



## **DRAFT NEDLAC REPORT ON THE CODE OF GOOD PRACTICE FOR EMPLOYMENT AND CONDITIONS OF WORK FOR EXPANDED PUBLIC WORKS PROGRAMME (EPWP)**

### **1. BACKGROUND**

- 1.1. The June 2003 Growth and Development Summit (GDS) outlined various recommendations aimed at addressing the national challenge with high poverty and unemployment rates. Government then developed the Expanded Public Works Program (EPWP), to be implemented among other fundamental national strategies, which aim to address unemployment and alleviate poverty.
- 1.2. The EPWP is a short-to-medium term strategy which cuts across all spheres and departments of Government. The main goal is to absorb the largest pool of unskilled and unemployed members of the population into temporary job opportunities, to be created within existing or newly established government initiatives.
- 1.3. The EPWP was launched in 2004 and the Development chamber had been receiving reports on the process.
- 1.4. There was a revision of the conditions of employment which was intensively discussed by the Development chamber in 2009.
- 1.5. The Ministerial Determination provides for exemption from certain provisions in the Basic Conditions of Employment Act and amendments are done through the Employment Conditions Commission (ECC).

- 1.6. The Code provides good practice guidelines for all stakeholders in the EPWP in respect of working conditions, payments, disciplinary and grievance procedures and those amendments should be done through Nedlac.

## 2. INTRODUCTION

- 2.1. The Code was presented before the Labour Market Chamber in May 2010 and it was agreed that a task team should be established to deliberate on the process.

- 2.2. The Task Team consisted of the following representatives:

**Business:** Vikki Harbhajan and Kaizer Moyane.

**Labour:** Norma Craven, Neil Newman, Johan van Niekerk, Bhekani Ngcobo, Sibusiso Gumede and Bongani Khumalo.

**Government:** Ismail Akhalwaya, Virgil Seafeld and Mathilda Bergmann.

- 2.3. The task team met on the following dates:

- 20 May 2010
- 23 June 2010
- 08 July 2010

## 3. AREAS OF AGREEMENT

There were many areas of agreement, which are reflected in the text of the revised Code itself (attached). The areas of agreement include:

- 3.1. Constituencies agreed to the deletion of the following clauses from the Code:

3.1.1. If pay is calculated on the basis of time worked, a worker will only be paid for the period that the worker worked.

3.1.2. The following rules apply to payment of workers:

- A pay slip must be issued with each payment for work completed.
- Payment must be at regular intervals and in a manner specified by each programme.

- Payment must be within 35 days of completing a task.
  - A record of tasks completed and payments (including training pay and sick-pay) must be kept for each worker.
- 3.13. If bad weather interrupts work for task-based workers, workers will only be paid on completion of the task.
- 3.1.4. Workers who arrive late for training and who are not required to work during training programmes should not be paid.
- 3.1.5. Workers who do not attend required training programmes without a valid reason may have their contracts cancelled after a fair procedure has been followed.
- 3.2. Constituencies endorsed the recommendation on the importance of differentiating work done by municipalities to identify which projects or components of projects qualify as EPWP projects, and which should be done by employing workers under existing labour legislation. Further, business plans signed by managers should also commit to EPWP opportunities that do not contribute to substitution of permanent jobs with temporary jobs under the guise of EPWP.
- 3.3. Constituencies agreed to take into account transport expenses that creep in with the progression of the project, subject to the understanding that labour should primarily be sourced from local communities.

#### **4. CONCLUSION**

That the amended Code of Good Practice (attached) is approved by NEDLAC and that it would be forwarded to the Minister of Labour.