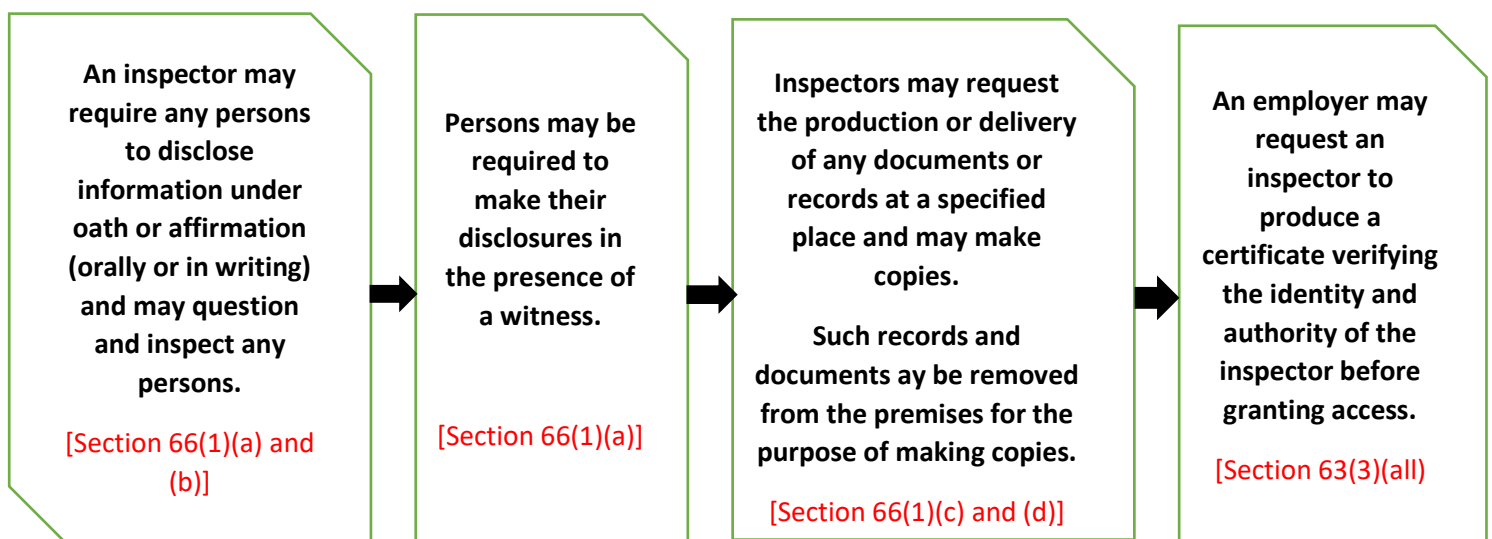


## The Department of Employment and Labour workplace inspection process

Labour Inspectors (Inspectors), appointed and empowered under Chapter 10 of the Basic Conditions of Employment Act, 75 of 1997 (BCEA), have the duty to ensure compliance with our various labour legislations. It is for this purpose that the Department of Employment and Labour has set up an Inspection and Enforcement Services Programme (IES) which aims to protect vulnerable workers through carrying out workplace inspections at businesses across various sectors. The IES have a duty to ensure that incidents relating to labour relations and occupational health and safety, as reported by members of the public, are registered and that these are communicated to the relevant structures within the Compliance, Monitoring and Enforcement Services sub programme for investigation. Inspectors are also tasked with ensuring compliance with other legislation which may impact on the employment relationship including those that deal with the legal status of foreign employees and their eligibility to work in the country. Therefore, it is important for employers to ensure that foreign employees possess the requisite permission to work. Where an employer fails to do so, they may be guilty of a criminal offence and be liable for the payment of a fine or imprisonment.

