



National Economic
Development and
Labour Council

BRIEFING NOTE: NEDLAC 30 YEAR OF DEMOCRACY PROJECT

Nedlac social partners reflecting on 30 years of democracy and planning for the future

Theme: Labour market, social protection and the just transition

Sub-theme: Labour protection (rights, conditions of work, health and safety, employment equity)

Welcome to the discussion on labour protection, which will cover:

- Labour legislation, including the LRA, BCEA, EEA and National Minimum Wage Act
- Occupational health and safety at work;

This briefing note will assist you in your discussion by:

- Highlighting key issues¹
- Setting out questions for you to consider.

You are free to add additional issues and questions to your discussion.

A. Key issues

1. Indlulamithi Scenarios

The Indlulamithi project has identified the following variables and driving forces to consider when planning for future scenarios:

- Despite improved labour protection, job losses, wage decreases, automation, and casualisation will deepen workers' insecurity.
- Globalisation, especially offshoring of work and digital disruption/4IR processes, has put pressure on jobs and diminished trade unions' power to shape political debates in many parts of the world.
- Social dis(connect)edness is a significant site of inequality in SA. Job-seeking youth feel that their most significant barrier to entry is not knowing the right people.

2. Achievements and changes

- There has been a significant revision of labour legislation since 1994, including extending rights to farm and domestic workers and introducing new legislation, including the National Minimum Wage Act.
- Institutions, such as the Employment Equity Commission, National Minimum Wage Commission, and Occupational Health and Safety Council, that include social partner

¹ These issues have been sourced from various documents including the DPME 30 year review, Indlulamithi scenarios, AfDG dialogues held in 2022/23 and work in Nedlac.



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representation, have been set up to support the regulation and governance of the labour market.

- The most prominent labour matters in recent years are the Marikana tragedy (2012), the Lily Mine disaster (2016), and the introduction of a national minimum wage (2019). (30-year: 64). More recently, 34 construction workers died in George, five at eNgcobo and four in Ballito, while 11 fishermen were missing and presumed drowned off the Hout Bay coast, highlighting the lack of attention to health and safety at many workplaces.
- On the impact of employment equity legislation, African representation in top management increased from 6% to 17% in 2021 and senior management from 9 to 15,6% over the same period (Summary: 22)
- About 4.3% of entry-level jobs in the labour market are made up of foreign nationals (EE Commission, 2020 – 21 Annual Report)
- Representation of persons with disabilities in the workforce have remained consistently low, at 1.3% in 2020, 2021, and 2022 (EE Commission, 2020 – 21 Annual Report)
- The introduction of a minimum wage for farmworkers increased hourly wages by 5.6%, increased the chance that a worker stayed employed, increased household income by about 6.3%, and decreased the poverty rate, argues a study by DPRU (quoted in Business Day 20/7/2024).

B. Questions to be addressed

a) What are the **achievements and lessons in respect of labour protection**?

Consideration should be given to the

- The ability of the Department of Labour, bargaining councils, the CCMA, employers and unions to apply and implement changes to legislation;
- Whether legislation, especially the Employment Equity Act, has achieved transformational objectives and
- Have changes to labour laws and institutions kept pace with the changing nature of the labour market, including casualisation, flexible work arrangements, digitalisation and rising temperatures.

b) While the labour law reform process is ongoing, what **additional focuses or areas of attention** can the government execute by working with social partners to improve labour protection, including in respect of implementation and enforcement and especially of vulnerable workers and occupational health and safety?

c) What **role should Nedlac** play in achieving these?