



Challenges facing the Department of Labour in implementing labour policy and labour legislation in the hospitality industry in South Africa

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Abstract

This article sets out the relevant provisions of the Bill of Rights contained in the Constitution that form the basis of the constitutional mandate of the Department of Labour. These fundamental rights are further developed and refined in *inter alia* labour legislation as is mandated by the Constitution. The purposes of the various pieces of legislation as set out in the objects clauses of the legislation, which the Department of Labour has the duty to monitor and implement, are set out. These objects clauses form the foundational basis of not only the Department of Labour's vision, mission and values, but also of its goals and functions in general. Having set out the relevant fundamental rights as set out in the Constitution and the legislative framework that the Department of Labour is mandated to monitor and implement, and the article then describes the Department of Labour's policy mandate. Thereafter the functions and services of the Department of Labour are described. Given the mammoth task that the Department of Labour faces in overseeing the implementation of labour legislation and in providing strategic direction, leadership and administrative support services to the Ministry of Labour and the Department of Labour, it is not surprising that there are many practical challenges. These challenges are mostly a consequence of the characteristics of the labour market and include unemployment, labour unrest and discrimination in the workplace especially with regard to wages. The challenges in implementing and monitoring the relevant legislation in the socio-economic and political milieu as identified by the Department of labour are identified. These challenges are exacerbated in the hospitality industry. Finally, the way forward as envisioned by the Department of Labour's latest strategic plan is briefly described.

Keywords: Fundamental rights, decent work, pay discrimination, employment services, unemployment.

Introduction

The Department of Labour plays a mammoth role in not only overseeing the implementation of labour legislation but also in providing strategic direction, leadership and administrative support services to the Ministry of Labour and the Department of Labour. The Department is also responsible for implementing strategies to reduce unemployment and is active in eliminating inequality and unfair discrimination at the workplace as well as the promotion of labour standards and fundamental rights at work. The purpose of this article is firstly to set out how the goals of the Department of Labour are informed by national legislation and; secondly to examine the challenges of the Department of Labour in fulfilling the above- mentioned functions and goals with specific reference to the hospitality industry in South Africa. According to research undertaken by Labour Research Service: "The hospitality sector has grown increasingly quickly over the last decade and is now one of the fastest growing sectors in the economy." (Taal, 2012; 3). Hospitality forms part of the tourist industry and includes accommodation - hotels, bed & breakfasts, caravan parks, camping sites, inns, game lodges and time-sharing of apartments at resorts and the food and beverage sector - restaurants, coffee shops, tearooms, fast food outlets as well as other catering services. Tourism is the fourth largest generator of Gross Domestic Product in South Africa (Webster *et al.*, 2012;5).



The nature of work and the location of work in the hospitality industry pose unique challenges to the monitoring and implementation of the applicable labour legislation as well as the implementation of measures to assist job seekers to find work. The logistical challenges as a consequence of the location of certain enterprises and the nature of work in the hospitality industry are major obstacles in the achievement of the goals of the Department of Labour within the hospitality sector. The vision, mission, values goals and functions of the Department of Labour are informed by labour legislation which in turn is informed and moulded by the Bill of Rights contained in the Constitution. Consequently it is necessary to outline the relevant provisions of the Bill of Rights and of the labour legislation that inform the functions of the Department of Labour. The strategies invoked by the Department of Labour are outlined. Thereafter, the characteristics of the hospitality sector that render implementation of labour rights and values challenging are briefly explored.

Methodology

This research is multi-inter-and transdisciplinary. Legal researchers often engage in multidisciplinary research for the simple fact that the law cannot by its very nature operate in a void. The laws of the land and legal research can only have a purpose when operating in partnership with the socio-economic and political environment they were primarily designed for. In order to conduct this type of multidisciplinary research it is necessary to firstly, set out the relevant provisions of the law itself. The law emanates predominantly from statutes and court decisions. Having set out the relevant provisions of the law for the topic under discussion, the challenges brought about as a result of the socio-economic and political milieu within which these laws operate are described. Essentially the research is a descriptive analysis of the relevant labour laws and an identification and description of the challenges in implementing them as a consequence of the socio-economic and political milieu within which these laws operate. The aim of the methodology is to highlight these challenges and to demonstrate that these challenges are intensified in the hospitality industry as a consequence of mostly the nature of work in the industry, the location of most enterprises in the industry and the extensive use of migrant labour in the industry.

