

SOUTH AFRICA

Sub-Saharan Africa

Upper-middle-income country

Overall Score
81 (2020) 79 (2022) 81 (2024)



Score improved

LRI RATING Approaching Access to Decent Work



| 0 - 50 | 50.5 - 60 | 60.5 - 70 | 70.5 - 80 | 80.5 - 90 | 90.5 - 100 |
|-------------------------------------|-----------------------------|-------------------------------|----------------------------------|-----------------------------------|-----------------------|
| TOTAL LACK OF ACCESS TO DECENT WORK | BASIC ACCESS TO DECENT WORK | LIMITED ACCESS TO DECENT WORK | REASONABLE ACCESS TO DECENT WORK | APPROACHING ACCESS TO DECENT WORK | ACCESS TO DECENT WORK |

The country rating is based on the overall score of 0-100, with the following coding: The overall score ranges from 0 to 100, where 100 signifies the highest possible score and 0 signifies the lowest possible score. The score indicates "access to decent work" by law.

Contextual Indicators

| | | | | | | |
|---|---------|--|--------|--|---------------------------------------|---------------------------------------|
| Population (2022) | 59.89 M | Total Fertility (rate) (2022) | 2.34 | Female Labour Force ⁴ (2024) | A : 11.95 M | B : 52% (participation rate) |
| Labour Force (2024) | 25.47 M | Trade Union (density) (2019) | 29% | Non-Standard Employment ⁵ | A : 14% (part-time employment) (2023) | B : 15% (temporary employment) (2023) |
| GDP per Capita (2022) | \$6,766 | Collective Bargaining (coverage) (2019) | 30% | Work Injuries ⁶ (per 100,000 workers) | A : No Data (fatal) | B : No Data (non-fatal) |
| Poverty Headcount ¹ (2014) | 56% | Social Protection ³ (coverage) (2022) | 63% | Minimum Wage ⁷ (April 2024) | ZAR | 4,957 |
| Informal Employment ² (2023) | 41% | Workers per Labour Inspector ⁸ (2023) | 12,547 | Living Wage ⁹ (April 2024) | ZAR | 10,327 |

Sources: World Bank | International Labour Organization | WageIndicator Minimum Wages and Living Wages Database | M = Million
GDP per Capita in USD (\$) | wages shown in local currency and per month

At a glance

For South Africa, the labour legislation applicable at the national level is analysed and scored. Different rules may apply in other jurisdictions, necessitating review of other sources.

Following this approach, South Africa's overall score is 81 out of 100. The overall score for South Africa is greater than the regional average observed across Sub-Saharan Africa (66). Within the Sub-Saharan Africa region, the highest score is observed for Côte d'Ivoire (84.5).

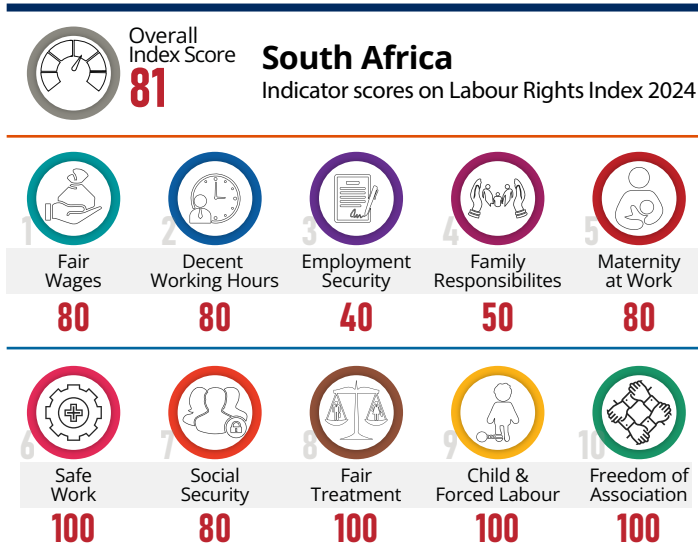
The overall score of South Africa improved due to a methodological change in the Social Security indicator. The updated criteria no longer consider the means-testing for accessing old-age benefits, leading to a more favourable evaluation.

The country scores on the Labour Rights Index must be interpreted with caution, considering also the contextual indicators like the size of the population and labour force, informal employment in the country, social protection coverage, level of economic development (as measured by GDP per capita), female labour force participation rate, incidence of non-standard employment in the form of part-time employment and temporary employment as well as work injuries, both fatal and non-fatal. Trade union density and collective bargaining coverage rates are also relevant contextual indicators to assess the state of freedom of association and collective bargaining in the country.

