

REPORT OF THE SELECT COMMITTEE ON PUBLIC PARTICIPATION, PETITIONS AND MEMBERS' LEGISLATIVE PROPOSALS ON WORKERS PARLIAMENT HELD ON THE 18 MAY 2018 GOVAN MBEKI LOCAL MUNICIPALITY

1. INTRODUCTION

The Constitution of the Republic of South Africa mandates the Mpumalanga Provincial Legislature with the responsibility, in terms of section 118(1), to facilitate public involvement in legislative and other processes of the Legislature and its committees. It further directs the Legislature to conduct its business, its sittings and committees in public. As part of the mechanism, the Rules and Orders of the Mpumalanga Provincial Legislature establishes and empower the Select Committee on Public Participation, Petitions and Members' Legislative Proposals (the Committee) to facilitate Workers' Parliaments which provide a platform for discussing critical issues with workers in the province. The Committee tables this report, in terms of Rule 118 of the Rules and Orders, to give full account on the subsequent hosting of the 2018 Workers Parliament at on the 18th May 2018 and recommend for its adoption.

2. THE THEME

The Mpumalanga Provincial Legislature had approved the Workers Parliament to be guided under the theme **“Celebrating Nelson Mandela and Albertan Sisulu Legacy in the working class”**.

3. OBJECTIVES

As part of strengthening the oversight role of the Legislature, the strategic objectives of the project are inter alia to;

- 3.1. Educate and share the information with workers.
- 3.2. Facilitate a direct oversight exercise involving all the role players' i.e. the Legislature, Executive and the targeted beneficiaries in one Sectoral Parliament.
- 3.3. Provide space for positive engagement on economic matters of our Province.
- 3.4. Create an opportunity for workers to engage with the Mpumalanga Provincial Legislature members and different department on issues affecting them.

4. METHOD OF WORK

The Cross-Functional Task Team was then established and assigned a function to work of coordinating the hosting of the Workers' Parliament, including the conceptualisation on the document.

The mobilisation was targeting the attendance of three hundred (300) participants mostly from the Govan Mbeki Local Municipality and other parts of the province. The 300 participants were distributed proportionally as per the representation of the political parties in the Mpumalanga Provincial Legislature but to also include other workers outside political parties. The numbers as allocated for the Workers' Parliament 2018 were structured as indicated in the table below:

STAKEHOLDERS	NUMBER OF PARTICIPANTS
Workers (arriving on day one)	100
Legislature	18
Workers to join in the morning	130
Congress of the Trade Unions (COSATU)	5
SOLIDATIVITY Network	5
Federated of Union of South Africa (FEDUSA)	5
AFRIFORUM	4
National Professional Teacher's organisation of South Africa (NAPTOSA)	5
Department of Labour	2
Department of Economic Developments	2
Department of Rural development and Land Reform	2
Support personnel	22
TOTAL	300

5. STAKEHOLDERS

- Congress of South African Trade Unions (COSATU)
- South African Federation of Trade Unions
- FEDUSA
- NAPTOSA

- Solidarity Network
- Department of Labour
- Department of Home Affairs

6. WELCOMING BY THE EXECUTIVE MAYOR OF GOVAN MBEKI MUNICIPALITY

The Executive Mayor, Ms. Thandi Ngconono welcomed delegates, Hon Members of the Mpumalanga Provincial Legislature, South African Police Service, all Departments present and everyone who attended the Workers Parliament.

She thanked the Speaker of Mpumalanga Provincial Legislature, Hon SV Siwela for affording the opportunity to host this event to the people of Govan Mbeki Municipality and boosting the economy of the municipality.

She also highlighted that:

- There is a high number of unemployment rate within Govan Mbeki Local Municipality.
- The mines that are around the Province are retrenching people on continuous basis.
- The Workers Parliament is here to unite all workers to come up with a strategy on how to mitigate the retrenchments and come up with ways around creation of descent job opportunities in Mpumalanga. “There shall be work and security for every one”, she concluded.

7. MESSAGE OF SUPPORT FROM FEDUSA

The Provincial Chairperson of FEDUSA presented the following message, “The workers celebrate this month knowing that they are facing many challenges of unemployment and retrenchment. FADUSA honours the men and women who fought tirelessly for worker's rights, which are so critical to our strong and successful labour force. Let workers organise! Let the toilers assemble! And let their crystallised voice proclaim against the prevailing injustice and demand their privilege.

The secret to success is good leadership, and good leadership is all about making the lives of your workers better. Wage theft, workers' rights and workplace discrimination should not be swept under the rug.

