



Interim report of the Portfolio Committee on Labour on the Labour Relations Amendment Bill [B16-2012] (National Assembly – sec 75), dated _____ October 2012.

The Portfolio Committee on Labour (the Committee), having considered the subject of the Labour Relations Amendment Bill [B16-2012] (National Assembly – sec 75), referred to it and classified by the JTM as a section 75 Bill, reports as follows:

1. PARTICULARS OF THE PROPOSED LEGISLATION

The Minister of Labour introduced the Labour Relations Amendment Bill [B16-2012] ('the proposed 2012 Bill'), which was tagged as a section 75 Bill not affecting Provinces.

The proposed 2012 Bill is the result of a comprehensive review of the Act, aimed at addressing union representation, essential services committee, employment contract, and other related labour issues.

During the public hearings, the Committee took note of the fact that cross references to the Constitution of the RSA, 1996 ('the Constitution') reflected the right to health care, food, water and social security (section 27 of the Constitution), instead of the right to fair labour practices (section 23 of the Constitution).

The Committee is of the opinion that the current consideration of and deliberation on the proposed 2012 Bill presents an ideal opportunity to correct any such technical errors in the Act with regard to cross-referencing to the Constitution and possibly other legislation. The proposed amendments will not affect the tagging of the Bill.

2. OBJECTS OF THE PROPOSED LEGISLATION

The proposed additional amendments will seek to align the Act (initially drafted under the Interim Constitution) with the Constitution and other legislation with regard to referencing, where appropriate.

3. PROCEDURE TO BE FOLLOWED

Assembly Rule 249(3) (b) provides that a committee may, if it is considering a Bill that amends provisions of the legislation, seek the permission of the Assembly to inquire into amending other provisions of that legislation. In this regard, the Committee intends going beyond amending the sections in the Labour Relations Act, No. 66 of 1995 as envisaged in the Labour Relations Amendment Bill [B16-2012]. In order for the Committee to amend other sections of the Act over and above what is amended through the Bill as introduced, the Assembly is required to grant permission for the Committee to do so.

4. FINANCIAL IMPLICATIONS

The proposed additional amendments will have no financial implications, as these amendments will be technical in nature.

5. RECOMMENDATION

The Committee therefore recommends that the Assembly grants permission for the Committee to effect additional technical amendments to the proposed 2012 Bill.

Report to be considered.