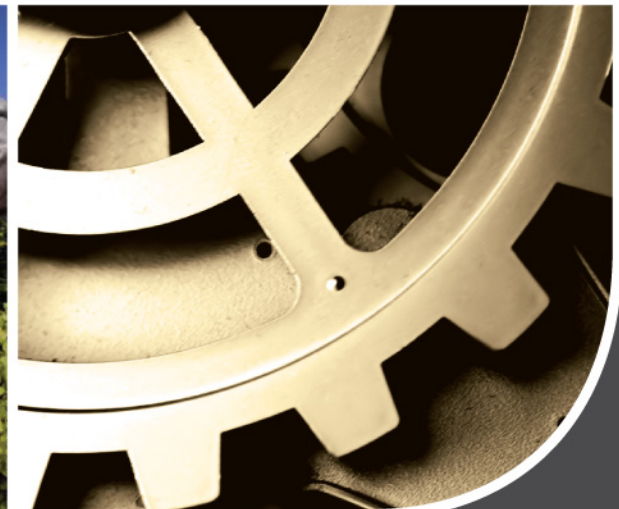


THE ENFORCEMENT OF THE NATIONAL MINIMUM WAGE

NMW COMMISSION

2019.08.22



employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA



PURPOSE AND BACKGROUND

To brief the NMW Commission on the following:

- Mandate of Inspection & Enforcement Services (IES);
- Statistics on inspections conducted
- Monies recovered;
- Cases referred for Prosecution

ENFORCEMENT APPROACH

The strategy to enforce the National Minimum Wage is premised on three (03) pillars of Inspection and Enforcement Services. Those pillars are:

- Advocacy;
- Inspection; and
- Enforcement

ADVOCACY APPROACH

- To advocate the benefits of the NMW in economic development and poverty alleviation in South African labour market as well as society;
- To ensure that employees and workers are knowledgeable and aware of their rights with regards to the NMW; and
- To ensure that employers are aware of their obligations towards their employees and workers in terms of the National Minimum Wage Act, 09 of 2018.

DISCHARGING INSPECTIONS

The Inspectorate recognises two forms of inspections:

- Proactive inspections; which emanate from the Annual Performance Plan; and
- Reactive inspections that are reactive to a complaint or request for an inspection.

ENFORCEMENT

The sectoral approach to enforcement is emphasized (as per discussions at NEDLAC):

In recognising that there may be sectors where there may be higher degrees of non-compliance and enforcement, the DoL undertakes to prioritise such sectors where there are no formal agreements and mechanisms of enforcement. The DoL undertakes to strategically prioritise an action plan that identifies vulnerable sectors and areas with the purpose of maximising resources over an initial period of time. These include domestic, farming, retail, security, construction, small business – start with a focus on these vulnerable sectors where enforcement and/compliance is minimal.

Any penalties imposed as a result of non-compliance will be dealt with in terms of Section 76A of the BCEA.

OPERATION SHAVHA NDALA

Organisation and Locus of Control:

- National Working Committee (NWC)

This committee comprises of all 9 Provincial Chief Inspectors and managed by Director: Advocacy & Stakeholder Relations

- Provincial Working Committee (PWC)

This committee comprises of Principal Inspectors

NATIONAL WORKING COMMITTEE (NWC)

National Working Committee (NWC):

NATIONAL PROJECT SPONSOR:

Inspector-General (IG)

Ms Aggy Moiloa

NATIONAL PROJECT LEADER:

Chief Director: Inspection & Enforcement Services

Advocate Fikiswa Mncanca

NATIONAL PROJECT MANAGER:

Director: Advocacy & Stakeholder Relations

Dr Pravine Naidoo

PROVINCIAL WORKING COMMITTEE (PWC)

The working committee comprises of the following members:

