challenges and resources in respect of its mandate and to obtain your views on how to best address challenges and enhance IES' effectiveness.

After these stakeholder interviews, we will be conducting fieldwork in IES offices around the country. Your responses will both inform the structure of the fieldwork and the outcomes of the overall project.

Name of interviewee

Position

Branch

Date

Section A

1. What do you think the challenges are facing inspectors in the four different types of enforcement inspections (routine, blitz, reactive, follow-up)?

2. What are the key points of weakness in an inspection process? At which point do cases get blocked/ bottlenecked?

3. What is your view of the current penalty system in place for those employers who do not comply?

4. Please comment on the recruitment, selection and retention process for inspectors? (How is it done and how effective do you think it is?)

- ▶ Recruitment process
- ▶ Selection process
- ▶ Mechanisms used to retain

5. Please comment on the capacity of inspectors. (What are your views on the professionalising of inspectors, their training and qualifications?)

- ▶ Professionalization
- ▶ Training
- ▶ Qualifications

6. Do you think inspectors are adequately resourced (in terms of physical resources, IT, cars, number of inspectors, etc.)?

7. To what extent do you think inspectors carry out their role impartially? What are the consequences for inspectors when they do not act impartially?

8. How do you think IES can adequately address non-compliance in the formal sector?

9. How do you think IES can adequately address non-compliance in the informal sector?

10. How do you think IES can collaborate better with other inspection agencies and institutions?

11. To what extent have the 2014 amendments to the enforcement process (i.e. making written undertakings optional, eliminating the objection process and simplifying EE enforcement) improved the IES' ability to enforce?

12. Are inspectors correctly located geographically in terms of the needs of the economy?

13. Describe the level of IES collaboration with employers. Is this collaboration sufficient?

14. Describe the level of IES collaboration with trade unions. Is this collaboration sufficient?

Section B

15. What do you think the fieldwork should focus on?

Thank you for your time / Next steps

**Name of
interviewer** _____

Stakeholder interview guide - external stakeholders

Department of Labour Resource Adequacy Project

Thank you for your time.

The Department of Labour has appointed Ernst and Young (EY) to investigate the effectiveness of the Inspections and Enforcement Services (IES) to conduct inspections in the South African labour market. The outcome of this investigation is intended to enhance the protection of workers and improve resource planning in relation to local economic activities. The Department has identified you as a key stakeholder and this interview is an opportunity for you to provide your views on the effectiveness of IES. The interview seeks to gather information on IES' strengths, challenges and resources in respect of its mandate and to obtain your views on how to best address challenges and enhance IES' effectiveness.

After these stakeholder interviews, we will be conducting fieldwork in IES offices around the country. Your responses will both inform the structure of the fieldwork and the outcomes of the overall project.

Name of interviewee

Position

Organisation

Date

Section A

16. How do you understand the role of a DOL inspector?

17. How do your inspections differ from the DOL inspections?

18. Describe the mechanisms/practices of collaboration with IES inspectors? (highlighting the intensity of collaboration: least to highly needed collaborations)

19. Are there any suggestions you could make for improvement of collaboration between your organisation and DOL on inspections and enforcement?

20. Any suggestions you could make for improvement of DOL inspections?

Section B

21. What do you think the fieldwork should focus on?

Thank you for your time // Next steps

Name of interviewer _____

Fieldwork Toolkit

Department of Labour

Province:

Provincial Office

Date:



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10. Introduction

Locating fieldwork within the broader project

The Department of Labour (DOL) has appointed Ernst & Young (EY) to investigate the effectiveness of the Inspections and Enforcement Services (IES) to conduct inspections in the South African labour market. The outcome of this investigation is intended to enhance the protection of workers and improve resource planning in relation to local economic activities.

As part of the research, EY is conducting fieldwork whereby a sample of Labour Centres across all 9 provinces will be visited.

While conducting the fieldwork, the following techniques will be used:

- Observations of inspectors on inspections (site visits)
- Interviews held at the provincial offices and at the various labour centres with key stakeholders
- Focus group of inspectors (specialists and generalists, if applicable)

Objectives of fieldwork

The purpose of the fieldwork is to provide a view of the current human resources, skills and competence, technological and financial resources of the inspectorate nationally. The fieldwork is focused on obtaining first-hand insight in order to effectively and realistically identify and suggest improvements for resource planning in relation to local economic activities across all 9 provinces.

Objectives of this toolkit

The purpose of this toolkit is to facilitate preparation for each fieldwork visit that will be undertaken, as well as to document and report on specific intended outcomes of the fieldwork. Fieldwork will be undertaken at the Provincial Office and at the identified Labour Centres.

Fieldwork plan for each provincial office

For every province, you will begin by spending 1 day at the Provincial Office.

Day	Activities	Anticipated length of time
1	Interview with Chief Director Provincial Operations	2 hours
	Interview with Provincial Chief Inspector	2 hours
	Focus group with IES Specialist Inspectors	2 hours
	Interview with Assistant Director: Support Services (if applicable)	30 minutes
	Interview with Statutory Services Officer (if applicable)	1 hour

Fieldwork plan for each Labour Centre

For most Labour Centres (depending on size), you will spend 2 days at each Labour Centre identified.

Day	Activities	Anticipated length of time
1	Interview with Deputy Director Labour Centre Operations	1 hour
	Walk-through of the labour centre (covering all steps in the IES process)	1 hour

Day	Activities	Anticipated length of time
	Interview with Supervisor Client Service Operator and the Client Service Operator	1 hour
	Interview with Team Leader/s of the labour centre	2 hour
	Focus group discussion with Inspectors of the labour centre	2 hours
	Interview with Admin Clerk (if applicable)	1 hour
2	Site Visit 1 (particular type of inspection at a particular economic sector)	4 hours
	Site Visit 2 (particular type of inspection at a particular economic sector)	4 hours

Important background information

Before the fieldwork should be conducted, it is important to familiarize yourself with the following Labour Legislation and other relevant documentation, and how these may pertain to IES inspections:

Labour legislation	Checklist
Employment Equity Act, No. 55 of 1998	
Basic Conditions of Employment Act, No. 75 of 1997	
Occupational Health and Safety Act, No. 85 of 1993	
Labour Relations Act, No. 66 of 1995	
Unemployment Insurance Act, No. 63 of 2001	
Unemployment Insurance Contribution Act, No. 4 of 2002	
Employment Services Act, No. 4 of 2014	
Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993	
Skills Development Act, No. 97 of 1998 (Chapter 6)	
ILO Conventions 81, 129 and 150	
IES Standard Operating Procedures	
DOL Inspections Resource Adequacy Literature Review Report	

11. Provincial Office Visit

This visit will be conducted by (insert name) and (insert name).

Important details for the visit

Date	Address	Contact Person

Schedule for the visit

Day 1: 29 August 2016

Activity	Anticipated length of time	Time	Names of interviewees
Interview with Provincial Chief Inspector	2 hours	09H00 to 10H00	
Interview with Chief Director Provincial Operations	2 hours	10H00 to 12H00	
Focus group with IES Specialist Inspectors	2 hours	12H00 to 13H00	
		14H00 to 15H00	
Interview with Statutory Services Officer (if applicable)	1 hour	13H00 to 14H00	
Interview with Assistant Director: Support Services (if applicable) 30 minutes	30 min	15H00 to 15H30	

12. Provincial Office Interview Guide

Interview with the Chief Director Provincial Operations (CDPO) (2 hours)

Name: _____ Time: 10h00-12h00

Listed below are the questions that should be asked when interviewing the CDPO:

1. Explain your role as a CDPO.
2. What are the challenges you experience as a Provincial Head that may contribute to inhibiting the effectiveness of IES?
3. Do you think that there is effective coordination between the Provincial Office and Head Office?
 - a. If not, then what could be done to enhance the coordination between the Provincial Offices and Head Office?
4. Do you think that there is effective coordination between the Provincial Office and the various labour centres within the province?
 - a. If not, then what could be done to enhance the coordination between the Provincial Offices and the labour centres?
5. What are the main challenges that you think IES inspectors are currently facing within your province?
6. The following set of questions relate to the IES restructuring process that was implemented whereby certain roles were created:
 - a. How effective has the restructuring process been for your province?
 - b. Do you feel that it has addressed any gaps in the functioning of IES in your province?
 - c. What is working well?
 - d. What isn't working well?
7. Please comment on the recruitment, selection and retention process for inspectors:
 - a. How is the recruitment process done?
 - b. How effective do you think the recruitment process is?
 - c. How is the selection process done?
 - d. How effective do you think the selection process is?
 - e. What mechanisms are currently in place to retain inspectors?
 - f. How effective do you think these mechanisms are at retaining inspectors?
8. The following set of questions relate to the professionalization of inspectors:
 - a. What training is provided to inspectors within this province?
 - b. How often are inspectors provided with training?
 - c. What are the current challenges that you face regarding inspector training?
 - d. Do you believe that the current training provided for inspectors is sufficient for them to perform their role effectively? If not, how can the training be improved?
 - e. Do you feel that you get the appropriate support from Head Office to provide the necessary training effectively? If not, what additional support would you require?
 - f. Do you believe that inspectors currently have the appropriate qualifications to perform their role effectively?
 - g. Do you feel that inspectors are given the opportunity to progress their career in IES?

9. To what extent do you think inspectors carry out their role impartially (i.e. carrying out their role as an IES inspector in a fair manner towards all parties)?
 - a. What are the consequences for inspectors when they do not act impartially?
10. How do you think IES can adequately address non-compliance in the formal sector?
11. Does your province conduct inspections in the informal sector?
 - a. How do you think IES can adequately address non-compliance in the informal sector?
12. How do you think IES can better collaborate (or work jointly) with other inspection agencies and institutions?
13. To what extent have the 2014 amendments to the enforcement process (i.e. making written undertakings optional, eliminating the objection process and simplifying EE enforcement) improved the IES' ability to enforce?

Interview with Provincial Chief Inspector (PCI) (2 hours)

Name: _____

Time: 09h00-10h00

Listed below are the questions that will be asked when interviewing the PCI:

1. Explain your role as a PCI.
2. What do you believe are the main challenges that inspectors are facing within your province?
3. What are the challenges you experience as a Provincial Chief Inspector that may contribute to inhibiting the effectiveness of IES?
4. Do you think that there is effective coordination between the Provincial Office and Head Office?
 - a. If not, then what could be done to enhance the coordination between the Provincial Offices and Head Office?
5. Do you think that there is effective coordination between the Provincial Office and the various labour centres in the province?
 - a. If not, then what could be done to enhance the coordination between the Provincial Offices and labour centres?
6. How do you ensure that there is effective coordination between the Provincial Office and the various labour centres within the province?
 - a. What else could be done to enhance the coordination between the Provincial Offices and the labour centres?
7. The following set of questions relate to the IES restructuring process that was implemented whereby certain roles were created:
 - a. How effective has the restructuring process been for your province?
 - b. Do you feel that it has addressed any gaps in the functioning of IES in your province?
 - c. What is working well?
 - d. What isn't working well?
8. How do you allocate the following resources to a Labour Centre?
 - a. Cars
 - b. Tablets
 - c. Printers
 - d. Stationery
 - e. Inspectors
9. Could the allocation of above resources be improved? If so, in what way(s)?
10. Please comment on the recruitment, selection and retention process for inspectors.
 - a. How is the recruitment process done?
 - i. How do they allocate inspection posts per labour centre?
 - ii. How could the allocation of these posts be improved?
 - b. How effective do you think the recruitment process is?
 - c. How is the selection process done?
 - d. How effective do you think the selection process is?
 - e. What mechanisms are currently in place to retain inspectors?
 - f. How effective do you think these mechanisms are at retaining inspectors?
11. The following set of questions relate to the professionalization of inspectors:
 - a. What training is provided to inspectors within this province?
 - b. How often are inspectors provided with training?
 - c. What are the current challenges that you face regarding inspector training?

- d. Do you believe that the current training provided for inspectors is sufficient for them to perform their role effectively? If not, how can the training be improved?
 - e. Do you feel that you get the appropriate support from Head Office to provide the necessary training effectively? If not, what additional support would you require?
 - f. Do you believe that inspectors currently have the appropriate qualifications to perform their role effectively?
 - g. Do you feel that inspectors are given the opportunity to progress their career in IES?
12. To what extent do you think inspectors carry out their role impartially (i.e. carrying out their role as an IES inspector in a fair manner towards all parties)?
- a. What are the consequences for inspectors when they do not act impartially?
13. How do you think IES can adequately address non-compliance in the formal sector?
14. How do you think IES can adequately address non-compliance in the informal sector?
15. How do you think IES can collaborate better (or work jointly) with other inspection agencies and institutions?
16. To what extent have the 2014 amendments to the enforcement process (i.e. making written undertakings optional, eliminating the objection process and simplifying EE enforcement) improved the IES' ability to enforce?

Focus group with Specialist Inspectors (2 hours)

Name: _____ Time: 12h00- 13h00

Name: _____ Time: 14h00- 15h00

Listed below are the questions that will be asked when interviewing the Specialist Inspectors:

1. Define your role as Specialist Inspectors.
 - a. What are you a specialist in?
2. How does your role differ from that of the inspectors at the labour centres?
3. How do you collaborate (or work jointly) with inspectors at the various labour centres?
4. Do you collaborate (or work jointly) with other Specialist Inspectors within IES?
5. What are the main challenges that you, as Specialist Inspectors, are facing that may be prohibiting you from fulfilling the roles of your job effectively?
6. What type of inspections do you primarily conduct (routine, blitz, reactive, follow-up)?
7. What are the challenges you experience relating to these different types of inspections?
8. In which economic sectors do you primarily conduct inspections?
9. How do cases get assigned to you?
10. Do your cases get blocked/ bottlenecked? If so, why?
11. Are the current powers of inspectors sufficient? Why or why not?
12. The following set of questions relate to inspector training:
 - a. How often do you receive job- related training?
 - b. What job- related training have you received while you have been with IES?
 - c. Do you believe that training would help you to perform your role more effectively?
 - d. Would you like to receive any additional training? If so, what training would you like?
13. Do you feel that you have sufficient resources needed to perform your job efficiently?
Examples of resources include:
 - a. Laptop/Tablet
 - b. Desktop computer
 - c. Printer
 - d. Cell phone
 - e. Car/transport
 - f. Access card
 - g. Stationery
 - h. Official stamps
 - i. Other
14. Do you collaborate (or work jointly) with other inspection agencies or institutions on inspections (e.g. SAPS, CCMA, etc.)?
15. How do you think IES could collaborate (or work jointly) more efficiently with other inspections agencies or institutions on inspections?
16. Describe the level of IES collaboration with employers.
 - a. Is this collaboration sufficient?
17. Describe the level of IES collaboration with trade unions.
 - a. Is this collaboration sufficient?
18. To what extent have the 2014 amendments to the enforcement process (i.e. making written undertakings optional, eliminating the objection process and simplifying EE enforcement) improved the IES' ability to enforce?

Interview with Assistant Director: Support Services (if applicable) (30 minutes)

Name: _____ **Time: 15h00- 15h30**

Listed below are the questions that will be asked when interviewing the Assistant Director: Support Services:

1. Explain your role as an Assistant Director: Support Services.
 - a. How does your role support the functioning of IES?
2. What challenges do you face in your current role that may be inhibiting the effectiveness of IES?
3. Does your role require you to collaborate/ work jointly with IES inspectors?
 - a. If so, do you think the level of collaboration is sufficient?

Interview with Statutory Services Officer (if applicable) (1 hour)

Name: _____

Time: 13h00- 14h00

Listed below are the questions that will be asked when interviewing Statutory Services Officer:

1. Explain your role as a Statutory Services Officer.
 - a. How does your role relate to the enforcement of labour laws?
2. What challenges do you face in your current role with regard to the enforcement of labour laws?
3. To what extent are these challenges related to IES inspectors?
4. Explain your relationship with IES inspectors.
 - a. How could your interaction with IES inspectors be improved?
5. How could enforcement of labour laws be improved by IES inspectors?
6. To what extent have the 2014 amendments to the enforcement process (i.e. making written undertakings optional, eliminating the objection process and simplifying EE enforcement) improved the IES' ability to enforce?
7. Do you think that there is effective coordination between the Provincial Office and Head Office?
 - a. If not, then what could be done to enhance the coordination between the Provincial Offices and Head Office?
8. Do you think that there is effective coordination between the Provincial Office and the various labour centres within the province?
 - a. What else could be done to enhance the coordination between the Provincial Offices and the labour centres?

Schedule for each Labour Centre visit

Labour Centre

Date: 3 October 2016

Activity	Anticipated length of time	Time	Name of Interviewees
Interview with Deputy Director Labour Centre Operations	1 hour	9h00	
Walk- through of the Labour Centre (covering all steps in the IES process)	1 hour	10h00	
Interview with Supervisor Client Service Operator and the Client Service Operator	1 hour	11h00	
		11h30	
Interview with Team Leader/s of the Labour Centre	2 hours	12h30	
Focus group discussion with Inspectors of the Labour Centre	2 hours	14h00	
Interview with Admin Clerk (if applicable)	1 hour	12h30	

Labour Centre

Date: 4 October 2016

Activity	Anticipated length of time	Time	Name of interviewees
Interview with Deputy Director Labour Centre Operations	1 hour	8h00	
Walk- through of the Labour Centre (covering all steps in the IES process)	1 hour	9h00	
Interview with Supervisor Client Service Operator and the Client Service Operator	1 hour	10h00	
Interview with Team Leader/s of the Labour Centre	2 hours	11h00	
Focus group discussion with Inspectors of the Labour Centre	2 hours	13h00	
Interview with Admin Clerk (if applicable)	1 hour	15h00	

Date: 5 October 2016

Activity	Anticipated length of time	Time	Name of Interviewees
Site Visit 1 (fieldworkers accompany an inspector on an inspection)	4 hours (day 2)	8h00	
Site Visit 2 (fieldworkers accompany an inspector on an inspection)	4 hours (day 2)	12h00	

Labour Centre

Date: 6 October 2016

Activity	Anticipated length of time	Time	Name of interviewees
Interview with Deputy Director Labour Centre Operations	1 hour		
Walk- through of the Labour Centre (covering all steps in the IES process)	1 hour		
Interview with Supervisor Client Service Operator and the Client Service Operator	1 hour		
Interview with Team Leader/s of the Labour Centre	2 hours		
Focus group discussion with Inspectors of the Labour Centre	2 hours		
Interview with Admin Clerk (if applicable)	1 hour		

Date: 7 October 2016

Activity	Anticipated length of time	Time	Name of Interviewees
Site Visit 1 (fieldworkers accompany an inspector on an inspection)	2 hours (day 2)		
Site Visit 2 (fieldworkers accompany an inspector on an inspection)	2 hours (day 2)		

13. Labour Centre Interview Guides

Interview with the Deputy Director: Labour Centre Operations

Listed below are the questions that will be asked when interviewing the Deputy Director: Labour Centre Operations:

1. Explain your role as a Deputy Director: Labour Centre Operations.
 - a. How does your role support the functioning of IES in your labour centre?
 - b. How does your role support the functioning of IES and your province?
2. What are the main challenges that you face, as a Deputy Director of Labour Centre Operations, which may be inhibiting the effectiveness of IES?
3. What do you think are the main challenges that inspectors are facing within your labour centre?
4. Do you think that there is effective coordination between the Provincial Office and your labour centre?
 - a. If not, then what could be done to enhance the coordination between the Provincial Office and the labour centre?
5. Do you think the process that employees have to follow to lodge a complaint/ grievance is appropriate?
 - a. How could this process be improved?
6. Do you think the whole IES process at this labour centre is effective?
 - a. How could this process be improved?
 - b. At what point do IES cases get bottlenecked?
7. In what economic sectors do most of the employers in this area belong to?
8. Do most of the inspections conducted occur within these economic sectors?
9. How do you think IES can adequately address non-compliance in the formal sector?
10. How do you think IES can adequately address non-compliance in the informal sector?
11. How do you think IES can collaborate (or work jointly) with other inspection agencies and institutions?

Walk- Through of the Labour Centre

The purpose of the walk- through is to understand the entire IES process within each Labour Centre visited. It is important to understand how each Labour Centre is setup and how their IES processes are structured to identify any potential gaps or discrepancies across other Labour Centres.

The EY resource will fill in the following for each step in the process:

STEP X:	
What is the purpose of this step in the process?	
Who is involved in this step in the process? Are inspectors involved during this step?	
Is the data required inputted electronically or manually?	
Are the templates they use to input data consistent with Head Office/ Provincial Office, or do they create their own? (If so, how come?)	
Are there any specific timelines involved for this step?	
Do they have adequate space to store their files during this step in the process?	
What is their current filing system and what are the processes involved in filing cases?	
How are files tracked?	
Is there adequate security to store confidential files?	
Additional comments	

Interview with the Supervisor Client Service Operator and the Client Service Operator (CSO)

Listed below are the questions to be asked when interviewing the Supervisor Client Service Operator and the Client Service Operator of the Labour Centre:

1. Describe your role as a CSO.
 - a. How does your role support the functioning of IES?
2. What are the main challenges that you, as a CSO, face when performing your role?
3. Do you try to solve employee complaints/ grievances before handing them to inspectors?
 - a. If so, how do you try resolve them?
 - b. How often are these cases resolved?
 - c. What challenges do you face when trying to resolve employee complaints?
4. What are the relevant timelines that you have to adhere to as a CSO?
5. Are there sufficient levels of collaboration between you and the inspectors in the labour centre?

Interview with the Team Leader/s of the Labour Centre

Listed below are the questions to be asked when interviewing the Team Leader/s of the Labour Centre:

1. Describe your role as a Team Leader?
 - a. How does a Team Leader fit into the IES managerial structure?
2. What are the main challenges that you, as a Team Leader, encounter that may impact on your ability to ensure that inspections are conducted effectively?
3. Do you believe that the role of a Team Leader helps or hinders the efficacy of inspection services?
4. The following set of questions relate to the IES restructuring process that was implemented whereby certain roles were created:
 - a. How effective has the IES restructuring process been for this labour centre?
 - b. Do you feel that it has addressed any gaps in the functioning of IES in this labour centre?
 - c. What is working well?
 - d. What isn't working well?
5. What do you think are the main challenges that inspectors are facing at this labour centre?
6. Do you think that there is effective coordination between the Provincial Office and your labour centre?
 - a. If not, then what could be done to enhance the coordination between the Provincial Office and the labour centre?
7. Do most of the inspection services within this labour centre occur in a particular economic sector?
 - a. If so, do you believe that inspectors have the required knowledge/ experience of that sector to conduct inspections effectively?
8. Do you think the process that employees have to follow to lodge a complaint/ grievance against an employer is appropriate?
 - a. How could it be improved?
9. How do cases get assigned to inspectors?
10. At what point do cases get bottlenecked?
11. Please comment on the recruitment, selection and retention process for inspectors.
 - a. How is the recruitment process done?
 - b. How effective do you think the recruitment process is?
 - c. How is the selection process done?
 - d. How effective do you think the selection process is?
 - e. What mechanisms are currently in place to retain inspectors?
 - f. How effective do you think these mechanisms are at retaining inspectors?
12. The following set of questions relate to the professionalization of inspectors:
 - a. What training is provided to inspectors within this province?
 - b. What training is provided to Team Leaders within this province?
 - c. How often are inspectors provided with training?
 - d. How often are Team Leaders provided with training?
 - e. What are the current challenges that you face regarding inspector and Team Leader training?
 - f. Do you believe that the current training provided for inspectors and Team Leaders is sufficient for them to perform their role effectively? If not, how can the training be improved?

- g. Do you feel that you get the appropriate support from Head Office to provide the necessary training effectively? If not, what additional support would you require?
 - h. Do you believe that inspectors currently have the appropriate qualifications to perform their role effectively?
 - i. Do you feel that inspectors are given the opportunity to progress their career in IES?
 - j. Do you feel that Team Leaders are given the opportunity to progress their career in IES?
13. To what extent do you think inspectors carry out their role impartially (i.e. carrying out their role as an IES inspector in a fair manner towards all parties)?
- a. What are the consequences for inspectors when they do not act impartially?
14. How do you think IES can adequately address non-compliance in the formal sector?
15. How do you think IES can adequately address non-compliance in the informal sector?
16. How do you think IES can better collaborate (or work jointly) with other inspection agencies and institutions?
17. To what extent have the 2014 amendments to the enforcement process (i.e. making written undertakings optional, eliminating the objection process and simplifying EE enforcement) improved the IES' ability to enforce?
18. What recommendations would you make to improve the inspection process?

Focus group with IES Inspectors of the Labour Centre (excluding Team Leaders)

Listed below are the questions to be asked when conducting a focus group with IES Inspectors:

1. What do you think are the main challenges that you, as inspectors, are facing that may be prohibiting you from fulfilling the roles of your job effectively?
2. Which challenges do you face during enforcement inspections (routine, blitz, reactive, follow-up)?
3. To what extent does your role differ from that of the Specialist Inspectors at the Provincial Office?
4. The following set of questions relate to the IES restructuring process that was implemented whereby certain roles were created:
 - a. How effective has the restructuring process been for this labour centre?
 - b. Do you feel that it has addressed any gaps in the functioning of IES in this labour centre?
 - c. What is working well?
 - d. What isn't working well?
5. What are the challenges you face as inspectors when dealing with sectoral determinations during inspections?
6. Discuss whether your cases get blocked/bottlenecked?
 - a. What do you believe the reason is for this?
7. Are the current powers of inspectors sufficient, why or why not?
8. What are your thoughts regarding the training offered to Inspectors?
 - a. How can it be improved?
 - b. What would you like to be trained on?
 - c. Do you get offered to attend training often?
9. Please explain the opportunity for career progression at IES.
 - a. Are inspectors provided with an opportunity to move up the career ladder?
 - b. How could career progression at the IES be improved?
10. Do you feel that you have sufficient resources needed to perform your job efficiently?

Examples of resources include:

 - a. Laptop/Tablet
 - b. Desktop computer
 - c. Printer
 - d. Cell phone
 - e. Car/transport
 - f. Access card
 - g. Stationery
 - h. Official stamps
 - i. Other
11. Do you collaborate with other inspections agencies or institutions on inspections? (E.g. SAPS, CCMA, etc.)
 - a. How do you think IES could collaborate (or work jointly) more efficiently with other inspection agencies or institutions on inspections?
12. Describe the level of IES collaboration (or working jointly) with employers.
 - a. Is this collaboration sufficient?

13. Describe the level of IES collaboration (or working jointly) with trade unions.
 - a. Is this collaboration sufficient?
14. To what extent have the 2014 amendments to the enforcement process (i.e. making written undertakings optional, eliminating the objection process and simplifying EE enforcement) improved the IES' ability to enforce?
15. What recommendations would you make to improve the inspection process?

Interview with Admin Clerk

Listed below are the questions to be asked when conducting an interview with the Admin Clerk:

1. Explain your role as an Admin Clerk.
2. How does your role support the functioning of IES?
3. What are the main challenges that you, as an Admin Clerk, face that may inhibit the effectiveness of IES?
4. Are you responsible for assigning cases to various inspectors?
 - a. If so, how do you assign the cases?
 - b. What recommendations would you make to improve the process of assigning cases to inspectors?
5. Are you required to file cases?
 - a. If so, how do you file the cases?
 - b. Do you have security features on your filing system?
6. Are you required to liaise with both the CSO and the Team Leader?
 - a. If so, are these levels of collaboration (or working jointly) sufficient?
7. What do you think the main challenges are that inspectors are facing that may inhibit the effectiveness of inspections conducted?

Site Visit 1 (+/- 4 hours)

This section is based on documenting the processes involved when inspectors conduct inspections, as well as observing technical and behavioural criteria that inspectors should meet when going on a site visit.

Site visit 1	
Name of the site visited	
The economic sector that the organisation forms part of	
Type of inspection conducted	
Date visited	
Pre- inspection	
Process involved in preparing for a site inspection	
Any constraints/ limitations that inspectors may experience when preparing	
During inspection	
Process involved while conducting a site inspection	
Any constraints/ limitations that inspectors may experience when conducting inspections	
Post inspection	
Process involved while conducting a site inspection	
Any constraints/ limitations that inspectors may experience when they have completed the inspection	

While you accompany the inspector on the site visit, please take note of the following:

Technical Checklist	
Technical Criteria	Yes/No
The inspector made use of the 'Integrated Inspector Checklist' when conducting the inspection	
The inspection was pre- planned according to the weekly planner	
The inspector was allocated a car to conduct the inspection	
The inspector was sufficiently prepared for the visit to the site and had all the background information (e.g. number of employees, nature of business conducted, previous violations of the law)	
The inspector had their IES card and displayed it to gain access to the site	

Technical Checklist	
Technical Criteria	Yes/No
visited	
The inspector acknowledged all the necessary parties appropriately	
The inspector made use of his/ her tablet when conducting the inspection	
The inspector had the required stationery to complete the inspection efficiently	
The inspector's safety was not compromised during the inspection	
Behavioural Checklist	
Behavioural Criteria	Yes/No
The inspector has appropriate interpersonal skills while conducting inspections	
The inspector explained the purpose of the visit effectively	
The inspector demonstrated the appropriate body language toward the employer when conducting inspections	
The inspector remained calm during the inspection visit	

Appendix J: Online survey for inspectors

Online survey for inspectors

Department of Labour Resource Adequacy Project

Introduction

The Department of Labour has appointed Ernst and Young (EY) to investigate the effectiveness of the Inspections and Enforcement Services (IES) to conduct inspections in the South African labour market. The outcome of this investigation is intended to enhance the protection of workers and improve resource planning in relation to local economic activities.

This survey seeks to gather information on your qualifications, experience, and skills as well as your views on IES' strengths, challenges and resources in respect of its mandate and to obtain your views on how to best address challenges and enhance IES' effectiveness.

We will also be conducting fieldwork in IES offices around the country.

We value your responses which will contribute significantly to the outcomes of the overall project. Please be assured that your responses will be treated confidentially and will only be accessible to EY. When we present the results of this survey to the Department, overall results and themes will be presented as opposed to individual responses.

Thank you for taking the time to complete the survey!

