

REPORT OF THE SELECT COMMITTEE ON PUBLIC PARTICIPATION, PETITIONS AND MEMBERS' LEGISLATIVE PROPOSAL OF THE 5TH MPUMALANGA PROVINCIAL LEGISLATURE

WORKERS' PARLIAMENT 2015

1. INTRODUCTION

The Constitution of the Republic of South Africa empowers the Legislative arm of the state, particularly the Mpumalanga Provincial Legislature with responsibilities inclusive of Law-making and Executive Oversight. Section 118 indicates that the legislature in executing its responsibilities must involve the public. As part of the mechanism, noting that public involvement in the Legislative process must find expression in all committees and activities of the Legislature, the Legislature has established a Select Committee on public participation, petitions and members' legislative proposals hereinafter referred to as the Committee to intensify public involvement in the Legislative Activities.

The Committee, in line with its delegated function, presides over sectorial parliaments. One of the Sectorial Parliaments which the Committee presided over is the Workers' Parliament. The Legislature has therefore delegated the Committee to conduct a Workers' Parliament.

2. OBJECTIVES

As part of strengthening the oversight role of the Legislature, the strategic objectives of the project are inter alia:

- To educate and share information with workers.
- Facilitate a direct oversight exercise, involving all the role players i.e. the Legislature, executive and the targeted beneficiaries in one sitting.
- Provide space for positive engagement on economics of our Province

3. THEME

The Legislature moving forward with workers in managing the second transition.

4. THEMATIC AREAS

The following were topics for discussion by the Workers' Parliament 2015:

- The legislative reforms in the labour market.
- The triple challenge: the role of workers in navigating the economic landscape.
- 30 years of organized labour: Defending the gains of democracy and advancing a national minimum wage.

5. STAKEHOLDERS

The following were identified stakeholders:

- Labour federations
- Department of Labour
- Employers organisations, National Federated Chamber of Business (NAFCOC), South African Chamber of Business (SACOB), Black Management Forum (BMF) etc,
- Commission for Conciliation Mediation and Arbitration (CCMA)
- Members of the public
- The unemployed
- Local Community (Rural)
- Department of Labour

6. METHOD OF WORK

The project team conducted three districts workshops in preparation for the Workers' Parliament. The Select Committee met on 03 June 2015 to discuss the state of readiness to host the Religious Parliament; subsequently, the Legislature hosted the Religious Parliament on the 05 June 2015 at the Legislature Chamber in Nelspruit.

The event focused on drawing the workers communities from three districts in the Province (Ehlanzeni, Nkangala and Gert Sibande). Each district was represented in all the debates, deliberations and commissions of the Parliament

The Workers Parliament 2015 was graced by the presence of the Minister of Labour, Hon. Mildred Olifant who delivered the keynote address. She started by indicating why was the reasons to make the recent amendments and what these amendments mean for the labour market in South Africa. She mentions the following clarities:

- First and foremost these amendments bring clarity to areas of the Labour Law that were ambiguous.
- They align our laws with the case law and address the gaps that are identified by the various courts of the land from time to time
- They bring about alignment with our international obligations as a country.
- They prohibit all abusive practices that are inherent in various forms of employment such as labour broking.
- They address certain aspects of the sectoral determinations in order to ensure that they remain meaningful to workers in the sectors concerned.

7. COMMISSIONS INPUTS

7.1 The legislative reforms in the labour market

- The commission recommend that the labour brokers must be banned.
- The Department of Labour should increase labour inspectors.
- The Department of Labour must conduct capacity workshops.
- Establish more than one Commission for Conciliation and mediation Agency (CCMA) offices per province, alternatively satellite offices per district municipalities.

- The Sector Education and Training Agency (SETA) should be labour biased in every respect.
- Equal pay for work of equal value.
- Unions training should be compulsory for workers.
- The resolutions of the commissions should implemented, monitored and evaluated – A report on progress to be given at next Workers Parliament sitting.

7.2 The triple challenge: the role of workers in navigating the economic landscape

- Workers must refrain from buying goods and services of that have been colluded on prices
- The income level must be adjusted to the inflation rate.
- Government must subsidise all basic need like food.
- Government to skill the youth on scarce skills like artisanship.
- Government to offer free education up until the tertiary level
- Government to put in place systems that will support, monitor and evaluate co-operatives.

7.2.1. Hunger and starvation

- Government must legislate a minimum wage of R 9000 per worker in all sectors.
- Government must avail land for big-scale farming

7.2.2. Water and electricity prices issues

- The price of water and electricity must be determined by the wage levels of all municipalities.
- Government to convert Eskom from being a parasternal into a government department.
- Water that is not meant for consumption should be conserved for agricultural purposes.

- Municipal indigent policy must also include low income earners.
- Government must take charge of all private commodities.
- Government must increase water and electricity subsidies.

