

COSATU Vulnerable Workers Task Team

Documents for the meeting

22nd July 2014



COSATU

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Draft Agenda for the Vulnerable Workers Task Team meeting

COSATU House

22nd July 2014 from 10.00 to 15.30

1. Welcome and opening ✓
2. Present ✓
3. Apologies ✓
4. Adoption of Agenda ✓
5. Adoption of the Minutes of 26th June 2014
6. Matters Arising not elsewhere on the agenda
 - a. Advice Office Research
 - b. Further follow up to ILO engagement on informal workers
 - c. Update on Naledi organising research
 - d. Any other items
7. The Vulnerable Workers campaign
 - a. Reports from Affiliates
 - b. Report on Provinces
 - c. Discussion
8. Organising the construction sector: Update from NUM ✓
9. Organising informal workers: Updates from SAITA and StreetNet ✓
10. Organising fuel station workers: NUMSA (insert care workers) ✓
11. Organising Electrical contract workers: NUMSA (take out 10 & 11) next meeting ✓
12. Organising Farm Workers: Update report
13. Organising Domestic Workers: Update from SADSAWU and COSATU
14. Organising migrant workers:
 - a. Progress in planning a two day workshop in the third quarter
 - b. Any other issues the MWA wishes to report on
15. Report from CWUSA on its needle-time campaign
16. Report on Nedlac engagement on EPWP and CWP and discussion on taking the issues into the Affiliates
17. Announcements
18. Date of next meeting: 19th August 2014
19. Closure

Minutes of the COSATU Vulnerable Workers Task Team meeting 26th June 2014

1. Welcome and Introductions

The chair welcomed everybody, especially the newcomers. All present introduced themselves.

2. Present

See Register. Organisations present:- SACCAWU, SADSAWU, COSATU HQ, COSATU NW, COSATU W Cape, NALEDI, CEPPWAWU, NUMSA, FAWU, StreetNet, SAITA, and the Migrant Workers Association (MWASA).

3. Apologies

Hitler Sekhitla (NEHAWU), Philemon Bhembé (SATAWU), Alpheus Phala (SATAWU), Matserane wa Mapena (COSATU Gauteng) Eddie Webster (CHI), Jesse Wilderman (CHI), Chris Bonner (WIEGO), Isobel Fry (SPII), Christopher Soetsane (SACTWU), Louisa Nxumalo (COSATU Limpopo), Isaac Ntshangase (NUM), Itumeleng Molatlhegi (DENOSA), Manne Thebe (COSATU NC), Trenton Elsey (LRS), Lawrence Ntuli (SAMWU)

4. Adoption of Agenda

Agenda was adopted.

5. Minutes of 22nd April 2014

The minutes were adopted.

6. Matters Arising

There were no matters arising outside of those listed as part of the agenda.

7. The Vulnerable Workers Campaign

Comrade Jane presented the proposal for the roll-out of the campaign for the period July to October. The purpose of the campaign was summarised as being to make the plight of vulnerable workers more visible in the Federation and in this way to focus the attention of leaders at every level on the importance of :-

1. Advancing our recruitment of vulnerable workers, bearing in mind that the majority of the most vulnerable workers are not yet organised into unions
2. Ensuring that recruitment does not just end with bigger numbers, but that it is accompanied by proper organising and servicing of new and existing members in the vulnerable sectors
3. Solidarity and mutual support between and within unions organising vulnerable workers (including non affiliates such as SADSAWU and SAITA).
4. Building linkages across sectors in the same physical work space where there are multiple types of vulnerable workers such including outsourced and informal sector workers e.g. in shopping centres, airports, train stations

In discussion the following points of emphasis were made about the way in which the campaign should be conducted:-

- In this campaign we must emphasise the importance of worker empowerment through the exercising of their rights – this means stepping up our education and information on basic rights
- We must recognise that workers are never NOT organised. Even before they join trade unions, they have their own networks. These should not be undermined or discouraged, but rather used positively
- Recruitment should never be a once off event – it should be a process, starting off with the first contact with workers. Listening and building relationships are critical in the process.
- Unions need to be clear and explicit about what they have to offer to members in terms of service before they recruit.
- In reaching out to street traders in our campaign, the approach should be to encourage existing associations to affiliate to SAITA.
- We need affiliate leadership buy-in, right up to the level of the CEC. This includes collaborative efforts between affiliates.
- We need a change in mindset amongst organisers. We need a revival through active learning through agreed target recruitment projects, not just workshops.
- The campaign should be linked to other relevant campaigns e.g. the campaign against labour broking

The meeting agreed on the following actions to implement the campaign (for endorsement by the Campaigns Committee the following day)

1. To distribute the pamphlet which has been collectively developed as an educational tool to raise awareness amongst existing organisers and shop stewards.

