

National Minimum Wage defaulters warned

Government has reiterated its commitment to clamp down on the growing practice of deliberately dodging labour laws, especially the National Minimum Wage (NMW) Act.



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The NMW Act which came into effect in January stipulates that no worker should earn below the R20 minimum wage per hour.

However, about three months into the enactment of the NMW Act, the amended Basic Conditions of Employment Act (BCEA) and Unemployment Insurance Act (UI Act) caseload at the Conciliation Mediation and Arbitration (CCMA) has risen by 8%.

The NMW Act alone accounted for 262 referrals since the beginning of the year, CCMA Legal Researcher: Office of the Director, Wilbur van Niekerk, said.

In terms of the breakdowns, 204 employers failed to pay any amount owing; unilateral changes to terms and conditions of employment accounted for 34 cases while the dismissal related to NMWA accounted for 11 cases.

Disputes relating to compliance orders saw seven cases, dismissals for operation reasons related to the NMW Act were four cases, while the application to make Compliance Order an Arbitration Award saw two cases.

The bulk of referrals were coming from KwaZulu-Natal and Gauteng provinces, Van Niekerk said.

Some of the problematic sectors in terms of new legislation referrals include business and professional services, safety and security, building and construction, retail, domestic, food and beverage, contract cleaning, transport, agriculture and farming as well as the private educators.

The Department of Labour says it is in the process of naming and shaming employers who fail to comply by publishing them on the department's website.

The department is also on a national blitz to assess levels of NMW Act, at businesses with over 1300 inspectors assigned to monitor compliance.

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