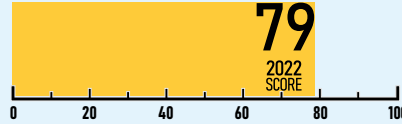




South Africa



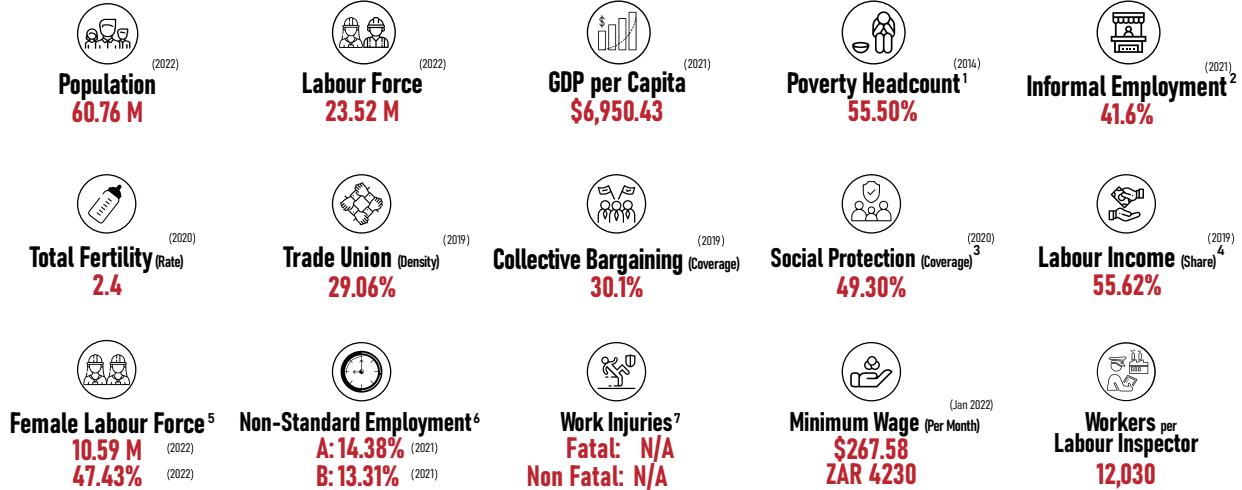
81 2020 SCORE

Sub-Saharan Africa
Upper-middle income

Reasonable Access to Decent Work

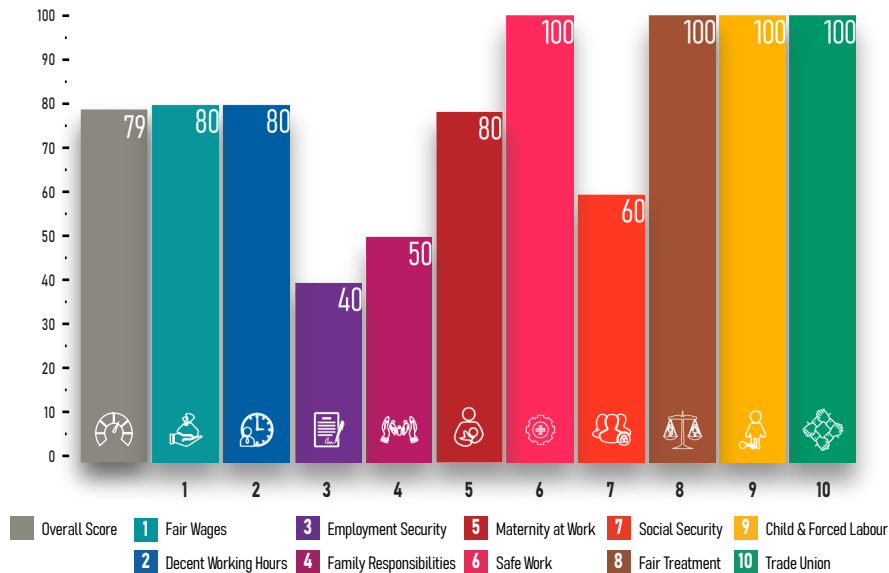


Contextual Indicators



Sources: World Bank
International Labour Organization
WageIndicator Minimum Wages and Living Wages Database
M = Million

Legislative Performance Indicators



Introduction

The Labour Rights Index 2022 (LRI 2022) is a de-jure index covering 135 economies and structured around the working lifespan of a worker. In total, 46 questions or evaluation criteria are scored across 10 indicators. The overall score is calculated by taking the average of each indicator, with 100 being the highest possible score. The Index uses a rating system, ranging from "Total Lack of Decent Work" to "Decent Work". The Labour Rights Index aims at an active contribution to the Sustainable Development Goals, by providing necessary (complementary) insights into de jure provisions on issues covered in particular by SDG8 (Decent Jobs), SDG 5 (Gender Equality), SDG 10 (Reduced Inequalities) and SDG 16 (Strong Institutions). The Index is based on national labour legislation, applicable on 1 January 2022. The Index does not take into account COVID-19 related labour market measures in its scoring.