- a. Distribution and discussion to take place from July to September 2014
 - b. COSATU Provincial educator/organisers to develop a clear programme of which structures the pamphlet will be taken to – including Provincial shop stewards councils, Locals, Provincial sub committees etc. Programmes with dates to be provided to COSATU Organising Dept.
 - c. COSATU Affiliate representatives on the VWTT likewise to develop a clear 3 month programme of taking the pamphlet into structures
 - d. Members of the VWTT will be available to assist in facilitating discussion if required
 - e. Education structures of the Federation and affiliates/organisations to play an active role
2. One national event to be held to “launch” the campaign and to raise public awareness.
 3. Towards the end of the three month discussion period, Provinces (with direct input of Affiliates and our partners at Provincial level) to decide on one or more targeted recruitment activity. The target could be a specific sector e.g. farm workers or domestic workers, or it could be a geographic area where there are vulnerable workers from a number of sectors e.g. a shopping centre where there are retail workers, car guards, street vendors, cleaners and security guards. The activity should not be just one event, but should at minimum involve a first contact visit by a team, followed by further engagement and recruitment at later visits.
 4. The COSATU Communications department to assist in getting the word out, using all forms of media

8. Advice Office Research ➔

It was noted that the research will start in January and conclude in November. CHI and Naledi will work together on the research, with Jesse Wilderman as the lead researcher. It was noted that ILRIG has done some international research on the subject, which should be used as a source. Agreed that the TOR will be re-circulated and that a written report should be submitted to the next Task Team meeting.

9. SATAWU OR Tambo project follow up

Comrade Rob of Naledi reported:- The context of the follow up research is the lessons from OR Tambo which indicated the absence of workplace organising strategies as well as the absence of collaboration across sectors in a multi-employer workplace. The follow up research will be with 8 affiliates (NUM, NUMSA, SACCAWU, NEHAWU, FAWU, SATAWU, and SAMWU). The purpose of the research will be to identify positive examples of

good work place strategies and collaboration, and to develop proposed strategies for advancing organisational rights on the ground.

Cmde Rob further reported that as part of the wider Naledi project on organisational revival, research into centralised bargaining is being conducted, looking at the extent to which decision making is being tied up at the top. A preliminary document on the subject will be produced quite soon.

It was noted that the request for Naledi to explain and share the use of the body mapping and work place mapping tools with COSATU educators (in particular Gauteng) has been followed up.

10. Report back on the ILO Conference agenda item on formalising the informal sector

A written report from WIEGO on the outcomes of the discussions at ILO on an international standard for formalising the informal sector was circulated in the pack.

Comrade Pat Horn took the house through the report, with additions from Comrade Theo who was the COSATU representative in the negotiations at ILO. She explained that the platform of demands, which had been endorsed by the VWTT, was used as a lobbying tool to argue for amendments to the draft Recommendations, and also as a tool to educate especially the representatives of the formal trade union movement.

The process hit a problem during the Conference, when even amongst the Workers Group, it became clear that there was some opposition to the idea that informal sector workers should represent themselves in collective bargaining. This internal problem was eventually overcome. However, with employers and governments, EVERY issue in the platform was contested.

Important concessions were won however. These included:-

- Employers tried to push for informal sector workers to be termed “entrepreneurs”. A compromise was agreed to use the term “economic units”. This was an important victory for the Workers Group.
- The term “own account workers” has also now been accepted into the document
- There is now a reference to the social and solidarity economy for the first time
- Acceptable wording was agreed on the right to collective bargaining

In total about half of all the amendments that the platform document had proposed were agreed. Two important items that were not won were:-

- There was no firm agreement on public space being the work place for many informal sector workers. Instead the term “regulated access” to public space was inserted.
- Business and Labour agreed that the document should make explicit reference to local government. However governments were opposed to this as they argue that any reference to Government is inclusive of all levels.