Question item	Answer format
1. Name and surname	
2. Province	Pre-populated options: a. Eastern Cape b. Free State c. Gauteng d. KwaZulu-Natal e. Limpopo f. Mpumalanga g. North West h. Northern Cape i. Western Cape
3. Centre/branch	
4. Race	a. African b. Coloured c. Indian d. White
5. Nationality	a. South African b. Foreign national [if yes, please specify: _____]
6. Gender	a. Female b. Male

7. Age	<ul style="list-style-type: none"> a. 18-24 years old b. 25- 34 years old c. 35- 44 years old d. 45- 54 years old e. 55- 64 years old f. 65 years
8. Job title	<ul style="list-style-type: none"> a. Provincial Chief Inspector (PO) b. Specialist Inspector (PO) c. Principal Inspector (PO) d. Principal Inspector (LC) e. Generalist Inspector (PO) f. Generalist Inspector (LC) g. Team Leader (PO) h. Team Leader (LC) i. Employment Equity Inspector (PO) j. Employment Equity Inspector (LC) k. Inspector (BCEA) (PO) l. Inspector (BCEA) (LC) m. Occupational Health and Safety Inspector (PO) n. Occupational Health and Safety Inspector (LC) o. Other: Please specify: _____
9. SR Level	<ul style="list-style-type: none"> a. Level 5 b. Level 6 c. Level 7 d. Level 8 e. Level 9 f. Level 10 g. Level 11 h. Level 12 i. Level 13 j. Level 14
10. Inspector specialisation	<ul style="list-style-type: none"> a. Occupational Health and Safety (OHS): Occupational Health Hygiene, Electrical, Mechanical, Construction, Major Hazards and Explosives) b. Basic Conditions of Employment (BCEA): Sectoral determinations and General c. Labour Relations d. Employment Equity e. Employer Audit f. Other: Please specify: _____
11. Highest qualification	<ul style="list-style-type: none"> a. Below Matric b. Matric c. Certificate d. Diploma e. Higher diploma f. First degree g. Post-graduate degree
12. Academic qualification obtained	<ul style="list-style-type: none"> a. Labour Relations/Law b. Human Resources c. Natural Science d. Social Science e. Engineering f. Other [Please specify]
13. Did you have prior working experience	<ul style="list-style-type: none"> a. Yes. If yes, was your prior experience in another public? _____ If yes- which government department? _____

before joining IES as an Inspector?	b. Was your prior experience in a private? _____. If yes, what sector? _____					
14. How many years have you been an inspector at IES?	c. b. No a. 0 - 3 b. 4 - 7 c. 8 - 11 d. 12 +					
15. Which economic sectors do the employers in your area fall in?		1. No employers in this economic sector (i.e. 0%)	2. Few employers in this economic sector (i.e. 25%)	3. Half the employers in this economic sector (i.e. 50%)	4. Many employers in this economic sector (i.e. 75%)	5. All employers are in this economic sector (i.e. 100%)
	Agriculture, forestry and fishing					
	Mining and quarrying					
	Manufacturing					
	Electricity and water					
	Construction					
	Wholesale & retail and motor trade; catering and accommodation					
	Transport, storage and communication					
	Finance, real estate and business services					
	General government services					
	Personal services					
16. In which economic sectors do you conduct inspections?		1. No inspections conducted in this economic sector (i.e. 0%)	2. Few inspections conducted in this economic sector (i.e. 25%)	3. Half inspections conducted in this economic sector (i.e. 50%)	4. Many inspections conducted in this economic sector (i.e. 75%)	5. All inspections conducted in this economic sector (i.e. 100%)
	Agriculture, forestry and fishing					
	Mining and quarrying					
	Manufacturing					
	Electricity and water					
	Construction					
	Wholesale & retail and motor trade; catering and accommodation					

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<p>20. Which Acts do your cases relate to predominantly?</p>	<p>a. Employment Equity Act, No. 55 of 1998 b. Basic Conditions of Employment Act, No. 75 of 1997 c. Occupational Health and Safety Act, No. 85 of 1993 d. Labour Relations Act, No. 66 of 1995 e. Unemployment Insurance Act, No. 63 of 2001 f. Unemployment Insurance Contribution Act, No. 4 of 2002 g. Employment Services Act, No. 4 of 2014 h. Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993 i. Skills Development Act, No. 97 of 1998 (Chapter 6)</p>																																																																		

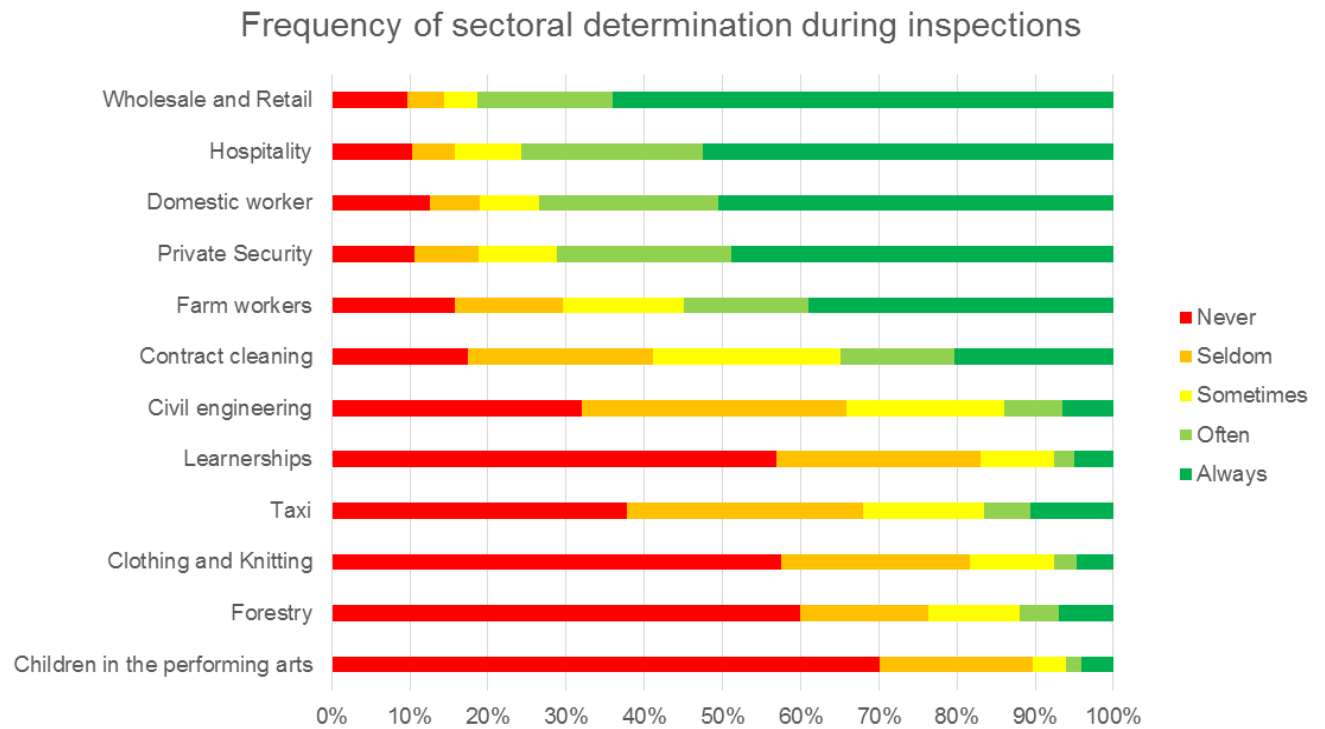
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	Sectoral determination 6: Private Security																																																																														
	Sectoral determination 7: Domestic worker																																																																														
	Sectoral determination 9: Wholesale and Retail																																																																														
	Sectoral determination 10: Children in the performing arts																																																																														
	Sectoral determination 11: Taxi																																																																														
	Sectoral determination 12: Forestry																																																																														
	Sectoral determination 13: Farm workers																																																																														
	Sectoral determination 14: Hospitality																																																																														
22. Do your cases get blocked/bottlenecked, if so, why?	a. Yes. If yes, why? _____ b. No																																																																														
23. Are the current powers of an inspector sufficient to effectively manage non-compliance?	a. Yes [-> if yes, why?] b. No [-> if no, why?]																																																																														
24. How many prosecutions have you been involved in within the past year?																																																																															
25. Why do you think the success rate in prosecutions is low?																																																																															
26. Do you receive training on how to do your job?	a. Yes. If yes, which training? _____ b. No. If no, do you think training would be beneficial and which training would be beneficial? _____																																																																														

27. Are there any additional skills that you feel you may need to do your job efficiently?	a. Yes. If yes, which skills are required? _____ b. No. If no, please elaborate. _____
28. Do you see opportunities for progression for yourself in IES?	a. Yes. If yes, where to? _____ b. No. If no, why not? _____
29. Have you been given an opportunity for progression in your time at IES?	a. Yes. If yes, where to? _____ b. No c. Not applicable as I have not been here long enough
30. Which of the following resources are available to you for use during your day to day work?	a. Laptop/Tablet b. Desktop computer c. Printer d. Cell phone e. Car/transport f. Access card g. Stationery h. Official stamps i. Other: Please specify: _____
31. Do you think the resources available to you are sufficient to do your job?	a. Yes b. No. If no, why? _____
32. Do you collaborate with other inspections agencies or institutions on inspections? (E.g. SAPS, CCMA, etc.)	a. Yes. If yes, which bodies? _____ b. No. If no, why not? _____
33. If you answered yes to the above question, when are you required to collaborate with other inspection agencies or institutions on inspections?	
34. Do you collaborate with employers?	c. Yes. If yes, how? _____ d. No. If no, why not? _____
35. Do you collaborate with trade unions?	e. Yes. If yes, how? _____ f. No. If no, why not? _____
36. Why do you believe inspectors would leave their job?	a. Salary issues b. Working conditions c. Management issues d. Lack of career progression e. Bored in current role f. Organisational culture g. Other: Please specify: _____
37. On a scale from 1 to 5, how satisfied are you with your current job at IES?	1. Strongly dissatisfied 2. Dissatisfied 3. Neutral 4. Satisfied 5. Strongly satisfied

38. Are there any recommendations you would make to improve the inspection process?	
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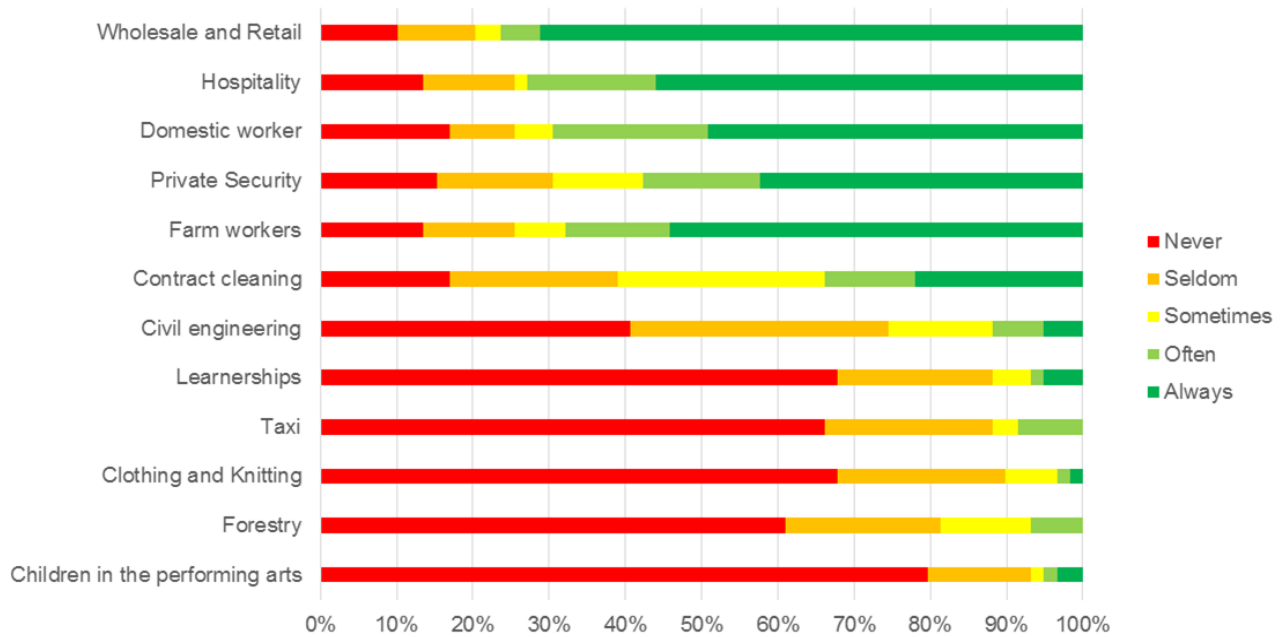
Appendix K: Detailed illustration of the sectoral determination results per province

