



MINISTRY
EMPLOYMENT AND LABOUR
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF EMPLOYMENT AND LABOUR FUNCTIONS DELEGATED TO DEPUTY MINISTER

Overview of Mandate and Policy Direction

The core mandate of the Department of Employment and Labour is to regulate the South African labour market for sustainable economic development through appropriate legislation and regulations, inspection, compliance monitoring and enforcement, protection of human rights, provision of employment services, promotion of equity, social and income protection and social dialogue.

This mandate however is in the process of being reviewed in accordance with the added responsibility of Employment. The Ministry therefore needs to embark on a reconfiguration process, which will then inform the Department's strategic thrust and focus. This in turn will help consolidate the roles and responsibilities to be allocated to the Minister and Deputy Minister.

Constitutional Mandate of the Department of Employment and Labour

Section 9, to ensure equal access to opportunities.

Section 10, promotion of labour standards and fundamental rights at work.

Section 18, freedom of association.

Section 23, ensure sound labour relations.

Section 24; ensure an environment that is not harmful to the health and wellbeing of those in the workplace.

Section 27; provide adequate social security nets to protect vulnerable workers.

Section 28, To ensure that children are protected from exploitative labour practices and not required or permitted to perform work or services that are inappropriate for a person of that child's age or their well-being, education, physical or mental health or their spiritual, moral or social development is placed at risk.

Section 34, Access to courts and access to fair and speedy labour justice.

The Policy Mandate of the Department of Employment and Labour

Improved economic efficiency and productivity.

Creation of decent employment.

Promoting labour standards and fundamental rights at work.

Providing adequate social safety nets to protect vulnerable workers

Sound labour relations.

Eliminating inequality and discrimination in the workplace.

Enhancing occupational health and safety awareness and compliance in the workplace.

Give value to social dialogue in the formulation of sound and responsive legislation and policies to attain labour market flexibility for competitiveness of enterprises which is balanced with the promotion of decent employment

Programs and Entities of the Department

1. Administration (Ministry, Office of the DG, Corporate Service, Chief Operations Officer and Chief Financial Officer)
2. Inspection and Enforcement Services (IES)
3. Public Employment Services (PES)
4. Labour Market Policy and Industrial Relations (LP&IR)
5. Unemployment Insurance Fund (Schedule 3A Public Entity) UIF
6. Compensation Fund (Schedule 3A Public Entity) CF

Entities that have been established in terms of various legislations and Cabinet decisions in order to assist the Department in meeting its mandate include:

7. Commission for Conciliation, Mediation and Arbitration (CCMA)
8. National Economic Development and Labour Council (NEDLAC)
9. Productivity South Africa (PSA)
10. Supported Employment Enterprises (SEE)

DEPARTMENT SERVICE DELIVERY FOOT PRINT ACROSS SOUTH AFRICA

- Head Office in Pretoria with the two Funds in Pretoria
- 9 Provincial Department Offices
- 126 Labour Centre across 9 Provinces
- Services provided in 72 Thusong Centres
- 19 Mobile Units for servicing remote areas and 2 Mobile Bus Services

Mr. Thembelani Waltermade Nxesi, MP the current Minister for Employment and Labour and Deputy Minister Ms. Boitumelo Moloi, MP are collectively mandated to discharge the responsibility for delivering on this mandate.

Delegations by the President to the Minister Nxesi

The President in terms of Section 91 & 92 of the Constitution delegates powers and functions to the Ministers who in turn will sub-delegate certain powers and functions to the Deputy Ministers. The following are powers delegated to the Minister of Employment and Labour by the Executive Authority of the Republic as per Section 85 of the Constitution:

- (1) The executive authority of the Republic is vested in the President.
- (2) The President exercises the executive authority, together with the other members of the Cabinet, by:
 - (a) Implementing national legislation except where the Constitution or an Act of Parliament provides otherwise,
 - (b) Developing and implementing national policy,
 - (c) Co-ordinating the functions of state departments and administrations;
 - (d) Preparing and initiating legislation; and
 - (e) Performing any other executive function provided for in the Constitution or in national legislation.