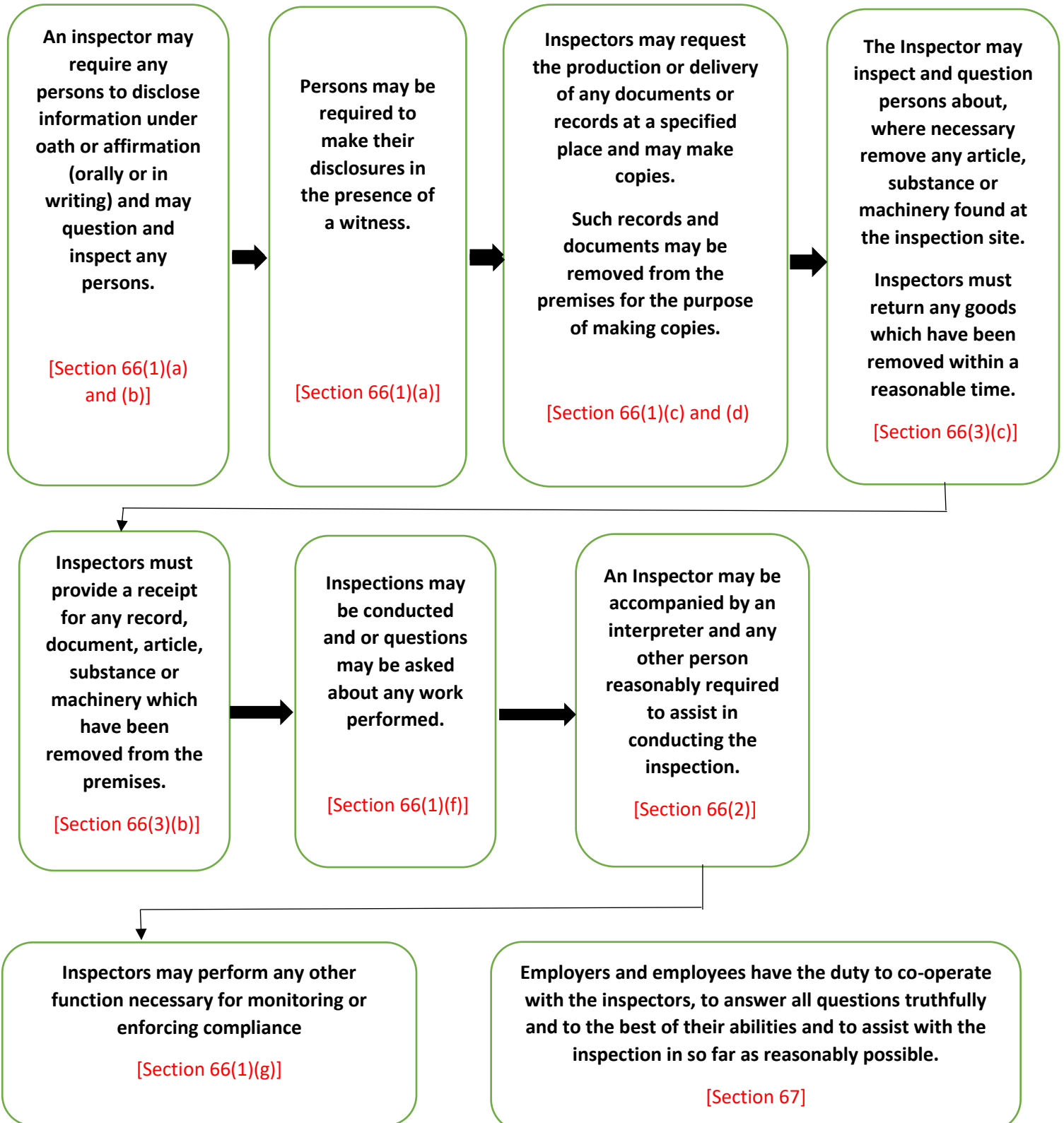
*Below is a diagram which provides an overview of the inspection process and the powers conferred to the Inspectors in terms of the BCEA.*