South Africa's overall score is 79 out of 100. The overall score for South Africa is higher than the regional average observed across Sub-Saharan Africa (64.4). Within the Sub-Saharan Africa region, the highest score is observed for Guinea (80.5).

¹ Proportion of population living below the national poverty line (%), as measured under SDG 1.2.1

² Share of informal employment in total employment (%), as measured under SDG 8.3.1

³ Proportion of the country population covered by social protection floors, as measured under SDG 1.3.1

⁴ Labour income (income of employees + partly income of the self-employed) as a percentage of GDP, as measured under SDG 10.4.1

⁵ The female labour force is shown in absolute number along with the female labour force participation rate

⁶ Non-Standard Employment has been defined as Part-Time Employment (A) and Temporary Employment (B)

⁷ Rate of fatal and non-fatal injuries per 100,000 workers, as measured under SDG 8.8.1

The country rating is based on the overall score of 0-100, with the following coding:

(90.5-100) Decent Work | (80.5-90) Approaching Decent Work | (70.5-80) Reasonable Access to Decent Work | (60.5-70) Limited Access to Decent Work | (50.5-60) Basic Access to Decent Work | (0-50) Total Lack of Decent Work

LABOUR RIGHTS INDEX 2022

	Question ⁹	Answer	Legal Basis	Trend ¹²
1. Fair Wages	Does the law prescribe minimum wage rates in the country?	Yes	§54-55, 76-A, and 78 of the Basic Conditions of Employment Act, 1997; Minimum Wage Act, 2018	●
	Does the law require regular payment of wages?	Yes	§1 & 32-35 of the Basic Conditions of Employment Act, 1997	●
	Does the law require overtime compensation be at least 125% of the regular hourly rate?	Yes	§9-12 of the Basic Conditions of Employment Act, 1997	●
	Does the law require additional compensation for working on a weekly rest day?	No	§16 of the Basic Conditions of Employment Act, 1997	●
	Does the law require additional compensation for night work?	Yes	§17 of the Basic Conditions of Employment Act, 1997	●
2. Decent Working Hours	Does the law stipulate general working hours as 48 hours or lower?	Yes	§9-12 of the Basic Conditions of Employment Act, 1997	●
	Does the law restrict maximum working hours including overtime to 56 hours per week?	Yes	§9-12 of the Basic Conditions of Employment Act, 1997	●
	Does the law require a weekly rest of at least 24 hours?	Yes	§15 of the Basic Conditions of Employment Act, 1997	●
	Does the law require paid public holidays?	Yes	§5 of the Public Holidays Act, 1994	●
	Does the law require at least three working weeks of paid annual leave?	No	§20-21 of the Basic Conditions of Employment Act, 1997	●
3. Employment Security	Does the law require written employment contracts or at least written employment particulars?	Yes	§28-29 of the Basic Conditions of Employment Act, 1997	●
	Does the law restrict the hiring of fixed-term contract workers?	No	§186 (b) of the Labour Relations Act No. 66 of 1995	●
	Does the law limit the length of probation period including renewals to a maximum of 3 months?	No	§8 of the Schedule 8 (Code of Good Practices) of the Labour Relations Act No. 66 of 1995	●
	Does the law require a 30-day notice before contract termination?	Yes	§37-38 of the Basic Conditions of Employment Act, 1997; §186-187 of the Labour Relations Act No. 66 of 1995	●
	Does the law require severance pay at the rate of at least 2 weeks of wages for every year of service?	No	§41 of the Basic Conditions of Employment Act, 1997	●
4. Family Responsibilities	Does the law require parental leave for parents?	No	No applicable legal provisions could be located	●
	Does the law require at least one week of paid paternity leave for fathers?	Yes	§25A and 27 of the Basic Conditions of Employment Act, 1997; §12 of the Unemployment Insurance Act 2001	●
	Does the law require flexible work arrangements for workers with family responsibilities?	No	No applicable legal provisions could be located	●
	Does the law require paid nursing breaks?	Yes	§26 of the Basic Conditions of Employment Act, 1997	●
5. Maternity at Work	Does the law prohibit inquiring about pregnancy during recruitment?	Yes	§6-7 of the Employment Equity Act, 1998	●
	Does the law require paid maternity leave of at least 14 weeks?	Yes	§25, 25-B and 25-C of the Basic Conditions of Employment Act, 1997	●
	Does the law require cash maternity benefit be at least 67% of a worker's former wage?	No	§12-13, 24, 25 & 2nd Schedule of the Unemployment Insurance Act 2001	●
	Does the law require maternity benefit be paid through contributory social insurance or universal benefits system?	Yes	§12-13, 24, 25 & 2nd Schedule of the Unemployment Insurance Act 2001	●
	Does the law protect workers from dismissals during or on account of pregnancy?	Yes	§185-187 of the Labour Relations Act No. 66 of 1995	●
6. Safe Work	Does the law require provision of free personal protective equipment to workers from employer?	Yes	§8 & 23 of the Occupational Health & Safety Act (OHSA), 1993	●
	Does the law require the employer to train workers on health and safety issues?	Yes	§8 & 23 of the Occupational Health & Safety Act (OHSA), 1993	●
	Does the law restrict work that is prejudicial to the health of the mother or the child?	Yes	§26 of the Basic Conditions of Employment Act, 1997	●
	Does the law provide for employment injury benefit?	Yes	§47-55 & Schedule 4 of the Compensation for Occupational Injuries and Diseases Act No. 130 of 1993	●
	Does the law provide for an old age pension?	No	§10 of the Social Assistance Act 13 of 2004; ISSA Country Profile for South Africa	●
	Does the law provide for a dependants/survivors' pension?	Yes	§14 & 30-36 of the Unemployment Insurance Act, 2001; ISSA Country Profile for South Africa	●
	Does the law provide for unemployment benefit?	Yes	§12, 13, 15-18 of the Unemployment Insurance Act, 2001; ISSA Country Profile for South Africa	●
7. Social Security	Does the law require paid sick leave for the first 6 months of sickness?	Yes	§22 of the Basic Conditions of Employment Act, 1997; §19-23 of the Unemployment Insurance Act 2001	●
	Does the law provide for invalidity benefit?	No	Social Assistance Act No 13 of 2004; Disability grant information from SASSA; ISSA Country Profile for South Africa	●
	Does the law require equal remuneration for work of equal value?	Yes	§3, 5 & 6(4) of the Employment Equity Act, 1998	●
	Does the law prohibit sexual harassment in employment?	Yes	§60(3) of the Employment Equity Act, 1998; Protection from Harassment Act No. 17 of 2011	●
	Does the law prohibit discrimination in employment matters? ¹⁰	Yes	§9 of the South African Constitution, 1996; §6-7 of the Employment Equity Act, 1998	●
	Does the law allow women to do the same jobs as men?	Yes	§22 of the South African Constitution, 1996; No restrictive legal provisions located	●
	Does the law guarantee basic labour protections for gig economy workers?	Yes	Unemployment Insurance Act, 2001; ISSA Country Profile for South Africa	●
8. Fair Treatment	Does the law prohibit employment of children?	Yes	§43, 55 & 93 of the Basic Conditions of Employment Act (BCEA), 1997	●
	Does the law set employment entry age equal to or higher than the compulsory schooling age?	Yes	Chapter 2, §1-5 of the South African Schools Act, 1996	●
	Does the law prohibit the employment of children in hazardous work under the age of 18 years?	Yes	Regulations on Hazardous Work by Children in South Africa, 2018; §4-10 of BCEA, 1997	●
	Does the law prohibit forced labour?	Yes	§48 & 93 of the BCEA, 1997; §141 of the Children's Amendment Act, 2008	●
9. Child and Forced Labour	Does the law allow workers to form and join unions of their own choice?	Yes	§23(1-4), Constitution 1996; §4-22 & 95-101, Labour Relations Act No. 66 of 1995	●
	Does the law allow workers to bargain collectively with employers through their representative unions?	Yes	§23(5), Constitution 1996; §11-30, Labour Relations Act No. 66 of 1995	●
	Does the law provide for the right to strike?	Yes	§23(2), Constitution 1996; §64-77, Labour Relations Act No. 66 of 1995	●
10. Trade Union	Does the law prohibit employers from terminating employment contracts of striking workers?	Yes	§23(2), Constitution 1996; §76, Labour Relations Act No. 66 of 1995	●

