

Minister pushes labour broking ban

By Audra Mahlong Posted: 13th August 2009

Labour minister Membathisi Mdladlana will take "quick and decisive action" to ensure amendments to the Labour Relations Act are implemented.

The Department of Labour proposed amendments to the Labour Relations Act, which would effectively eliminate labour broking. Skills-based services, such as consulting, outsourcing and sub-contracting, would be termed illegal.

Speaking yesterday at the Annual Labour Conference, in Sandton, Mdladlana said time was running out and decisions would have to be reached soon.

The department is proposing amendments to the Act in an effort to deliver on its mandate to create decent jobs and protect vulnerable workers. Mdladlana says workers' interests outweigh any other concerns and he is committed to implementing changes.

The Information Technology Association and Business Unity SA have indicated the IT industry would be negatively impacted by proposed amendments. The bodies point out the amendments would result in the end of skills-based services and spell the end of the outsourcing industry.

Door is closed

Discussions are being held between stakeholders and the National Economic Development and Labour Council (Nedlac). The council is discussing several clauses in the proposals, one which states: "No person may, for reward, employ any person with a view to making that person available to a third party to perform work for the third party."

Mdladlana noted, however, that the department is no longer open to input and will go ahead with the amendments.

"The constitution says everyone has a right to fair labour practices; why are you concerned that everyone has a right to free trade? You say you want to take it to the Constitutional Court. Go ahead, we'll meet there," he said.

Mdladlana said a discussion is scheduled with Nedlac on 14 August. The minister noted that he expects Nedlac to sign off on the department's proposals.

"We started discussing in 2004, and we want to deal with this matter that is actually exposing our people to abuse and taking away their dignity. We're not going to allow it. If, from Friday, they think they're going to take another 20 years on this matter, I feel sorry for them," he said.

Workers win

Mdladlana said workers were being denied job security, equal wages and equal treatment enjoyed by permanent workers.

"The problem [labour broking] is now linking directly to labour disputes. The problem that we see in the practice of labour disputes is depriving many workers of basic protection under the labour law. And this is a key challenge that faces us at the moment."

He added there has been a lot of misunderstanding and panic on the proposed amendments. Mdladlana explained he has not called for the end of certain job skills or services and that his main focus is workers' "freedom, equity, security, freedom and human dignity".

"It is appropriate to revisit the core rights that workers should have and, therefore, we want to make sure that workers who are placed in temporary employment services receive equal rights."

Government too

The department took research papers and proposals to Nedlac in 2004, he pointed out. The studies found substantial evidence of jobs being created with little security, he said. There were many other findings, which led the researchers to conclude there is a decent work deficit, Mdladlana added.

"Particularly significant for me in this year's public realm have been a number of demands, which have been made relating to permanent work and curtailing the use of labour brokers."

Mdladlana noted it's not only business that will be affected by the proposed amendments. All of government will also be impacted and it will have to implement the changes, or be forced to implement the new legislation and 'operationalise' the changes.

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