ROLE	NAME OF MEMBER	PROVINCE
Convener	Zoleka Ntshoza	Head Office
Deputy Convener	Lundi Bleni	Gauteng
Ambassador	Thozama Mkalipi	Eastern Cape
Ambassador	Lorraine May	Free State
	Moleleki Sebakala	
Ambassador	Esther Kock	Gauteng
	Veena Dubru	
	Portia Neshunzhi Constance Bhengu	

PROVINCIAL WORKING COMMITTEE (PEC)

The working committee comprises of the following members:

ROLE	NAME OF MEMBER	PROVINCE
Ambassador	Thaba Caluza	Kwa-Zulu Natal
	Velakhe Mthimkulu	
	Daniel Naidoo	
Ambassador	Happy Ntsoko	Limpopo
Ambassador	Tumi Makgaba	Mpumalanga
	Glance Maroga	
Ambassodor	Sinazo Mbeke	Northern Cape

PROVINCIAL WORKING COMMITTEE

The working committee comprises of the following members:

ROLE	NAME OF MEMBER	PROVINCE
Ambassador	Daniel Moshodi	North West
Ambassador	Cebo Kutuka	Western Cape
	John Jacobs	

RESPONSIBILITIES OF THE PROVINCIAL WORKING COMMITTEE

- To act as Provincial Ambassadors for the NMW;
- To ensure the implementation of Advocacy, Branding & Marketing of NMW;
- To source and analyse the national and provincial data and reporting on trends on compliance and non-compliance issues as well as impact assessments;
- To identify areas/sectors that need attention and advise the NWC; and
- To compile quarterly reports for consideration by the NWC.

The Provincial Working Committee is scheduled to meet on a quarterly basis;

PLANNED NMW ACTIVITIES FOR Q1

The IES Branch had planned the following activities:

1. Awareness Campaigns;
2. Advocacy Sessions; and
3. Radio Talk shows

For the 2019/20 financial year, the Branch has also planned 4 seminars on NMW.

In Q1: Private Security in collaboration with PSIRA in GP

In Q2: Private Security in Mpumalanga

1. EASTERN CAPE

AWARENESS CAMPAIGNS				
ACTIVITY DESCRIPTION	TARGET MARKET	EVENT VENUE	EVENT DATES	STATUS
Mall & Shopping Centre Exhibitions	Employers, Employees & Public	Hemingways Mall ,Beacon Bay Crossing Mdantsane City Mall,East London	20/05/2019 10:00 -13:00	Not Achieved
		Vincent Mall, Retail Park Beacon Bay, Highway Mall, East London	21/05/2019 10:00 -13:00	Not Achieved
PROVINCIAL WORKSHOPS (SEMINARS)				
Advocacy session Domestic campaign	Employers, Employees and Public	Wells Estate Port Elizabeth	29/06/2019 10:00 -15:00	Achieved
		Municipality Hall Port Elizabeth	28//06/2019 10:00 -13:00	Achieved
		Scenery Park Hall East London	12/05/2019 10:00 -13:00	
PROVINCIAL RADIO-SHOWS				
Radio Talk show	Employees, Employers & public	Kumkani FM	12/05/2019 09h00 – 09h30	Achieved

2. FREE STATE

AWARENESS CAMPAIGNS

ACTIVITY DESCRIPTION	TARGET MARKET	EVENT VENUE	EVENT DATES	STATUS
Mall & Shopping Centre Exhibitions	Employees, Employers & public	Botshabelo Mall Heilbron Shopping Centre Jacobsdal Shopping Centre Including businesses managed by foreigners and from Chinese origin.	Saturday 25/05/2019 09:00 – 13:00 Saturday 01/06/2019 09:00 – 13:00 Saturday 08/06/2019 09:00 -13:00	Achieved

PROVINCIAL WORKSHOPS (SEMINARS)

Information sharing workshop to 50 participants	Employers owning or operating businesses in the retail sector.	Bethlehem Bethulie including businesses managed by employers from foreign and Chinese origin	13/06/2019 09:00 15:00	Achieved
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PROVINCIAL RADIO-SHOWS

Radio Talk show	Employees, Employers & public	Leside FM	February 2019	Achieved
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3. GAUTENG

