

Preventing and deterring through labour inspections: comparative practice on the use of powers and methods of practice

Inspections and Enforcement Services

17-18 November 2022



employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA

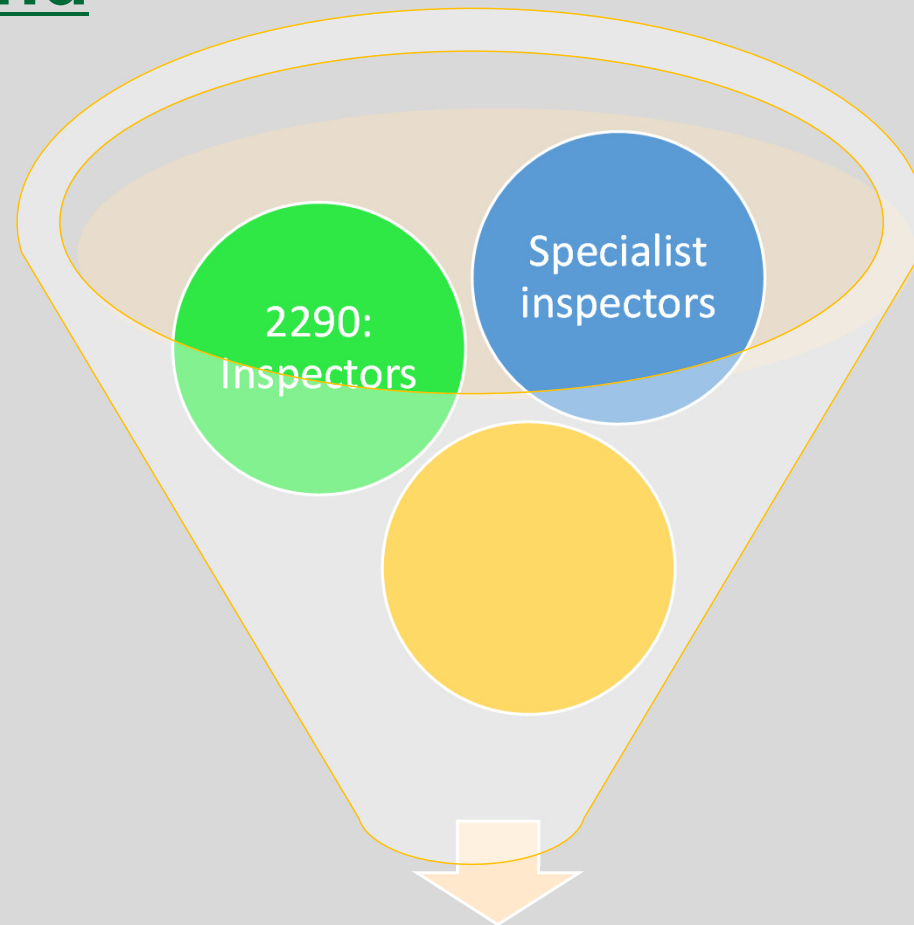


Labour Inspection

“The existence of an efficient labour inspection provides the surest guarantee that national and international labour standards are complied with not only in law, but in fact.”

ILO Committee of Experts on the application of Conventions and Recommendations, 1964

