

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
EMPLOYMENT SERVICES BILL**

[B 38—2012]

*(As agreed to by the Portfolio Committee on Labour
(National Assembly))*

[B 38A—2012]

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AMENDMENTS AGREED TO

EMPLOYMENT SERVICES BILL
[B 38—2012]

CLAUSE 1

1. On page 3, after line 7, to insert the following definition:

“**persons with disabilities**” includes persons who have long-term physical, mental, intellectual or sensory impairment which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others;”.
2. On page 3, from line 12, to omit “**Protected Employment Enterprises**” means the national government component established in terms of section 42;”.
3. On page 3, after line 20, to insert the following: “**Supported Employment Enterprises**” means the national government component established in terms of section 42;”.
4. On page 3, in line 30, to omit “unemployed and”.

CLAUSE 2

1. On page 3, in line 41, after “to”, to insert “education and”.

CLAUSE 5

1. On page 4, in line 25, to omit “workers” and to substitute “and work seekers”.

CLAUSE 7

1. On page 5, from line 3, to omit “who are employed by employers in Protected Employment Enterprises that are in economic distress”.

CLAUSE 8

1. On page 5, in line 31, to omit “contract of employment” and to substitute “employment relationship”.

CLAUSE 12

1. On page 6, in line 11, to omit “Unemployment Insurance Act” and to substitute “Compensation For Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993)”.

CLAUSE 13

1. On page 6, in line 46, after “successful”, to insert “or a temporary certificate of registration as prescribed”.

CLAUSE 21

1. On page 8, in line 39, to omit “(2)” and to substitute “(1)”.

CLAUSE 22

1. On page 8, in line 49, to omit “protected” and to substitute “supported”.

CLAUSE 23

1. On page 9, in line 23, to omit “or the making of a regulation”.

CLAUSE 42

1. On page 13, in line 32, to omit “**Protected**” and to substitute “**Supported**”.
2. On page 13, in line 33, to omit “Protected” and to substitute “Supported”.
3. On page 13, from line 36, to omit “and whose disabilities do not allow them to obtain employment in the labour market”.
4. On page 13, in line 38, to omit “Protected” and to substitute “Supported”.

CLAUSE 43

1. On page 13, in line 40, to omit “**Protected**” and to substitute “**Supported**”.
2. On page 13, in line 41, to omit “Protected” and to substitute “Supported”.
3. On page 13, in line 42, to omit “protected” and to substitute “supported”.

CLAUSE 44

1. On page 14, in line 1, to omit “**Protected**” and to substitute “**Supported**”.
2. On page 14, in line 3, to omit “Protected” and to substitute “Supported”.
3. On page 14, in line 4, to omit “Protected” and to substitute “Supported”.

CLAUSE 45

1. On page 14, in line 5, to omit “**Protected**” and to substitute “**Supported**”.
2. On page 14, in line 6, to omit “Protected” and to substitute “Supported”.
3. On page 14, in line 7, to omit “Protected” and to substitute “Supported”.
4. On page 14, in line 12, to omit “Protected” and to substitute “Supported”.
5. On page 14, in line 14, to omit “Protected” and to substitute “Supported”.
6. On page 14, in line 16, to omit “Protected” and to substitute “Supported”.
7. On page 14, in line 17, to omit “Protected” and to substitute “Supported”.

8. On page 14, in line 19, to omit “Protected” and to substitute “Supported”.
9. On page 14, in line 23, to omit “Protected” and to substitute “Supported”.
10. On page 14, in line 25, to omit the first and second “Protected” and to substitute “Supported”.
11. On page 14, in line 27, to omit “Protected” and to substitute “Supported”.
12. On page 14, in line 38, to omit “Protected” and to substitute “Supported”.

CLAUSE 46

1. On page 14, in line 41, to omit “**Protected**” and to substitute “**Supported**”.
2. On page 14, in line 43, to omit “Protected” and to substitute “Supported”.

CLAUSE 47

1. On page 14, in line 44, to omit “**Protected**” and to substitute “**Supported**”.
2. On page 14, in line 45, to omit “Protected” and to substitute “Supported”.

CLAUSE 50

1. On page 15, after line 39, to insert the following subsections:
 - “(4) Any employer who contravenes section 8(1) shall be guilty of an offence and liable on conviction to a fine or imprisonment as contemplated in section 49(3) of the Immigration Act.
 - “(5) Any employer who contravenes section 9 shall be guilty of an offence and liable on conviction to a fine or imprisonment as contemplated in section 49(6) of the Immigration Act.”.

CLAUSE 52

1. On page 16, in line 2, to omit “Employment Services”.

CHAPTER 6

1. On page 13, in line 30, to omit “**PROTECTED**” and to substitute “**SUPPORTED**”

SCHEDULE 2

1. On page 18, in line 17, to omit “subparagraph” and to substitute “subitem”.
2. On page 18, in line 40, to omit “Protected” and to substitute “Supported”.

SCHEDULE 3

Schedule rejected.

NEW SCHEDULE

That the following be the new Schedule

**OFFENCES FOR WHICH A FINE CAN BE IMPOSED BY
LABOUR COURT IN TERMS OF SECTION 49(2)**

Failing to display a certificate of registration in a conspicuous place on the premises (section 13(8))
Retaining a work seeker's original identity cards or qualifications (section 14(1)(d))
Charging a fee to any individual work seeker for employment services (section 15(1)), except in accordance with section 15(2).
Deducting any amount from an employee's remuneration in respect of the placing of that employee in employment (section 15(4)).
Requiring or permitting an employee to pay any amount in respect of the placement of that employee (section 15(4)).
Failing to keep up to date records (section 16).
Compromising the confidentiality of information (section 17).

LONG TITLE

1. On page 2, from the third line, to omit "Protected Employment Enterprises in distress" and to substitute "distressed companies".
2. On page 2, in the ninth line of the long title, to omit "**Protected**" and to substitute "**Supported**".

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