

Promoting Labour rights and reducing decent work deficits: A private sector perspective

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1. Introduction: The fundamental labour rights
2. Collective bargaining and social dialogue
3. Workplace realities
4. The future of work

1. Introduction: The fundamental labour rights

- Freedom of association and the effective recognition of the right to collective bargaining;
- The elimination of all forms of forced or compulsory labour;
- The effective abolition of child labour;
- The elimination of discrimination in respect of employment and occupation; and
- A safe and healthy working environment.

1. Introduction: The fundamental labour rights

- In South Africa, there is an understanding of how these fundamental rights reinforce one another.
- Section 23 of South Africa's constitution provides:
 - Everyone has the right to fair labour practices.
 - Every worker has the right to form and join a trade union; to participate in the activities and programmes of a trade union; and to strike.
 - Every employer has the right to form and join an employers' organisation; and to participate in the activities and programmes of an employers' organisation.
 - Every trade union and every employers' organisation has the right to determine its own administration, programmes and activities; to organise; and to form and join a federation.
 - Every trade union, employers' organisation and employer has the right to engage in collective bargaining. National legislation may be enacted to regulate collective bargaining. To the extent that the legislation may limit a right in this Chapter, the limitation must comply with section 36(1).
 - National legislation may recognise union security arrangements contained in collective agreements. To the extent that the legislation may limit a right in this Chapter, the limitation must comply with section 36(1).

2. Collective bargaining and social dialogue

- Social dialogue is the cornerstone of policy making in South Africa.
- The National Economic Development and Labour Council (NEDLAC) is the vehicle by which Government, labour, business and community organisations seek to cooperate, through problem-solving and negotiation, on economic, labour and development issues and related challenges facing the country.
- South Africa utilises a tripartite plus structure.

3. Workplace realities

- Unfortunately, union membership in South Africa is declining.
- Union density is currently around 23%.
- This is a problem for both employers and employees: Unionised workplaces have better and easier communication structures (single point of contact).
- Workplaces are changing rapidly (fueled by the pandemic).

4. The future of work

- In 2022 a survey showed that two thirds of employees are still splitting time between office and working from home.
- This presents challenges in terms of fundamental labour rights (i.e. how to ensure employees rest appropriately, how to ensure productivity levels are kept up, how would unions access these employees?)
- These questions should be explored with social partners, as hybrid working models are likely here to stay.

4. The future of work

- Work and workplaces are ever changing, and this needs an agile policy environment.
- Social dialogue is key and should be supported and funded appropriately.
- Decent work deficits happen in a communication and/or policy vacuum.
- Best practice should be shared among each other within the BRICS EWG.

Thank you!

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