

Employment protection for performers: Call for public comment

The Department of Employment and Labour has invited public comment on a proposal to classify performers in South Africa's advertising, artistic and cultural sectors as employees - a move aimed at strengthening protections for vulnerable workers in the creative industries.



Image source: Polina Tankilevitch from [Pexels](#)

Employment and Labour Minister Nomakhosazana Meth has signed a notice, published in the Government Gazette, setting out the department's intention to extend full labour protections to performers, who are currently classified as independent contractors. The notice was published on 23 January 2026.

If adopted, the proposal would see performers covered by key labour laws, including the Basic Conditions of Employment Act (BCEA), the National Minimum Wage Act (NMW) and the Compensation for Occupational Injuries and Diseases Act (Coida), granting them the same rights and benefits as employees in other sectors.

The department said the move forms part of government's broader efforts to address persistent challenges in the creative and cultural industries, such as income insecurity, unsafe working conditions and limited access to social protection.

"These processes are aimed at ensuring that any regulatory intervention is evidence-based, consultative and responsive to the realities of the industry," the department said in a statement on Wednesday.

According to the notice, the proposal is informed by widespread evidence and stakeholder submissions showing that many performers work under conditions that resemble employment relationships. These include fixed working hours, supervision and payment for services rendered, despite being formally classified as independent contractors.

As a result, many performers are excluded from basic labour protections, the department said. The proposed measure seeks to close this gap, improve regulation and enforcement, and promote decent work within South Africa's growing creative economy.

Interested stakeholders and members of the public have 30 working days from the publication date to submit written representations to the Director-General of the Department of Employment and Labour, either by post or via email at SDinvestigations@labour.gov.za

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