About Labour Rights Index

The Labour Rights Index 2024 (LRI 2024) is a de-jure index covering 145 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 Access to Decent Work" to "Access 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 SDG 5 (Gender Equality), SDG 8 (Decent Jobs), SDG 10 (Reduced Inequalities) and SDG 16 (Strong Institutions). The Labour Rights Index scores countries based on applicable labour laws only. It does not comment on actual working conditions or labour law compliance in workplaces. The legislation that is used to score the country under the Labour Rights Index is generally national or federal level legislation. In cases where the legislation is enacted at the provincial/regional or state level, the Index analyses the labour legislation applicable to the most populous province/region or state (in federal, confederal or other complex structure states). Scoring for each country is based on labour legislation, as applicable on 1 January 2024.

*Please check page 4 of the country profile for explanatory end notes.








For each indicator, the score ranges from 0 to 100, where 100 signifies the highest possible score and 0 signifies the lowest score. The overall score is the average of 10 indicators.

In order to measure the trend in country's legislative performance over the last edition of the Labour Rights Index (2022), the opposite legend is used.

 Score increase  Score decrease  Score adjustment  Methodological change  No change






1. FAIR WAGES

80

| QUESTION | ANSWER | LEGAL BASIS | TREND |
|--|--------|--|---|
| Does the legislation or collective negotiation set and determine the minimum wages 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 and timely payment of wages? | Yes | §1 & 32-35 of the Basic Conditions of Employment Act, 1997 |  |
| Does the law require overtime compensation to be at least 125% of the regular hourly rate? | Yes | §9-12 of the Basic Conditions of Employment Act, 1997 |  |
| Does the law require any 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

80

| | | | |
|--|-----|--|---|
| Does the law stipulate general weekly 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 paid weekly rest of at least 24 consecutive 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

40

| | | | |
|---|-----|---|---|
| Does the law require a written employment contract or employment particulars to be given to a worker on commencement of employment? | 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 the probation period, including renewals, to three 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 period before employment 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 two weeks of wages for every year of service? | No | §41 of the Basic Conditions of Employment Act, 1997 |  |

4. FAMILY RESPONSIBILITIES

50

| | | | |
|--|-----|---|---|
| Does the law require a four-month 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 working 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 |  |

In order to measure the trend in country's legislative performance over the last edition of the Labour Rights Index (2022), the opposite legend is used.

● Score increase
 ● Score decrease
 ● Score adjustment
 ● Methodological change
 ○ No change

5. MATERNITY AT WORK

80

| QUESTION | ANSWER | LEGAL BASIS | TREND |
|--|--------|--|-------------------------------------|
| Does the law prohibit inquiring about pregnancy during recruitment? | Yes | §6-7 of the Employment Equity Act, 1998 | ○ |
| Does the law require 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 benefits to be at least two-thirds (66.67%) of a worker's former wage? | No | §12-13, 24, 25 & 2nd Schedule of the Unemployment Insurance Act 2001 | ○ |
| Does the law require cash maternity benefits to be paid through a contributory social insurance or a universal benefits system or such benefits are an employer's liability? | 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

100

| | | | |
|--|-----|--|-------------------------------------|
| Does the law require employers to provide free personal protective equipment to workers? | Yes | §8 & 23 of the Occupational Health & Safety Act (OHSA), 1993 | ○ |
| Does the law require employers 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 benefits in the event of an occupational accident or disease? | Yes | §47-55 & Schedule 4 of the Compensation for Occupational Injuries and Diseases Act No. 130 of 1993 | ○ |

7. SOCIAL SECURITY

80

| | | | |
|--|-----|---|-------------------------------------|
| Does the law provide for an old age benefit? | Yes | §10 of the Social Assistance Act 13 of 2004; ISSA Country Profile for South Africa | ● |
| Does the law provide for survivors' benefits? | Yes | §14 & 30-36 of the Unemployment Insurance Act, 2001; ISSA Country Profile for South Africa | ○ |
| Does the law provide for unemployment benefits? | Yes | §12, 13, 15-18 of the Unemployment Insurance Act, 2001; ISSA Country Profile for South Africa | ○ |
| Does the law require paid sick leave (and sickness benefits) for the first six 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 benefits? | No | Social Assistance Act No 13 of 2004; Disability grant information from SASSA; ISSA Country Profile for South Africa | ○ |

8. FAIR TREATMENT

100

| | | | |
|--|-----|--|-------------------------------------|
| Does the law require equal remuneration for men and women workers 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; Code of Good Practice on the Prevention and Elimination of Harassment in the workplace, 2022 | ○ |
| Does the law prohibit discrimination in employment matters? | 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 job as men? | Yes | §22 of the South African Constitution, 1996: No restrictive legal provisions located | ○ |
| Does the law guarantee basic labour protection to the platform workers? | Yes | Unemployment Insurance Act, 2001; ISSA Country Profile for South Africa | ○ |