Mpumalanga cannot have a functional economy where all the gains go to the corporate class while all the pain goes to regular workers. Workers of Mpumalanga must unite, you have nothing to lose but your chains.

- FEDUSA want the government to let all collective bargaining be free and fair and let the employer think for the employees and stop dragging the negotiations for long
- All workers should have the right to have access to their pension funds to assist them to pay for the education institution for their children.
- FEDUSA noted with disappointed that the government is deliberately moving slowly on the matter of free education.
- Every year someone die in our mines due to lack of implementation of laws. Safety and health hazard are not curtailed to prevent unnecessary death.
- FEDUSA is very concerned about the corruption and nepotism that is happening around the Province”.

8. MESSAGE OF SUPPORT FROM SAFTU

The Provincial Secretary of SAFTU presented the following message, “SAFTU respects May Day because all workers get respected on that day. They get recognised that it is their hard labour and commitment that puts our country on financial stability. Someone from somewhere, from some foreign country, takes away everything that the workers of this country worked hard for.

All workers are struggling for better wages and better conditions of service and they are committed to fight against exploitation. SAFTU is not here to baby-sit the government but we are the representative of workers.

The lives of mine workers are not important in this country, the condition that they work under are not conducive as relates to health or safety. All workers’ are entitled to withdraw their pension funds if they need money for tertiary institution for the education of their children. As SAFTU we demand changes to the Pensions Amendment Act. We support the call for public servants to be able to use their own pensions for housing for public servants who can’t get loans because of indebtedness and don’t qualify for RDP houses.

The union demand an urgent lifting of the moratorium on the posts that are within bargaining scope. The government must intervene on eviction of farmworkers and dwellers. The state must restore the dignity of poor people by building better houses for farm dwellers.

- GEMS Medical Aid must not be compulsory for all public servants and it must be the choice of individual
- SAFTU wants the government to treat all unions equally and they want unions not to be friends with government because they will not achieve the rights of the working class.
- Employee are made to sign an agreement of eight hours per day, yet they are expected to work more hours without over-time.
- In this province there are many incidents which happed in mines that are not reported due to victimisation of shop steward in their work place.
- Many mineworkers do not follow safety and health hazard prevention measures in the work place and they do not report because of fear of victimisation”.

9. MESSAGE OF SUPPORT FROM COSATU

The Provincial Chairperson of the Congress of South African Trade Unions (COSATU), thanked the Chairperson on Public Participation, Petitions and Members Legislative Proposals and Members of Mpumalanga Legislature for creating the opportunity for all workers around the Province of Mpumalanga to engage on different issues that are affect their daily lives.

He noted with appreciation that the Mpumalanga Legislature has improved the standard of providing the progress reports on implementation of resolutions of the previous sessions, like the 2017 Workers Parliament and applauded the Legislature for coming with the relevant department to come and present progress and answer all questions that arise the from commissions.

COSATU requested for progress report within sixty (60) days of the hosting of the 2018 Workers Parliament. The Mpumalanga Legislature must arrange a feedback session with all the stakeholders that were invited. The union requested the government to visit and see for themselves that mines don't follow safety regulations. Workers are working under difficulties and many incidents happened during 2017/18 where more than 50 workers died in mines.

“There are a large number of people who are jobless and thousands of mine workers are retrenched in mines in this Province and as COSATU, we are worried about the current economic catastrophe. The Ratings Agencies’ downgrades led to the stagnation of economic growth. The ongoing looting of our economy and the bankruptcy of state-owned enterprises can’t go by unnoticed.

The government must invite business people and other stakeholders to engage with them to find a way to create more job opportunities. COSATU says workers of Mpumalanga must unite, fight the oppression and corruption here in Mpumalanga. This Province is notorious for wrong things, workers must stand together to fight nepotism and corruption in the work place”.

10. DELIBERATIONS BY PARTICIPANTS DURING WORKERS PARLIAMENT

The participants during the workers parliament made an acknowledgement and expressed an appreciation that the democratic dispensation had come up with a number of positive developments around society in general and the labour movement in particular. There is however a long way to go in terms of radical socio-economic transformation, fighting inequality and unemployment. There was a sense that the private sector, in particular, is still not coming to the party when it comes to dealing with and addressing the issue of transformation at shop floor.

The Workers Parliament engaged in a number of deliberations both in commissions and plenary around issues affecting them and the community in general. They identified a number of challenges and also came up with recommendations on how those challenges could be tackled.

