

Labour Inspection Country Profile: SOUTH AFRICA

Labour Inspection Structure and Organization

Name of institution that manager work issues

[The Department of Labour](#) is the main state body responsible for labour and employment issues.

Department(s) responsible for Labour Inspection

The Department of Labour is divided into 4 branches, among which is the Service Delivery Branch, divided into different Directorates. The Directorate of Inspection and Enforcement Services (IES) is responsible for ensuring compliance with legislation, protecting vulnerable workers, promoting equity and skills development in the workplace and for Sector and Hazard Specific Advocacy. The Office of the Inspector General comprises three teams, Occupational Safety and Health, Minimum Labour Conditions, and Employment Equity, each of which is responsible for labour inspection matters within its jurisdiction.

The Unemployment Insurance Fund (UIF) and the Compensation Fund also have inspectors to ensure that appropriate contributions are made by employers.

Technical and OSH inspections in mines are carried out by a specialized body operating under the Ministry of Mineral and Energy Affairs.

Laws that cover organization and function

Labour Relations Act 66 of 1995 (LRA). [N.B. This law was amended in 2002. Text of the Labour Relations Amendment Act, 2002.

Basic Conditions of Employment Act 75 of 1997 (BCEA). [NB: This law has also been amended in 2002 by the Basic Conditions of Employment Amendment Act 2002]

Employment Equity Act 55 of 1998 (EEA)

Skills Development Act 97 of 1998 (SDA)

Unemployment Insurance Act 30 of 1996 (UIA) [NB: This law has been repealed and replaced by the Unemployment Insurance Act, 2001]

Occupational Health and Safety Act 85 of 1993 (OHSA)

Compensation for Occupational Injuries and Diseases Act 130 of 1993 (COIDA).

Current reforms

The IES is undergoing a process of restructuring to achieve a greater level of professionalization and efficiency.

Human Resources and career development

Permanency of inspectors

Labour inspectors have civil servant status and enjoy security of employment. However, it has been acknowledged that the current conditions of service of labour inspectors lead to obstacles in the recruitment and retention of highly qualified staff. Low salaries and the absence of career prospects lead to a high turnover of inspectors to other ministries better remunerated and the private sector.

Selection process

The Minister may appoint any person in the public service as a labour inspector or designate any or any person appointed as a designated agent of a bargaining council to perform any of the functions of a labour inspector. There are no standard criteria for the selection of inspectors at the HQ or provincial levels.

Background required

Currently, about 40 per cent of labour inspectors hold university degrees. There is no central unit responsible for systematically identifying training needs and delivering training programmes. Provincial offices have developed their own programmes in response to pressures for increasing the efficiency and productivity of inspectors.

Visits and functions

Types of visits

Inspections are either proactive or reactive. Blitz inspections are conducted for one week of every month. These blitz inspections focus on a particular economic sector. The sectors which are focused on are identified from the Injury on Duty statistics. Inspection visits devote a considerable extent to the provision of advice and education, including through successive follow-up visits,

Role of preventive measures

Advocacy and education are the key component of the work of the labour inspectorate in the area of OSH.

Registries and reporting of accidents/diseases at work

Employers have the legal obligation to report occupational accidents and occupational diseases.

Sanction and administrative processes

The enforcement approach relies primarily on administrative and civil enforcement and restores the rights of employees to institute civil proceedings to enforce basic conditions of employment. Labour inspectors are empowered to issue compliance orders against employers who do not comply with statutory obligations. Compliance orders that are not obeyed can be made into and enforced as orders of the Labour Court. Financial penalties may be imposed on employers who do not comply with these obligations. Labour inspector may in writing prohibit an employer from continuing or commencing with an act which in the opinion of an inspector threatens or is likely to threaten the health or safety of any person.

Social dialogue and labour inspection

Currently, cooperation with social partners exists with regards to occupational health and safety. Both employers and workers have stressed the need for inspectors to take a more authoritative approach to labour inspections.

ILO Conventions ratified

Conventions No. 81 and No. 129 have not been ratified.

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