Labour in the Hospitality Industry

The minimum wage for South Africa's vulnerable sector of hospitality has been revised upward with effect from 01 July 2017. The new Hospitality Sectoral Determination which governs minimum wage rate in the sector will be effective until 30 June 2018. The minimum rate for employers with 10 or less employees will be a monthly wage of R3 193.12 (2016/2017: R2 959.35); a weekly rate of R736.92 (2016/2017: R689.97); and an hourly rate of R16.36 (2016/2017: R15.17). The new wages for employers with more than 10 employees will be a minimum monthly rate of R3 559.10 (2016/2017: R3 298.52); a weekly rate of R821.34 (2016/2017: R761.25); and an hourly rate of R18.25 (2016/2017: R16.91). (Department of Labour, 2018).

This Sectoral determination for the hospitality sector issued by the Department of Labour is a step in the right direction for the protection of vulnerable workers in the hospitality sector and the attainment of decent work as a major and fundamental objective of the Department of Labour.

In the interests of labour market flexibility the sectoral determination distinguishes between employers who employ ten employees or less and those that employ more than ten employees. Employers that employ ten or less employees are obliged to pay the following minimum wages: R2240.60 per month, R517.10 per week and R11.49 per hour. Employers that employ more than ten employees are



obliged to pay the following minimum wages: R2495.80 per month, R576.00 per week and R12.80 per hour.

The sectoral determination is the same as the previous one regarding other conditions of work and provides as follows in this regard:

An employee may not be required to work more than 45 hours a week, or nine hours a day if the employee works for five days or less in a week or eight hours per day if the employee works more than five days a week. Any hours in excess of the aforementioned constitute overtime.

Overtime can only be worked by agreement and cannot exceed:

10 hours per week, more than twelve hours in a day including overtime and eight hours a day if the employee works more than five days a week.

The employer however is entitled to average the hours works over a week in order to abide by the aforementioned limitations overtime. However, the employer may not permit an employee who is bound by a written agreement to work more than: 45 ordinary hours of work in a week in the agreed period; ,five hours overtime in a week over the agreed period.

Regarding pay for work on Sundays if the employee does not normally work on a Sunday the employer must pay the employee at double the normal rate. If the employee normally works on a Sunday the rate payable is one and a half times the normal rate.

Employees can only work on public holidays by agreement. If the employee does not work on a public holiday he/she must be paid the normal wage for that day.

The sectoral determination regulates night work which can only be worked by agreement. Night work must be paid by an allowance or by a reduction in normal working time. Employers are obliged to inform employees who regularly work at night of any hazards associated with the work. Employees also have the right to undergo a medical examination at their request for the account of the employer.

The employer must ensure transport is available at the start and end of the night work to and from the workplace and the residence of the employee. If the transport costs more than usual rate the employer must pay for it.

The sectoral determination also provides for meal intervals and rest periods. Meal intervals must be for at least an hour for every five hours worked. By agreement in writing the meal interval can be reduced to 30 minutes. By agreement, an employee who works six hours a day or less need not be given a meal interval. If an employee is required to be available for work during a meal interval, he, she must be paid for the meal interval.

An employee must be given at least twelve consecutive hours daily rest period between ending work and starting work the next day. If the employee resides at the work premises and has a meal interval that lasts at least three hours, the rest period can be reduced to ten hours by written agreement. The employee is entitled to a weekly rest period of at least 36 consecutive hours which unless otherwise agreed must include a Sunday. In terms of a written agreement the rest period can be a minimum of 60 hours every fortnight. Alternatively the rest period for the week can be reduced to eight hours if the rest period the following week is extended accordingly.



The sectoral determinations provides for 21 consecutive days leave per annum. Public holidays within these 21 days are not counted and an extra day must be added for each public holiday. Employees are also entitled to four days family responsibility leave per annum for the birth of a child, or when a child is sick or when a spouse, grandparent, child, grandchild, brother or sister dies.

Maternity leave is for a four month period and need not be paid leave.

Child labour and forced labour are prohibited.

These provisions, aside from the prescribed minimum wages are exactly the same of those contained in the Basic Conditions of Employment Act 75 of 1997.

Legislative framework

The relevant rights contained in the Constitution are:

Section 9 of the Constitution provides for the right to equality. Subsection 4 of section 9 prohibits unfair discrimination on any grounds including race, sex, gender, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth. It provides further that national legislation must be enacted to prevent and prohibit unfair discrimination.