National



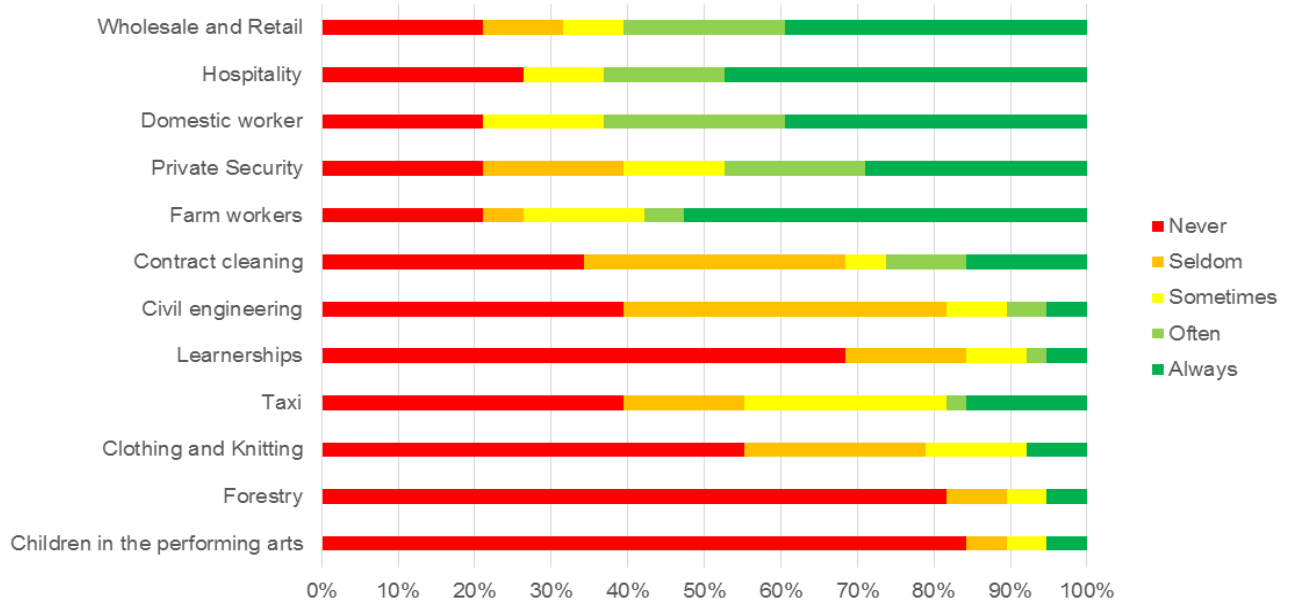
Eastern Cape

Frequency of sectoral determination during inspections



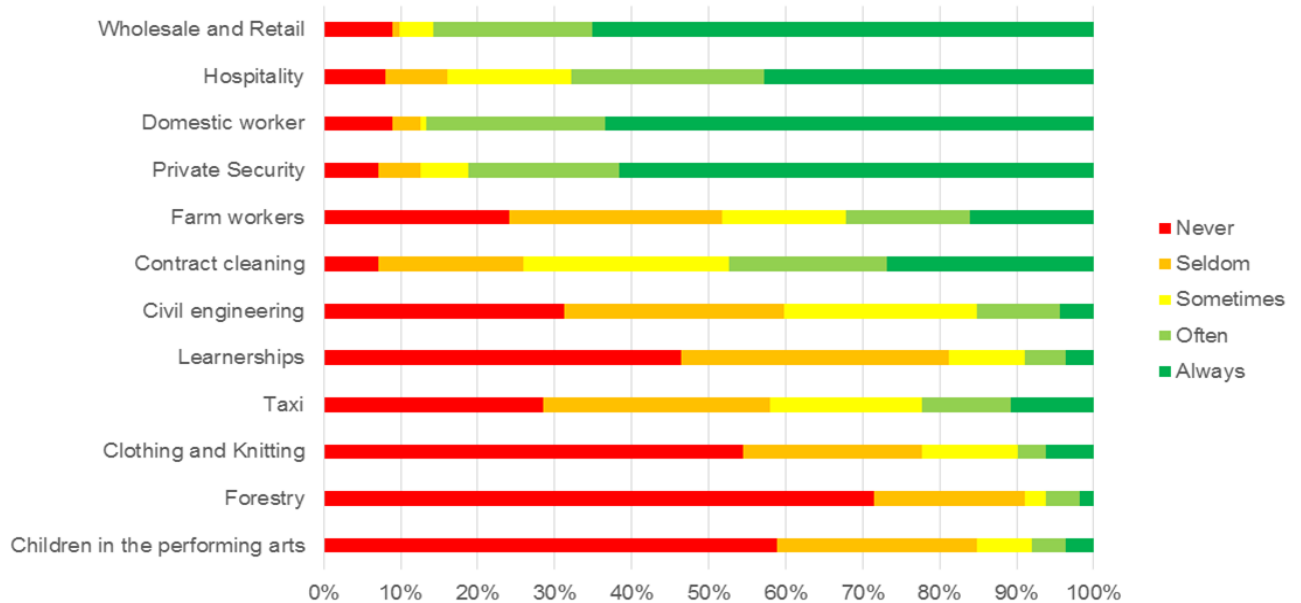
Free State

Frequency of sectoral determination during inspections



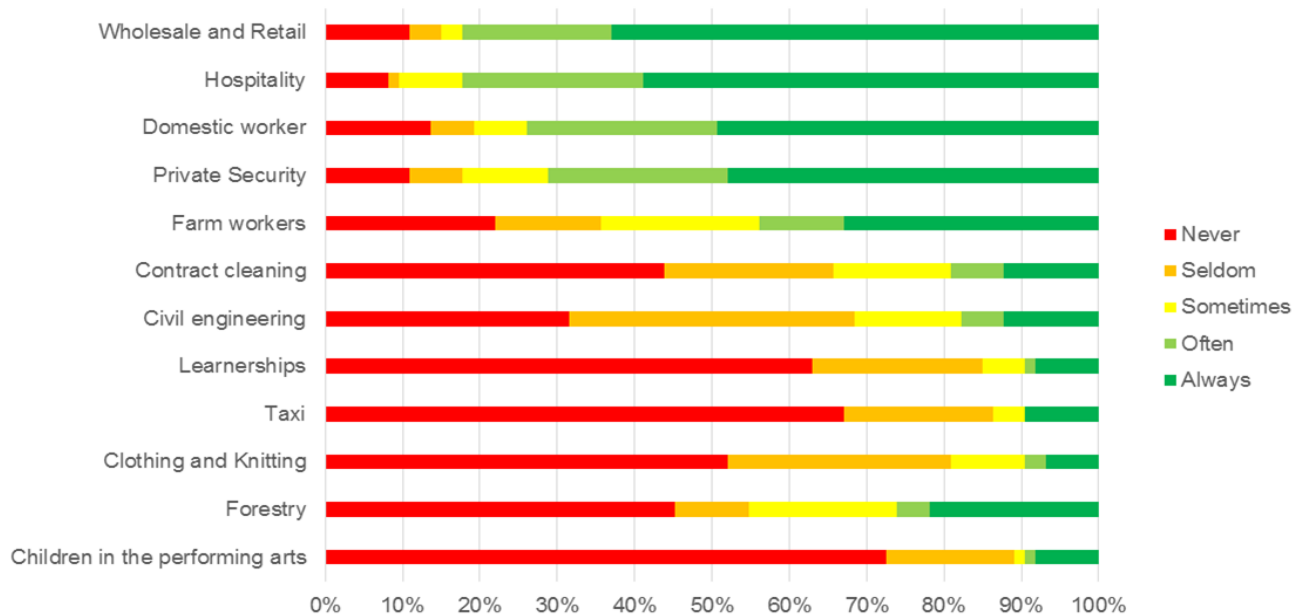
Gauteng

Frequency of sectoral determination during inspections



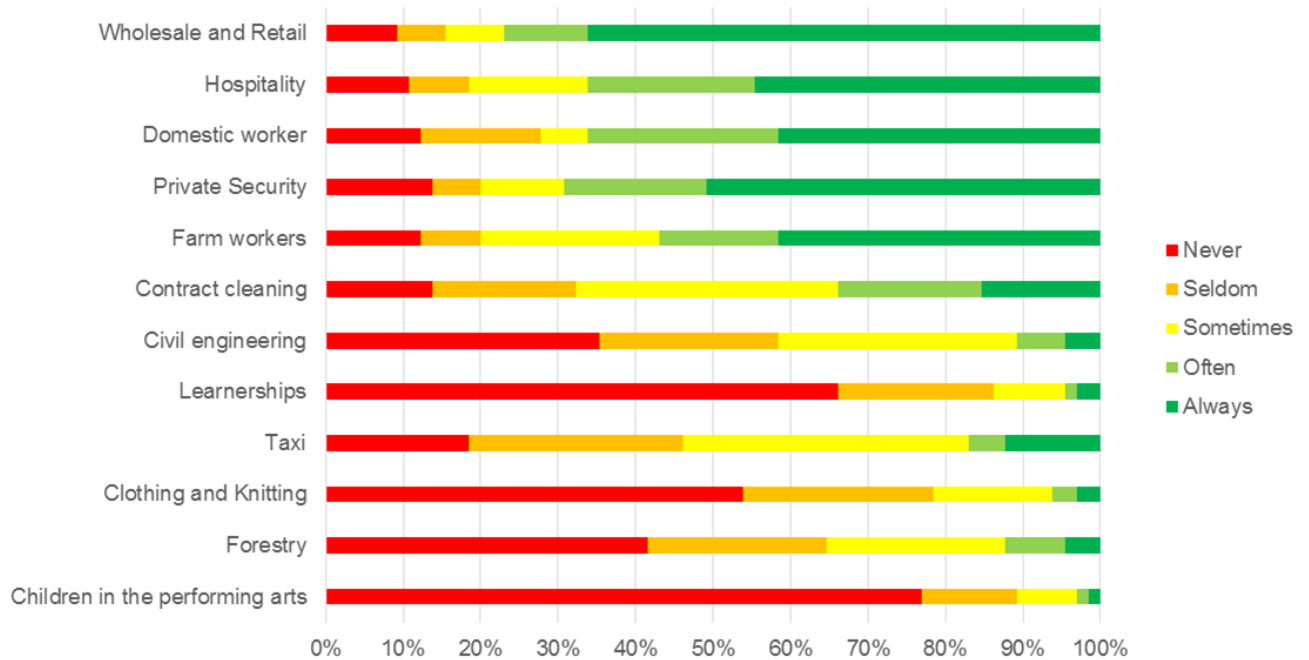
KwaZulu-Natal

Frequency of sectoral determination during inspections



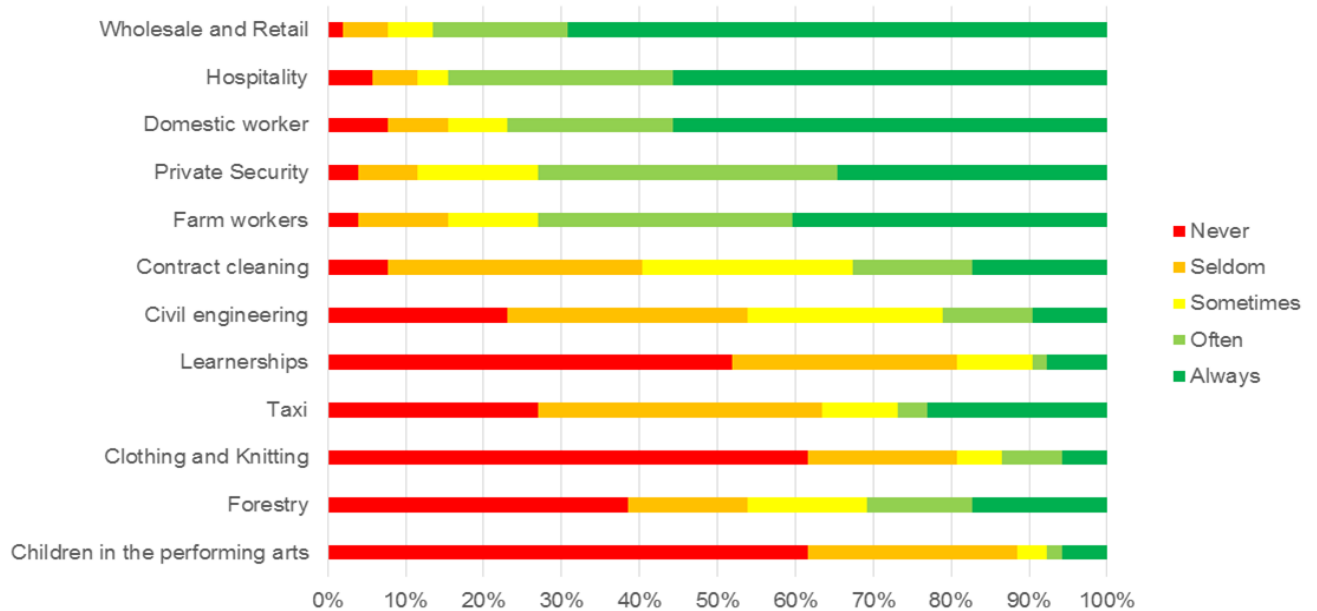
Limpopo

Frequency of sectoral determination during inspections



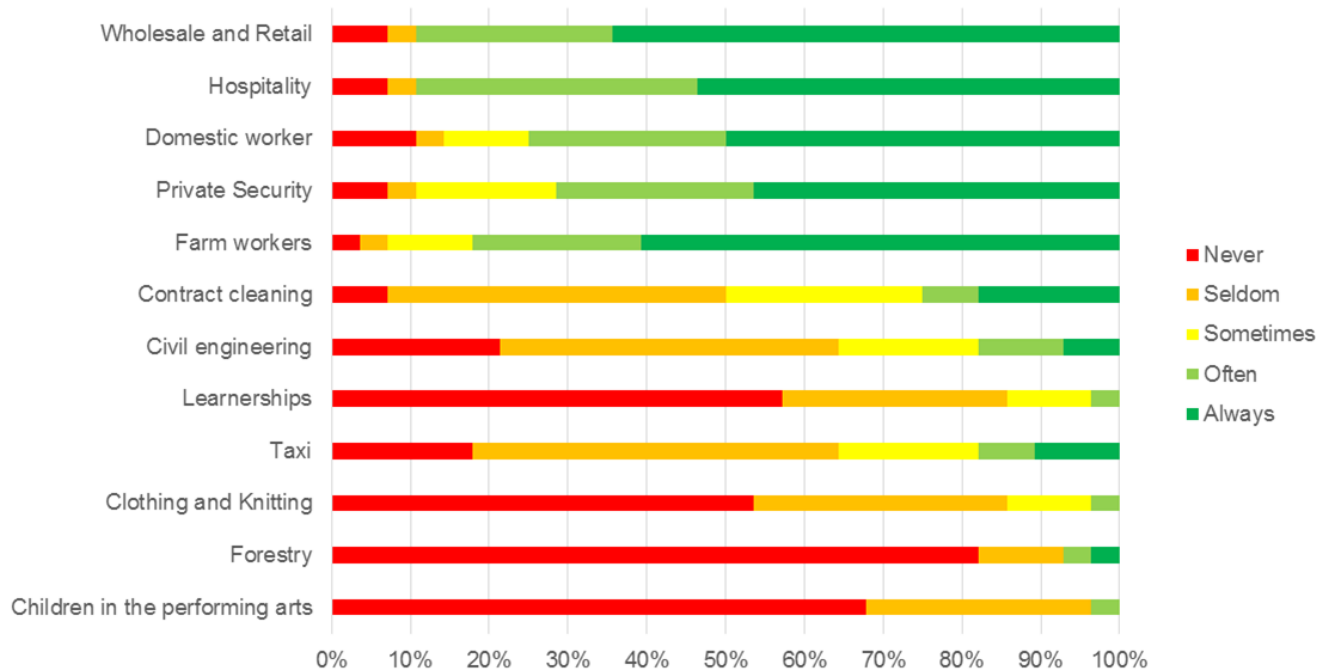
Mpumalanga

Frequency of sectoral determination during inspections



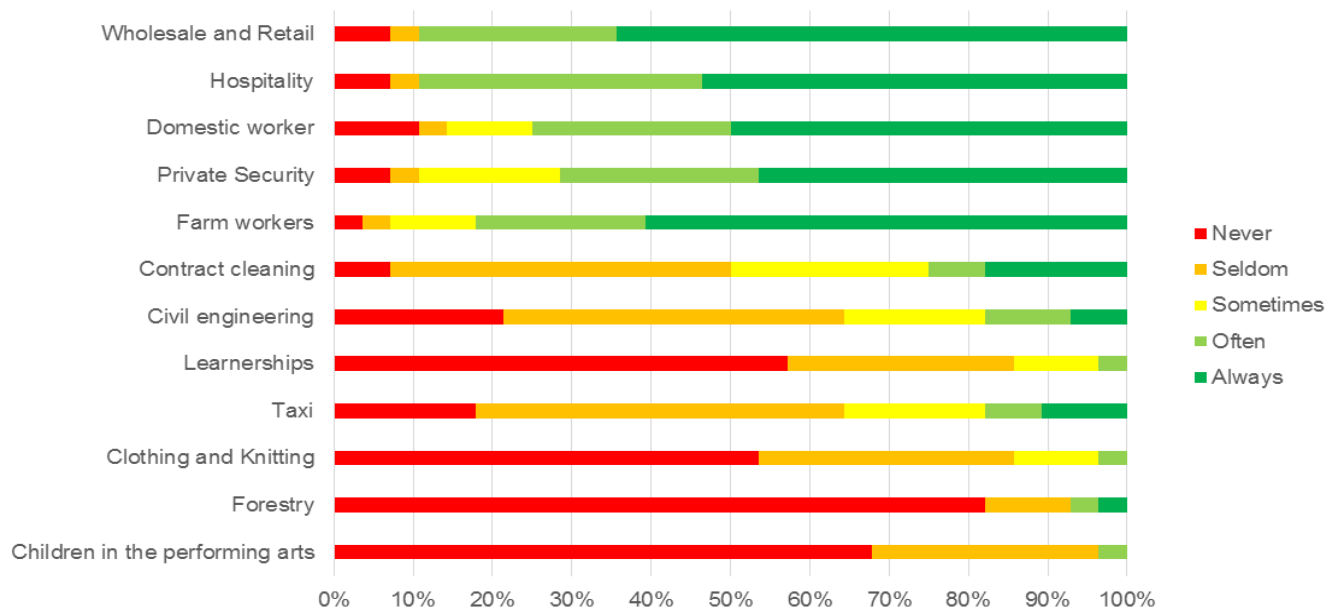
North West

Frequency of sectoral determination during inspections



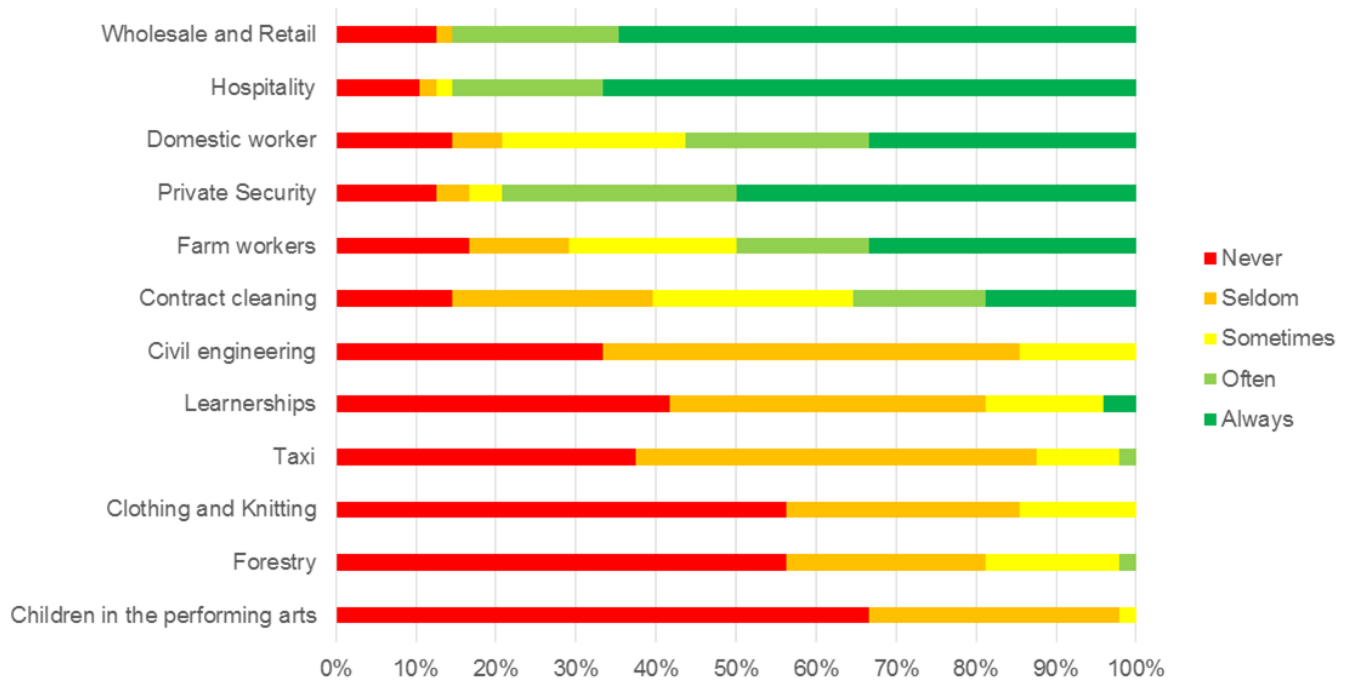
Northern Cape

Frequency of sectoral determination during inspections

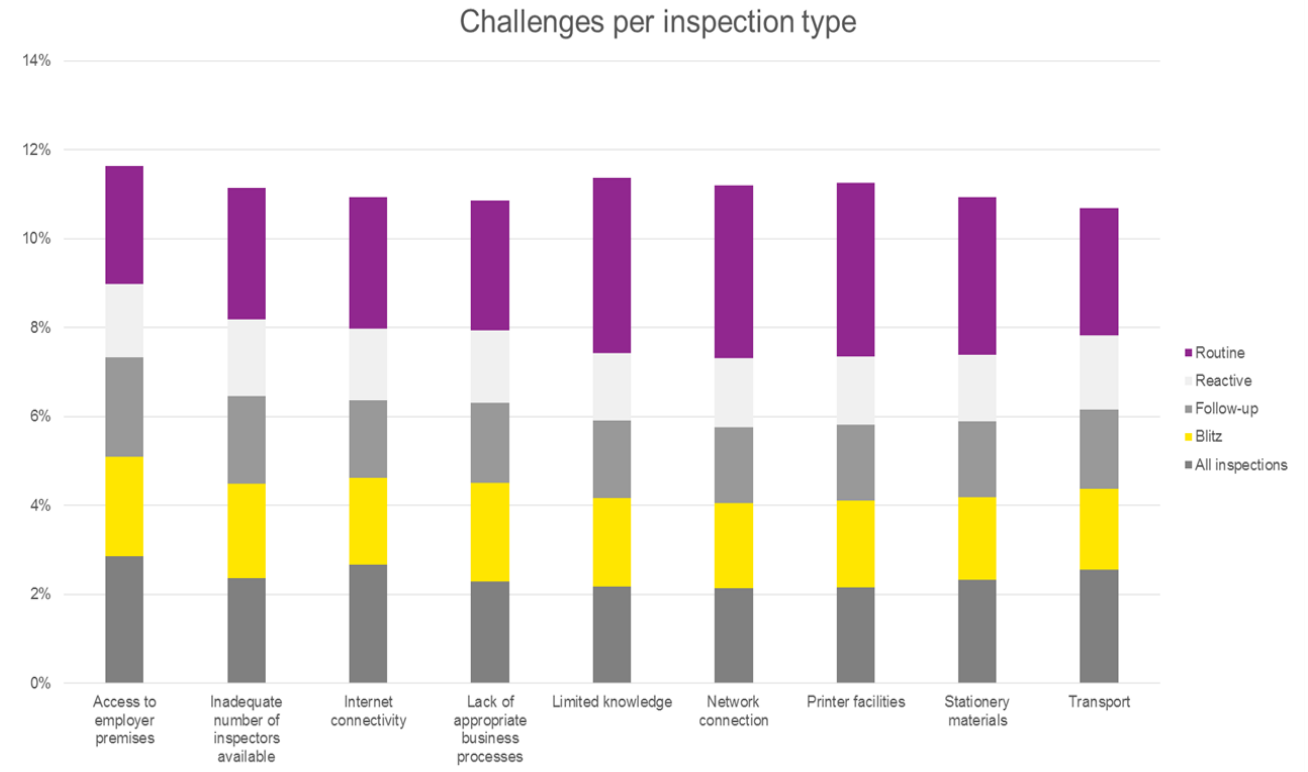


Western Cape

Frequency of sectoral determination during inspections

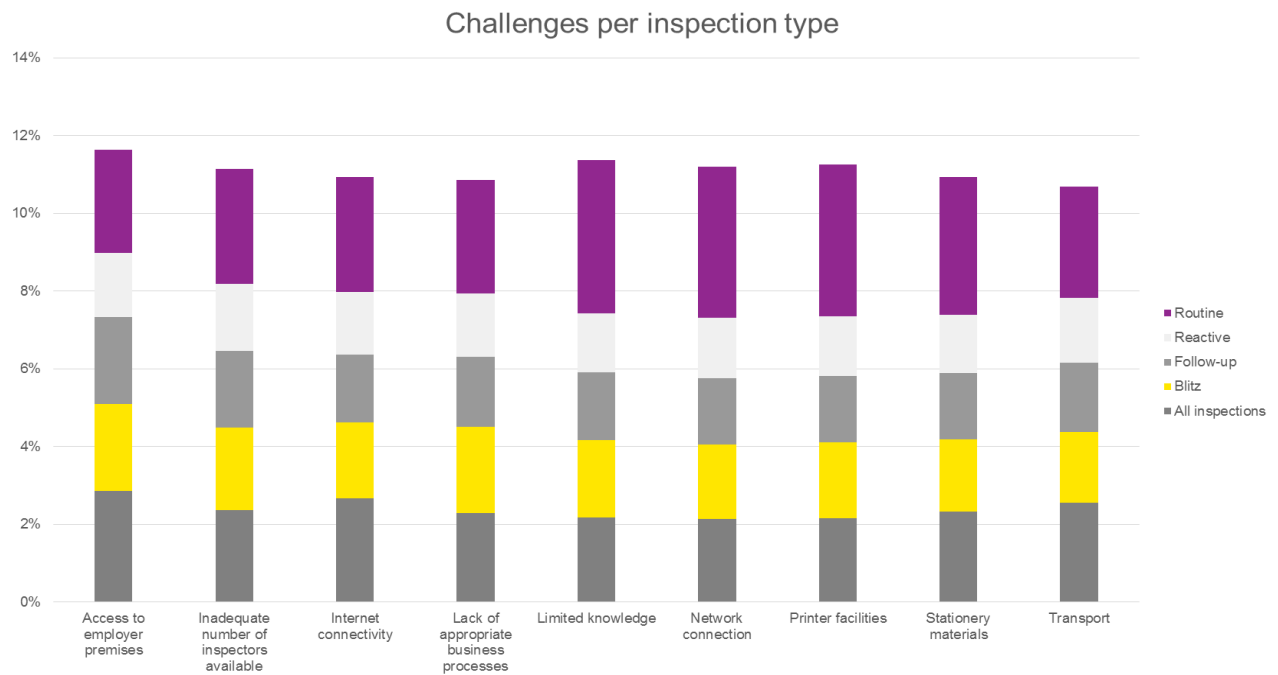


Appendix L: Challenges per inspection type

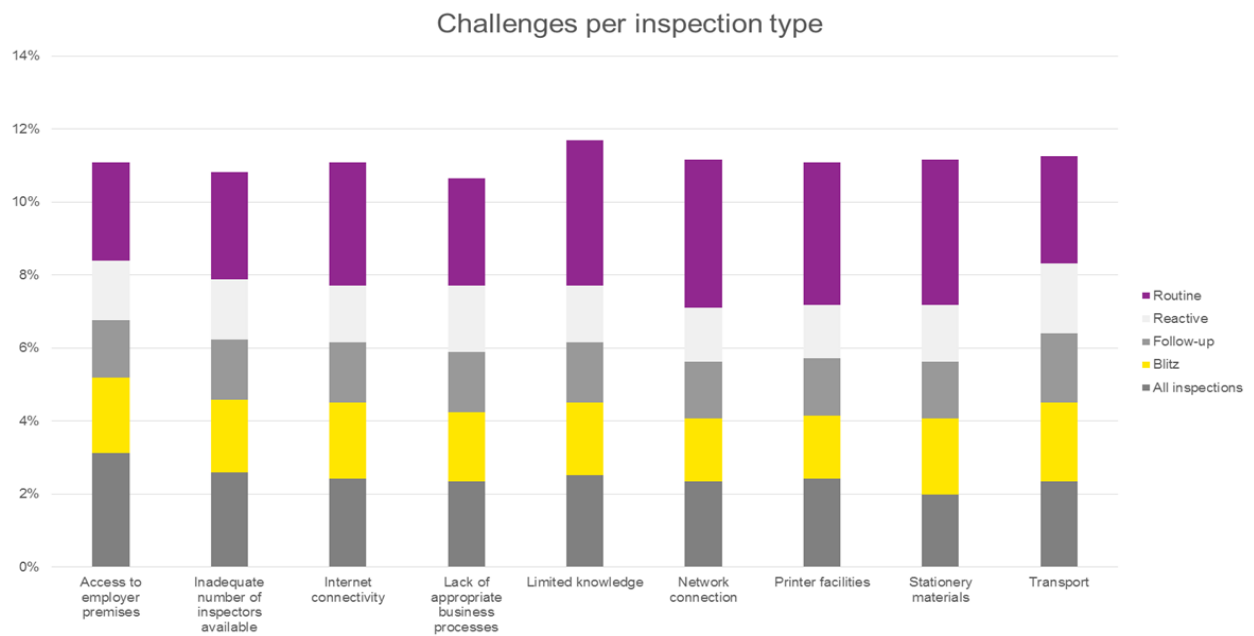


Appendix M: Illustration of challenges per province

National