Functions that have been Delegated by the Minister to Deputy Minister Moloi

The Minister and Deputy Minister after thorough consultation agreed to share functions and the following functions are delegated to the Deputy Minister:

- 1. Inspectorate and Enforcement Services
- 2. 126 Labour Centres
- 3. Regional Offices / Satellite Offices
- 4. Commission for Conciliation, Mediation and Arbitration
- 5. Productivity South Africa
- 6. Programme of Taking Services to the People

PROGRAM	MINISTER	DEPUTY MINISTER	SHARED
Labour Centres		X	No
Regional Office / Satellite		X	No
Inspectorate and Enforcement Services		X	No
Public Employment Services	X		No
Supported Employment Services			
Labour Market and Industrial Relations	X		No

Entities

ENTITY	MINISTER	DEPUTY MINISTER	SHARED
Unemployment Insurance Fund (UIF)	X		No
Compensation Fund (CF)	X		No
Commission for Conciliation, Mediation and Arbitration (CCMA)		X	No
Productivity South Africa (PSA)		X	No
NEDLAC	X	X	Yes

Multilateral Organisation at Continental and International Level

The Minister will attend where he is required to do so. Otherwise, the duties are shared according to the respective schedules of the Minister and Deputy Minister.

FORUMS	MINISTER	DEPUTY MINISTER	SHARED
African Union Ministers of Employment and Labour	X	X	Yes
ILO African Regional Labour Forum (ARLAC)	X	X	Yes
SADC Employment and Labour Sector (ELS)	X	X	Yes
International Labour Organisation (ILO)	X	X	Yes
Group of Twenty International Forum G20 Ministers of Labour	X	X	Yes
BRICS Ministers of Labour Forum	X		No
Bilateral Agreements	X		No

Accountability and Reporting

The Minister and Deputy Minister will report and account for performance of the Department based on the responsibilities and functions. Section 92 of the Constitution dictates that:

- (1) The Deputy President and Ministers are responsible for the powers and functions of the executive assigned to them by the President.
- (2) Members of the Cabinet are accountable collectively and individually to Parliament for the exercise of their powers and the performance of their functions.
- (3) Members of the Cabinet must- (a) act in accordance with the Constitution; and provide Parliament with full and regular reports concerning matters under their control.

Governance Forums

FORUMS	MINISTER	DEPUTY MINISTER	SHARED
National Assembly / NCOP	X	X	Mandatory
Cabinet	X		DM as per invitation
Cabinet Committees	Cabinet Committee ESEID	Cabinet Committee SPCHD	Both attend where there are DEL matters on the agenda or as appropriate
Portfolio Committee	X	X	
IMC's	By definition appointed as Minister	Delegate especially in areas allocated to the DM	Briefings required
EXCO	X	X	Mandatory
Extended EXCO	X	X	Mandatory
Annual Planning	X	X	Mandatory
Mid Term Review	X	X	Mandatory
Budget Vote	X	X	Mandatory

Performance Agreement

The Minister and Deputy Minister Performance agreements will be linked to their delegations and their contracts linked to respective Key Performance Indicators.

Deputy Minister's performance indicators:

Support measures to improve productivity-related competencies in the workplace.

Facilitate and evaluate productivity improvements and their effects on market competitiveness.

Support initiatives aimed at preventing job losses.

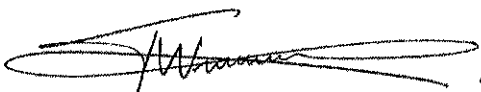
Promoting labour standards and fundamental rights at work.

Promote sound labour relations.

Eliminating inequality and discrimination in the workplace.

Enhancing occupational health and safety awareness and compliance in the workplace.

Give value to social dialogue in the formation of sound and responsive legislation and policies to attain labour market flexibility for competitiveness of enterprises, which is balanced with the promotion of decent employment.



MR TW NXESI, MP
MINISTER OF EMPLOYMENT AND LABOUR
DATE: 09 JANUARY 2020