



Black Sash Submission to the Parliamentary Portfolio Committee on Labour

**Re: Black Sash's contribution to the strategic planning workshop of the
Parliamentary Portfolio Committee on Labour**

24 February 2012

For further information regarding this submission or any queries, please contact:
Ratula Beukman, Black Sash Advocacy Programme Manager
Jonathon Walton, Black Sash Advocacy Programme Manager
Tel: 021- 686 69 52
Email: ratula@blacksash.org.za ; jonathon@blacksash.org.za
Web: www.blacksash.org.za

Black Sash would like the strategic direction of the port folio committee to focus on the way the Unemployment Insurance Act and the Compensation of Occupational Injuries and Diseases Act address the following. There is also a discussion paper which will be on a Comprehensive Social Security for South Africa and we urge the port folio committee to ensure these issues are also included in those discussions and proposals.

We believe that our current risk benefits are fragmented across schemes that include COIDA, UIF, RAF and a range of retirement provisions. We endorse the notion of consolidated risk pooling so that maximum social solidarity can be achieved and government's responsibility for those who suffer death, unemployment, injury and disability can be met.

Unemployment Insurance System;

We propose that this system;

- Is integrated into the broader social security system and that such integration includes the social assistance system;
- Protects the fundamental rights to access social security; and the right to dignity as enshrined in the constitution;
- Comply with international labour law standards;
- Is inclusive of all workers including migrant workers, self/informally employed, small business employers, public servants, partially employed, learnerships and those working less than 24 hours per month;
- The UI system should be an interface between unemployment insurance and labour market activation where employment services are coordinated and reintegration and is facilitated into the labour market
- A continuation grant is extended to workers who are not able to find work immediately and is afforded the option to at the same time enter into skills training interventions.

In the light of the enormous reserve which we believe should be put back into circulation by;

- Increasing the minimum benefit level for the unemployed; The Unemployment Insurance Fund coverage should be extended as this would more realistically reflect the real time of "between job" experience for workers in South Africa.
- We propose that a flat rate is paid once the UI credits have lapsed. This rate should not be based on previous earnings, but should be linked to the support given through social assistance for unemployed beneficiaries between 18-59. This is so as not to disadvantage those who have never been

employed, due to structural unemployment. All unemployed people require an acceptable level of income support.

- We propose that the different benefit categories be de-linked so that, for example, a beneficiary can receive full maternity and unemployment benefits within the same cycle.
- We propose that repetitive applications within the same category be allowed within a cycle. For example, if a woman has more than one baby within any cycle, they should receive full benefits. In the same way, if a worker becomes unemployed more than once in a cycle, they should not be penalised and should access any available credit earned.
- We propose that Maternity benefits be paid at a rate of 100% of the earnings of the beneficiary at the date of application, subject to the maximum earnings ceiling set from time to time.
- At the moment, those who resign from a job do not benefit from UI. The Black Sash observes that women are more affected by resignation as their reasons for resigning tend to link to their reproductive role (including looking after ill family members, children, and sometimes following life partners who are transferred). We propose that such resignations not be used to exclude members from benefits.
- Migrant workers currently contribute to the UIF but are seldom in a position to claim benefits. Bilateral and multilateral agreements are needed to remedy this unjust situation.

Compensation of Occupational Injuries and Deceases Fund (COID)

We propose that the COID system;

- Is integrated into the broader social security system and that such integration includes the social assistance system;
- Protects the fundamental rights to access social security; and the right to dignity as enshrined in the constitution;
- Comply with international labour law standards;
- Is inclusive of all workers including domestic workers and workers working less than 24 hours per month; Whilst these workers are employed in private

households they also face occupational hazards and the risk of work related injuries, but the exclusion of domestic workers from the COID Act provisions means that if a domestic worker is injured, contracts an occupational disease, or has a fatal accident during the course of her duties, neither she nor her dependents can claim any benefits from the Compensation Fund. The only other recourse available is to sue the employer, but we know that for many workers this is not realistic option given the nature of the power imbalances in the working relationship. The Black Sash has long argued that domestic workers should enjoy the same coverage and protection from the Compensation Fund afforded to almost every other category of worker in South Africa.

- That Occupationally Acquired HIV/AIDS be considered by the Compensation Fund for compensation.

Other areas of concern

- 1) Care workers, home based care workers, community health workers, early child development workers and street traders don't have the necessary labour law and social security protection. We strongly and urgently advocate for this port folio committee to include in its strategic plan an objective which will ensure a sectoral determinations which for these workers and which protects their labour and social security rights fully by 2013.
- 2) We call on the port folio committee to ensure that SA ratifies Convention 189 protecting the rights of Domestic workers all over by June 2012.
- 3) We call on the port folio committee to ensure that the Training Layoff scheme is delivering the training component as agreed to and that these monies are spent to provide relevant good quality training which ensures that workers are absorbed by the labour market.
- 4) We call on the port folio committee to exercise its oversight at the COID – Compensation Commissioners office to deal with long outstanding claims and backlogs. It is very worrying for Black Sash to take almost over a year to finalise a client's claim.
- 5) We call on the port folio committee to exercise its oversight and ensure that Mine workers are included into the COID system as they are currently governed outside of this system. We further urge the portfolio committee to ensure that ex-mineworkers are paid the compensation owed to them and their UIF claims are finalised immediately.