Section 10 provides that “everyone has inherent dignity and the right to have their dignity respected and protected.” Obviously, this poses obligations on the part of employers and fellow employees.

Section 18 provides for the freedom of association. In the employment context this implies the *inter alia* the right to join trade unions. Section 23 provides for labour rights. Specifically it provides that everyone has the right to fair labour practices (Section 23(1)). It also provides for the right to join and form trade unions and employers’ organisations, the right to engage in collective bargaining and the right to strike.

Section 24 provides *inter alia* for the right to an environment that is not harmful to a person’s health or wellbeing. With regard to the work-place this translates into a safe workplace. This includes safety with regard to physical as well as emotional wellness.

Section 27 provides for the right to social security. Section 28 deals with the protection of children and *inter alia* protects children from exploitative labour practices. It prohibits the performance of work or services that are inappropriate for a person of a particular age and may be harmful to that child’s well-being, education, physical or mental health and spiritual, moral or social development.

Section 34 deals with access to justice. For labour relations this means access to courts and other tribunals and fair and speedy labour justice.

The Department of Labour is entrusted with fostering and protecting these rights by ensuring the implementation of labour laws that were enacted to fulfil these constitutional imperatives.

National legislation enacted to deal with labour relations and the implementation of the rights mentioned above comprises of the following pieces of legislation:

- Labour Relations Act 66 of 1995 (LRA)
- Basic Conditions of Employment Act 75 of 1997 (BCEA)
- Employment Equity Act 55 of 1998 (EEA)
- Unemployment Insurance Act 30 of 2001 (UIA)



- Occupational Health and Safety Act 85 of 1993 (OHSA)
- Compensation for Occupational Injuries and Diseases Act 130 of 1993 (COIDA)
- Employment Services Act 4 of 2014 (ESA)

The “purpose” clauses of all the above-mentioned pieces of legislation form the foundational basis of not only the Department of Labour’s vision, mission and values, but also of its goals and functions in general. Therefore, as a first step in discerning the functions of the Department of Labour, it is necessary to set these legislative purpose clauses out.

The LRA is the centrepiece of South African Labour Legislation. It provides for the right not to be unfairly dismissed and the right to fair labour practices. It also unashamedly encourages collective bargaining for the setting of terms and conditions of employment by the parties themselves. In this sense the Act is very voluntaristic encouraging employers and employees to set their own working conditions by collective agreement. It provides machinery for the voluntary creation of industrial forums for the settling of disputes and the setting of terms and conditions of work in a particular industry by the parties themselves. It sets out the requisite rights such as the freedom of association and the right to strike in order to ensure that collective bargaining can be efficiently conducted. Furthermore it creates dispute resolution tribunals and courts for the settling of disputes and access to free, quick justice in the form of the Commission for Conciliation Mediation and Arbitration (CCMA).

Section 1 of the LRA sets out its purpose as follows:

“The purpose of this Act is to advance economic development, social justice, labour peace and the democratisation of the workplace by fulfilling the primary objects of this Act which are-

- (a) to give effect to and regulate the fundamental rights conferred by section 23 of the Constitution,
- (b) to give effect to obligations incurred by the Republic as a member state of the International Labour Organisation,
- (c) to provide a framework which employees and their trade unions, employers and employer organisations can-
 - (i) collectively bargain to determine wages, terms and conditions of employment and other matters of mutual interest; and
 - (ii) formulate industrial policy; and
- (d) to promote-
 - (i) orderly collective bargaining;
 - (ii) collective bargaining at sectoral level;
 - (iii) employee participation in decision-making in the workplace; and
 - (iv) the effective resolution of labour disputes

The purpose clause of the LRA set out above is extremely ambitious and provides a mammoth task for the Department of Labour in ensuring that these objectives are practically implemented and achieved.

The BCEA, like the LRA has as its purpose the advancement of economic development and social justice. Section 2 of the Act provides:

“The purpose of this Act is to advance economic development and social justice by fulfilling the primary objectives of this Act which are-

- (a) to give effect to and regulate the right to fair labour practices conferred by section 23(1) of the Constitution-
 - (i) by establishing and enforcing basic conditions of employment
 - (ii) by regulating the variation of basic conditions of employment



- (b) to give effect to obligations incurred by the Republic as a member state of the International Labour Organisation

The EEA is concerned with the elimination of discrimination and inequality. The purpose of the Act as provided is to achieve equity in the workplace by promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination and the implementation of affirmative action measures to redress the disadvantages in employment experienced by designated groups, in order to ensure equitable representation in all occupational categories and levels in the workforce. The Department of Labour is tasked with monitoring compliance with the provisions of this Act and enforcing compliance. It has the power to impose fines on employers in instances of non-compliance.