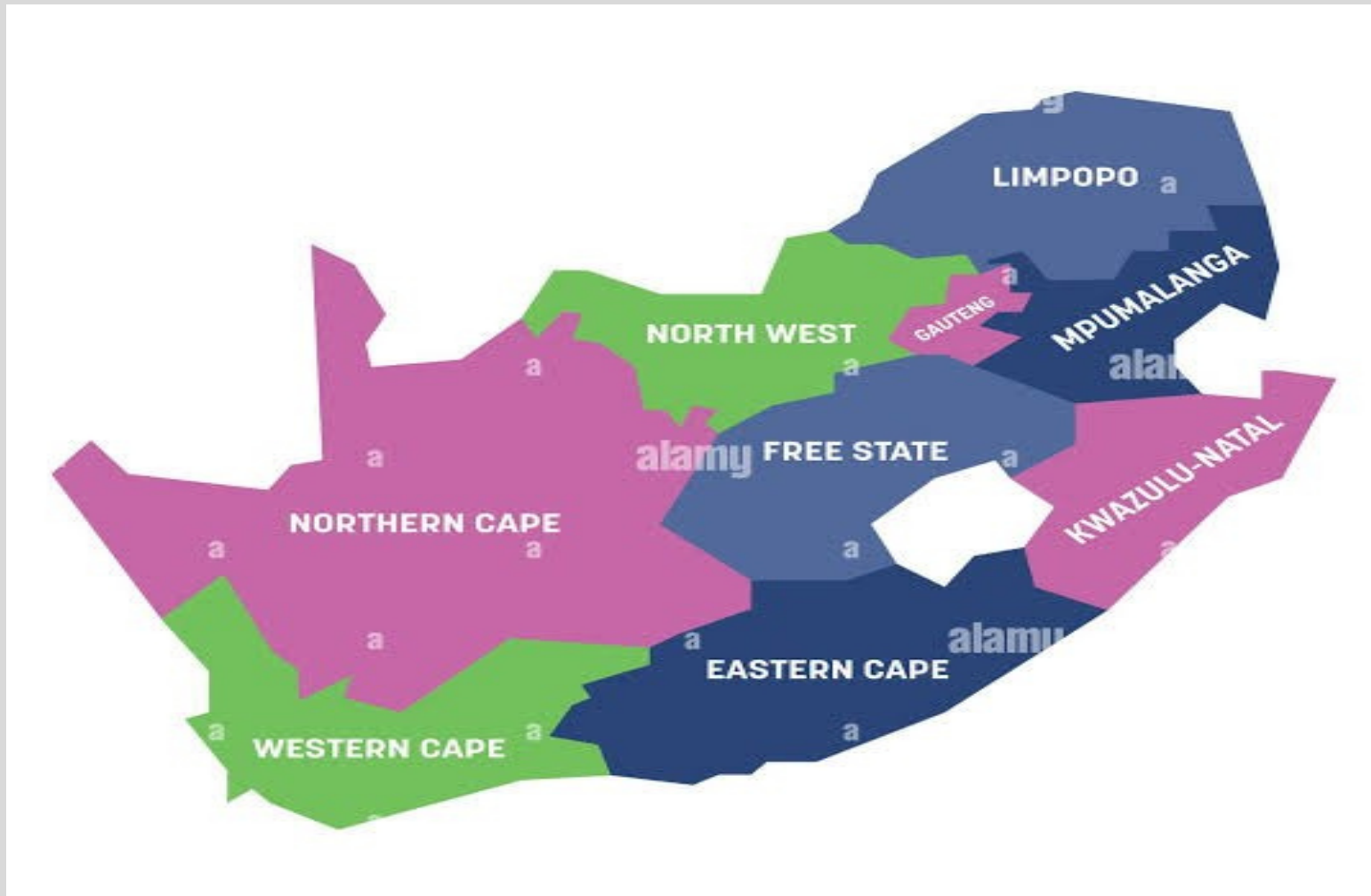
Background



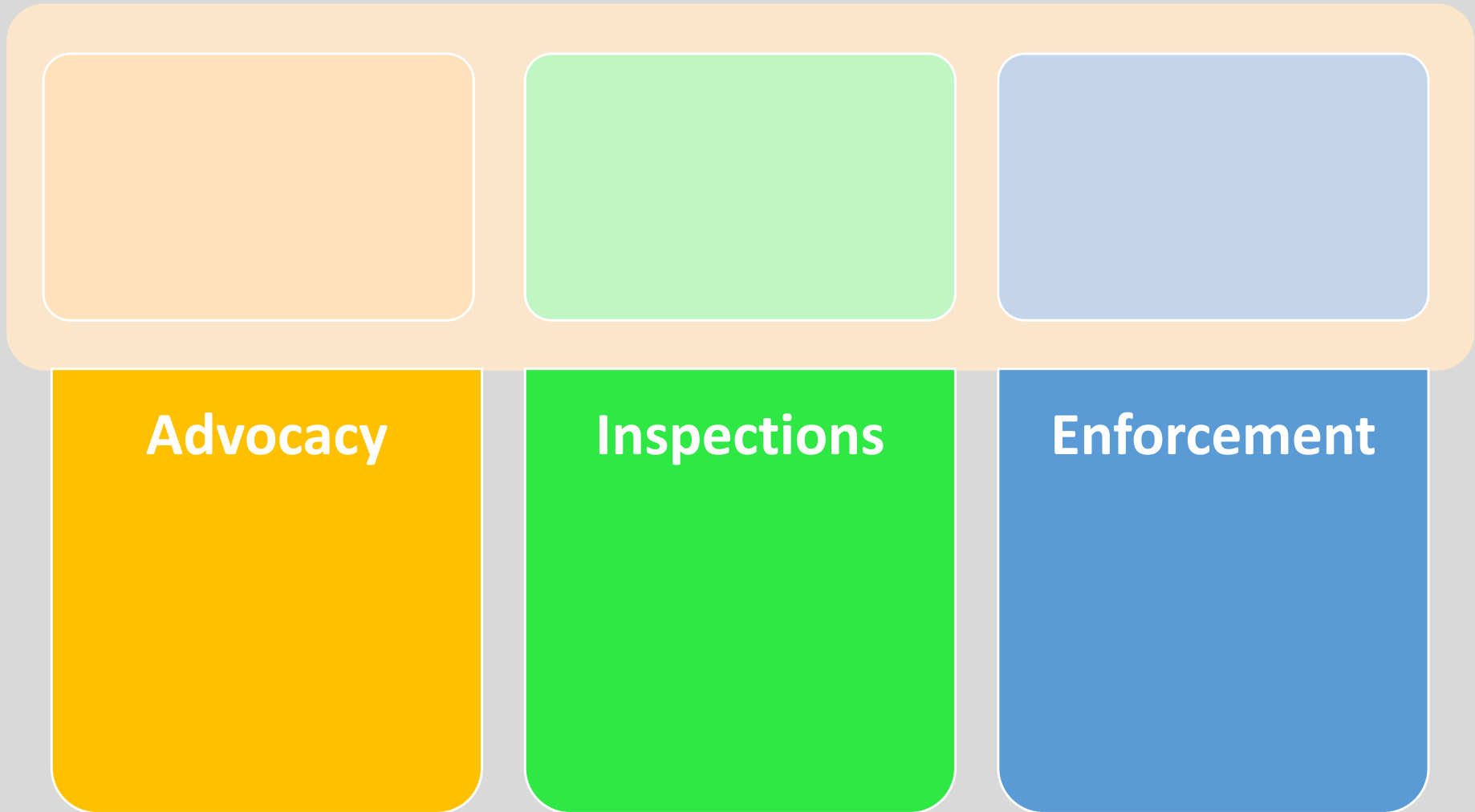
Tools of trade

National footprint

- - HQ and 2 Funds in Pretoria
- 9 Provincial Offices
- 126 Labour Centres



Inspection model



Inspection Methodology

Type of inspections :

Proactive
Reactive

Type of notices:

Undertaking
Compliance Order
Improvement/Directive
Contravention
Prohibition
Director General Recommendations

Guiding document

Standard Operating Procedures

Areas of specialisation

The Inspectorate has areas of specialisation as follows:

- **The Basic conditions of Employment and National Minimum Wage Inspectorate;**
- **The Employment Equity Inspectorate;**
- **The Occupational Health and Safety Inspectorate;**
and
- **The Employer Auditor Services Inspectorate**
 - ❖ Unemployment Insurance
 - ❖ Compensation of Occupational Injuries and Diseases

Key stakeholders in compliance testing

Stakeholder	Areas of collaboration
Law enforcement agencies: <ul style="list-style-type: none"><input type="checkbox"/> Commission for Conciliation Mediation and Arbitration<input type="checkbox"/> National Prosecution Authority<input type="checkbox"/> Magistrate and Labour Courts<input type="checkbox"/> Sheriffs	Value add in terms of efficiencies in the enforcement regime
Organised Labour	Key partnering through MOU's. Particularly in vulnerable sectors in the space of advocacy.
Business	Partnering in key advocacy activities and projects
Bargaining Councils	Partnering in joint advocacy and inspection programmes
Other government Departments	Partnering in joint advocacy and inspection programmes
Internal Stakeholders	Assistance with policy development, capacity development and resources availability, inter alia

Preventing and deterring through labour inspection

PREVENTATIVE	DETERRENT
Advocacy	Name and shame of noncompliant workplaces
Encouraging self regulation	Effective enforcement of notices
Incentivising compliance (Letter of good standing, ability to do business with the state)	Follow up inspections to be carried out
Effective systems	Hefty fines and penalties
Competent and capacitated inspectorate	Inability to do business with the state
Effective legal framework	
Efficient law enforcement agencies	
Quality inspections	

Thank You...



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