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Botha says that the world of work is taking on a new look in light of changes in technology and the shortage of skills. He says that Capes will be embarking on a study tour at the end of July to look at the European model.

Jorge Araujo, employment law partner at Webber Wentzel, says that should SA pursue the Namibian path in banning labour broking, it is likely that it will face a constitutional challenge.

Araujo says it is clear that any law banning labour broking would need to comply with the general limitations clause. It may be possible for a labour broker to show that there are less restrictive means of achieving the purpose of protecting workers' rights.

Either the formulation of a more appropriate regulatory framework for the industry or simply an improvement on the enforcement mechanisms may suffice, he says.

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