

Inclusion, Variation, Exemptions and Incentives: the current situation

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Inclusion

- All 'employees' except SANDF (for LRA only), the two secret service agencies and the secret service academy
- The statutes cover 'employees' only.
- Amendment in 2002 to close loopholes that were used to treat employees as independent contractors
- Non-compliance – we do not know numbers

Variation

- LRA – collective bargaining
- Bargaining councils – some sub-sectoral and geographical variation of wages
- BCEA – hierarchy of variation through different mechanisms: bargaining council agreement; sectoral determinations and ministerial determinations; collective agreements; individual agreement

Exemptions

- LRA – Extension of bargaining council agreements goes with requirements regarding exemption systems
- Very high success rate for bargaining council exemptions – but this is no guarantee of compliance
- BCEA – Individual exemption system
- Initial capacity problems but improvement and rising success rate

Bargaining council exemptions: 2010-2012

Exemptions	2010	2011	2012
Total applications	2872	2224	2973
Exemptions granted	2544 (88.6%)	1932 (86.9%)	2465 (82.9%)
Exemptions refused	231 (8%)	220 (9.9%)	479 (16.1%)
Exemptions withdrawn	62	59	20
Appeals	143	97	186

Exemptions: 'Troubled BCs'

	Total applications	Exemptions granted	Success rate (%)
MEIBC	1419	1324	93.3
MIBCO	599	595	99.3
NBCCI	377	354	93.9

BCEA/SDs: Individual exemptions

THE SUCCESS RATE OF EXEMPTION APPLICATIONS HAS INCREASED OVER TIME:

- 2002/3 25% GRANTED
- 2003/4 16% GRANTED
- 2004/5 46% GRANTED
- 2006/7 69% GRANTED
- 2007/8 73% GRANTED