Covid 19 and Labour Market in South Africa*

Total Covid Cases	4.0 Million
Total Covid Deaths	101,935
Partial Vaccinated	38.00%
Fully Vaccinated	33.00%

Wage Subsidies	✓
Social Security Contributions (deferrals/waivers)	✗
Paid Sick Leave	✓
Add. Unemployment Benefits	✓

Protection from Dismissals	✗
Telework/flexible work	✓
Improved Health Access	✗
Training (activation measures)	✗

⁹ The Index has 10 indicators and 46 evaluation criteria or questions.

¹⁰ The prohibited grounds for discrimination are "race, colour, sex, religion, political opinion, national extraction or social origin, age, disability and trade union membership". A score of 1 is assigned only if a country has prohibited discrimination on at least 7 of the above 10 grounds.

¹¹ A country's score on LRI's Trade Union indicator must also be read together SDG indicator 8.8.2 which measures the level of national compliance with labour rights (freedom of association and collective bargaining) based on ILO textual sources and national legislation. It has a range from 0 to 10, with 0 being the best possible score (indicating higher levels of compliance with FACB rights) and 10 the worst (indicating lower levels of compliance with FACB rights). The score of South Africa on SDG 8.8.2 is 0.98 (2020)

The Index uses Observations/Direct Requests from ILO CEACR and the US Department of State's Country Reports on Human Rights Practices (US DOS CRHRP) to measure a country's compliance on the Trade Union indicator.

¹² In order to measure the trend in country's legislative performance over the last edition of the Labour Rights Index (2020), the legislative table indicates improvement or worsening of labour rights in country through the following colours.

- Score increase
- Score decrease
- Score adjustment
- No change