9. CHILD AND FORCED LABOUR

100

| QUESTION | ANSWER | LEGAL BASIS | TREND ¹² |
|--|--------|--|-----------------------|
| Does the law prohibit the employment of children? | Yes | §43, 55 & 93 of the Basic Conditions of Employment Act (BCEA), 1997 | <input type="radio"/> |
| 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 | <input type="radio"/> |
| Does the law prohibit the employment of young persons 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 | <input type="radio"/> |
| Does the law prohibit forced labour? | Yes | §48 & 93 of the BCEA, 1997; §141 of the Children's Amendment Act, 2008 | <input type="radio"/> |

10. FREEDOM OF ASSOCIATION¹¹

100

| | | | |
|---|-----|--|-----------------------|
| 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 | <input type="radio"/> |
| 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 | <input type="radio"/> |
| Does the law provide the right to strike? | Yes | §23(2), Constitution 1996; §64-77, Labour Relations Act No. 66 of 1995 | <input type="radio"/> |
| Does the law prohibit imposing excessive sanctions against striking workers, including replacement of such workers? | Yes | §23(2), Constitution 1996; §76, Labour Relations Act No. 66 of 1995 | <input type="radio"/> |

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

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

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

⁴ The female labour force is shown in absolute number (A) along with the female labour force participation rate (B)

⁵ Non-Standard Employment has been defined as part-time employment (A) and temporary employment (B)

⁶ Rate of fatal (A) and non-fatal work injuries (B) per 100,000 workers, as measured under the SDG 8.8.1

⁷ Minimum Wage and Living Wage amounts are shown in local currency. The amounts are retrieved from the WageIndicator Minimum Wage Database and the WageIndicator Living Wage Database. The minimum wage amounts are those as were applicable on 1 April 2024. The Living Wage amounts are from the April 2024 data release by the WageIndicator. Given the declining share of labour income (a widely used measure of inequality, measuring the proportion of total income in a country that employed people earn by working), the contextual indicators on minimum wage and living wage are relevant.

⁸ Robust legislation, backed by effective enforcement, forms the foundation for achieving decent work in practice. In this regard, it is relevant to see if the country has an adequate number of labour inspectors. While the Labour Inspection Convention, 1947 (No. 81) calls for a "sufficient number" of inspectors to do the work required, there is currently no official definition for a sufficient number of inspectors. In its 2006 General Survey on Labour Inspection, the ILO referred to the following benchmarks on the number of labour inspectors in the country in relation to the labour force: 1:10,000 in industrial market economies, 1:15,000 in rapidly industrializing economies, 1:20,000 in transition economies, and 1:40,000 in less developed countries. The latest guidance from the ILO (2022) however emphasizes a more holistic evaluation of national context rather than solely a ratio of labour inspectors to the size of labour force.

⁹ The Living Wage estimates shown in this country profile are for a typical family (lower bound) that comprises two adults. The number of children is determined by the country-specific fertility rate, representing the average number of children in a family. One adult is engaged for 100% of normal working hours, while the working hours of the second adult are approximated based on the national labour force participation rate. The combined wage earned by two adults, each receiving a living wage, is designed to meet the requirements for achieving a decent standard of living for the family. For further details on this, please check here: <https://wageindicator.org/salary/living-wage>

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 The Freedom of Association indicator of the Labour Rights Index uses Observations/Direct Requests from the ILO Committee of Experts on Application of Conventions and Recommendations (CEACR), the US Department of State's Country Reports on Human Rights Practices (USDOS CRHRP) and the country's legal profiles under the ITUC Global Rights Index 2024 to measure a country's compliance with the right to freedom of association and collective bargaining. A country's score on the LRI's Freedom of Association indicator must also be read together with the 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 for South Africa on the latest available data of the SDG 8.8.2 is "1.34" (2022). Other than SDG 8.8.2, we suggest considering the country's score on ITUC's latest Global Rights Index. The score for South Africa in 2024 is "3". As explained by the ITUC, "Countries are rated in clusters from 1-5+ depending on their compliance with collective labour rights, with 1 being the best rating and 5+ the worst rating a country could get. A high-rated cluster means that workers in the country have no right to their collective voice due to government failure to guarantee rights".

¹² In order to measure the trend in country's legislative performance over the last edition of the Labour Rights Index (2022), the legislative table indicates improvement or worsening of de-jure labour rights in country through the following colours.

● Score improved due to a positive legislative reform

● Score worsened due to a negative legislative reform

● Score is adjusted for the country due to a minor revision in the methodology for the Social Security indicator

● Score is adjusted for the country due to better access to the country's legal sources, or where the score for the Freedom of Association indicator is adjusted based on the latest reports from ILO, USDOS & ITUC Global Rights Index 2024

○ No change