

Furore over job broking labours for a resolution

By Nontyatyambo Petros

Labour Minister Membathisi Mdladlana has become one of the harshest critics of labour broking, describing the practice as similar to "human trafficking". There is some merit to his criticism; labour broking has its vagaries. The 20 percent of unscrupulous employers have sullied the image of the 80 percent who do comply with employment law.

But in the finger-pointing frenzy, the thumb is pointing squarely at Mdladlana and his department. The stand-off between unions and labour brokers has once again highlighted the woeful inadequacies of the Department of Labour's inspectorate.

The unit has championed initiatives to introduce minimum wages in various industries, but it's an open secret that employers disregard them if they so wish. They know that chances of being caught and charged are slim; and that desperate people will accept wages below the industry minimum. Unscrupulous labour brokers have also exploited the gap between formulating laws and implementing them.

Curiously, what everyone is thinking but not saying is that many firms go the labour broking route to avoid the nightmare that often comes with employing and managing workers. The unintended consequence of onerous laws has been the growth of the labour broking industry.

To now call for a ban of the industry is akin to throwing the baby out with the bath water, and will not put an end to temporary work. There will always be cyclical industries needing temps and unemployed people seeking a toehold in the labour market. As long as these needs exist, employers and employees will find each other.

For their part, labour brokers would like us to believe that hundreds of thousands of jobs would be lost should the unions be successful in campaigning for a ban. But they, too, are engaging in posturing.

We would also be kidding ourselves if we thought banning labour brokers would end worker exploitation. Even permanent employees are abused by business owners and managers, often right under the noses of the same trade union officials now crying wolf. Mdladlana has on many occasions complained of being routinely turned into a "shop steward" because of trade unions that fail to do their jobs properly.

For all its ills, labour broking has helped some people enter the mainstream economy, as opposed to staying on its fringes. A relative of mine was unemployed for a year after completing matric and an office administration course. She got her "big break" through a labour broking firm that placed her at several firms to do temp work. There was the predictable excitement of finally being employed, expectation of a pay cheque and working in an office rather than as a domestic in someone's house.

But the excitement turned into anxiety as each day she would go to work not knowing if she would be there for a few days or till month-end. Budgeting was near impossible and an unpleasant aspect was the fierce competition among casuals to be the boss's favourite - in the hope that outshining co-workers would lead to permanent employment. The worst was not being able to stay at home to recover from heavy flu, for fear of not being called again. The uncertainty she experienced highlights the unprofessional and unfair nature of this sector. But she was certainly far from being a link in a human trafficking chain.

Cosatu has been heard calling for a review of labour laws - to suit its interests, no doubt. But it may not be a bad idea if such a review gives relevant parties a platform to thrash out the unintended consequences.

Scare-mongering will not create jobs for the millions of jobless South Africans.

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