

Progress on Basic Conditions of Employment Amendment Bill

Parliament's Portfolio Committee on Labour has adopted changes to the Basic Conditions of Employment Amendment Bill, which will pave the way for the laws to be debated, said the Department of Labour.

"The Portfolio Committee on Labour has adopted changes to the Basic Conditions of Employment Amendment Bill (BCEA), thereby paving the way for the laws to be debated by the National Assembly before being sent to the National Council of Provinces," said the department on Tuesday.

"We have just delivered the first baby elephant," chairperson of the portfolio committee, Eleck Nchabeleng told committee members, considering that the process went on for too long.

The amendments of the bill include the adjustment of powers of the Minister and the Employment Conditions Commission in respect of sectoral determinations to, inter alia, facilitate regulation of temporary employment by also extending protection of vulnerable workers and facilitate their right to freedom of association.

The amendments are proposed to give the minister the power to prescribe thresholds of representativeness of a trade union to have the organisational rights of access to employer premises.

Additionally, the provisions in the BCEA dealing with the prohibition and regulation of child labour are to be extended to cover all work by children and not only work by children as employees.

These amendments will align the BCEA with South Africa's international law obligations in terms of the International Labour Organisation Convention (No. 182) on the Worst Form of Child Labour.

Labour Minister Mildred Oliphant submitted the amendment bills for the BCEA as well as the Labour Relations Act (LRA) to the Cabinet Committee on 14 March 2012.

Cabinet thereafter on 20 March 2012 approved the submission of the bills to Parliament to be considered by the Portfolio Committee on Labour before being submitted to the National Assembly and the National Council of Provinces, respectively, for adoption.

The first version of the BCEA and the LRA bills were published for public comment on 17 December 2011. The department received comment from approximately 390 individuals and organisations - with comments focused mainly on the issue of labour brokers.

Nchabeleng said the committee had achieved a "milestone in that these laws were brought to us to improve the lives of employees by addressing their working conditions".

The committee is set to adopt the LRA next.

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