### Pre-Inspection Phase



## Inspection Phase

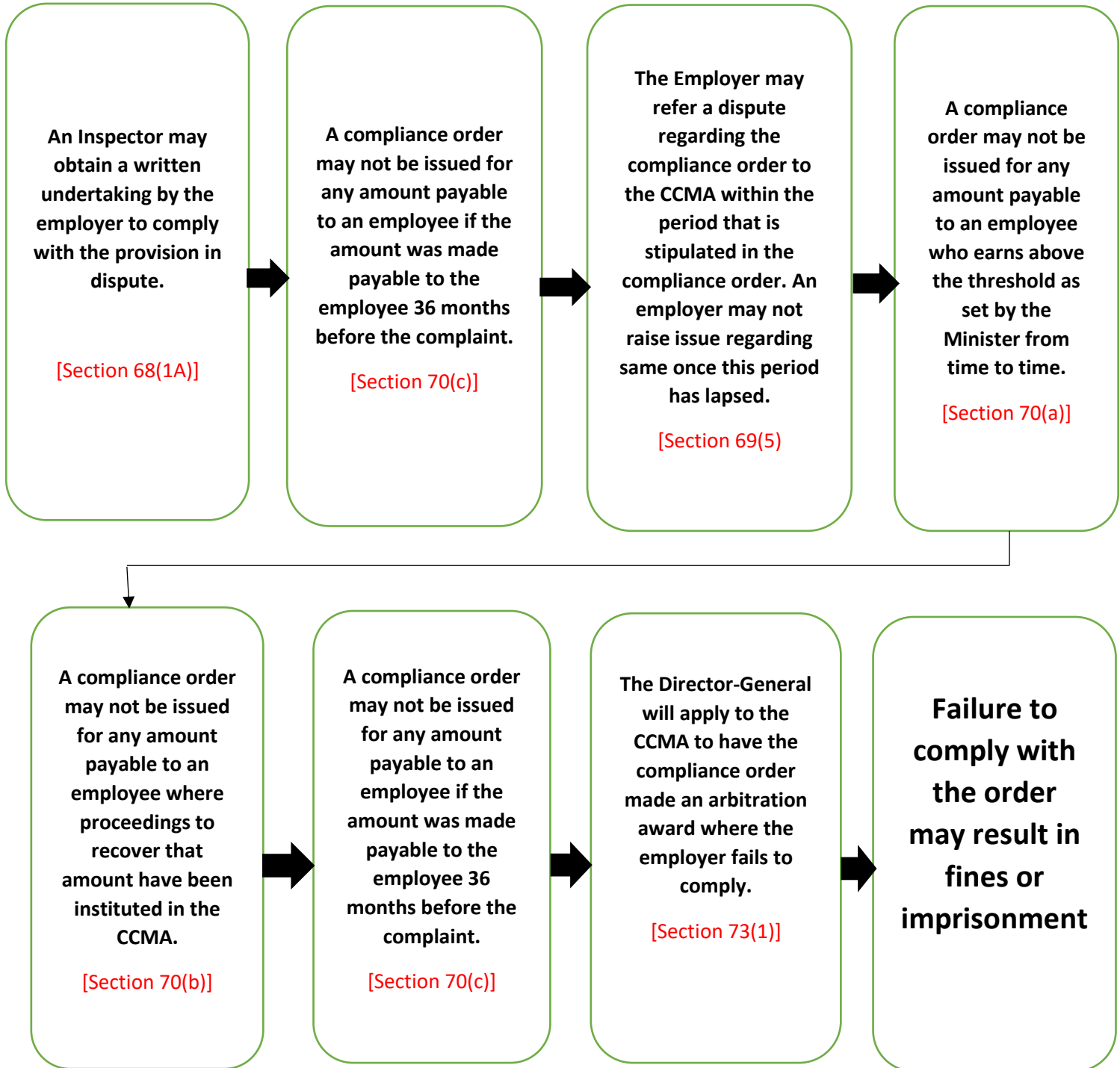
In addition to any other powers conferred upon inspectors by any other employment law:





## Post Inspection Phase

(in the case of non-compliance)





In its Annual report of 2023/24, the Department has indicated that it aims to ensure compliance within 14 calendar days of the inspection failing which the referral to prosecution is to occur within 30 working days of notice to the employer.

In order to minimise risk, employers need to ensure that they have the necessary documentation in place in accordance with the key legislations as listed below.

- Basic Conditions of Employment Act, 75 of 1997
- Compensation for Occupational Injury and Diseases Act, 130 of 1993 • Occupational Health and Safety Act 85 of 1993
- Employment Equity Act, 55 of 1998 • Unemployment Insurance Act, 30 of 1996.