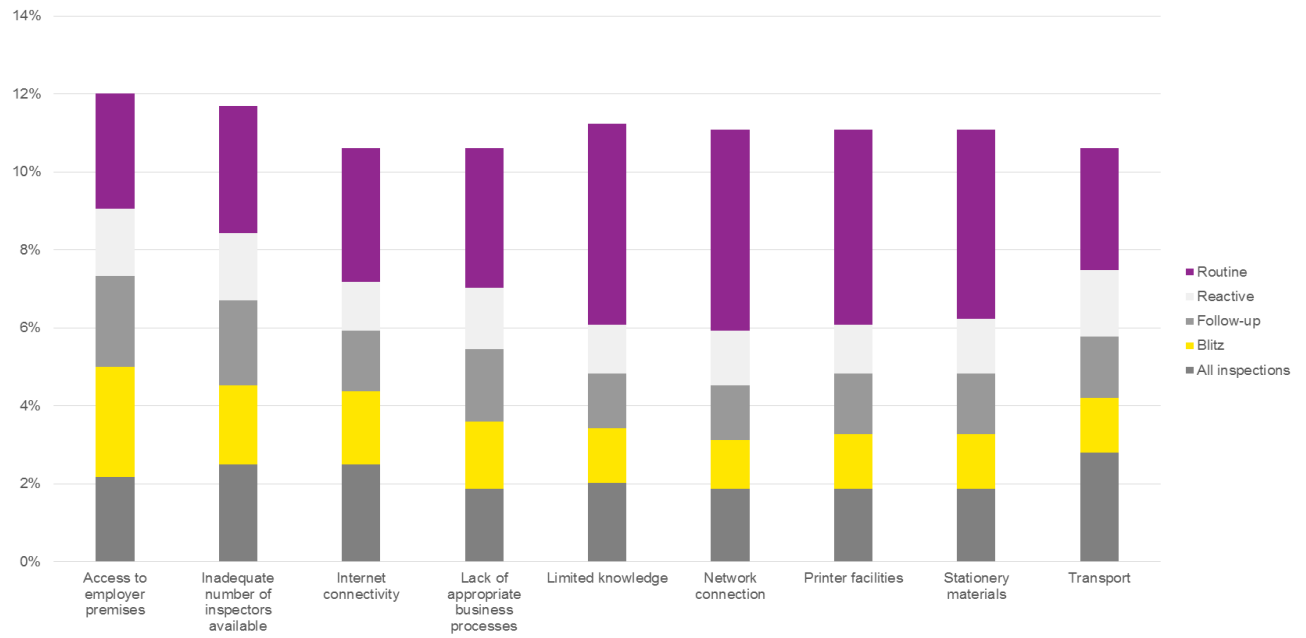


Eastern Cape



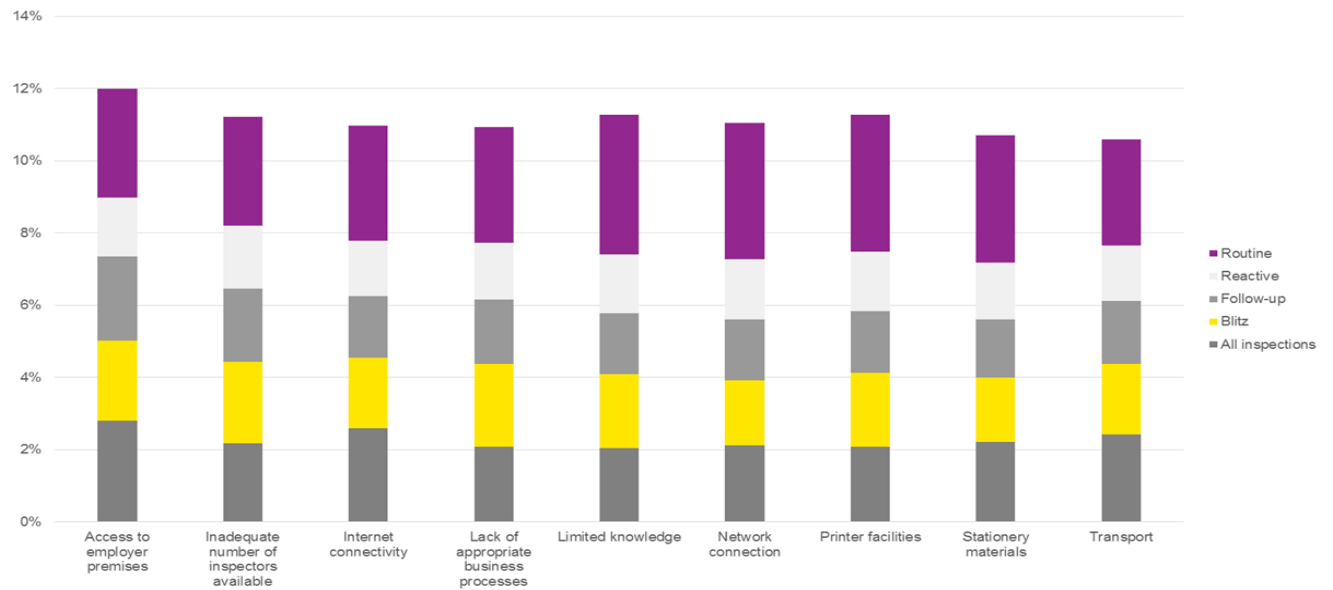
Free State

Challenges per inspection type



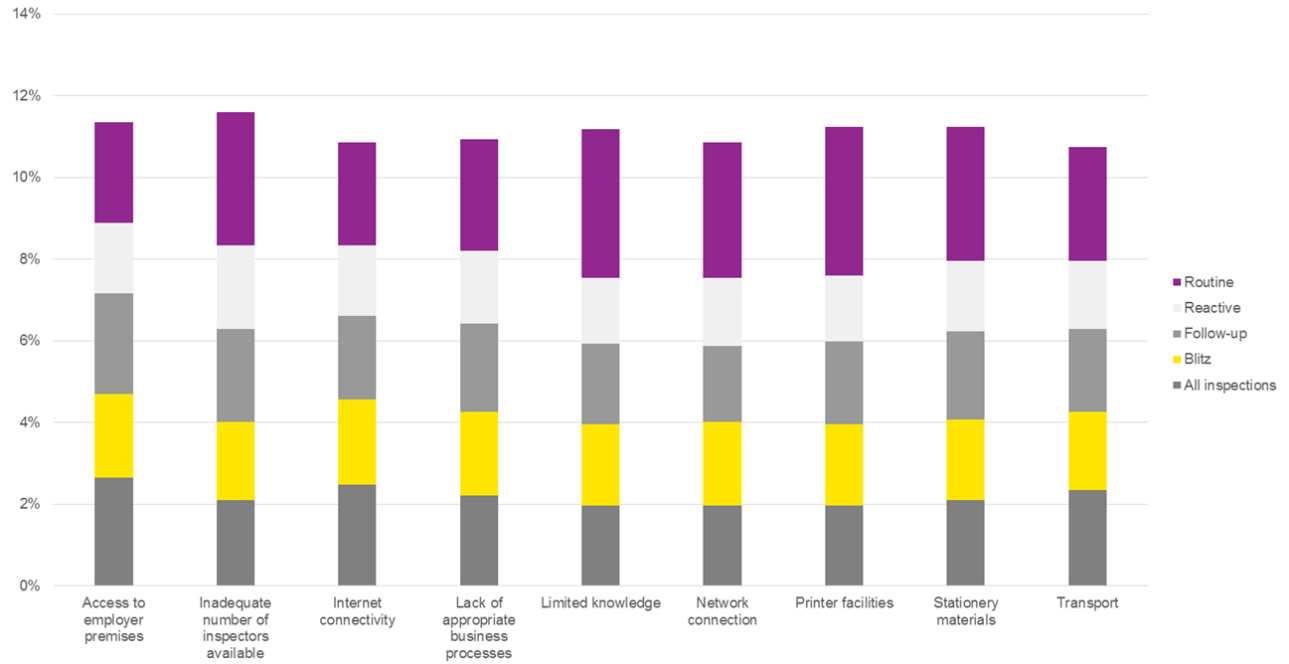
Gauteng

Challenges per inspection type



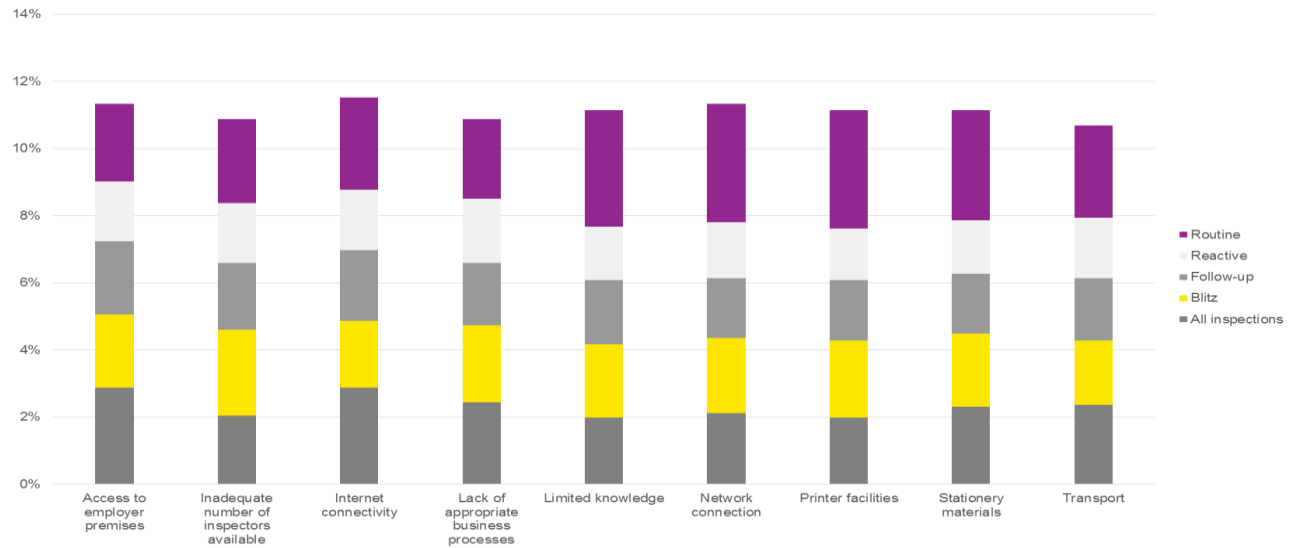
KwaZulu-Natal

Challenges per inspection type

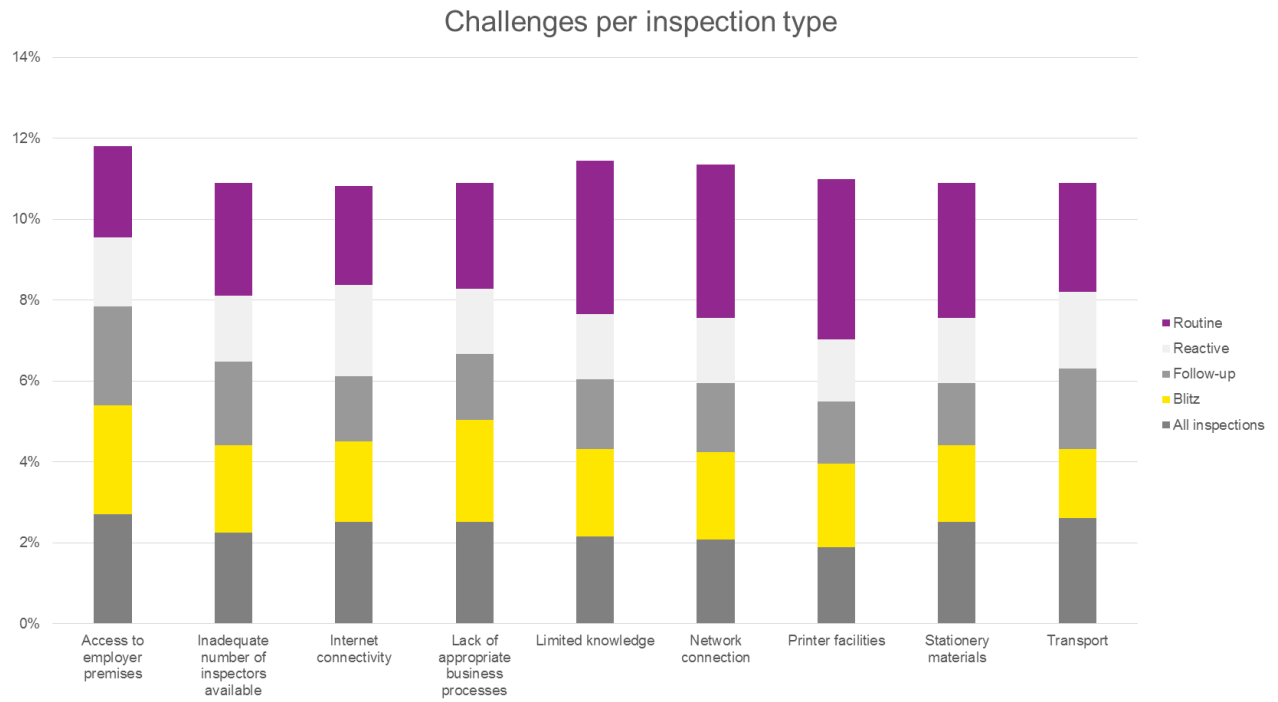


Limpopo

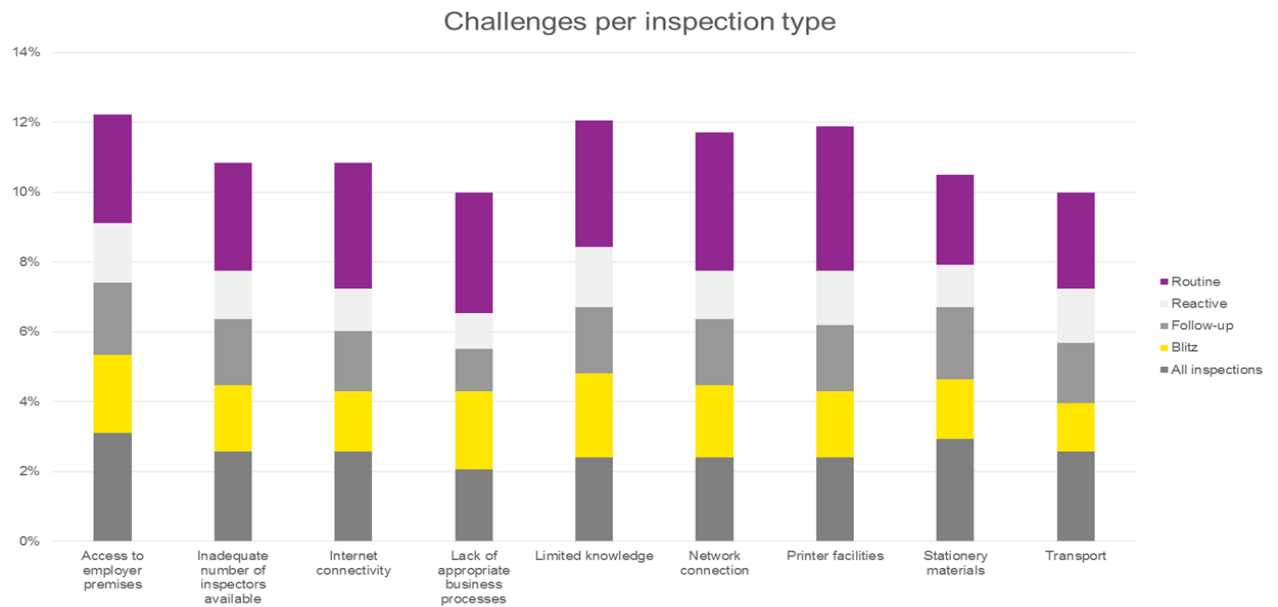
Challenges per inspection type



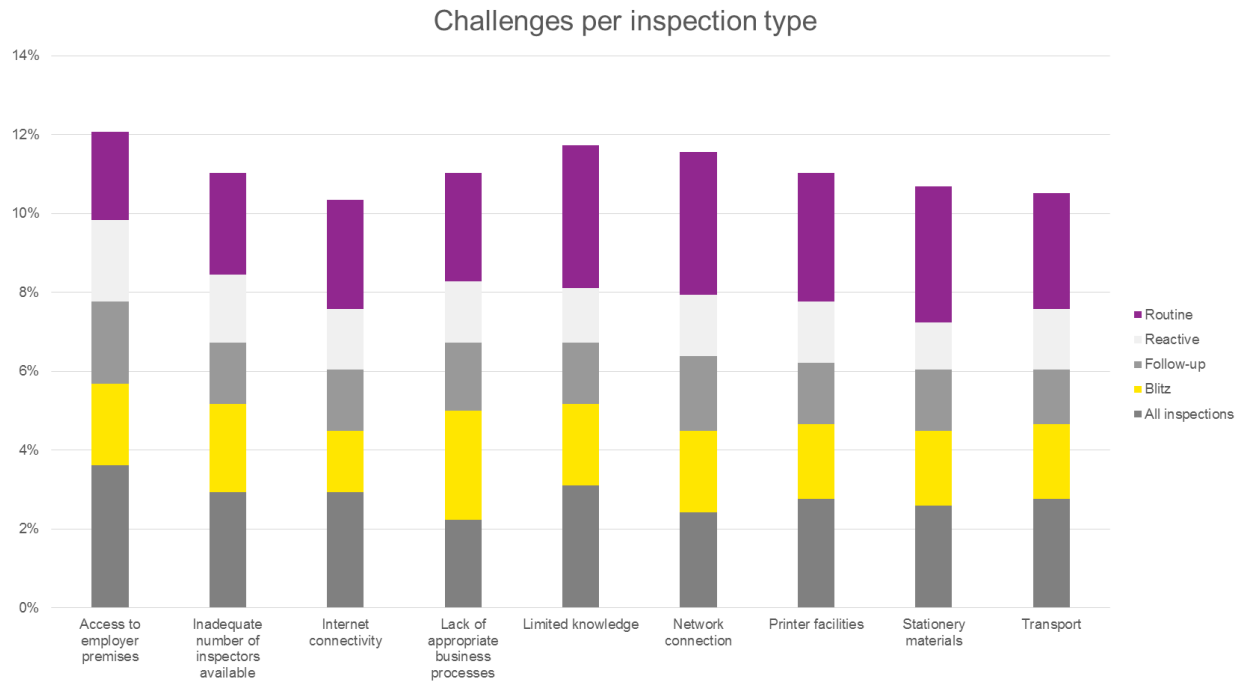
Mpumalanga



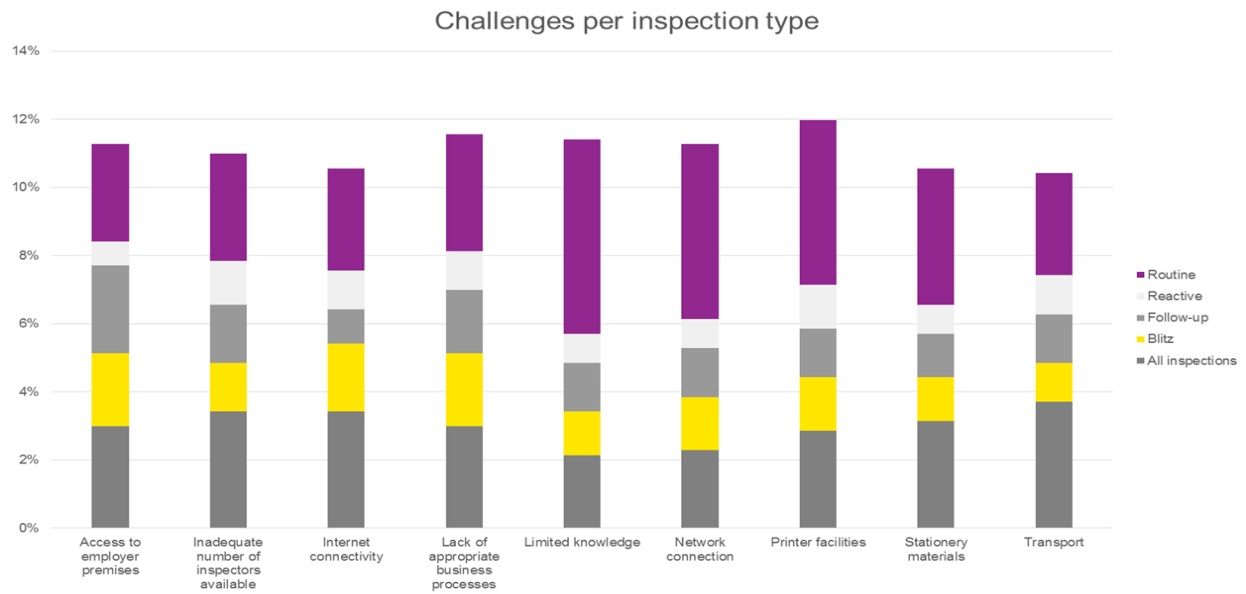
North West



Northern Cape

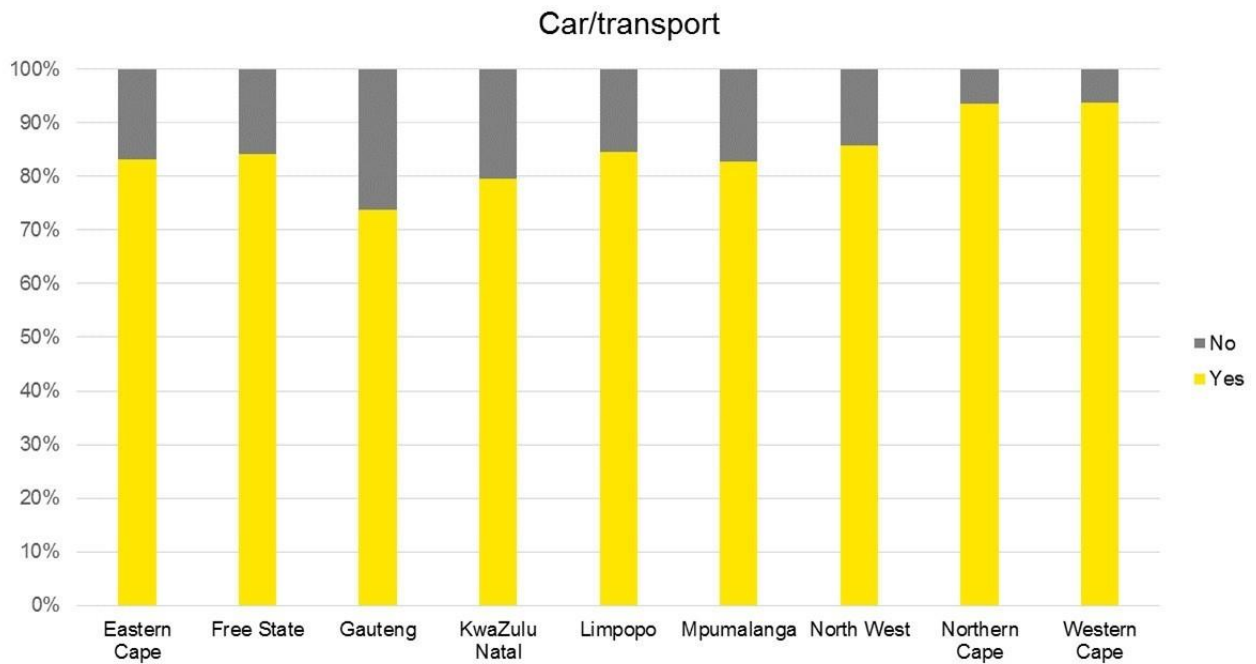
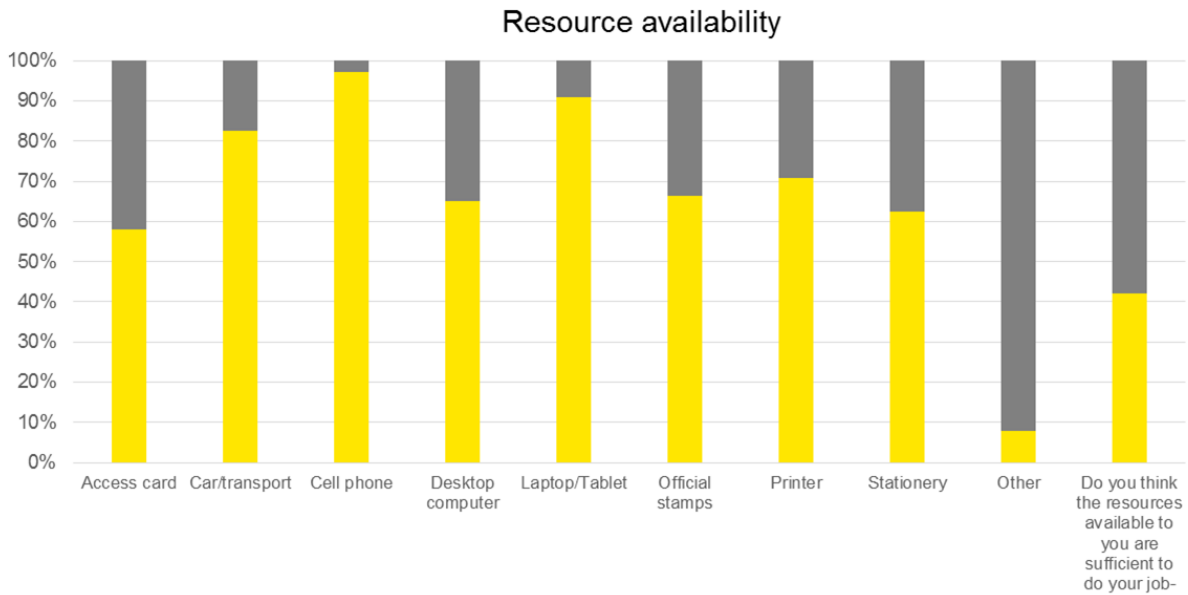


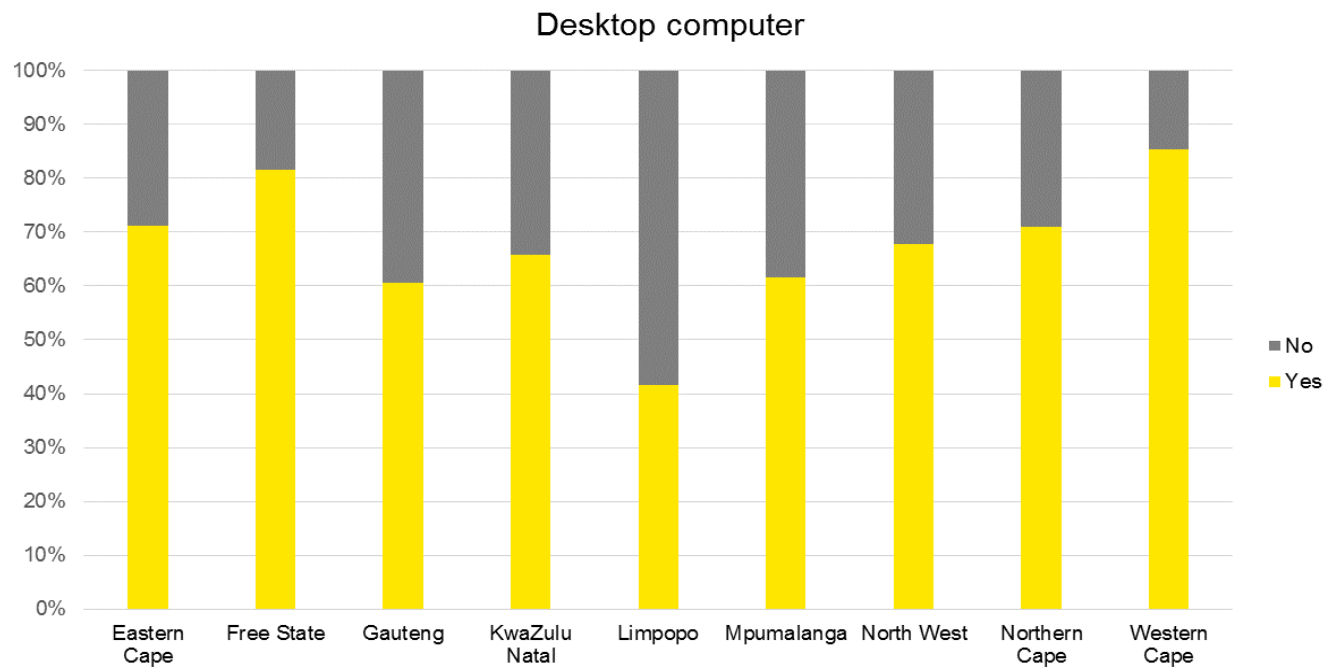
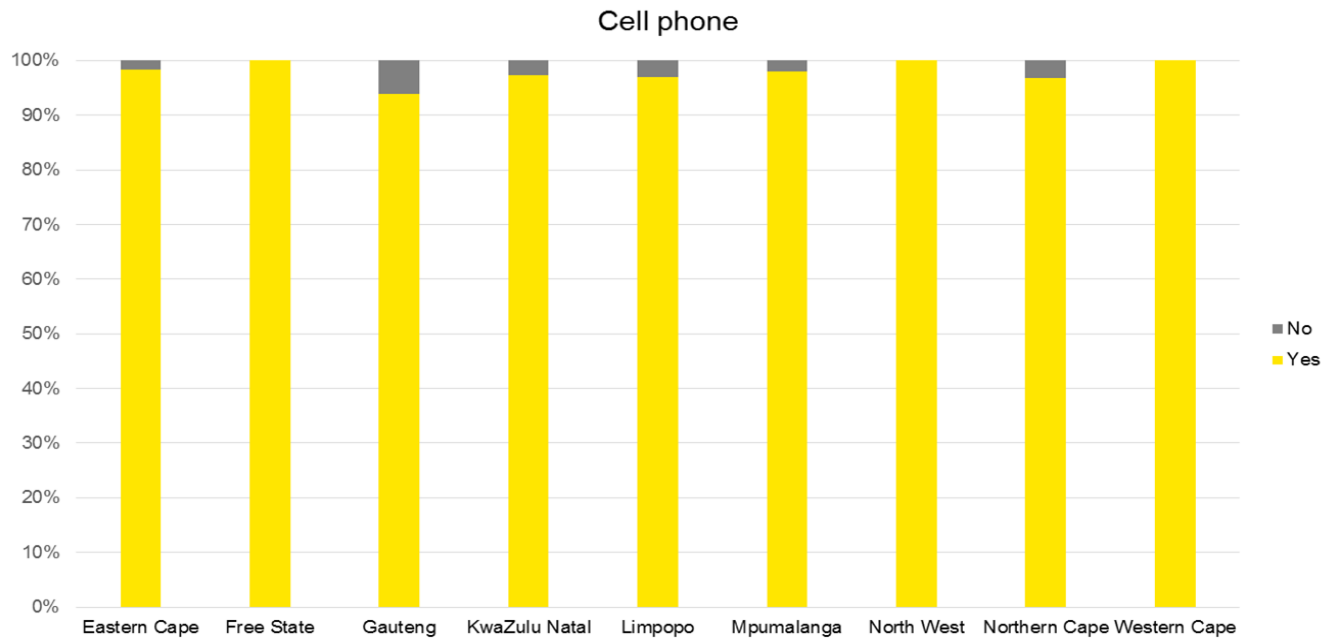
Western Cape



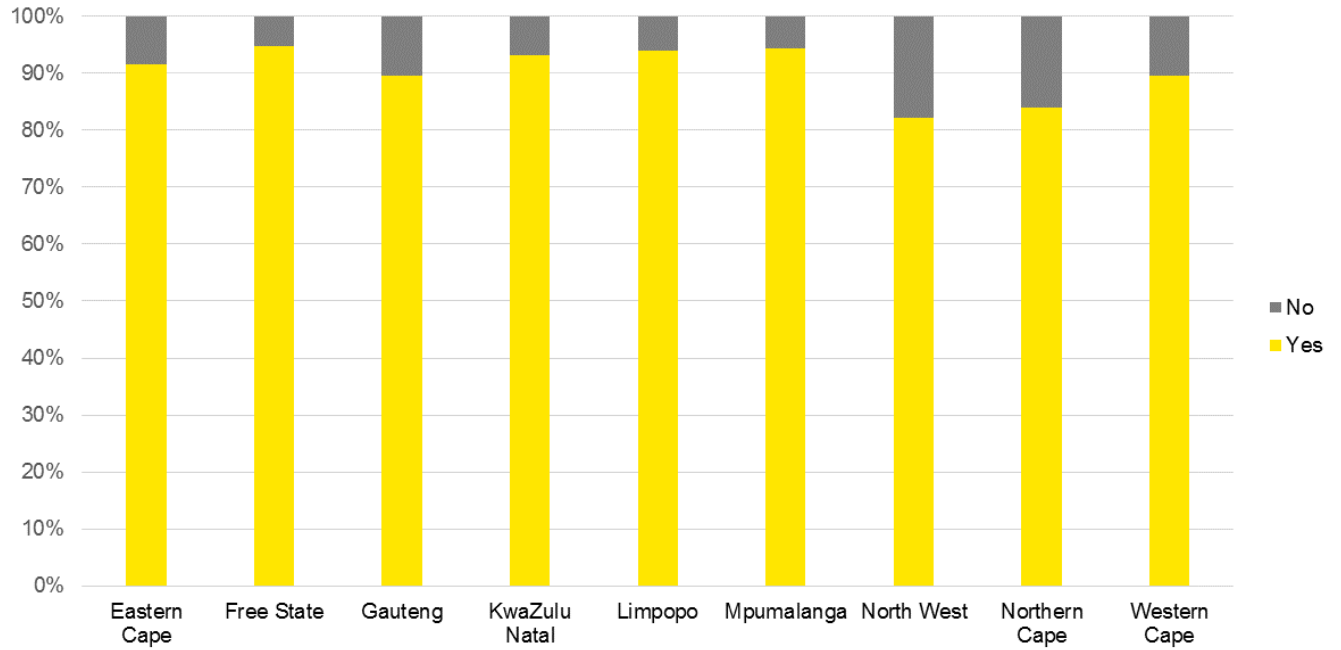
Appendix N: Illustration of each resource in relation to every province

National

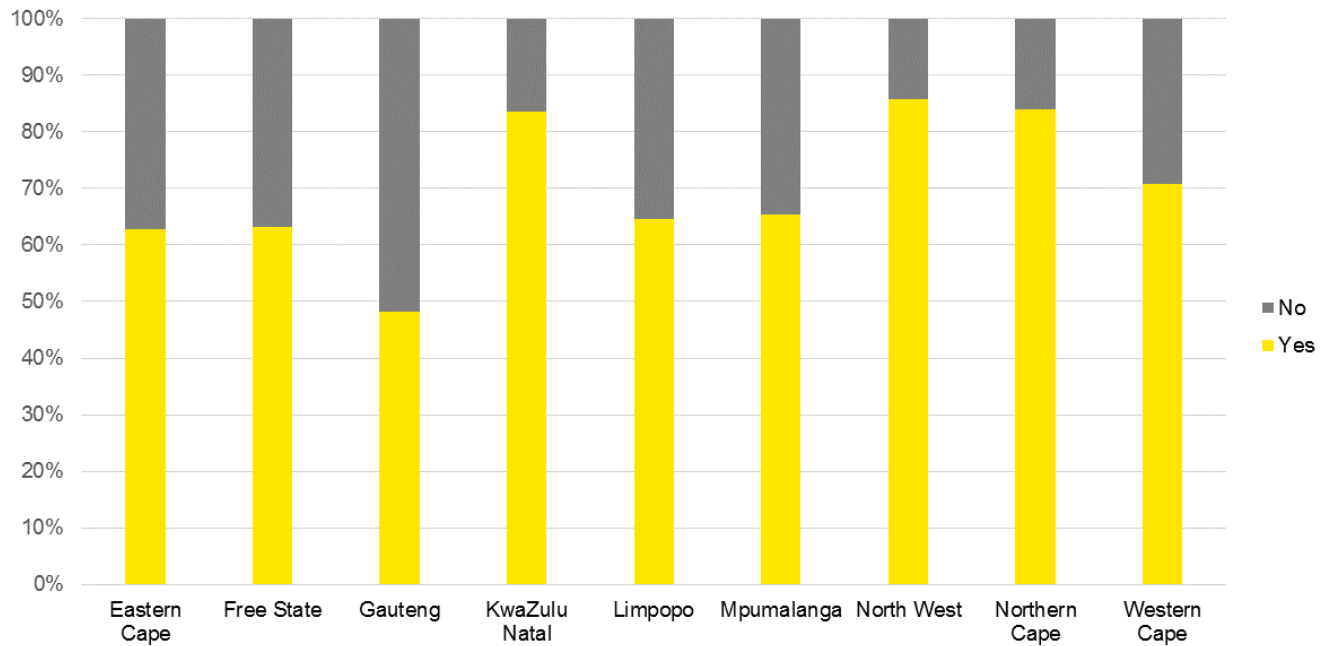




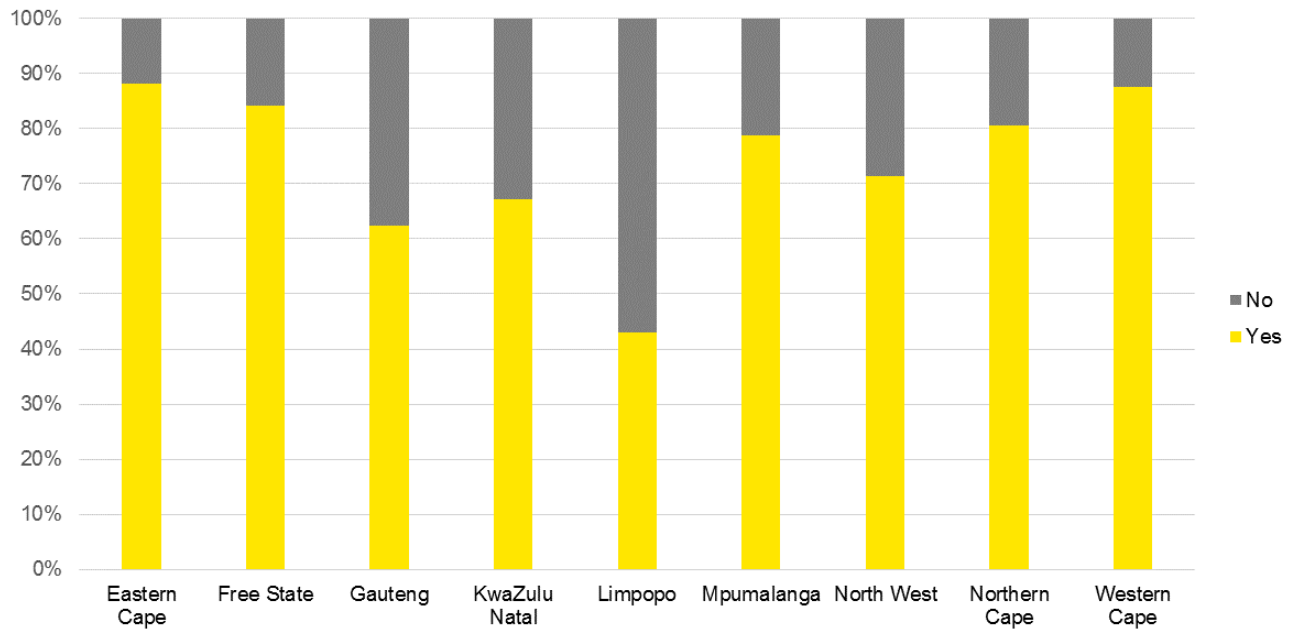
Laptop/Tablet



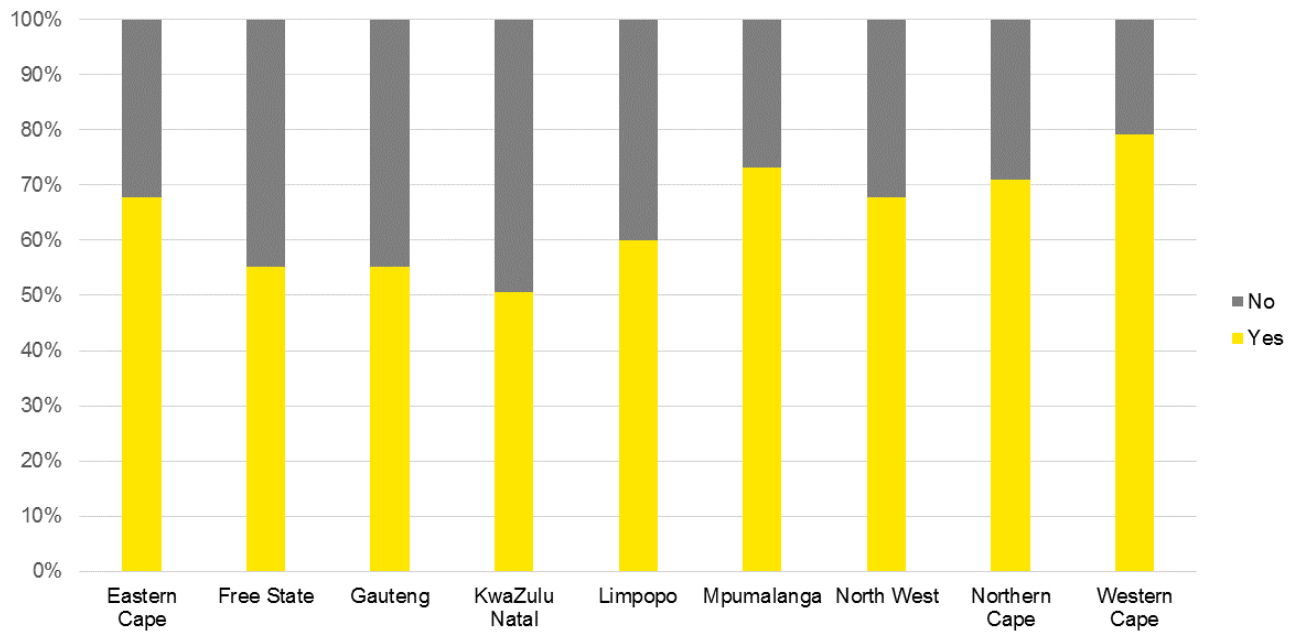
Official stamps



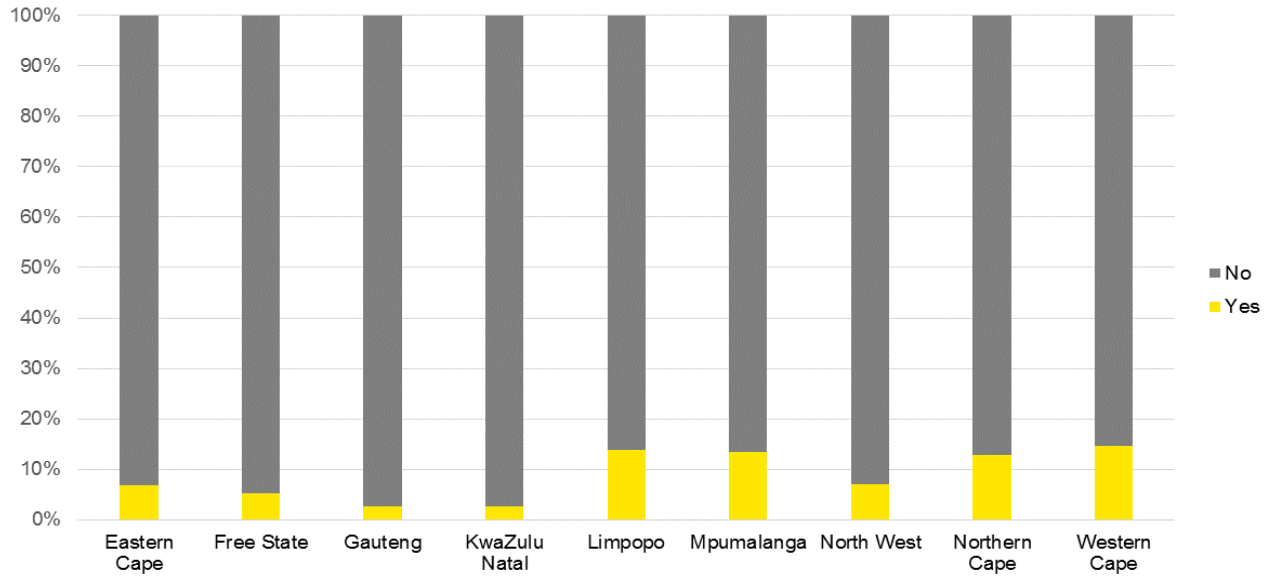
Printer



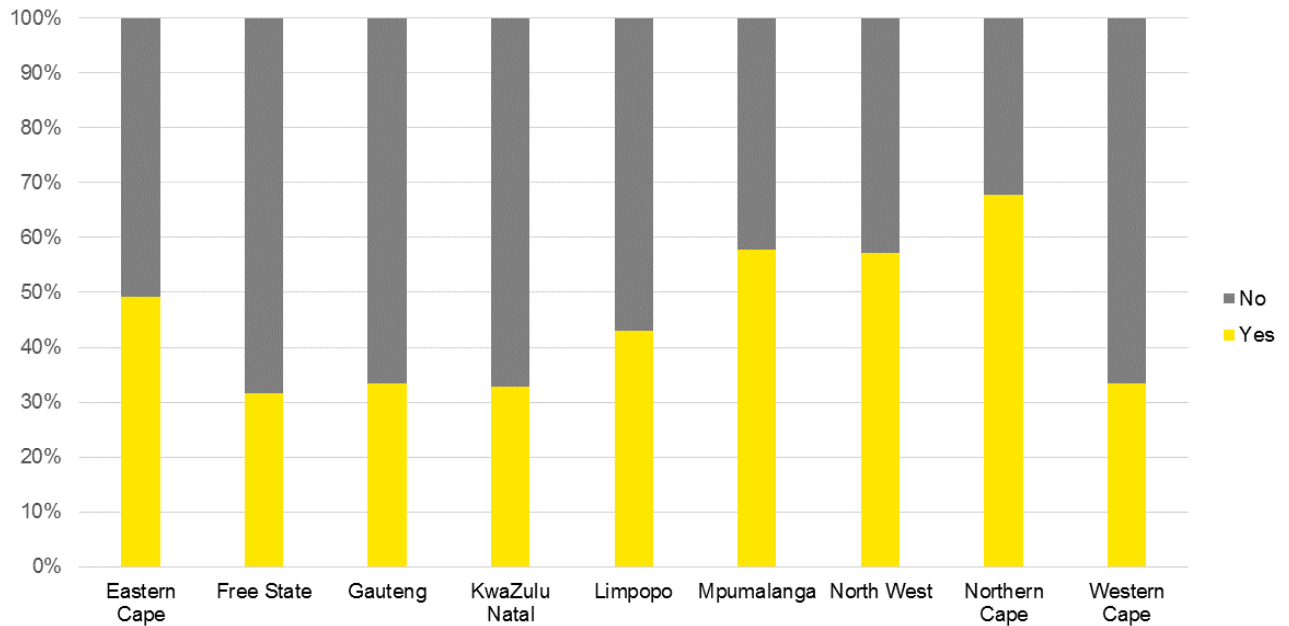
Stationery



Other

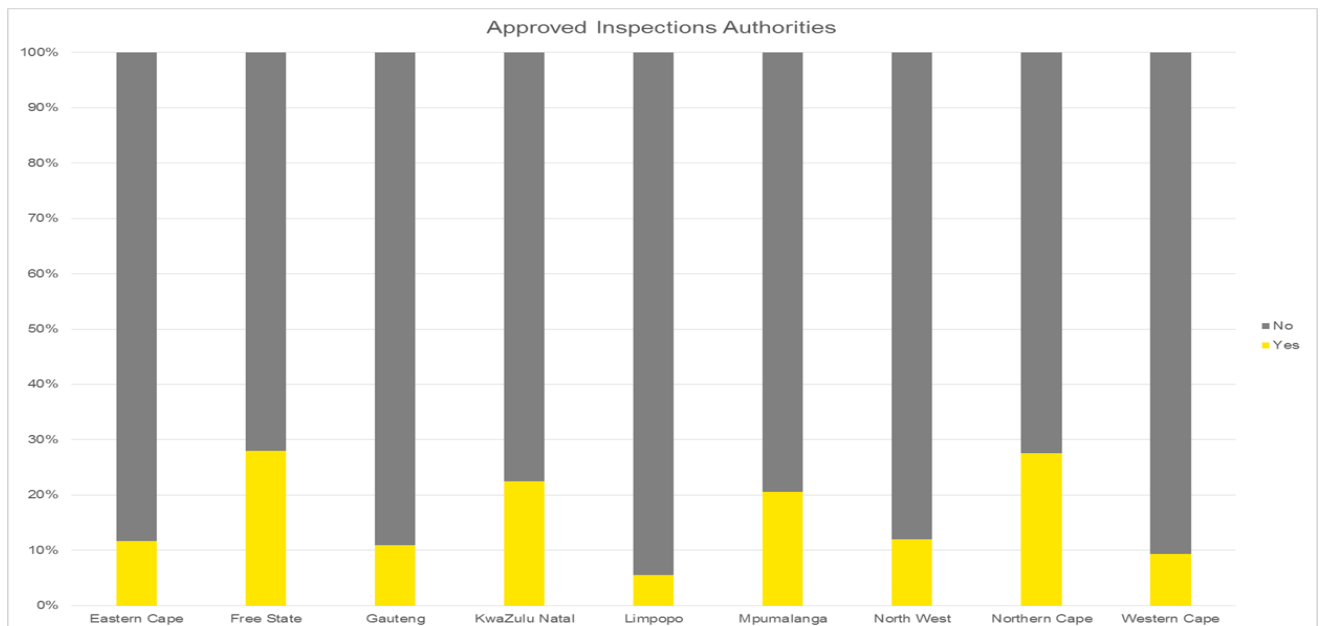
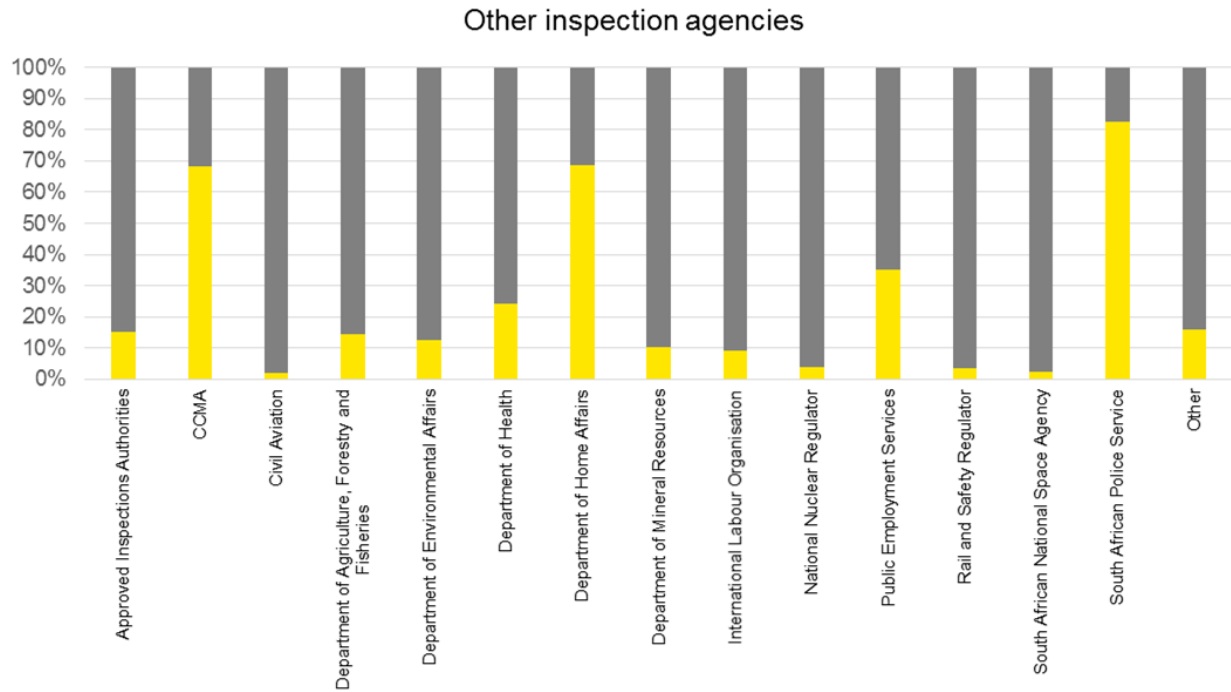