The UIA empowers the Unemployment Insurance Fund to register all employers and employees in South Africa for unemployment insurance benefits.

The OHSA aims to provide for health and safety of persons at work and for the health and safety of persons in connection with the activities of persons at work and to establish an advisory council for occupational health and safety.

The COIDA aims for the provision of compensation for disablement caused by occupational injuries or diseases sustained or contracted by employees in the course of their employment, or for death resulting from such injuries and diseases, and to provide for matters connected therewith.

The ESA was enacted with the purpose of providing for public employment services, their governance and functioning, including the registration of private employment agencies. It also aims to provide for the establishment and functioning of Productivity South Africa and the Sheltered Employment factories.

The policy mandate of the Department of Labour

The policy mandate as set out by the Department of Labour Department of Labour publication RP Number105/2017 strategy plan, is to regulate the labour market through policies and programmes developed in consultation with social partners, which are aimed at:

- improved economic efficiency and productivity
- the creation of decent employment
- the promotion of fair labour standards and fundamental rights at work
- the provision of adequate social safety nets for the protection of vulnerable workers
- the elimination of inequality and discrimination at the workplace
- the enhancement of occupational health and safety awareness and compliance in the workplace
- social dialogue for the formulation of sound and responsive legislation and policies for the attainment of labour market flexibility for the competitiveness of enterprises but not at the expense of decent work.

Legislation has created the following bodies or labour market institutions for the purpose of delivering some of the aims and objectives of labour legislation as set out above:

- Productivity South Africa (PSA) is a body that was created in order to develop and enhance productive capacity in South Africa. PSA aims to achieve this purpose by continuously improving labour standards and practices in South Africa. PSA aims to build institutional capacity by the implementation of sound project management skills and through the development of sound working relationships with other government agencies.
- The National Economic Development and Labour Council (NEDLAC) is a body that was created for the purpose of social dialogue between all stakeholders and social partners in the labour market, namely organized labour organisations, business



organisations, government departments, and community groups. The topics of social dialogue and negotiations are public finance and monetary policy, labour market policy, trade and industrial policy and development policy.

- The Commission for Conciliation, mediation and Arbitration (CCMA) was created in terms of the LRA for the purposes of promoting social justice and fairness in the workplace by providing high-quality, ethical, innovative and cost effective dispute resolution mechanisms, dispute management and dispute resolution services for the labour market.

The Department of Labour is responsible for the administration and effective functioning of the above mentioned institutions.

As can be seen from the comprehensive tasks listed above the Department of Labour has a pivotal role to play in the labour market. The department must ensure decent work for employees and other workers, oversee the formulation of policy in order to have a productive and efficient economy, be proactive in the reduction and elimination of unemployment but not at the expense of decent work and international labour standards and must ensure the effective resolution of labour disputes. These are not simple objectives to achieve and a fine balance between the attainment of efficiency of enterprises and the promotion of fair labour practices and decent work must be achieved. Although not necessarily mutually exclusive, these objectives are difficult to achieve simultaneously.

Functions and Services of the Department of Labour

Administrative services

In order to achieve the policy mandate as described above the Department of Labour provides strategic direction, leadership and administrative support services to the Ministry of Labour.

Monitoring and enforcement of labour legislation

The Department of Labour has the mammoth task of monitoring and enforcing the provisions of labour legislation. In monitoring and enforcing the provisions of the labour legislation mentioned above the Department of Labour the policy mandate of promoting decent work, fair labour practices and the fulfilment of international labour standard obligations and the enforcement of fundamental rights is fulfilled. To this end, the Department of Labour conducts workplace inspections to discover whether employers are abiding by minimum standards and terms and conditions of employment as contained in *inter alia* the BCEA, minimum wage sectoral determinations and collective agreements. Failure to adhere to these standards results in enforcement thereof by means of directives issued by the Department and even the imposition of fines on non-compliant employers.

The Department also provides education programs, advice and technical information support services in order to empower all stakeholders and to reduce the number of labour disputes.

Finally, the Department fulfils the task of investigating reported health and safety accidents.

