

# Our mistake, Department of Labour concedes

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The Department of Labour has conceded that it erred when it changed the wording of the definition of "worker" in the National Minimum Wage Bill.



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The admission follows Business Day reports detailing how the bill, which was gazetted in November 2017, went against recommendations of experts and a National Economic Development and Labour Council (Nedlac) agreement.

In the bill, "workers" are defined as employees as per the Basic Conditions of Employment Act, which would result in the exclusion of millions of independent contractors, subcontractors and task-based workers and limit the reach of the minimum wage coverage.

The department said on Wednesday that it would correct the error. It said it was never its intention to deviate from the Nedlac agreement made between the government, business and labour.

"The department regrets the change of wording in the definition published in the November version of the Bill. The change occurred during the certification process between the office of the chief state law adviser and the department's drafters. It

was an oversight by the department and will be corrected," it said.

Labour federations Cosatu and Fedusa representatives had told Business Day that they suspected the error had been caused by officials responsible for the drafting of the final bill. The federations welcomed the department's concession, but were concerned that the government was committing similar errors too often.

Cosatu parliamentary leader Matthew Parks cast doubt on the capabilities of the Department of Labour. "It is worrying that this is a frequent occurrence with government inserting mysterious and highly problematic wording into bills after the Nedlac engagements have concluded," he said.

Leadership incapacity problems in the department had led to a five-year delay in the implementation of the Unemployment Insurance Fund Act, "at a time thousands of workers are being retrenched", he said.

The parliamentary portfolio committee on labour was presented with the national minimum wage bill and other labour laws being amended on Wednesday, Parks said.

The department supported submissions made by labour federations and other civil society groups, including academic research groups such as Wits University's National Minimum Wage Initiative, which said the definition of a worker had been intentionally broadened in policy proposals to include all forms of employment.

*Source: Business Day*

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