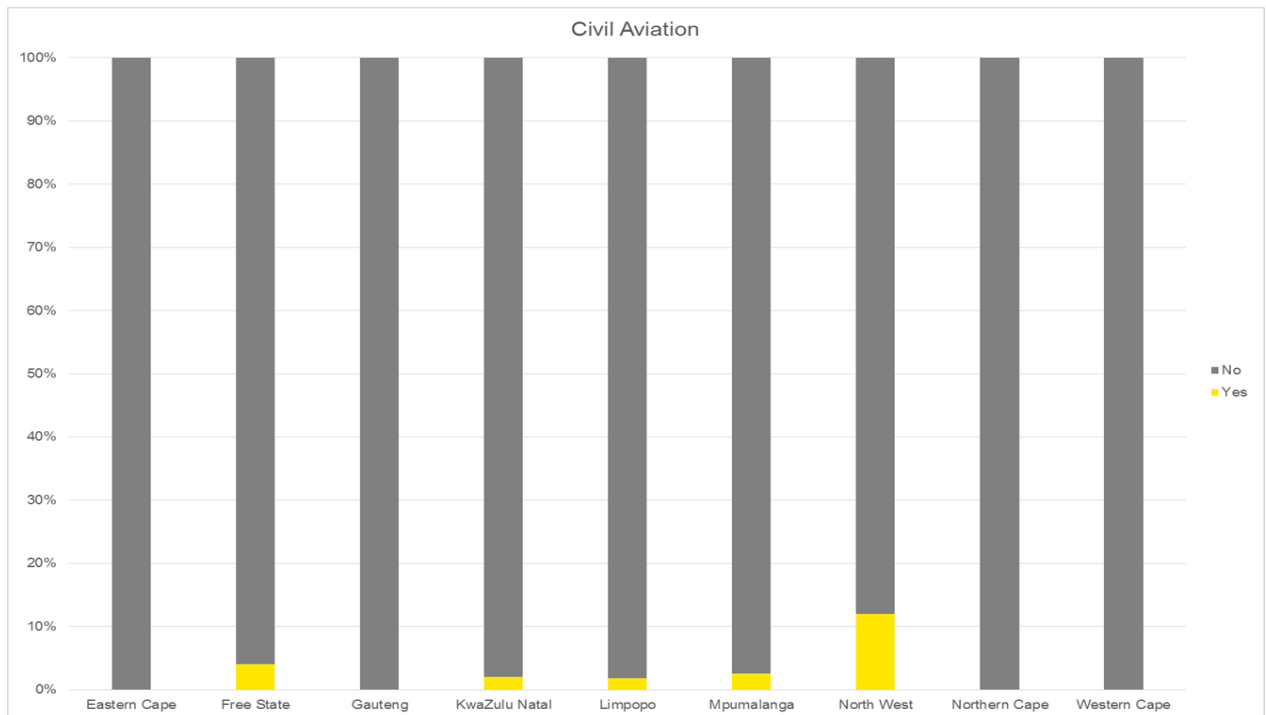
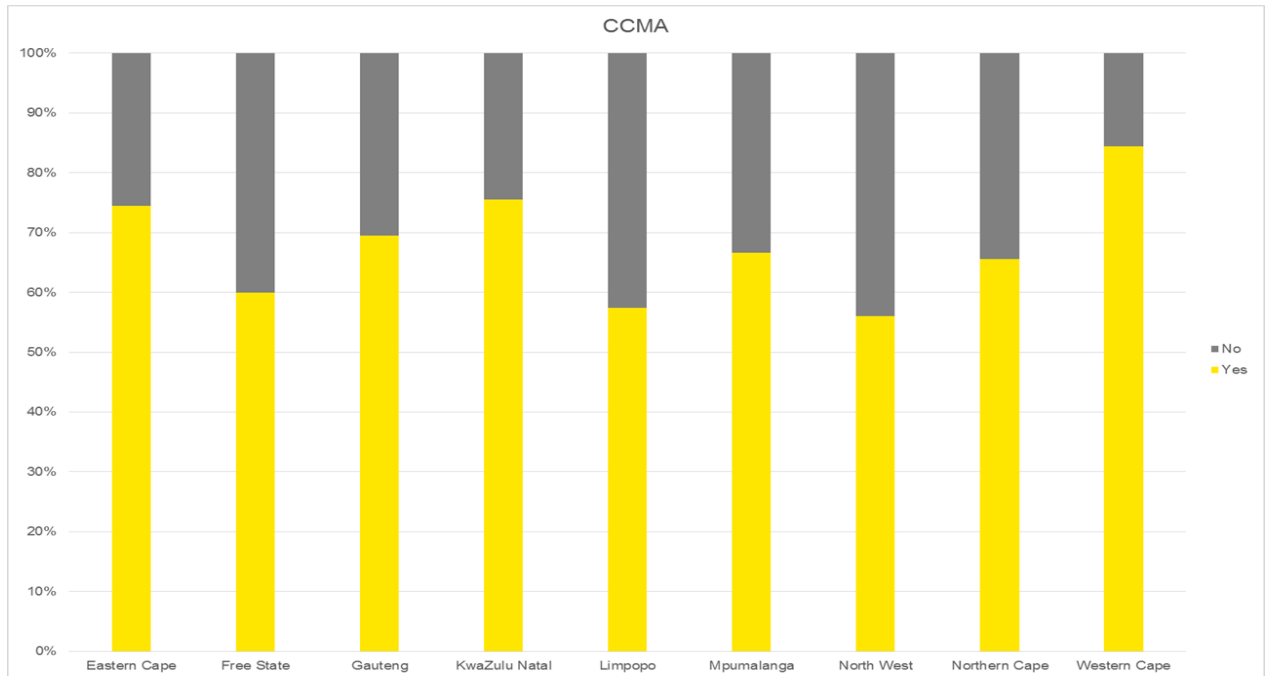
Do you think the resources available to you are sufficient to do your job-

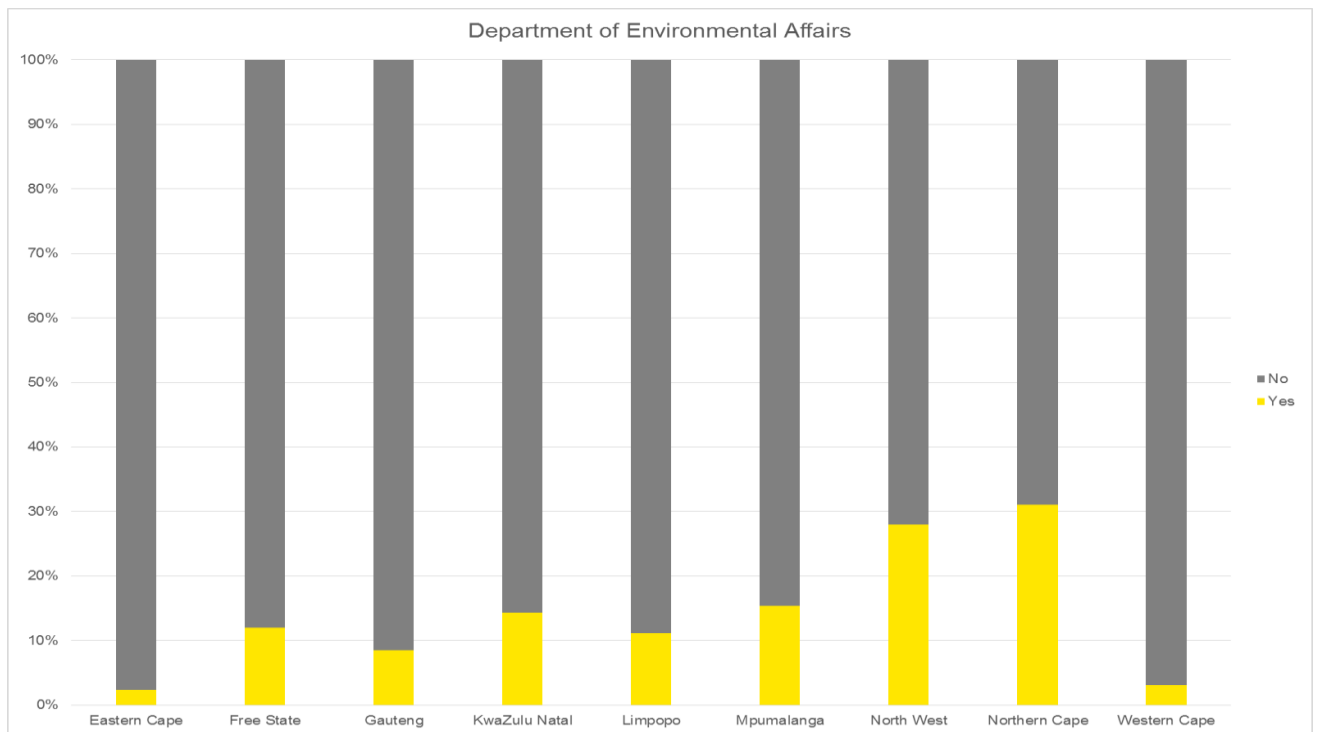
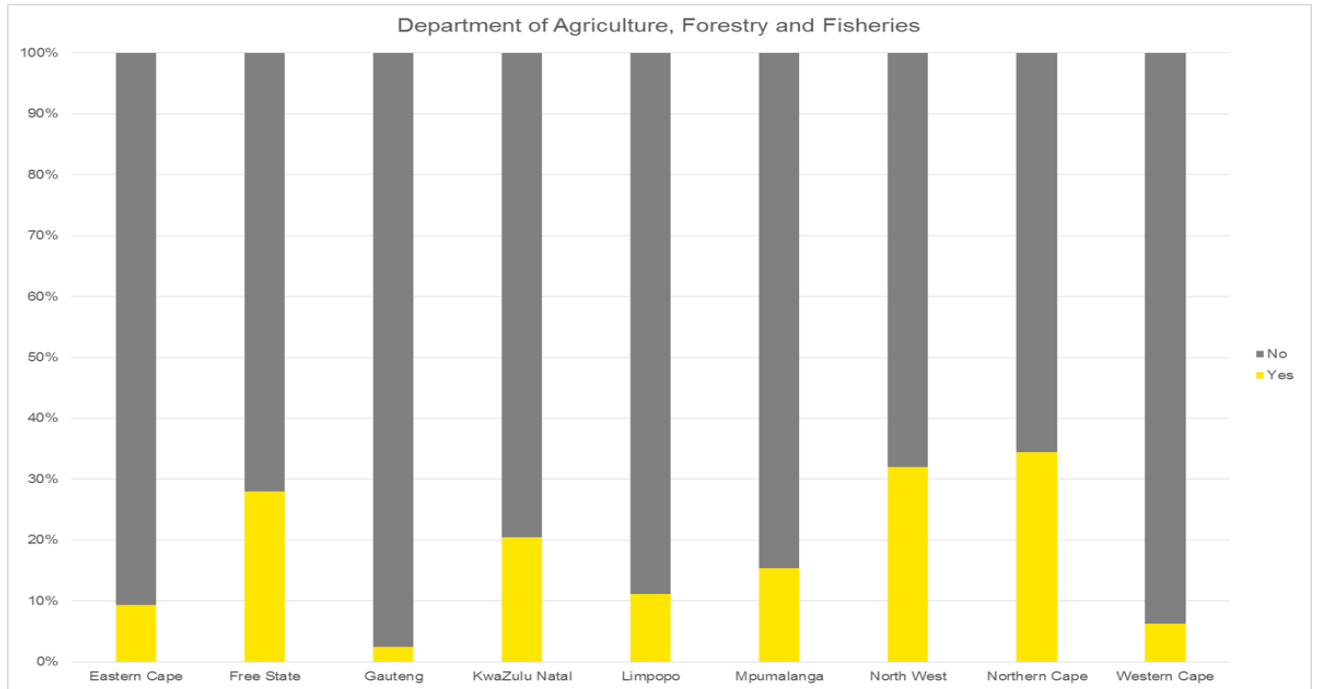


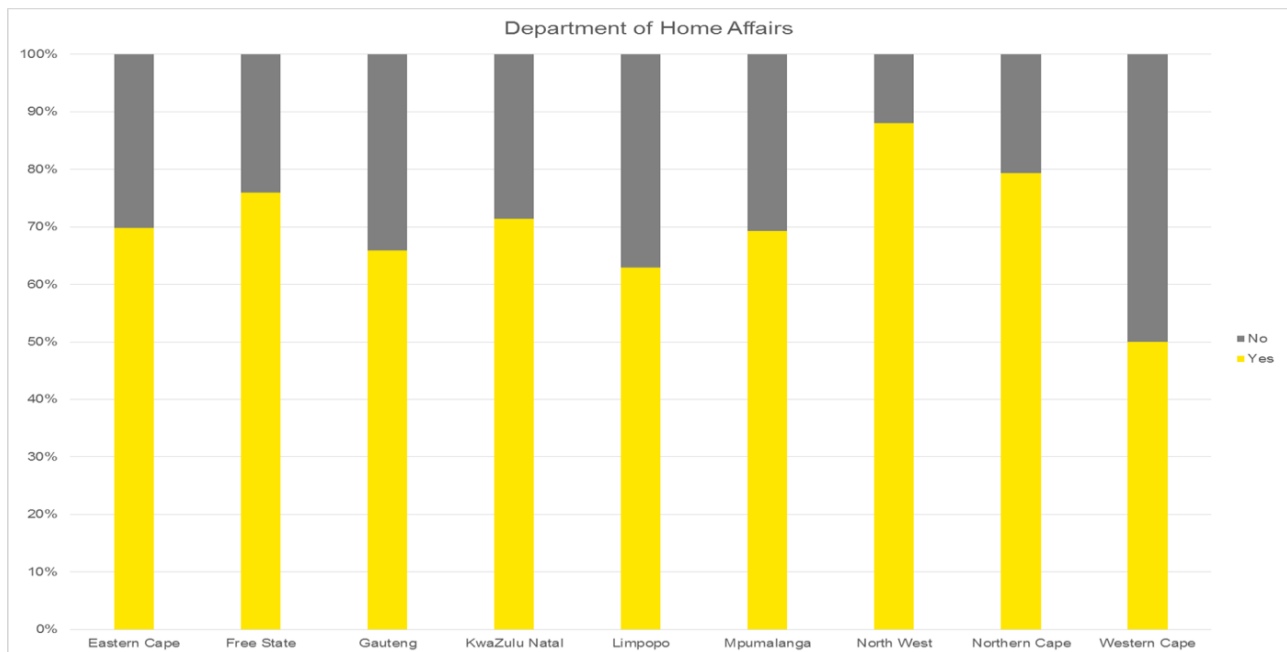
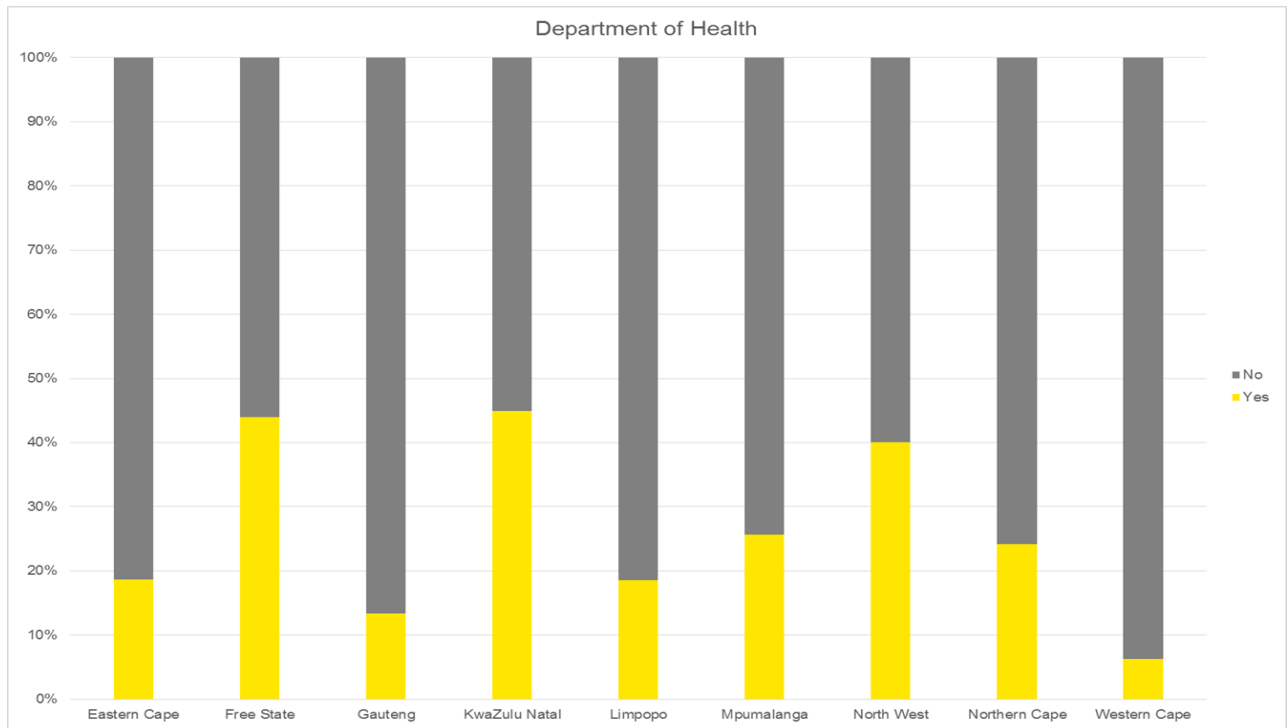
Appendix O: Collaboration with other inspection agencies, employers and trade unions

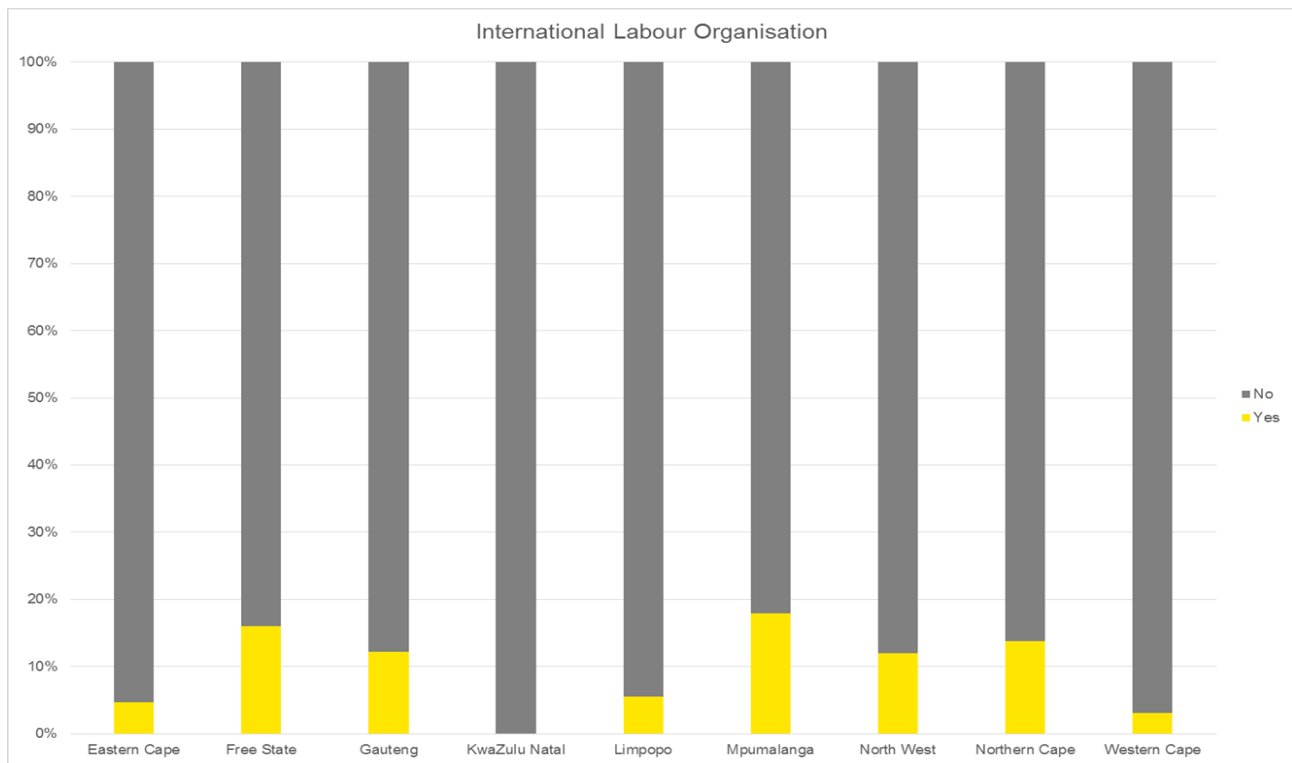
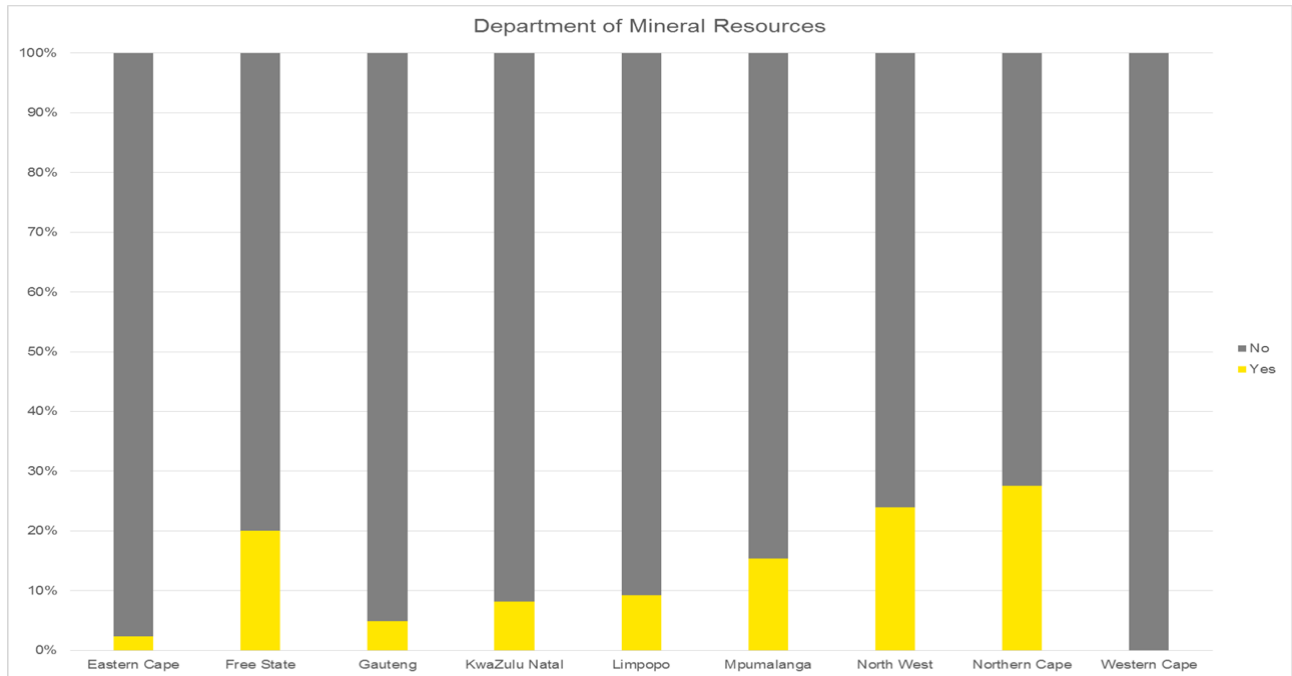
National

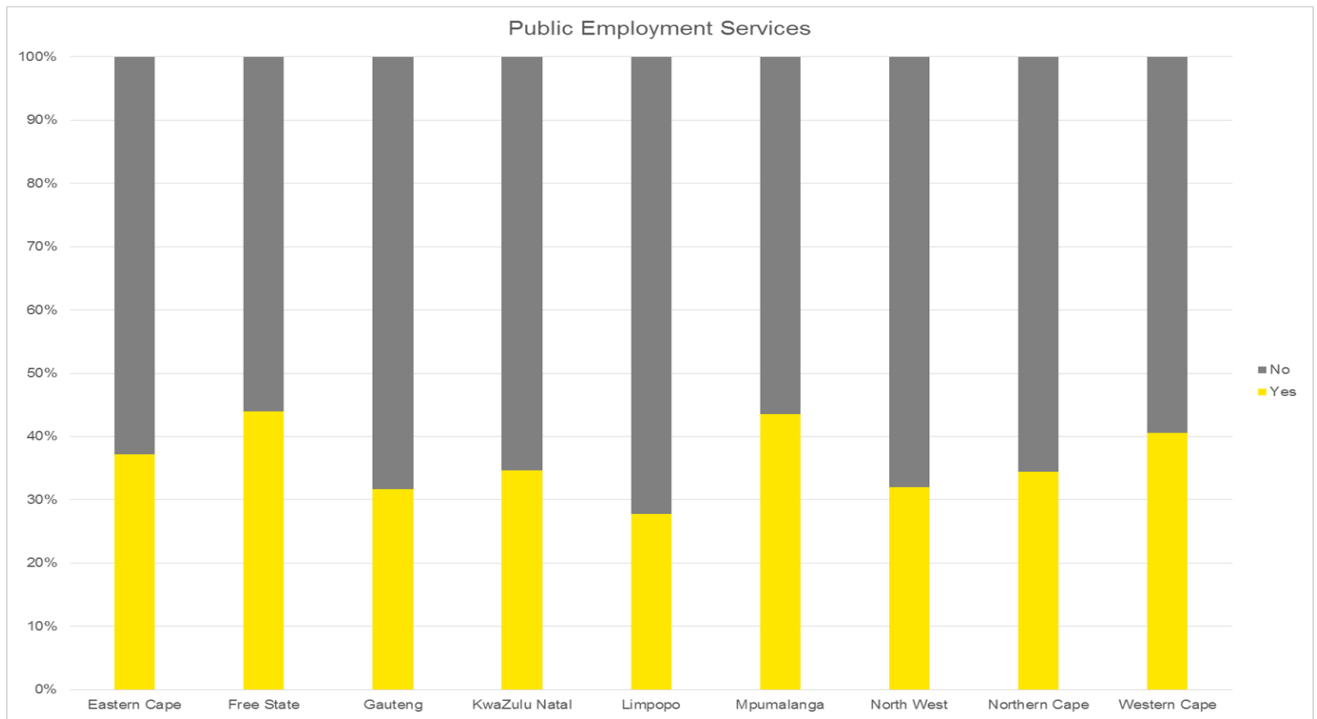
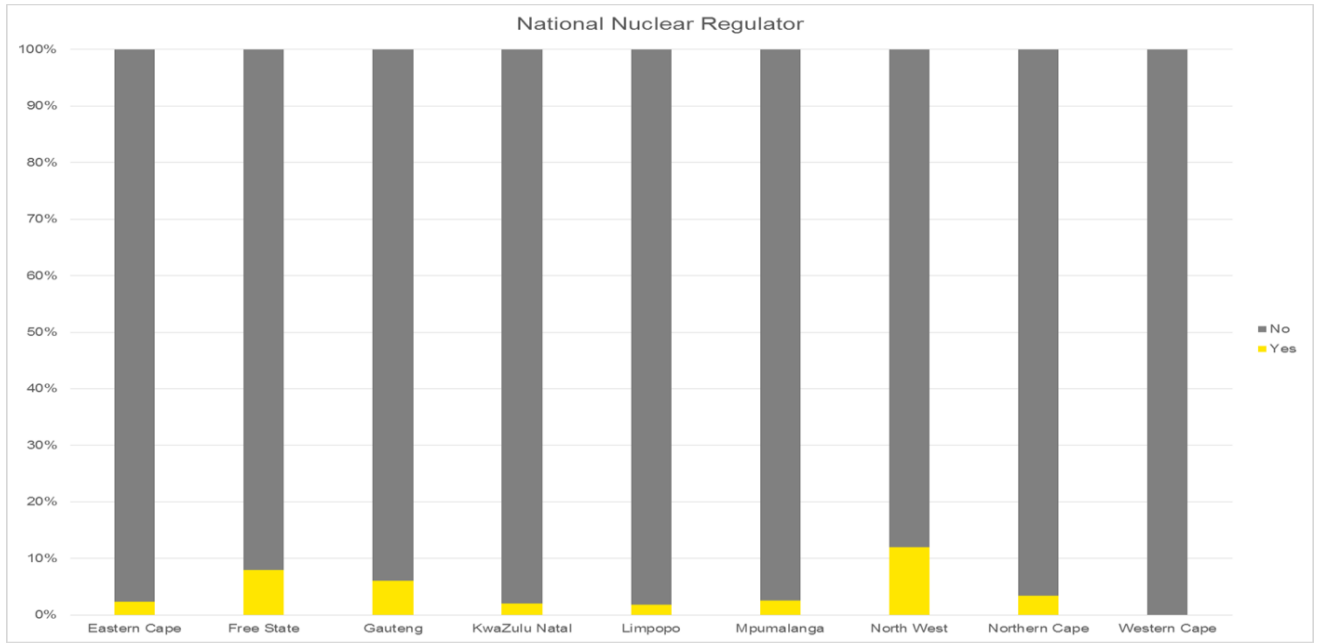