Public employment services

This is the most recent addition to the functions of the Department of Labour. Given the high rates of unemployment experienced in the last few decades in South Africa, the legislature enacted the ESA which aims to assist the unemployed in finding gainful employment. To this end, the Department of labour performs the following tasks:

- Registers work seekers
- Places work seekers in suitable, available positions
- Provides career guidance and information
- Oversees special employment programmes
- Regulates private employment agencies and temporary employment agencies



- Transfers funding to supported enterprises for the employment of people with disabilities
- Transfers funding to productivity South Africa which has as its purpose the promotion of productivity and competitiveness in the south African labour market.

Promotion of fair labour practices, fundamental rights and international labour standards

One of the major tasks of the Department of Labour is to oversee the elimination of discrimination and to promote equality and other fundamental rights in the workplace as enshrined in the Constitution and the International Labour Organisation (ILO) Conventions. To this end, the Department supervises policy research and labour market information and statistical services. Furthermore, the Department is also responsible for regulating trade unions and employers' organisations and bargaining councils and their interaction with one another. The Department also oversees the effective functioning of NEDLAC and the CCMA.

General challenges in the implementation of labour policy and legislation

In his budget speech in 2017 the then Minister of Finance Pravin Gordhan summarised what he termed "South African realities" as follows:

- "Income growth has been uneven-the bottom 20 per cent have benefited from social grants and better access to services, the top 20 per cent have benefited from the rising demand for skills and pay increases. Those in the middle have been left-behind.
- Wealth remains highly concentrated- 95 per cent of wealth is in the hands of 10 per cent of the population.
- 35 percent of the labour force are unemployed, or have given up hope of finding work.
- Despite our progress in education, over half of all children in Grade 5 cannot yet read adequately in any language.
- More than half of all school leavers each year enter the labour market without a senior certificate pass. 75 percent of these will still be unemployed five years later.
- Our towns and cities remain divided and poverty is concentrated in townships and rural areas.
- Our growth has been too slow – just over 1 per cent a year in real per capita terms over the past 25 years, well below that of countries such as Brazil, Turkey, Indonesia, India or China."

The Department of Labour has identified the following challenges in implementing its mandate to deliver the objectives of labour legislation as mandated by the Constitution (Department of Labour Strategic Plan 2014-2019 "The strategic plan"):

- Unemployment and underemployment
- The changing nature of work
- Inequality and unfair discrimination at work
- Domestic and cross-border labour migration
- Inadequate instruments for performance monitoring and evaluation of labour market policies and programmes

In September 2013 the unemployment rate in South Africa was at 24,7 per cent. Out of a total labour force of 18 683 000, 14 029 000 were employed and 4 609 000 were unemployed. Furthermore, more than 2,2 million people were recorded as discouraged work seekers. The number of people claiming unemployment benefits from the Unemployment Insurance Fund (UIF) increased from 159 655 in June 2013 to 168 662 in September 2013 (Statistics South Africa, Quarterly Labour Force survey, third quarter, 2013). In its strategic plan 2014-2019 the Department of Labour noted that those who have been unemployed for longer than a year accounted for 65 percent of the unemployed. This raised concern as this segment of the unemployed become more and more divorced from networks that may lead to new jobs.



The strategic plan reported that almost 70 per cent of the unemployed were between the ages of fifteen and thirty-four. Furthermore, the Department recorded that 52 per cent of the unemployed had not completed secondary education. Therefore, the vast majority of the unemployed consist of an uneducated youth.

In its strategic plan the department of Labour noted an increase in the use of atypical forms of work including casual labour, part time work, temporary and seasonal work. It concluded that about 6 per cent of total employment comprises atypical work. It also noted a general increase in externalisation in the form of outsourcing and subcontracting.

Regarding inequality and unfair discrimination at the workplace the Commission for Employment Equity recorded in its 2015/2016 Annual Report that Whites made up 68.9 percent of top management positions with Blacks at 14.3 per cent, Coloureds at 4.7 per cent and Indians at 8.6 percent. This is a skewed representation of the population given the fact that Blacks make up 77.4 per cent of the economically active population while Whites make up only 9.9 per cent of the economically active population. Coloureds make up 10 per cent and Indians make up 2.7 per cent of the economically active population.

The Department of Labour noted in its Strategic Plan 2014-2019 that domestic and cross border migration increase the number of unemployed in large cities and put pressure on public services and utilities.

The Strategic Plan also notes:

“Stakeholder participation and strategic partnerships in programme delivery, monitoring and feedback is inadequate, despite our strong culture of social dialogue in social development.” It also observed that understanding and use of modern technology and information systems has to be addressed.