11. FINDINGS

- 11.1. It seems that not enough is being done in ensuring that the recommendations of platforms like sector parliaments are being processed by the respective departments and other implementing agencies.
- 11.2. That despite the attainment of the freedom and democracy in 1994, farm workers still do not to feel and experience the freedom that they fought for due to oppressive

tendencies and practices by some farmers. Their wages depend on the good will of the farmer.

- 11.3. Some workers are subjected to difficult working conditions and are exposed to hard labour without being compensated accordingly. Most of the employers do not comply with the Basic Conditions of Employment Act (BCEA) (No. 75 of 1997).
- 11.4. The Moratorium that the Mpumalanga Government had implemented imposes stagnation within the labour fraternity and exerts pressure on the few employees who are currently employed. Moreover it does not seem to have any impact around cost curtailment measures.
- 11.5. The 15% VAT increment as recently announced by the then Finance Minister, Malusi Gigaba has detrimental consequences to the economy of the country in many respects, including unemployment and price increases.
- 11.6. That many mine workers cannot afford buying houses due to their monthly income (salary) being very low while they don't qualify for low-cost houses (RDP).
- 11.7. The Department of COGTA seems not have clear programmes and plans aimed at the provision of basic services like water, electricity housing for the farm dwellers.
- 11.8. Mine workers do not have knowledge that they are entitled to safe, hazard free and healthy environment, as policy position. In many sectors the employers do not comply with the Occupational Health and Safety Amendment (OHSA) act, No.181 Of 1993 and the Labour Relations Act, No 66 of 1995 and workers are exposed to hazardous working conditions without proper equipment to ensure the safety standards in the work place in particular in the mines, with result increasing in mortality and 40% underground deaths are reported every year
- 11.9. There are no proper controls at the South African borders to deal with the crimes like human trafficking ,drugs crossing in and out of the borders and stolen cars.
- 11.10. There is still a lot of victimisation of farm dwellers and workers in the farms by some employers who do it with impunity to an extent of unlawfully taking their livestock.

12. RECOMMENDATIONS

- 12.1. The Legislature must strengthen its oversight work and ensure that the recommendations of the Workers Parliament and all sector parliaments are referred to the relevant Departments for implementation and progress reporting to this committee be compulsory.
- 12.2. Minimum wage should be made policy and be enforced as compulsory for employers to comply with, especially farming and domestic sectors.
- 12.3. The Department of Labour must come up with monitoring mechanisms to ensure that employers comply with the Basic Conditions of Employment Act (BCEA) and workers are remunerated the minimum wage as regulated. The Department of Labour must also ensure that employers contributes the one percent (1%) towards Unemployment Insurance Fund (UIF).
- 12.4. The Office of The Premier must lift the moratorium with immediate effect because it does not assist service delivery in public institution and the unemployment rate in the province.
- 12.5. Provincial Treasury must immediately engage in processes that seek to mitigate the implications of the decision and also come up with alternative ways of assisting government to fund developmental projects and programme than increasing on taxation.
- 12.6. The Department of Human Settlements must have workshop in all regions to educate mine workers about housing subsidies that they can apply for from government and other entities.
- 12.7. Department of Cogta must assist municipalities, in the Province, to come up with ways of educating residents about service delivery and the value of paying the municipal services they receive.

- 12.8. The Department of Labour must improve its capacity to deal with inspections on Occupational Health and Safety Amendment (OHSA) act compliance by employers
- 12.9. The Department of Home Affairs in collaboration with South African Defence Force (SADF) and SAPS must deploy well trained and knowledgeable soldiers, police and immigration officers to manage our borders.
- 12.10. The Department of Safety, Security and Community Liaison must provide a report on the number of evictions in the Province and impounding of livestock by farmers. Where criminal elements are noted, statistics on how many cases were successfully prosecuted and how they were resolved must be given.

13. CONCLUSION

The Chairperson, on behalf of the Select Committee, wishes to thank all the Honourable Members of the Legislature, the Legislature support staff and all the other role players who contributed in the preparations towards the successful hosting of the 2018 Workers Parliament.

The Select Committee on Public Participation, Petitions and Members Legislative Proposals (the Committee) is presenting the report for consideration and adoption as resolutions of the House.



HON JL THABETHE
CHAIRPERSON: SELECT COMMITTEE ON
PUBLIC PARTICIPATION, PETITIONS AND MEMBERS'
LEGISLATIVE PROPOSALS

20-09-2018
DATE