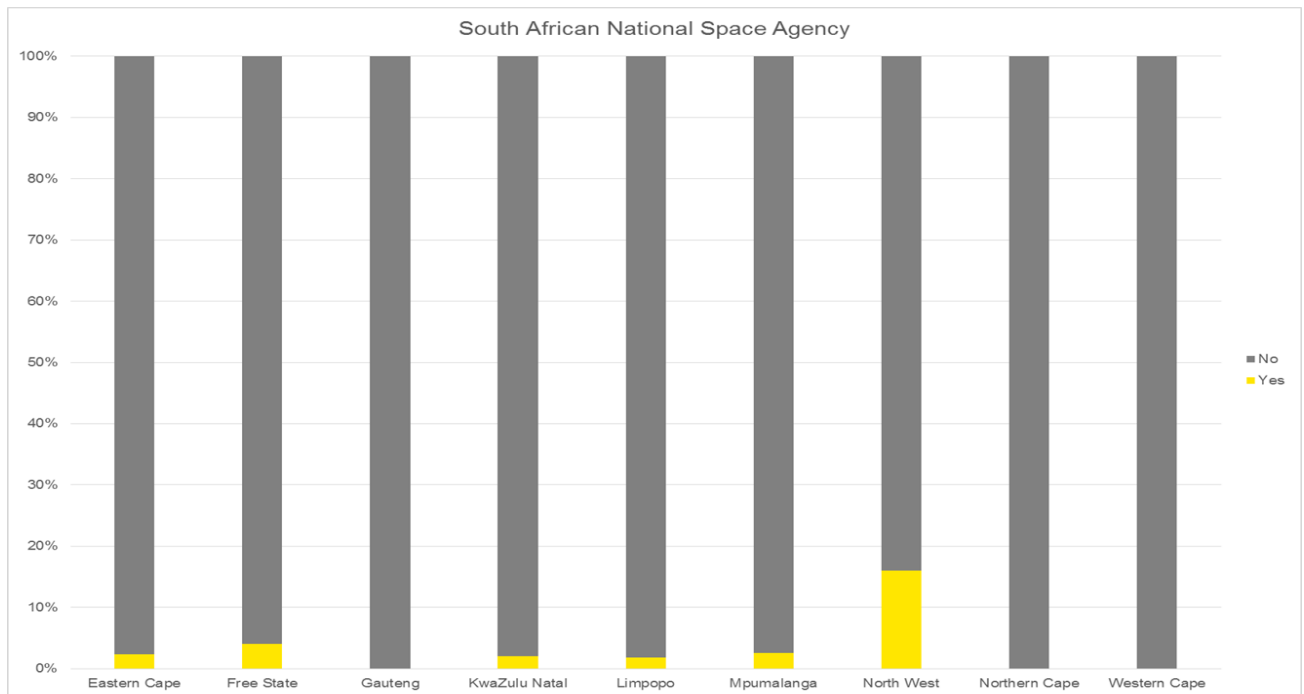
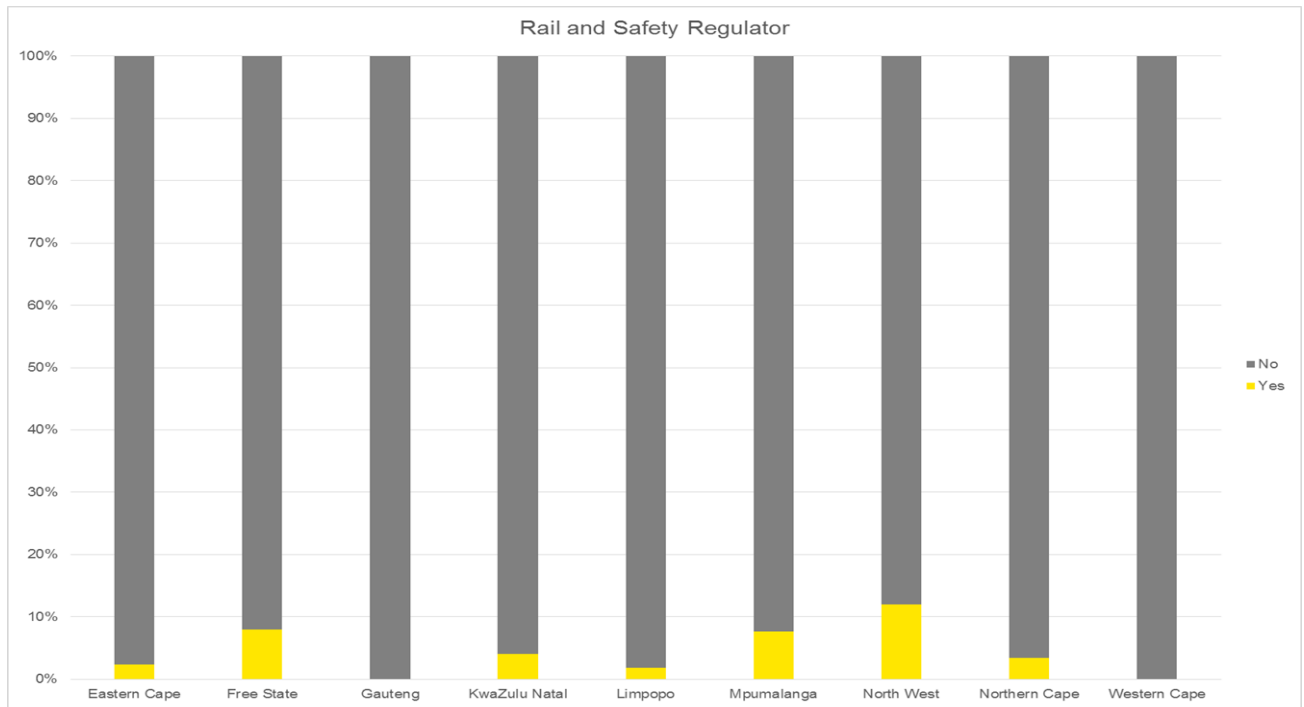


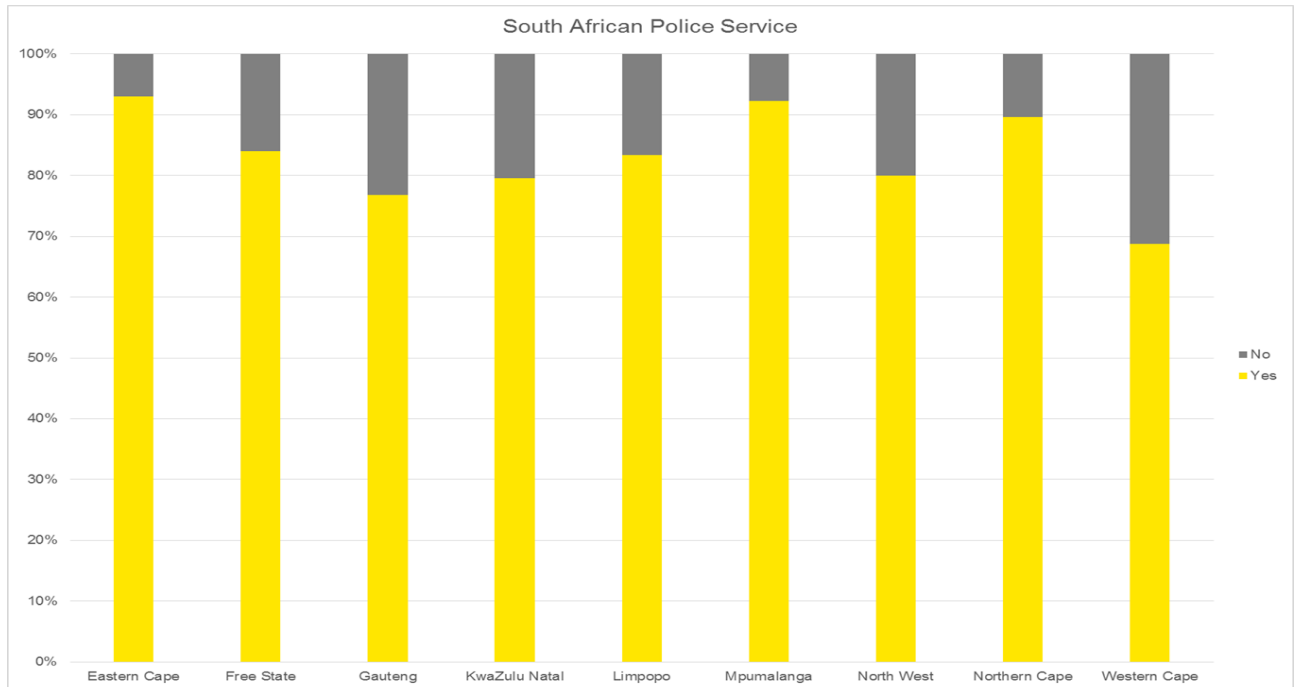




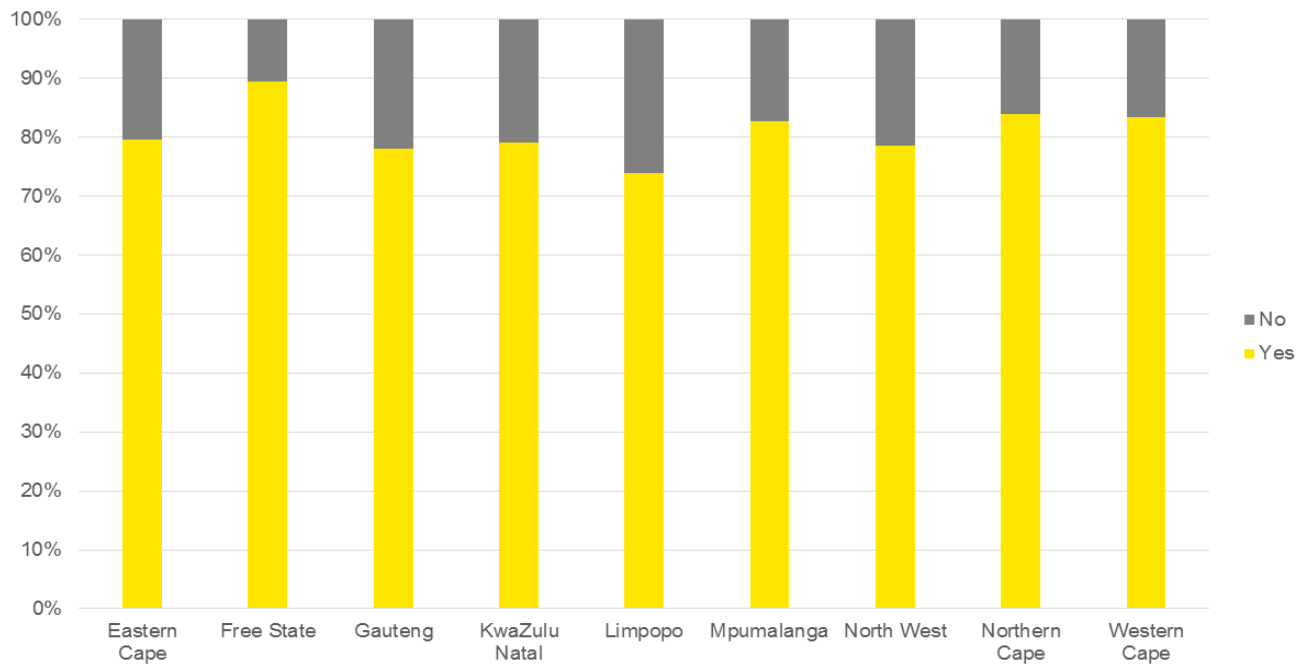




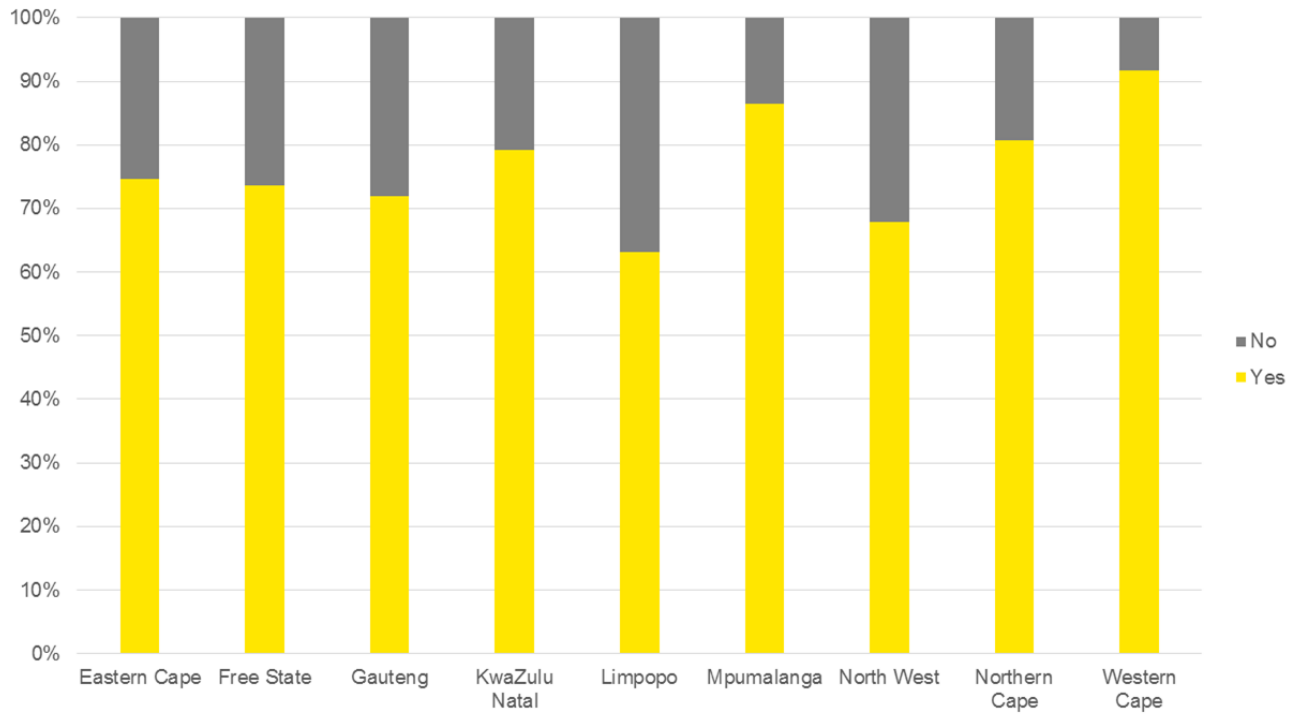




Employers

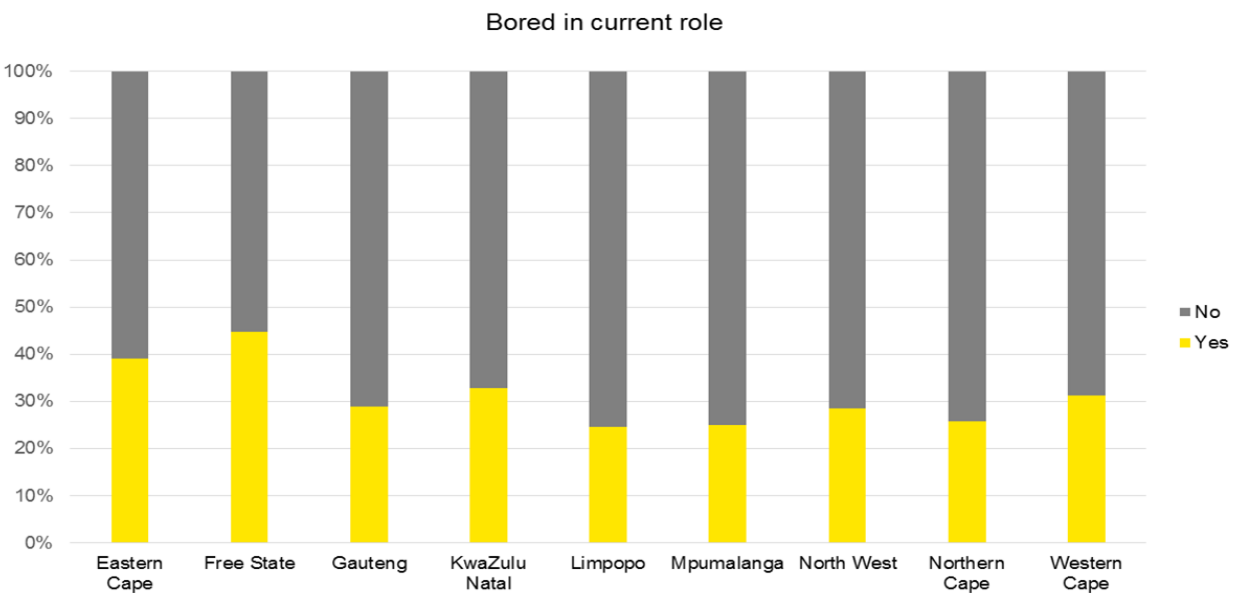
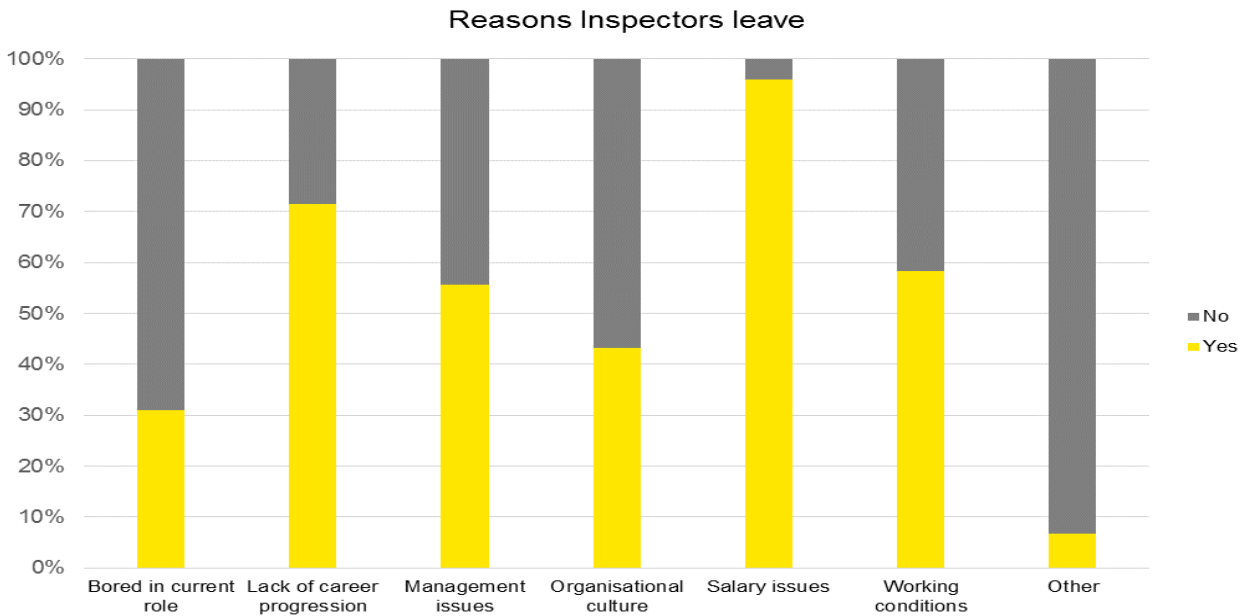


