

For employees in South Africa today the future looks bleak

By Michael Bagraim MP – DA Shadow Deputy Minister of Employment and Labour

The Democratic Alliance has enormous problems with the departmental proposed budget for every single entity. All the entities, bar Nedlac, failed their audit. All the entities have not delivered and seem to view the opposite. Well, one can only quote from Alice Through the Looking Glass *“the time has come, the Walrus said, to talk of many things: shoes - and ships - and ceiling wax – cabbages – and kings – and why the sea is boiling hot – and whether pigs have wings”*.

We cannot do any better than by having a closer inspection of the Commission for Conciliation Mediation and Arbitration (CCMA). This entity was the jewel in the crown of the Department of Employment and Labour. The CCMA has had just over 20 years of success. It was one of those rare entities in government who actually fulfilled its task and actually had people who were fit for purpose. The CCMA was both the sword and the shield with regard to the Constitutional Mandate as outlined in Section 23 of the Constitution of the Republic of South Africa that deals with Labour Relations. It is a statutory body established in terms of Section 112 of the Labour Relations Act. It should be independent of the State, any political party, trade union, employer, employer’s organization, federation of trade unions, or federations of employer’s organization.

This body was specifically set up to protect labour rights and to enforce employment legislation. The enforcement is absolutely necessary for efficient and quality dispute resolution and enforcement services. Without an efficiently run CCMA, our labour laws are a nullity, especially now in South Africa today when we have one of the highest unemployment rates in the world, some of the worst productivity levels in the world, and retrenchments running wild. One would expect that an entity of this nature would not only be preserved but would be enhanced and certainly protected in the workforce’s hour of need.

For employees in South Africa today the future looks bleak. The CCMA is being hollowed out and the monies needed to run the bare necessities for both conciliations and arbitrations has been diverted to that vanity project called SAA. What do we see? The CCMA statutory mandate cannot be fully achieved as they are receiving only 57% of the total budget required for part-time commissioners. These commissioners are the very people who would hear the arbitrations for workers who might have been unfairly retrenched, unfairly dismissed, or unfairly treated. This means that 43% of those cases just have to wait.

The workers of South Africa are desperate but government has failed them. Even when the workers get awards from the CCMA, these vulnerable employees cannot rely on the Deputy Sheriffs to collect the monies as the CCMA has no ability to assist with payments. Even the staff within the CCMA are being affected negatively by the budget cuts. Services across the board have been affected and will be severely retarded over the next few years. The annual performance plan from the CCMA points out that users of their services in all the provinces will have enormous problems making use of their online services.

In reality, no one can go to the CCMA to lodge a dispute or a claim. This has to be done online and thousands of employees across the country don't have the financial means to pay for ICT costs and requirements such as data, printers, laptops and the like. The users have limited knowledge of digital platforms, yet they are told to use digital portals. Even the CCMA is predicting that further unemployment increases are expected over the next year and they won't be able to cope with the referrals. The report says, *"the CCMA can also anticipate an exponential increase in its case referrals"*. Economists are telling us that the employment levels will only improve after the country has reached herd immunity and this will take years. They report *"existing human resources are expected to be stretched even further with high fatigue levels, leading to increased absenteeism and lower productivity. The recruitment process of all vacancies within the organisation was placed on hold. This decision will impact critical vacancies, skills retention, and succession planning of the organisation."*

The budget is a disgrace and shameful. The governing party has failed its partners and has certainly failed the workforce in South Africa. A budget of this nature can only be summed up as follows: *"Twas Brillg and the slithy toves – did gyre and gimble in the wabe; mimsy borogoves, and the mome roths out grabe."* (Alice Through the Looking Glass).