AWARENESS CAMPAIGNS				
ACTIVITY DESCRIPTION	TARGET MARKET	EVENT VENUE	EVENT DATES	STATUS
Mall & Shopping Centre Exhibitions	Employees, Employers & public	Jabulani Mall , Soweto	27/04/2019 10:00 -13:00	Achieved
		Birchacres Mall, Thembisa	04/05/2019 10:00 -13:00	Achieved
Train Stations	Employees, Employers & public	Pretoria train station	29/05/2019 15:00 -18:30	Achieved
PROVINCIAL WORKSHOPS (SEMINARS)				
Seminar of 50 participants	Chinese community	City of Joburg	16 May 2019 07:30 10:00	
PROVINCIAL RADIO-SHOWS				
Radio Talk show	Employees, Employers & public	Leside FM	17/04/2019	Achieved
		Leside FM	24/04/2019	Achieved

4. KWA-ZULU NATAL

AWARENESS CAMPAIGNS				
ACTIVITY DESCRIPTION	TARGET MARKET	EVENT VENUE	EVENT DATES	STATUS
Mall & Shopping Centre Exhibitions	Employees, Employers & public	Umzimkhulu Mall Ladysmith Newcastle Taxi Rank Durban PMB	04/05/2019 30/06/2019 08/06/2019 24/06/2019	Achieved
PROVINCIAL WORKSHOPS (SEMINARS)				
Advocacy session	Employers & Employees	Stanger Manor Mall Ottawa Civic Centre Chatsworth	04/04 05/04 10/04	Achieved
		Public Works Dept City Hall Transport Dept Marine Parade Manguze	11/04 24/04 12 & 29/04 29/04 06/06	Achieved
PROVINCIAL RADIO-SHOWS				
Radio Talk show	Employees, Employers & public	Vibe FM	03/04/2019 & 10/04/2019	Achieved
		Intokozo FM	11/04/2019	Achieved
		Vibe FM	17/04/2019 and 24/04/2019	Achieved
		Inkqubeko FM	07/06/2019	Achieved
		Izwilabantsundu	10/04/2019	Achieved

5. LIMPOPO

AWARENESS CAMPAIGNS				
ACTIVITY DESCRIPTION	TARGET MARKET	EVENT VENUE	EVENT DATES	STATUS
Mall exhibition. Mall walk and distribution of Advocacy material	Employees, Employers & public	Main Event Mall of the North Polokwane Mini Events in malls around the Province	17/05/2019 10:00 -13:00	Achieved
PROVINCIAL WORKSHOPS (SEMINARS)				
.Information Session	Farm workers and farm employers	Vaalwater	24/04/2019	Achieved
.Information Session	General workers and public members	Moutse Bulk Water Supply	04/07/2019	Achieved
.Information Session	Community members, general employees and employers	The Oaks	31/05/2019	Achieved
PROVINCIAL RADIO-SHOWS				
NOT PLANNED FOR Q1		Giyani Community Radio	24/05/2019	Achieved
		Thobela FM	1/04, 30/04, 01/05, 18/06	Achieved
		Munghana Lonene	26/04, 31/05, 21/06	Achieved

6. MPUMALANGA

AWARENESS CAMPAIGNS

ACTIVITY DESCRIPTION	TARGET MARKET	EVENT VENUE	EVENT DATES	STATUS
Mall exhibitions	Employees, Employers & public	Emalahleni	Q1 04/6/2019	Achieved

PROVINCIAL WORKSHOPS (SEMINARS)

NMW Advocacy	Employees, Employers & public	Hendrina PS	17/04/2019	Achieved
		Malelane	13/06/2019	Not Achieved
		Mbombela	12/06/2019	Not Achieved
		Kwamhlanga	10/06/2019	Achieved

PROVINCIAL RADIO-SHOWS

Radio Talk show	Employees, Employers & public	Emalahleni CRS	04/06/2019	Not Achieved
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7. NORTH WEST