7.2.3. Income in South Africa

- Government must ensure that all workers' income should speak to medical, food and educational needs.
- Government must ensure that workers' income is standardised and legislated.
- Government to put in place systems that will monitor and evaluate the beneficiaries of child grants.

7.2.4 The brutalization of work

- Do away with labour brokers because of high percentage of income they claim.
- Government to do away with the Extended Public Works Programme (EPWP), for it is not yielding the desired results.
- Restructuring of the education curriculum
- Department of labour be empowered to deal with the matters of exploitation
- Local government be inspected and audited by private companies
- Enforcement of legislation to protect workers

7.2.5. Inequality

- Workers to share the profit of the companies and the work they do must equal the salary earned.
- There is a need to do away with executive salaries, which are unnecessarily exorbitant.
- Government must enforce a minimum wage for workers.

- Nationalisation of the catalysts of economy development like mines and banks.

7.2.6 The struggle going forward

- There is a need for the implementation, monitoring and evaluation of resolutions of such as the Workers' Parliament.
- Amalgamation of municipalities must not be taken lightly.
- There is a need to do away with patronage, corruption during the processes of job recruitment and people must be employed on merit.

7.3 30 Years of organised labour: Defending the gains of democracy and advancing a national minimum wage

The Commission noted the following:

7.3.1. The gains of Organised Labour

The workers Parliament has noted that there are some remarkable strides made in addressing the issues of the workers. Some of them include the passing of the following legislations and acts.

- There is a need for the adoption of the Skills Development Act
- Affirmative Action
- Labour Relations Act has benefited the workers and should always be observed.
- The Republic of South Africa Constitution is the most progressive in the world.
- Employment Equity Act
- Basic Condition of Employment Act
- Sectorial Determination (such as Domestic workers, Security workers) Act.
- Labour Structures (such as IOL, NEDLEC, and CCMA).

7.3.2. Challenges

- The Workers Parliament has been forever convened but there is no feedback and monitoring of the resolutions and implementing strategy.
- The employer is negotiating in bad faith, for example is the current PSCBC agreement on the Public Sector. The employer has signed an agreement of 7% in the Public Sector, whilst it is intending to implement 6.4%
- Non-compliance to Sectorial determination by the employer.
- Poor implementation of the Prescripts, legislation, policies within the work place.
- Lack of enforcing regulations of the Department of Labour
- Backlog of unresolved cases at the working environment.
- There is high prevalence of exploitation of workers within the private sector.

7.3.3. Defending the gains of workers

- There is an urgent need to have a massive and radical awareness campaigns to conscientise workers on their rights. The organised labour should develop a booklet, pamphlets that will educate the workers in particular and South Africans in general.
- There should be Labours Forum that will consists of the Organised Labour Movement, private sector, business people and facilitated by the Department of Labour at provincial, regional and local levels.
- There should be funding that will sustain the co-ordination, facilitation and support for the Labour's Forum

7.3.4. National Minimum Wage

The workers are pleading for the speedily introduction of the national minimum wage that will improve the living conditions of the vulnerable working class. The national minimum wage should close the gap of inequalities as that will bring transformation around doing away with the exploitation of workers.

- There should be a structure in the Office of the Premier that will be focusing in planning, implementation, monitoring and evaluation.

8. FINDINGS

8.1 The majority of workers in both the farming and domestic sectors are not aware of their rights at the workplace.

8.2 Some employers do not comply with labour laws and continues to violate the rights of workers with impunity.

8.3 Gender-based violence; abuse and domestic violence are dominant in farming communities.

8.4 Most farm-dwellers are not aware of their human rights thus they get frustrated when suspects are given bail.

8.5 The provident fund applicable in the farming sector does not cover all employees.

9. RECOMMENDATIONS

The Committee therefore recommends that:

9.1 The Department of Labour develops and drive a campaign to educate farm and domestic workers on their rights.

9.2 The Department of Labour enforce labour laws in the domestic and farming sectors.

9.3 The Department of Justice must develop a campaign and drive to sensitise domestic and farm workers about the scourge of violence and gender-based crimes.

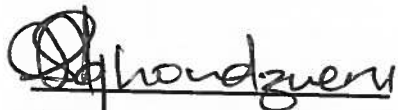
9.4 The Department of Labour must explore the possibilities of including temporary farm workers in the provident fund.

9. CONCLUSION

The Committee concludes that the Workers Parliament of 2015 was a resounding success that helped in unearthing challenges within the labour environment.

The Committee appreciates that the Legislature sustains the engagement and liaison with the workers through the monitoring of implementation of the recommendations and constant feedback. This will inspire confidence of our workers in the Legislature as the right platform for engagement.

The Committee therefore recommends that the House accepts the report.



HON J.L. NGHONDZWANI

**CHAIRPERSON: SELECT COMMITTEE ON
PUBLIC PARTICIPATION, PETITIONS AND MEMBERS'
LEGISLATIVE PROPOSALS**

04/09/2015

DATE