Challenges in the hospitality sector

The challenges described above are intensified in the hospitality sector. This sector has a higher proportion of migrants, is characterised by a high proportion of atypical employees and is typically situated in rural areas making monitoring and enforcement of labour standards by the Department of labour more difficult.

The hospitality industry is characterised by informalisation of the workforce. This entails the use of *inter alia* workers who are employed on a part-time basis, or for a fixed term, or on a temporary basis, or scheduled and seasonal work which is tenuous and insecure. Shift work, seasonal work and part-time work is particularly prevalent in the hospitality industry given the nature of the services offered. Often core, permanent employees work in the same jobs as permanent core staff (HSRC, 2005:6). Furthermore, the number of core, permanent workers has declined over the last twenty years or so as a consequence of outsourcing and restructuring. More than half of hotel staff is not employed by hotels but by different service providers.(Webster et al, 2012, 5)

The hospitality industry is a labour-intensive industry and working conditions are pressurized with long and irregular hours, low wages and a lack of job security. Furthermore, the prevalence of outsourcing and the use of labour brokers has resulted in a drop in wage levels, has impacted negatively on job security and workers in the industry are often not provided with benefits such as medical aids or pensions (Jinnah and Cazarin, 2017.).

Furthermore, gender based and race based unfair discrimination at the workplace is also intensified in the hospitality sector. This is because the hospitality industry or sector is characterised by the employment of unskilled mainly female non-standard employees. Generally, these employees do not enjoy decent working conditions. This is despite progressive labour legislation. According to research undertaken by the Labour Research



Service, the hospitality industry is...”dominated by young, black, female workers in low skill, low pay employment.” (Taal, 2012:12.) The 2014 amendments to the LRA *inter alia* address gender and race pay discrimination. The amendments have added the following section:

“(4) A difference in terms and conditions of employment between employees of the same employer performing the same or substantially the same work or work of equal value that is directly or indirectly based on any one or more of the grounds listed in subsection (1) is unfair discrimination.

Race and sex are both listed grounds in this section.

With regard to gender pay discrimination this addition addresses only one aspect of gender pay discrimination, namely the situation in which men and women do the same or similar work, or work of similar value. The concentration of women in sex-typed jobs, which are concentrated in lower paying occupations such as unskilled workers in the hospitality industry, or the disproportionate share of low-ranking positions held by women and the lower earnings relative to those of men with similar training and experience is not addressed.

Conclusions

The Department of Labour has a strategic plan which entails workshops and strategic planning sessions where the performance of the previous financial years form the basis for strategic plans for the implementation of strategies for the achievement of the planned objectives. In broad terms these objectives include creating access to decent and well remunerated work, the facilitation of the training of citizens and employees of the Department in the face of technological change and the creation of a supportive environment for micro, small and medium businesses and cooperatives. Given the recent enactment of the ESA the National Development Plan has set an employment target of 11 million jobs by 2030 (Department of Labour Revised Strategic Plan 2017). The free public employment services provided in terms of the ESA operate by means of a IT-portal system where work seekers can register as unemployed persons and provide details about their work experience and qualifications. Employers on the other hand can register vacancies and other opportunities such as training, learner-ships and internships. The idea is to match the training and experience of work seekers to opportunities. The Department of Labour plans to host road shows, run advocacy campaigns, integrate the services system with the Unemployment Insurance Fund, the Compensation Fund and National learner databases. The Department also plans to establish partnerships with other stakeholders including the Department of Higher Education and Training, the Department of Public Works, the national Youth Development Agency, organised business and municipalities. Such partnerships and collaboration aim to assist in getting work seekers work-ready. To this end the Employment Services receives R1.1 billion in the medium term (Department of Labour Revised Strategic Plan 2017).

The Department also plans to ensure decent working conditions and eliminate inequality. It aims to do this by reviewing 12 sectoral determinations between 204/2015 and 2017/2018 in order to reduce wage gaps in minimum wage determinations. (Department of Labour Revised Strategic Plan 2017). The Department will also investigate the impact of a national minimum wage on wage structures, inequality, employment, and the standard of living of workers. This is funded by the Labour Policy and Industrial Relations Programme (Department of Labour Revised Strategic Plan 2017).

In order to protect vulnerable workers and ensure compliance with legislation including the BCEA and the EEA the Department of Labour plans to increase the number of inspections for compliance with labour laws (Department of Labour Revised Strategic Plan 2017).

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