AWARENESS CAMPAIGNS

ACTIVITY DESCRIPTION	TARGET MARKET	EVENT VENUE	EVENT DATES	STATUS
Mall exhibition. Mall walk and distribution.	Employees, Employers & public	Mafikeng Mall Mahikeng	21/05/2019 10:00 -13:00	Achieved
		Mall Rustenburg	14/06/2019 10:00 -13:00	Cancelled
		Klerksdorp	29/05/2019 15:00 -18:30	Achieved

PROVINCIAL WORKSHOPS (SEMINARS)

Seminar of 50 participants	Chinese community	Rustenburg	21/06/2019 07:30 10:00	Achieved

PROVINCIAL RADIO-SHOWS

Radio Talk show	Employees, Employers & public	MafikengFM	10/04/2019 17/04/2019 24/04/2019 08/05/2019 19:00-20:00	Achieved
		All community Radio Stations in North West from the SABC Studios	22/05/2019	On going

8. NORTHERN CAPE

AWARENESS CAMPAIGNS				
ACTIVITY DESCRIPTION	TARGET MARKET	EVENT VENUE	EVENT DATES	STATUS
Mall Exhibitions & Taxi Ranks	Employers & Employees	Colesburg	30/05/2019 10:00 -13:00	Achieved
		Colesburg Taxi Rank	31/05/2019 09:00 -10:30	Achieved
PROVINCIAL WORKSHOPS (SEMINARS)				
Advocacy Sessions	Employers, Employees & Public	Farmers UNION: Colesburg	28/05/2019 19:00 -19:30	Achieved
PROVINCIAL RADIO-SHOWS				
Not Planned for Q1				

9. WESTERN CAPE

AWARENESS CAMPAIGNS				
ACTIVITY DESCRIPTION	TARGET MARKET	EVENT VENUE	EVENT DATES	STATUS
NOT PLANNED FOR Q1				
PROVINCIAL WORKSHOPS (SEMINARS)				
NMW, SOP & BCEA Advocacy and training workshop for EE inspectors whom migrated to BCEA	BCEA Inspectors	PO Western Cape Training Room	05/04/2019 8h30 - 13:00	Achieved
NMW Advocacy session with members of Cape Chamber of Commerce	Employers & Employer organisations	Cape Chamber of Commerce Conference Room	11/04/2019 11:00 -14:00	Achieved
NMW Advocacy session with BAWUSA in Bredasdorp	BAWUSA shopstewards, officials & members	Thusong Centre Bredasdorp	12/04/2019	Achieved
NMW Training	DOL inspectors	Milnerton	06/05/2019	Achieved
NMW advocacy session in Oudtshoorn - Adverts in local newspapers	Employers, Employers organisations, Employees, trade unions and general public	Oudtshoorn SAPS Academy	07/05/2019	Achieved
NMW Training	DOL inspectors	George Department of Justice	07/05/2019	Achieved
Establish Agri Forum to improve communication and service delivery on NMW & BCEA issues	& DOL officials	Paarl Labour Centre Breda Street Paarl	24/05/2019	Achieved

9. WESTERN CAPE

NMW advocacy session in Oudtshoorn	Employers and employer organisations	Oudtshoorn Department of Justice conference room	28/05/2019	Achieved
NMW advocacy session for Women on Farms shopstewards and members Sessions in different locations	Women on Farms members, shopstewards & officials	Women on Farms Stellenbosch office	31/05/2019	Inspector attended Union officials attended to a crisis and session was postponed to a date to be confirmed
NMW meeting with NGO sector in Milnerton	Organisations in the disability NGO sector	Cape disability conference room Milnerton	10/06/2019	Achieved
NMW Workshop	SMME's	False Bay College	12 June 2019	Achieved
NMW training session with BAWUSA at Douglas Green in Wellington	BAWUSA shopstewards, officials & members	Douglas Green Cafeteria in Wellington	27/06/2019	Achieved
PROVINCIAL RADIO-SHOWS				
Radio Talk show	Employers and employer organisations & public	Heart FM	28/05/2019	Achieved
		Talk FM	04/06/2019	
		Bush Radio	06/06/2019	
		Elgin FM	07/06/2019	

