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Govt expects drama over brokers

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Cape Town - Minister of Labour Membathisi Mdladlana expects ructions over his decision to introduce amendments to labour legislation in order to clamp down on labour broking.

Mdladlana has meanwhile instructed his constitutional law team to proceed to amend the Labour Relations Act - without input from the National Economic Development and Labour Council (Nedlac). He is planning to finalise the draft amendments as soon as March or April next year.

Mdladlana said he had heard that Nedlac's business sector was not cooperating to speed up the process. "I have the right to withdraw this matter from Nedlac. They have been playing dominoes since 2004, - he said after addressing the Motor Industry Bargaining Council (Mibco) in Cape Town.

"It's time for government to react. And we will react - so expect drama."

One of the amendments deals with the question of who is the employer when labour is obtained through brokers. Mdladlana said that the employer who needs the labour will in future be solely responsible for the worker.

"I support the call by unions to ban the use of labour brokers. It has no place in the context of South Africa's Bill of Rights," he told Sake24. He realised that there would always be casual labour services, but these workers would have to enjoy the same rights as permanent workers.

Amendments and revisions include the following:

- Amendment of Section 198 of the Labour Relations Act, which deals with contract work, so that no distinction is drawn between the payment and rights of permanent and temporary workers.
- A third party cannot in future take responsibility for any obligations of the employer (the one requiring the labour) towards a worker.
- The establishment of a government labour agency that will manage free employment services nationally for both the public and private sectors.

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