Trade unions

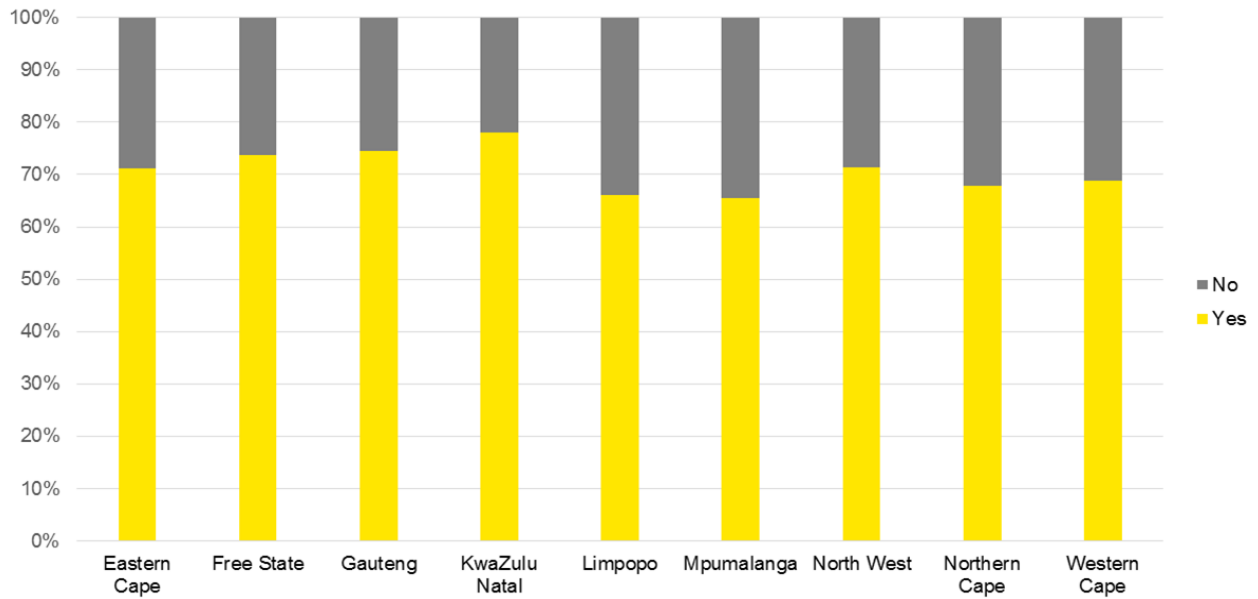


Appendix P: Reasons why inspectors leave their jobs per province

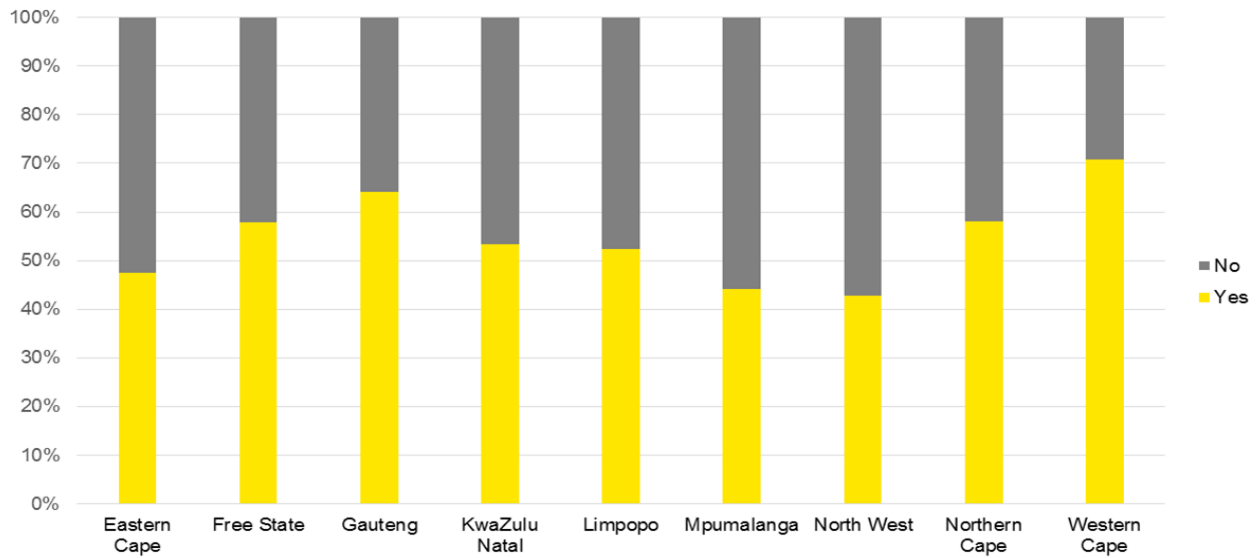
National



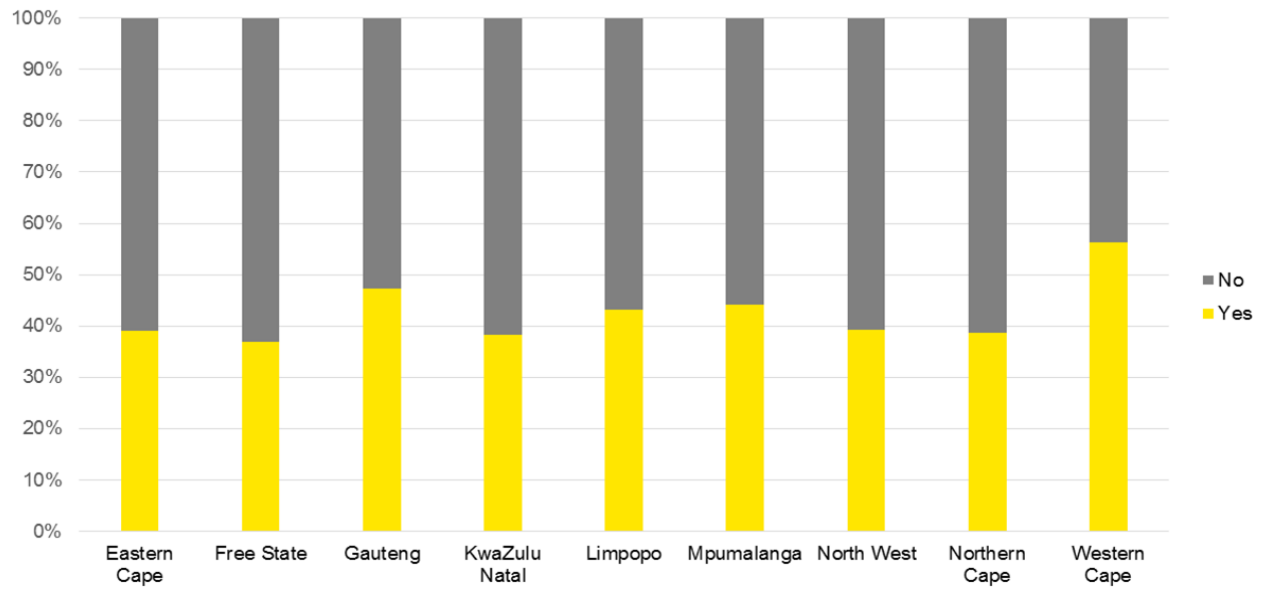
Lack of career progression



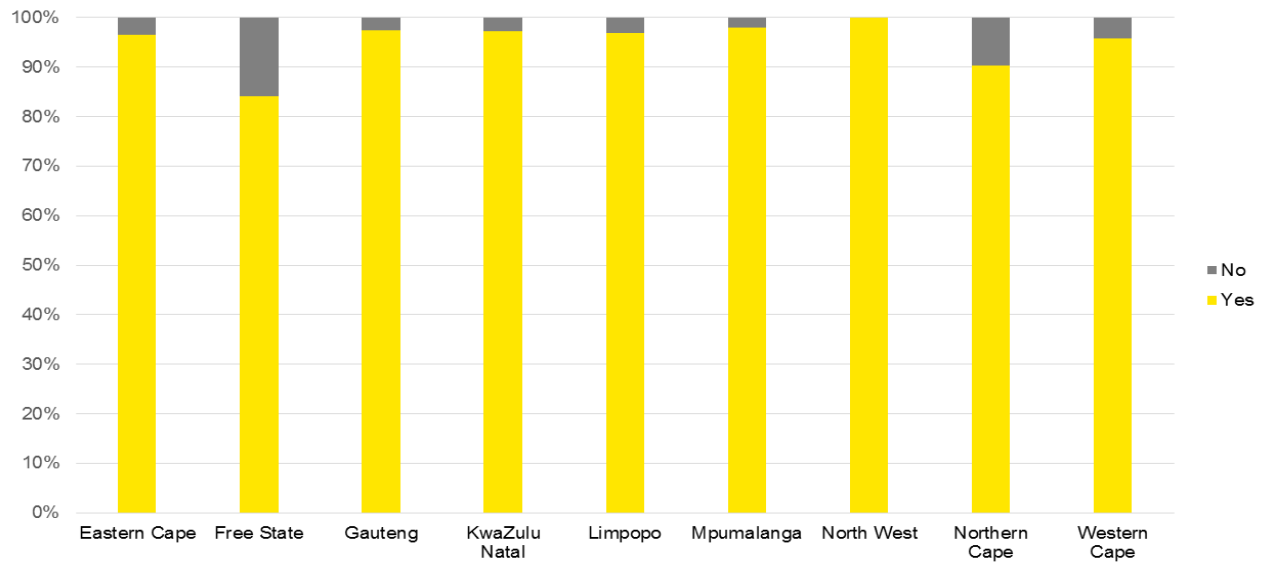
Management issues

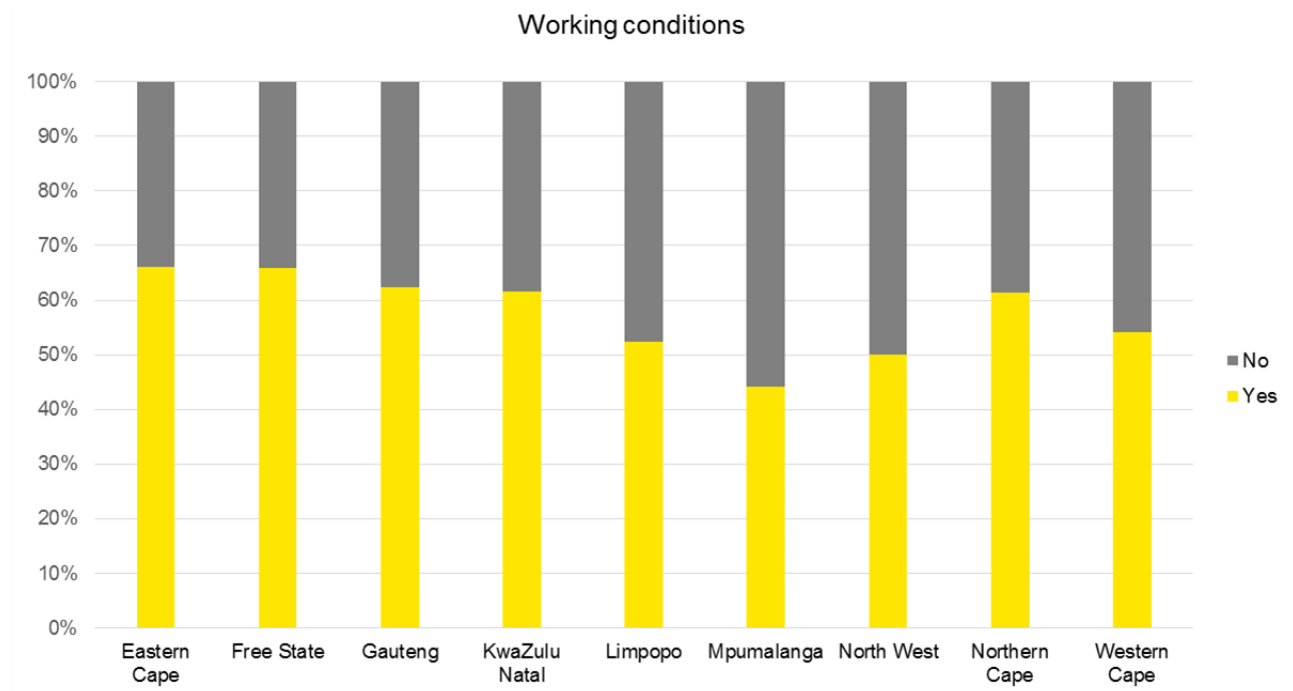


Organisational culture



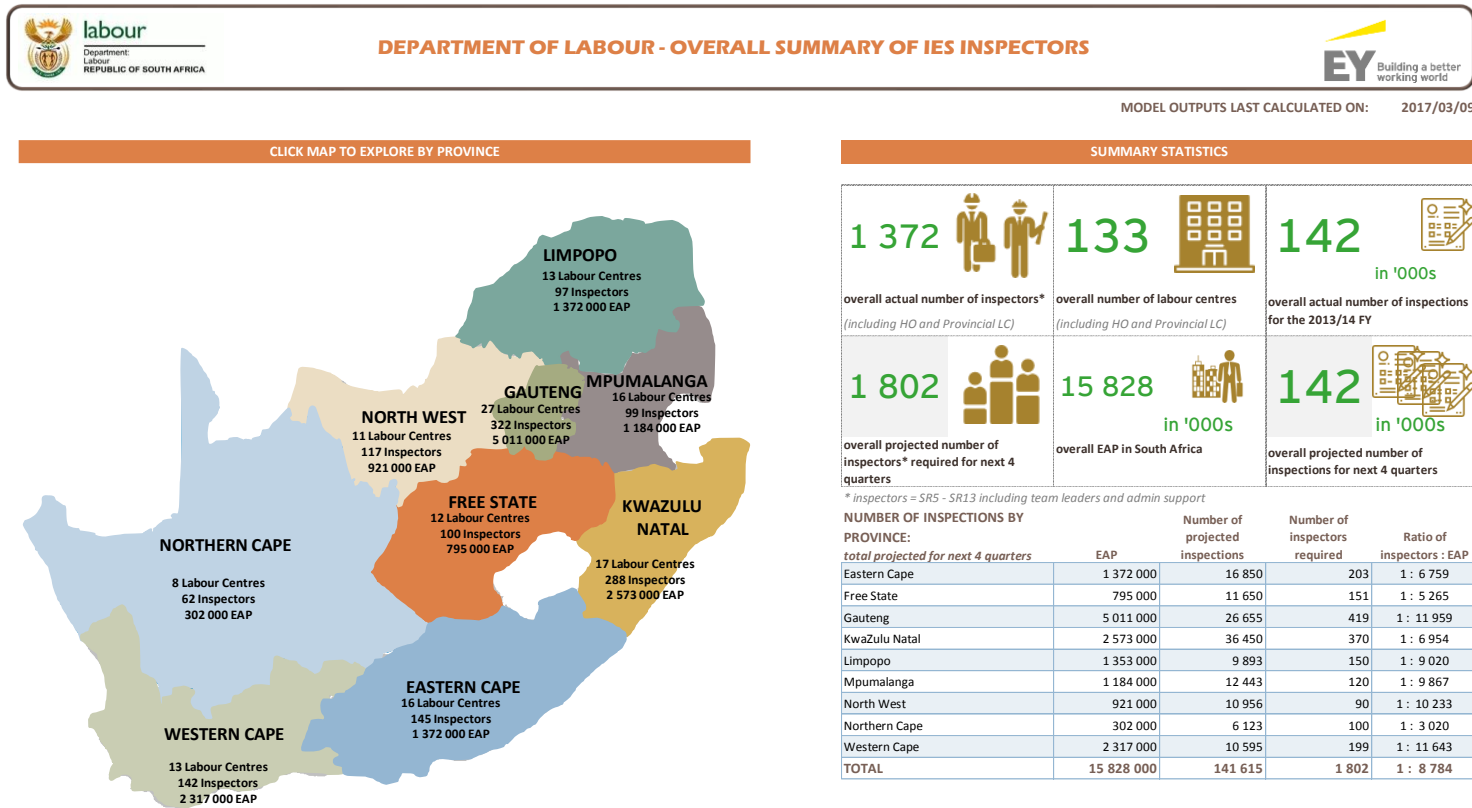
Salary issues



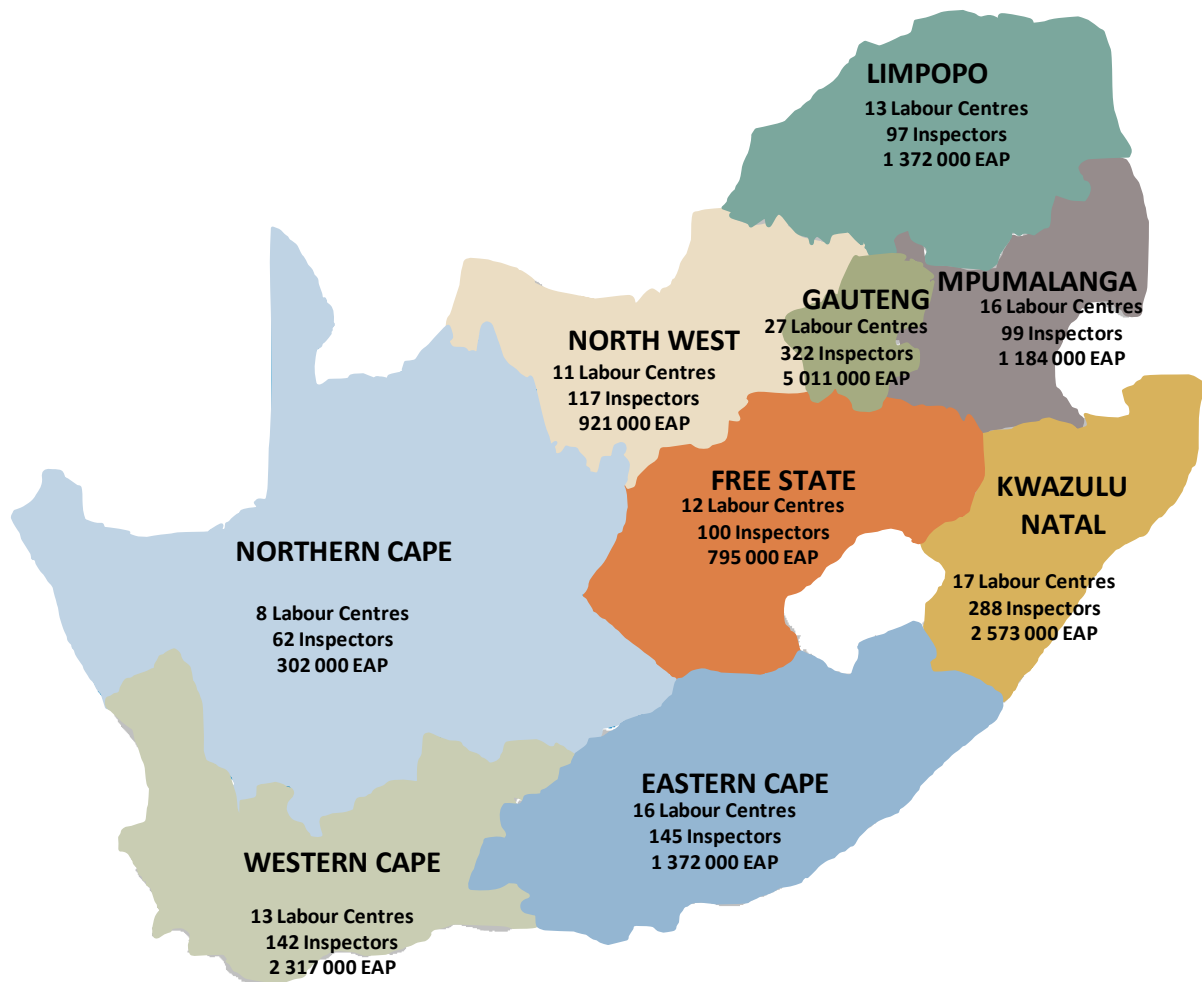


Appendix Q: Data modelling demonstration







The model at a national level:



CLICK MAP TO EXPLORE BY PROVINCE



SUMMARY STATISTICS

<p>1 372 </p> <p>overall actual number of inspectors* <i>(including HO and Provincial LC)</i></p>	<p>133 </p> <p>overall number of labour centres <i>(including HO and Provincial LC)</i></p>	<p>142 </p> <p>in '000s</p> <p>overall actual number of inspections for the 2013/14 FY</p>
<p>1 802 </p> <p>overall projected number of inspectors* required for next 4 quarters</p>	<p>15 828 </p> <p>in '000s</p> <p>overall EAP in South Africa</p>	<p>142 </p> <p>in '000s</p> <p>overall projected number of inspections for next 4 quarters</p>

* inspectors = SR5 - SR13 including team leaders and admin support

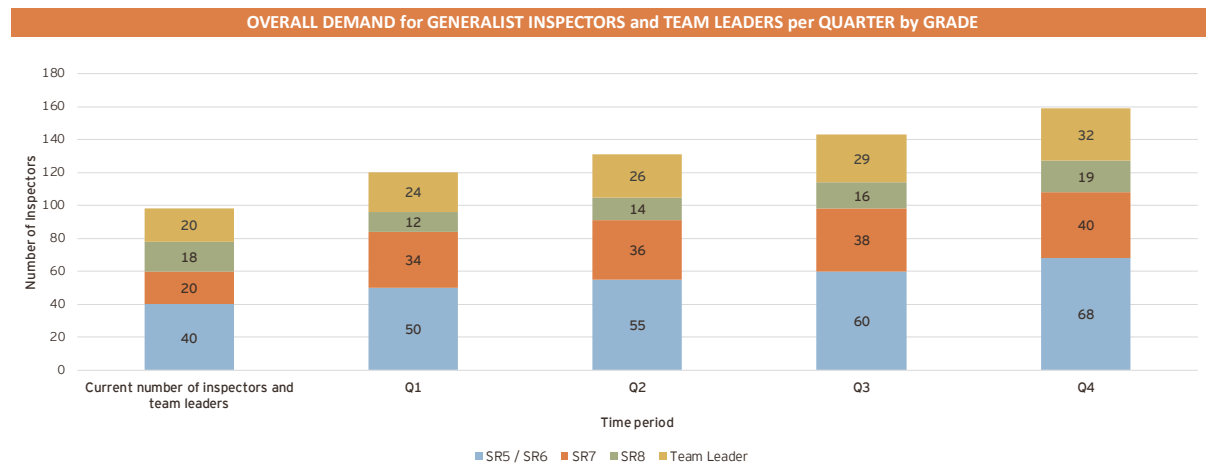
NUMBER OF INSPECTIONS BY PROVINCE:

<i>total projected for next 4 quarters</i>	EAP	Number of projected inspections	Number of inspectors required	Ratio of inspectors : EAP
Eastern Cape	1 372 000	16 850	203	1 : 6 759
Free State	795 000	11 650	151	1 : 5 265
Gauteng	5 011 000	26 655	419	1 : 11 959
KwaZulu Natal	2 573 000	36 450	370	1 : 6 954
Limpopo	1 353 000	9 893	150	1 : 9 020
Mpumalanga	1 184 000	12 443	120	1 : 9 867
North West	921 000	10 956	90	1 : 10 233
Northern Cape	302 000	6 123	100	1 : 3 020
Western Cape	2 317 000	10 595	199	1 : 11 643
TOTAL	15 828 000	141 615	1 802	1 : 8 784

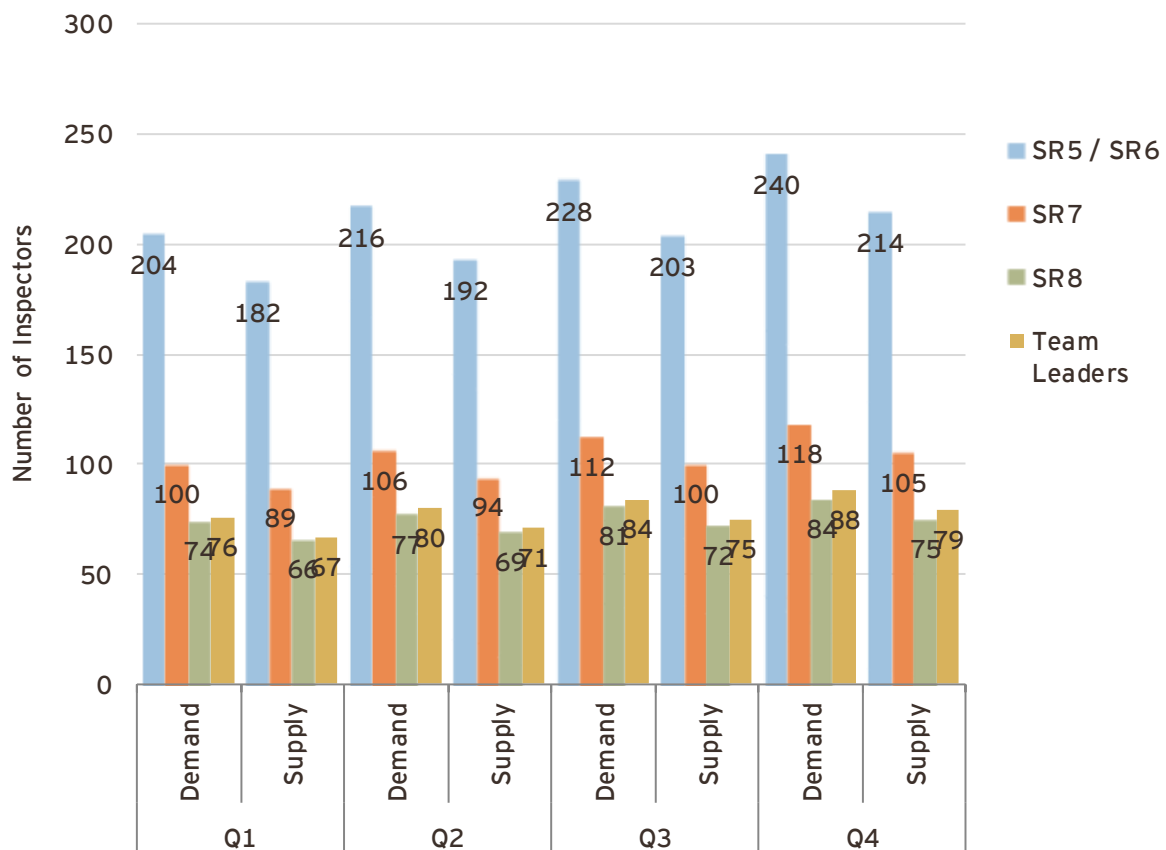
NUMBER OF INSPECTION TYPES

BY PROVINCE:

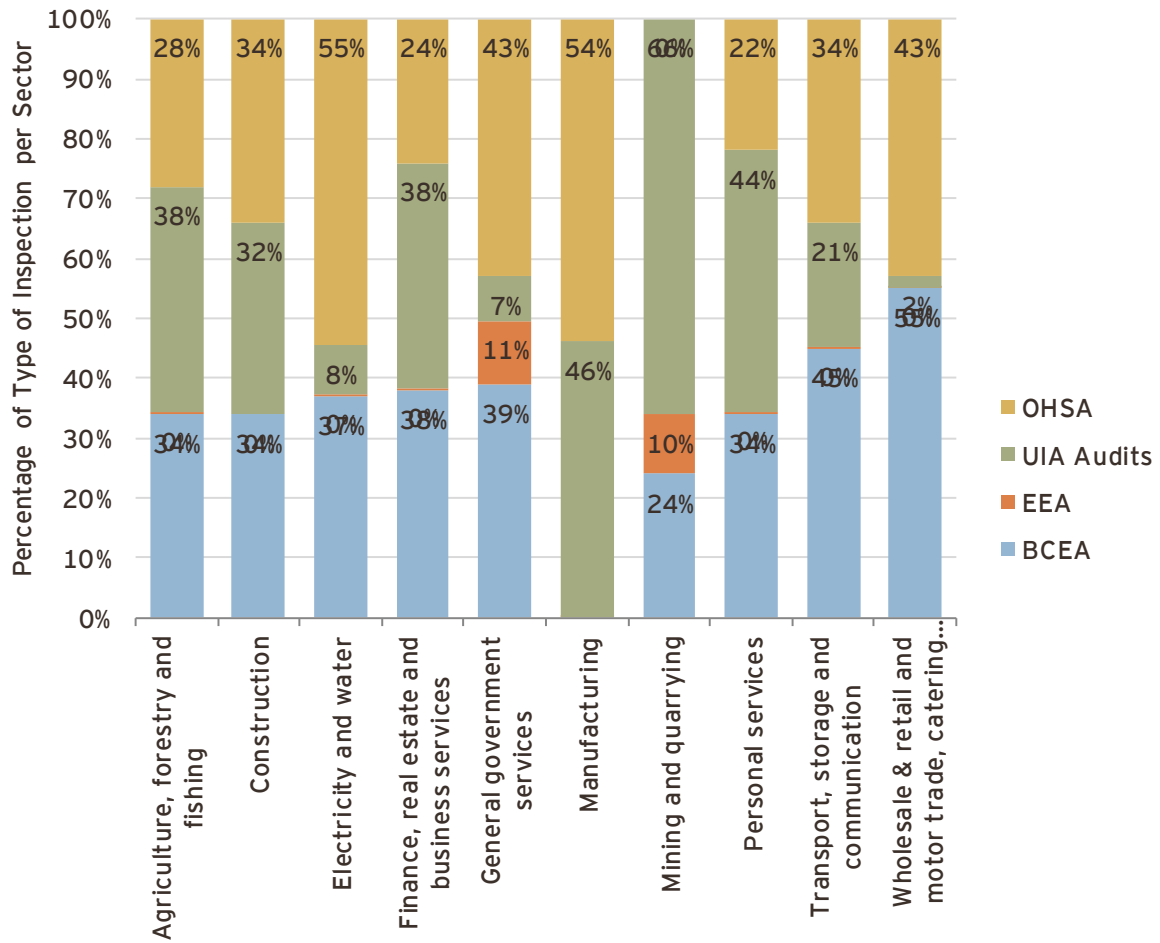
<i>projected for next 4 quarters</i>	BCEA	EEA	UIA Audits	OHSA
Eastern Cape	13 076	54	594	3 126
Free State	9 429	0	894	1 327
Gauteng	14 534	80	908	11 133
KwaZulu Natal	24 041	74	913	11 422
Limpopo	5 330	1 048	799	2 716
Mpumalanga	9 391	21	563	2 468
North West	7 777	0	589	2 590
Northern Cape	5 028	22	465	608
Western Cape	9 121	19	12	1 443
TOTAL	97 727	1 318	5 737	36 833



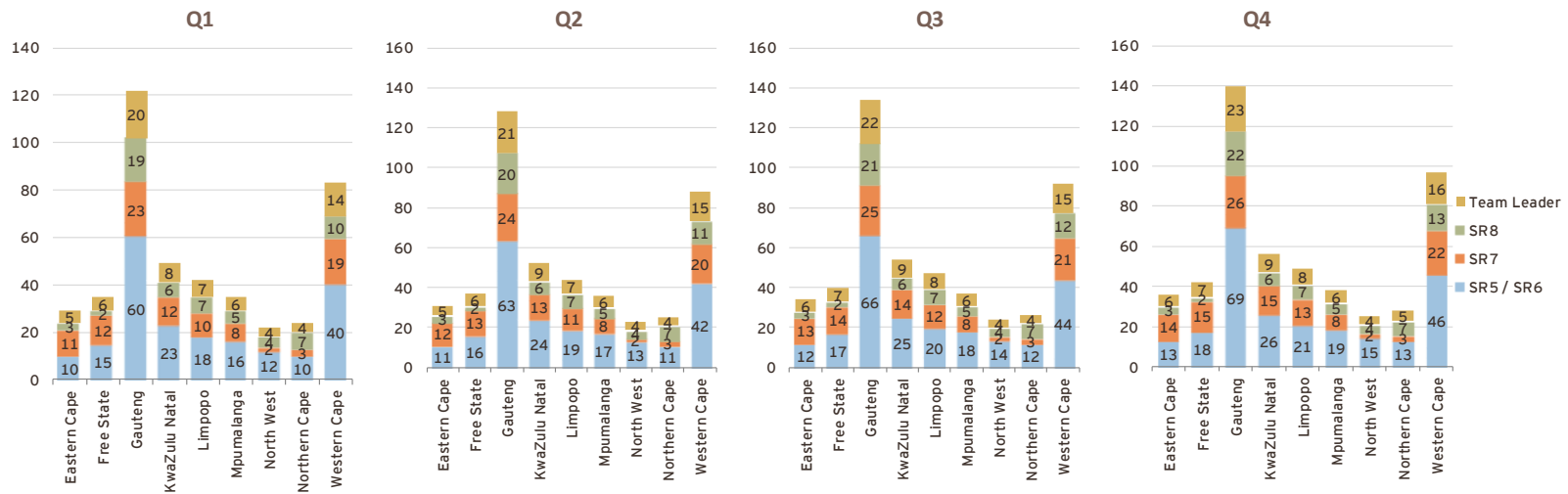
DEMAND vs SUPPLY of INSPECTORS and TEAM LEADERS



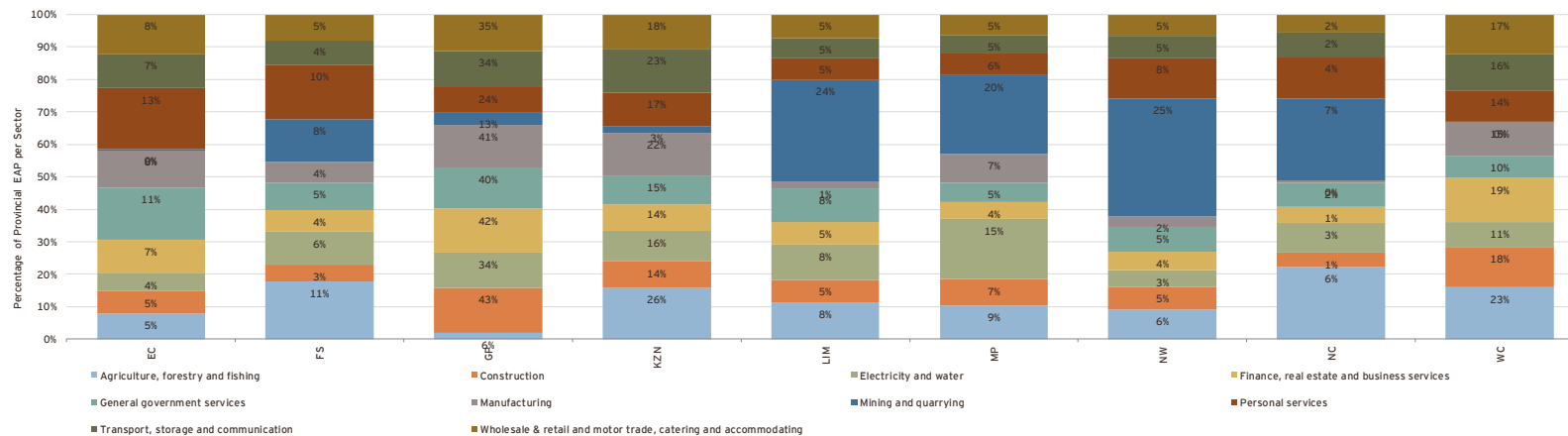
TYPE of INSPECTIONS by SECTOR

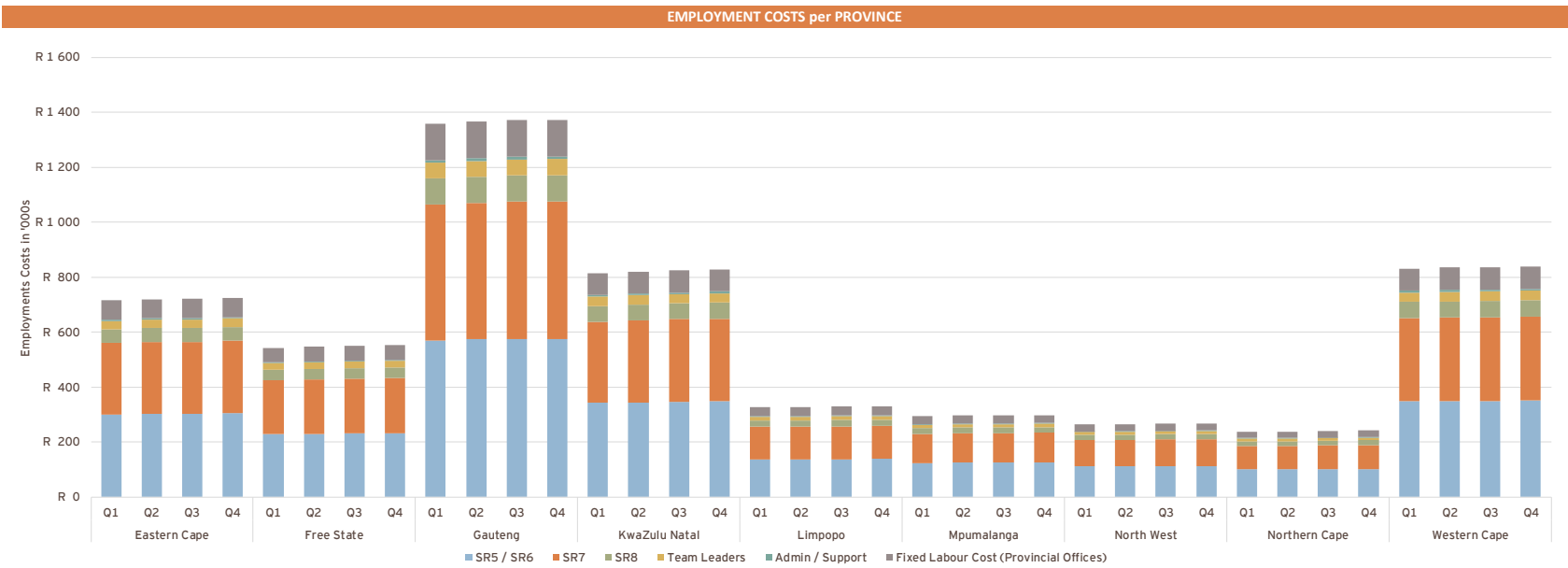


PROVINCIAL DEMAND for INSPECTORS and TEAM LEADERS per QUARTER by GRADE



ECONOMIC SECTOR SPLIT by PROVINCE





The model at a provincial level:

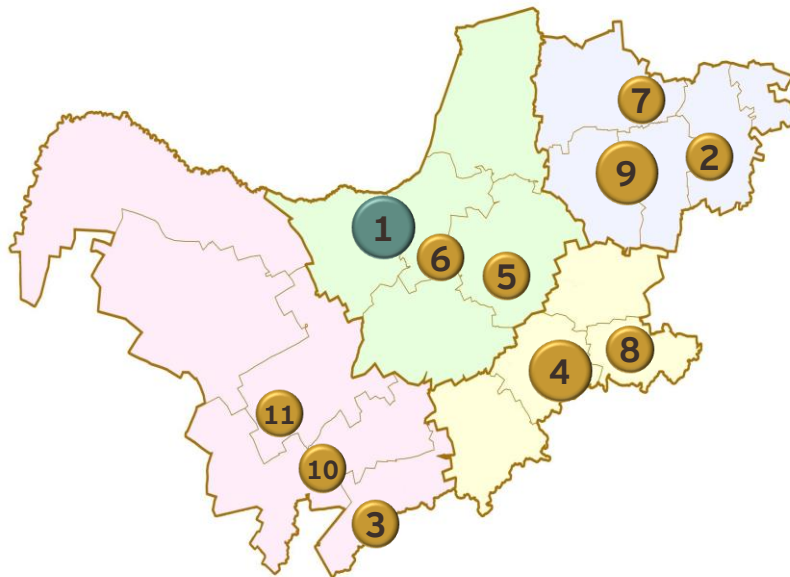


DEPARTMENT OF LABOUR - SUMMARY OF IES INSPECTORS PROVINCE : NORTH WEST





MODEL OUTPUTS LAST CALCULATED ON: 2017/03/09

CLICK ON RELEVANT LABOUR CENTRE TO EXPLORE FURTHER



SUMMARY STATISTICS - NORTH WEST

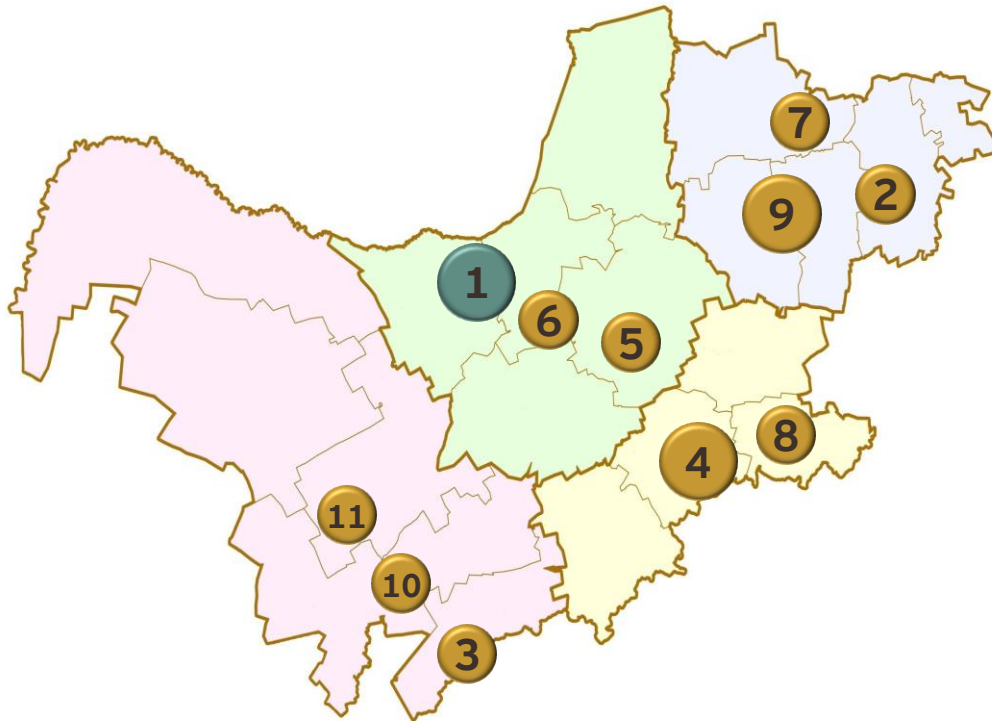
106		11		11	
overall actual number of inspectors* <small>(including HO and Provincial LC)</small>		overall number of labour centres <small>(including HO and Provincial LC)</small>		overall actual number of inspections for the 2013/14 FY <small>in '000s</small>	
0		921		11	
projected number of inspectors* required for next 4 quarters		EAP in North West <small>in '000s</small>		projected number of inspections for next 4 quarters <small>in '000s</small>	