NMW INSPECTIONS PER SECTOR ANALYSIS: QUARTER 1: April – June 2019

INSPECTIONS				
Sector	Sector Target	Proactive Inspection	Reactive Inspections	Total (P&R) inspections
Manufacturing	44	471	109	506
Private Security	211	535	175	704
Government	12	41	2	43
Wholesale & Retail	3361	7366	291	7619
Agriculture	2267	2165	129	2290
Community	1763	5051	268	5317
Contract cleaning	77	211	33	244
Construction	74	750	78	828
Finance	142	607	22	629
Food & Beverage	11	29	5	34
Hospitality	1389	1688	110	1744
Iron & Steel	21	1477	37	1514
Transport	26	419	10	428
Domestic	1953	2249	142	2390
TOTAL	11351	23059	1411	24470

NMW COMPLAINTS PER SECTOR ANALYSIS: QUARTER 1: April-June 2019

COMPLAINTS					
Sector	Complaints			Number Non-Compliant	
	BCEA	NMW	TOTAL	BCEA	NMW
Manufacturing	219	93	234	43	45
Private Security	127	127	246	65	60
Government	2	1	3	1	1
Wholesale & Retail	1301	466	1762	406	334
Agriculture	128	169	297	109	30
Community	682	331	1012	113	220
Contract cleaning	34	49	77	7	12
Construction	230	52	282	35	41
Finance	304	37	341	17	10
Food & Beverage	2	9	11	1	2
Hospitality	214	131	345	110	69
Iron & Steel	125	67	167	23	12
Transport	104	14	118	5	13
Domestic	238	94	332	75	60
TOTAL	3710	1640	5350	1010	909

NMW COMPLAINT ANALYSIS PER SECTOR

COMPLAINT ANALYSIS						
Sector	Age		Gender		Nationality	
	18-35	36-65	Male	Female	South African	Foreign
Manufacturing	64	7	14	14	31	1
Private Security	50	37	65	28	99	4
Government	1	0	1	0	1	0
Wholesale & Retail	33	9	17	27	45	0
Agriculture	9	3	9	1	78	0
Community	17	17	15	16	32	1
Contract cleaning	6	5	7	5	14	0
Construction	12	5	9	8	15	0
Finance	0	1	0	1	2	0
Food & Beverage	0	1	1	0	1	0
Hospitality	46	19	15	25	36	0
Iron & Steel	8	8	12	4	15	1
Transport	1	5	4	3	7	0
Domestic	19	8	1	25	26	0
TOTAL	266	125	170	157	402	7

