

**Media statement
Solidarity
9 October 2009**

Solidarity proposes third way for labour broking

Solidarity today proposed a third way of tackling the problem of labour broking in South Africa. This comes after COSATU and the ANC asked for the banning of labour brokers while other parties, such as the DA and Cope, just asked for better regulations. Solidarity believes that the middle ground should be the banning of certain practices by labour brokers and that several new regulations are also needed.

According to Johan Kruger, head of the Solidarity Research Institute, the trade union has already submitted a proposal regarding such a balanced approach to the parliamentary portfolio committee. Among other things, Solidarity proposes the amendment of labour legislation to ban exploitation by labour brokers. "We also ask for a better definition of temporary work relationships as well as a larger role for bargaining councils. We feel that all employees who are placed by labour brokers must become part of a bargaining council. To this end, a new bargaining council can be created or the role of existing bargaining councils can be expanded," Kruger said.

Solidarity is also asking that workers who are placed by labour brokers should be given four weeks' notice, when they lose their jobs, if they have been employed for six months. "We also want workers to join a pension fund. Employers that make use of labour brokers must also pay severance packages when they suspend their contract with a labour broker. In addition, Solidarity is asking that a minimum wage for employees who work through labour brokers be investigated. The Department of Labour will also have to play a bigger role to ensure that labour brokers do in fact operate in accordance with the laws and regulations."

Solidarity also proposes that the Labour Relations Act be amended to prohibit employers from retrenching employees only to reemploy them through a labour broker. "Employers' attempts to distance themselves from their responsibility towards their employees are unacceptable. However, we have made it clear that the total banning of labour broking in South Africa is not a feasible or responsible option given the present circumstances. It is our considered view that the regulation of the labour brokering industry in South Africa – in conjunction with the banning of practices which lead to exploitation – by means of legislation is a far more responsible and realistic way of dealing with the question at hand," Kruger said.

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