* inspectors = SR5 - SR13 including team leaders and admin support







EAP, NUMBER OF INSPECTIONS & INSPECTORS PER LABOUR CENTRE:

	EAP	Number of projected inspections	Number of inspectors required	Ratio of inspectors : EAP
1 Provincial Office (North West)			24	
2 Brits LC	477 381	1 188	22	1 : 21 699
3 Christiana LC	53 248	324	6	1 : 8 875
4 Klerksdorp LC	657 390	1 782	33	1 : 19 921
5 Lichtenburg LC	168 902	540	10	1 : 16 890
6 Mafikeng LC	398 866	1 242	23	1 : 17 342
7 Mogwase LC	429 501	1 404	26	1 : 16 519
8 Potchefstroom LC	162 762	864	16	1 : 10 173
9 Rustenburg LC	751 337	2 160	40	1 : 18 783
10 Taung LC	201 956	864	16	1 : 12 622
11 Vryburg LC	166 144	864	16	1 : 10 384
12				

CLICK ON RELEVANT LABOUR CENTRE TO EXPLORE FURTHER



SUMMARY STATISTICS - NORTH WEST

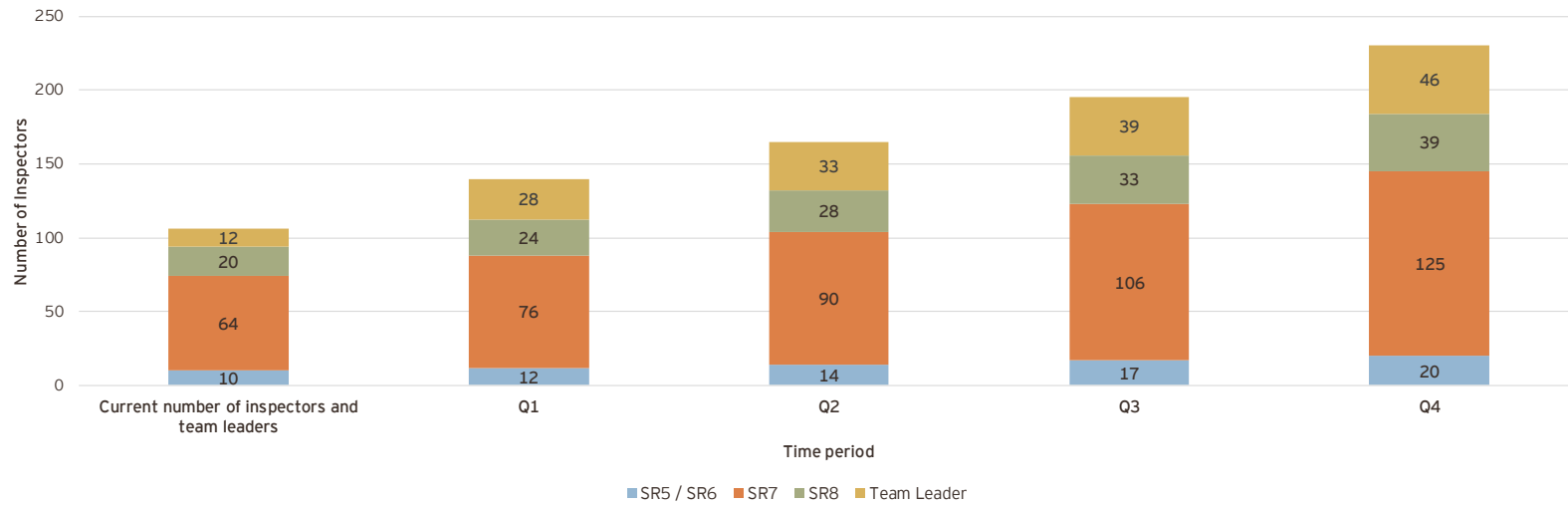
<p>106</p>  <p>overall actual number of inspectors* <i>(including HO and Provincial LC)</i></p>	<p>11</p>  <p>overall number of labour centres <i>(including HO and Provincial LC)</i></p>	<p>11</p>  <p>11 in '000s</p> <p>overall actual number of inspections for the 2013/14 FY</p>
<p>0</p>  <p>projected number of inspectors* required for next 4 quarters</p>	<p>921</p>  <p>921 in '000s</p> <p>EAP in North West</p>	<p>11</p>  <p>11 in '000s</p> <p>projected number of inspections for next 4 quarters</p>

* inspectors = SR5 - SR13 including team leaders and admin support

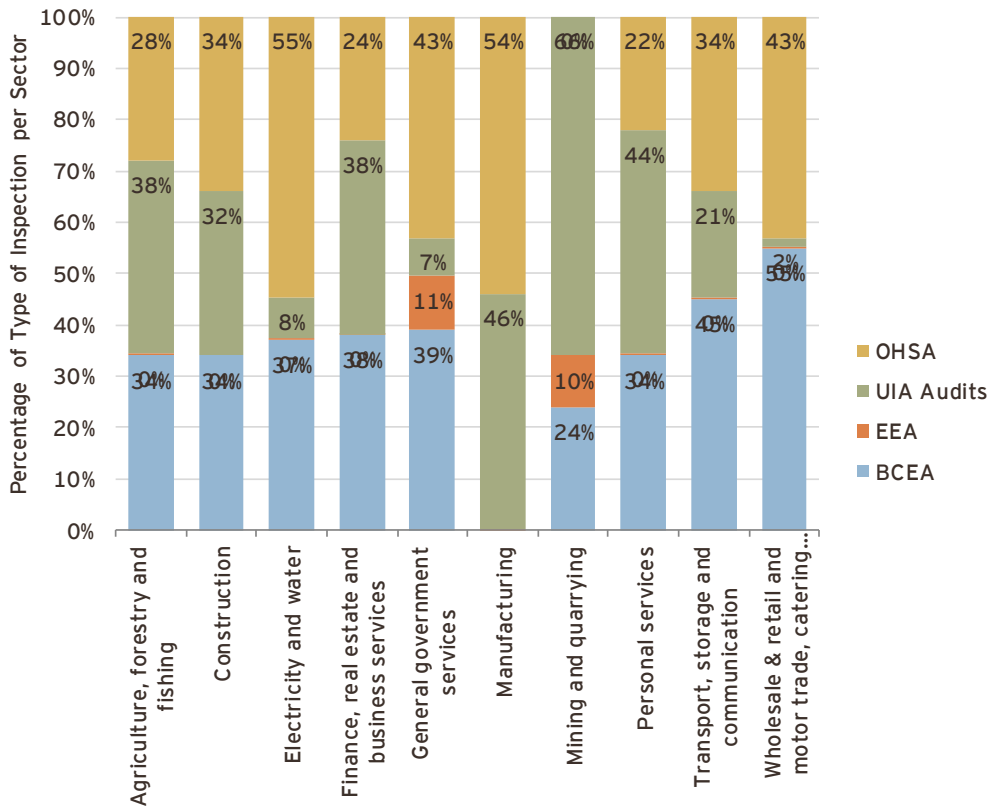
EAP, NUMBER OF INSPECTIONS & INSPECTORS PER LABOUR CENTRE:

<i>total projected for next 4 quarters</i>	EAP	Number of projected inspections	Number of inspectors required	Ratio of inspectors : EAP
Provincial Office (North West)			24	
Brits LC	477 381	1 188	22	1 : 21 699
Christiana LC	53 248	324	6	1 : 8 875
Klerksdorp LC	657 390	1 782	33	1 : 19 921
Lichtenburg LC	168 902	540	10	1 : 16 890
Mafikeng LC	398 866	1 242	23	1 : 17 342
Mogwase LC	429 501	1 404	26	1 : 16 519
Potchefstroom LC	162 762	864	16	1 : 10 173
Rustenburg LC	751 337	2 160	40	1 : 18 783
Taung LC	201 956	864	16	1 : 12 622
Vryburg LC	166 144	864	16	1 : 10 384

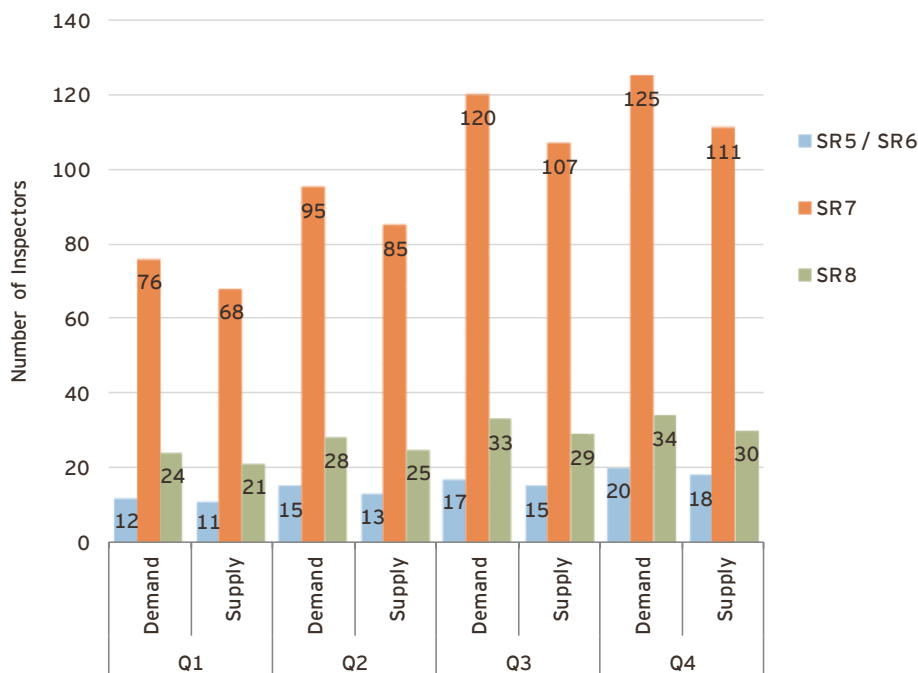
OVERALL DEMAND for GENERALIST INSPECTORS and TEAM LEADERS per QUARTER by GRADE



TYPE of INSPECTIONS by SECTOR

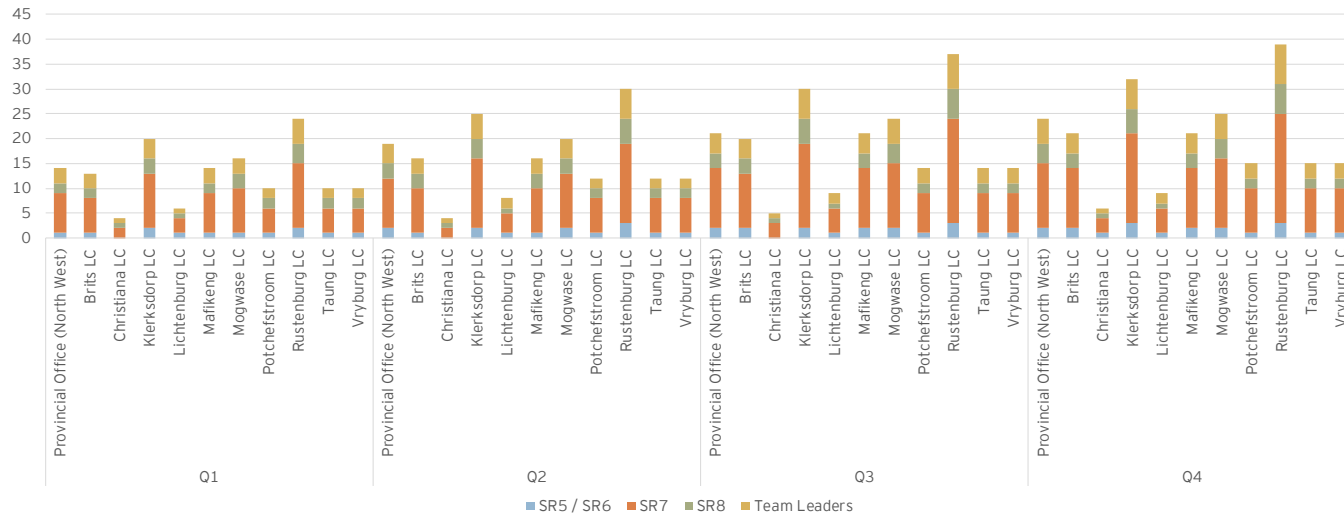


DEMAND vs SUPPLY of INSPECTORS and TEAM LEADERS

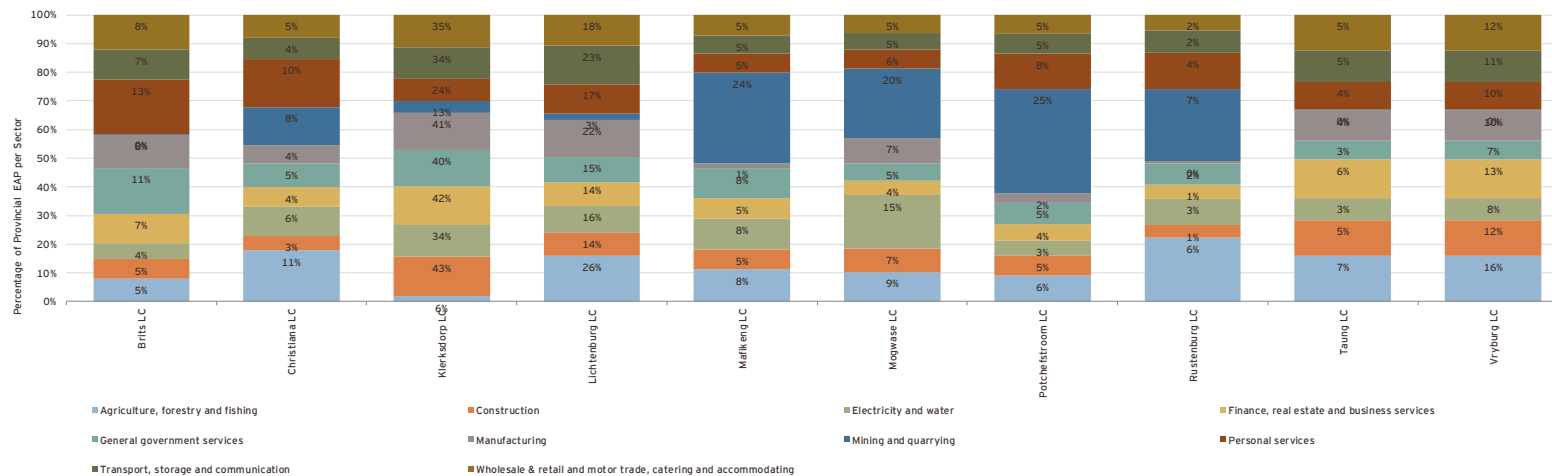


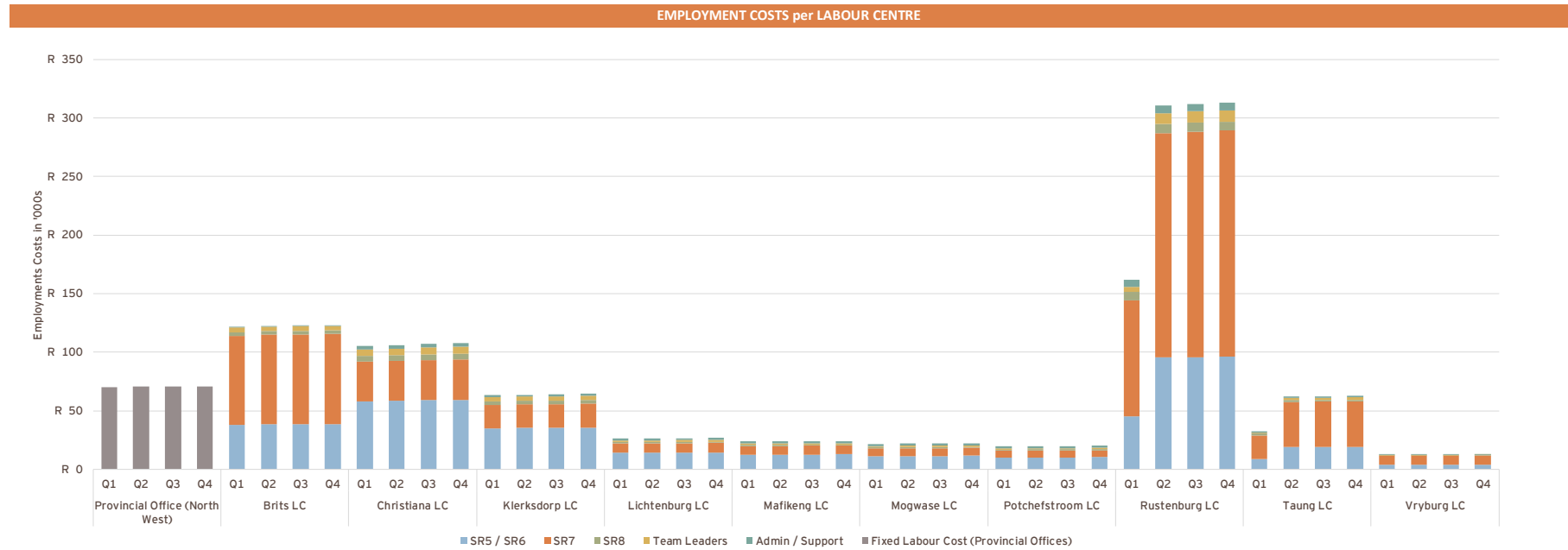
DEMAND for INSPECTORS and TEAM LEADERS by GRADE for each LABOUR CENTRE (per QUARTER)

SELECT QUARTER HERE



ECONOMIC SECTOR SPLIT by LABOUR CENTRE





The model at a Labour Centre level:

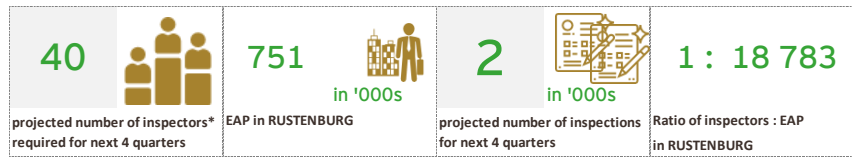


DEPARTMENT OF LABOUR - SUMMARY OF IES INSPECTORS LC : RUSTENBURG



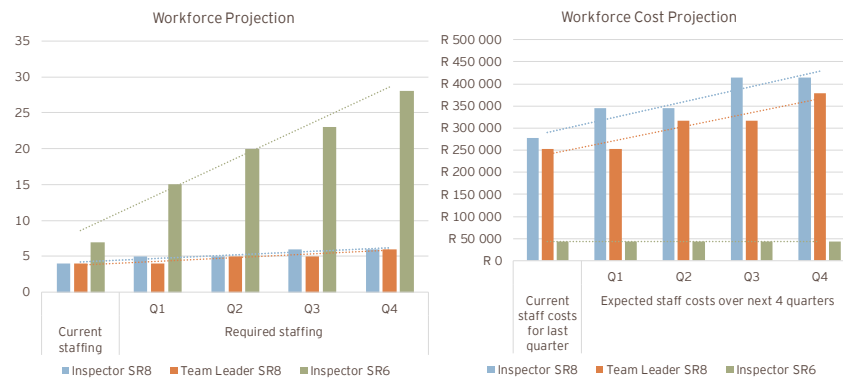
MODEL OUTPUTS LAST CALCULATED ON: 2017/03/09

SUMMARY STATISTICS

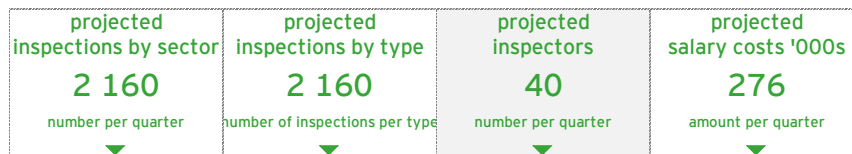


* inspectors = SR5 - SR13 including team leaders and admin support

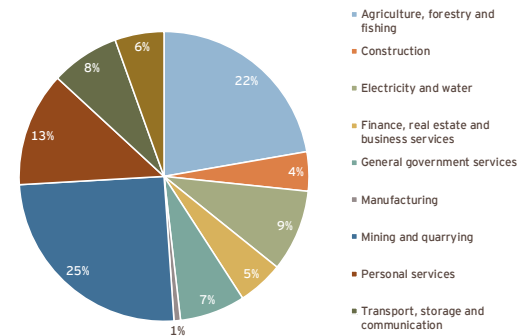
BREAKDOWN of WORKFORCE PROJECTION and STAFF COSTS in RUSTENBURG



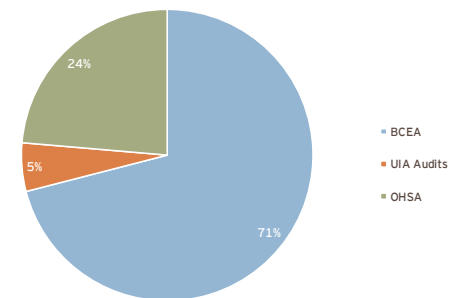
SUMMARY of NUMBER of INSPECTIONS, INSPECTORS & COSTS



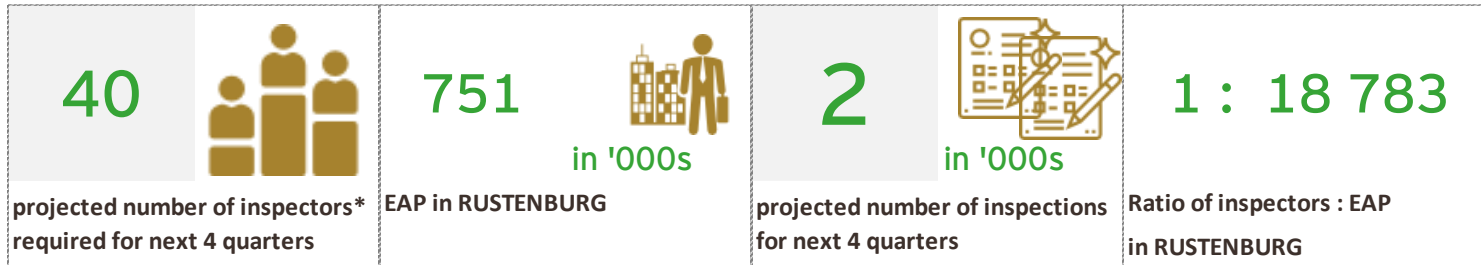
SECTOR split



TYPE of INSPECTION

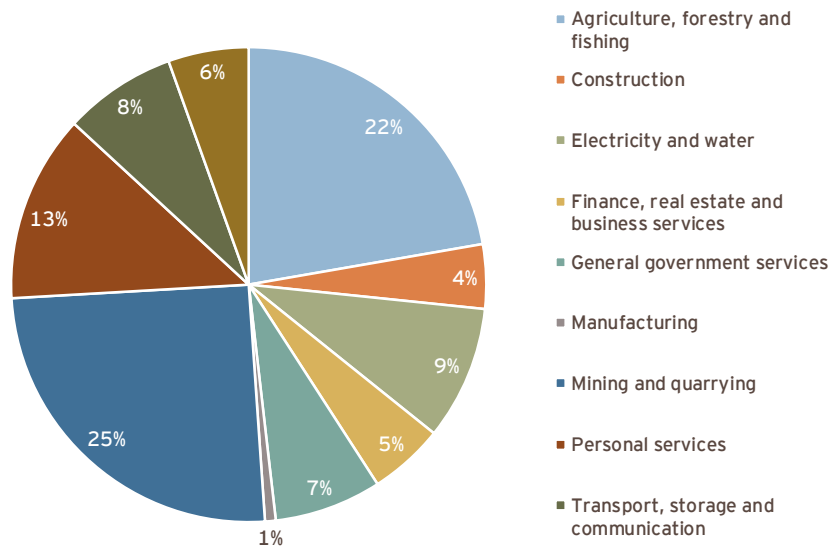


SUMMARY STATISTICS

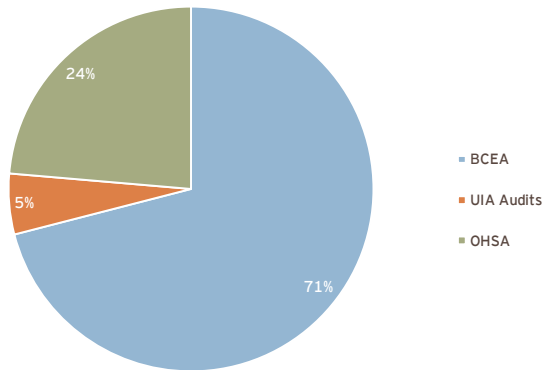


* inspectors = SR5 - SR13 including team leaders and admin support

SECTOR split

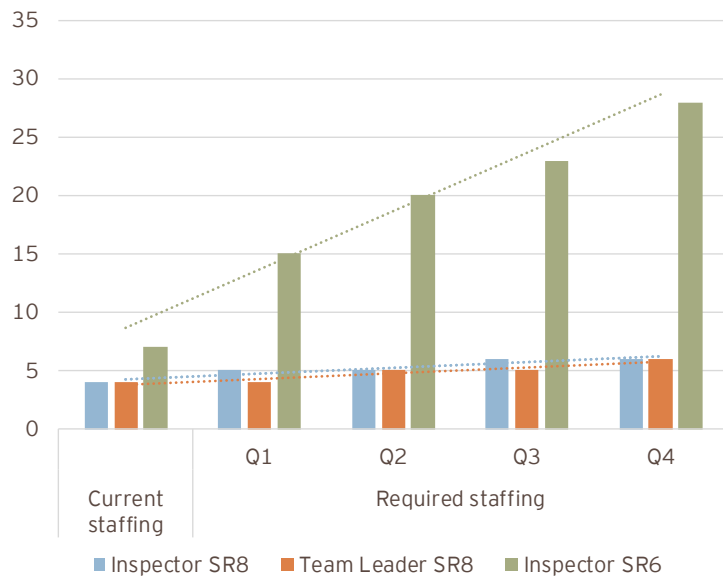


TYPE of INSPECTION

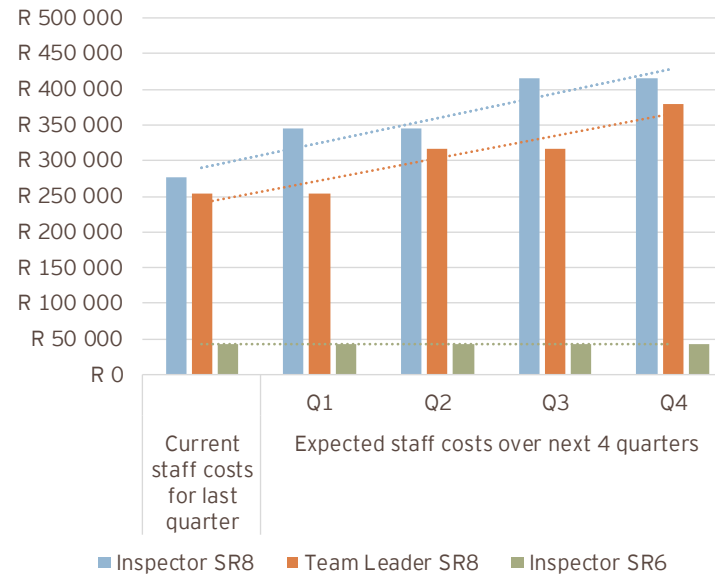


BREAKDOWN of WORKFORCE PROJECTION and STAFF COSTS in RUSTENBURG

Workforce Projection

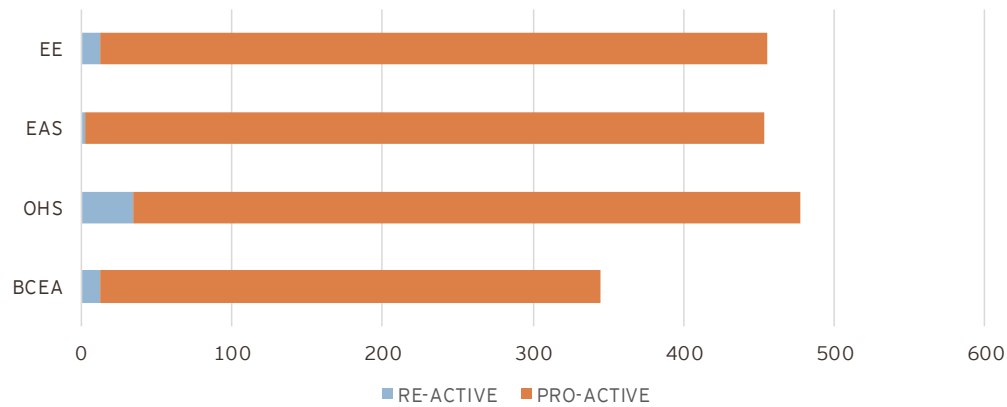


Workforce Cost Projection



RE-ACTIVE and PRO-ACTIVE INSPECTIONS by TYPE

	BCEA	OHS	EAS	EE
RE-ACTIVE	12	34	2	12
PRO-ACTIVE	333	444	452	444
TOTAL	345	478	454	456



SUMMARY of NUMBER of INSPECTIONS, INSPECTORS & COSTS

<p>projected inspections by sector</p> <p>2 160</p> <p>number per quarter</p>	<p>projected inspections by type</p> <p>2 160</p> <p>number of inspections per type</p>	<p>projected inspectors</p> <p>40</p> <p>number per quarter</p>	<p>projected salary costs '000s</p> <p>276</p> <p>amount per quarter</p>
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Appendix R: Images from Labour Centres

Images below demonstrate the storage space in some Labour Centres and how case documentation was stored.



The images below were taken while on fieldwork. Three images illustrate the lack of consistency of documentation across different Labour Centres. The other images are of the site visits conducted, and of the Labour Centres.



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