NMW AMOUNTS RECOVERED PER SECTOR ANALYSIS: QUARTER 1: April to June 2019

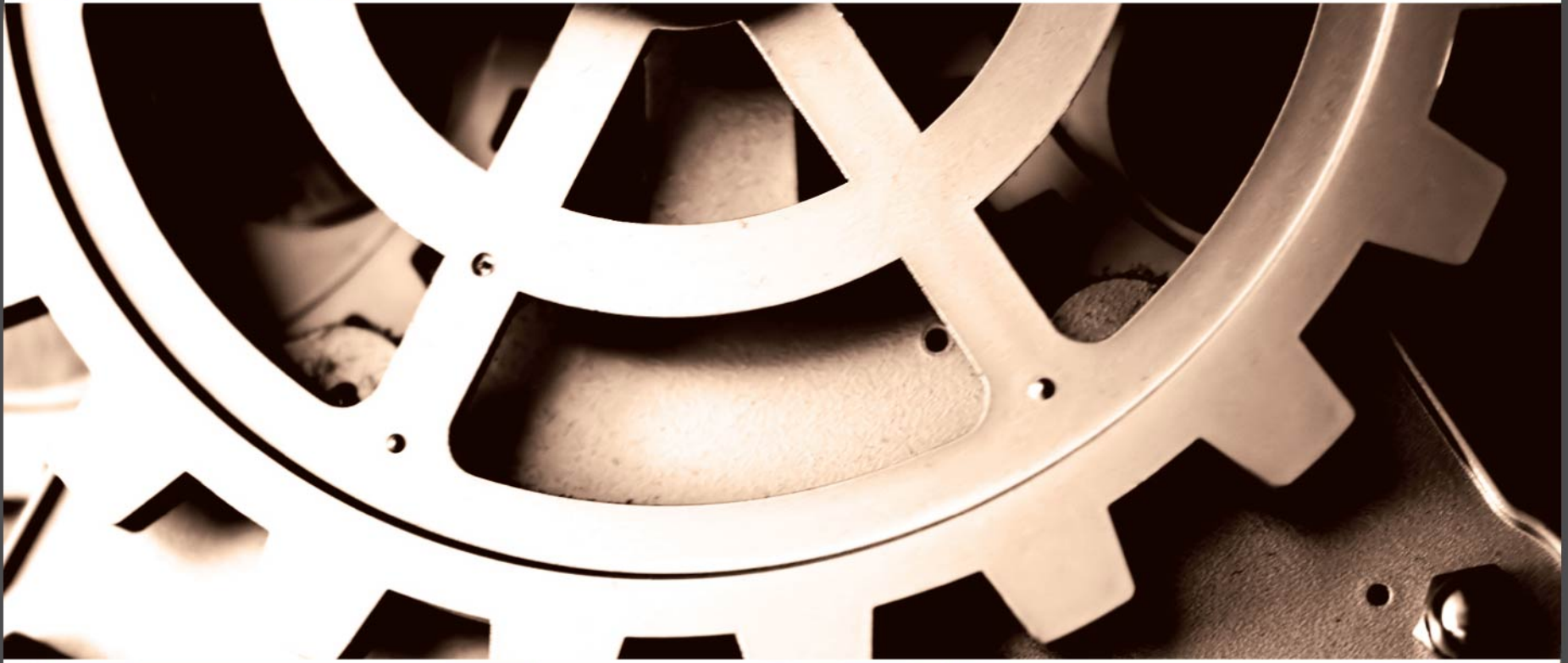
Sector	AMOUNT RECOVERED	
	BCEA	NMW
Manufacturing	117035	122858
Private Security	629946	11220302
Government	0	0
Wholesale & Retail	25340	3648875
Agriculture	251486	487109
Community	5200	1918567
Contract cleaning	3238	151084
Construction	0	672210
Finance	0	56322
Food & Beverage	0	66967
Hospitality	9032	887361
Iron & Steel	0	225028
Transport	0	41000
Domestic	0	133823
TOTAL	R 1 041 276	R 19 631 507

REFERRALS FOR PROSECUTION PER SECTOR

SECTOR	Number of referred for prosecution		Total number	Amount Recovered	
	BCEA	NMW		BCEA	NMW
Manufacturing	2	29	31	0	395337
Private Security	18	19	37	0	269858
Government	1	0	1	5200	0
Wholesale & Retail	53	100	153	99082	1746295
Agriculture	15	3	18	231994	59743
Community	84	50	134	0	2598239
Contract cleaning	2	0	2	0	26622
Construction	3	6	9	0	68620
Finance	1	7	8	0	0
Food & Beverage	0	0	0	0	0
Hospitality	24	29	53	36800	1538432
Iron & Steel	5	11	16	19796	217765
Transport	0	0	0	0	0
Domestic	12	11	23	0	33054
TOTAL	220	265	485	R 392 872	R 6 953 965

INTERVENTIONS TO IMPROVE COMPLIANCE

- To have sufficient budget for marketing purposes;
- To collaborate with the Bargaining Councils and other inspection agencies e.g. PSIRA; and
- To collaborate with Foreign National Employers:
- Seminar held in the Western Cape targeting the Chinese Business Community.



THANK YOU