The discussions on the Recommendation will continue at the ILO in 2015, when the focus of the Worker Group will be on:

- Getting a stronger clause on collective bargaining rights for informal sector workers
- Inserting references to Local Government
- Considering how to include references to natural resources
- Including a clause on the importance of not disadvantaging workers in transition

The following actions were agreed going forward:-

- There should be thorough national preparation for the 2015 ILO engagement – including an inter-Federation meeting and a national tripartite engagement.
- WIEGO and/or StreetNet should consider producing a practical guide document for Provinces to use in fighting for the implementation of the principles that have already been agreed

It was noted SATUCC has asked StreetNet to facilitate a discussion at the SADC Civil Society Forum

11. Update on organising street traders

SAITA reported the following:-

- It has established contact with the Department of Economic Development, which has promised to facilitate a meeting with the three relevant Ministries (Economic Development, Trade and Industry, and Cooperative Governance) to discuss the rights of street traders.
- Regarding the situation in Tshwane, the root of the problems is the confiscation of goods and harassment of street traders. However a challenge has been that many of the leaders are not in fact street traders. A new more representative forum has been established, which SAITA has made contact with.

- Johannesburg street traders remain fragmented into three different associations. This is a unique challenge which does not exist in other areas.
- SAITA is the only national federation of street traders, with a presence in all 9 Provinces
- SAITA expects that COSATU will assist to encourage all street traders to join organisations affiliated to SAITA
- SAITA would also want direct support and intervention of SAMWU in particular areas where there are problems with municipal officials e.g. Randfontein

Comrade George (COSATU Organising Dept) made an addition on the Tshwane situation:- The latest crisis was precipitated when the city started to build the new rapid bus transport system, which resulted in the displacement of street traders. The city has established a Steering Committee with representatives of about five organisations. Stipends are being paid to the Steercom members.

Comrade Pat (StreetNet) reported that it has raised funds to provide capacity building for SAITA leadership. There will be two training sessions of the NEC in the second half of the year.

12. Update on organising Farm Workers

Comrade Howard (FAWU) reported the following:-

- The recruitment drives in Limpopo and Mpumalanga are continuing, with an emphasis on strengthening the newly elected shop stewards at branch level.
- In Mpumalanga five organising teams are in place which are concentrating on migrant workers. The activities are supported by IUF and the Solidarity Centre.
- Comrade Jackie (COSATU Policy Dept) has assisted by facilitating a workshop for women farm workers on health and safety
- The partnership with DOL and the Department of Agriculture to run the roving health and safety rep programme is under threat as the DOL seems to want to abandon it. The programme needs to be defended and expanded.
- An organiser has been deployed to target ZZZ farms in Limpopo. However there is a major challenge in that workers are being harassed.
- In the Western Cape the fruit and wine sectors have been targeted, in particular the Fair Trade farms. But there is considerable trade union competition.

- FAWU Education department is now on board to support the organising programme.

The following points were raised in discussion

- FAWU's focus must go beyond the three Provinces. In particular, there is huge pressure to organise and service farm workers in the North West Province
- FAWU needs to pay attention to working on changing the mindset of its organisers so that they pay attention to the demands of the sector. In W Cape other organisations have taken the space.
- It was noted that FAWU has now employed a dedicated farm worker organiser in the W Cape – a comrade who was previously with Women on Farms
- The campaign to organise farm workers into FAWU should be linked to organising forestry workers into CEPPWAWU and workers in lodges into SACCAWU.
- The report in the pack on the Nedlac S77 process on Agriculture was noted – that a process has broadly been agreed for engagement, but that engagement on substance has not yet started.

13. Update on organising Domestic Workers

Comrades Salome and Eunice (SADSAWU) reported that SADSAWU is rolling out a recruitment programme in Johannesburg, concentrating on Killarney and Melrose Arch. New volunteer faces from Affiliates are desperately needed to assist – particularly on Saturday blitzes.

The following points were raised in discussion:-

- We need a briefing on the developments towards a provident fund for vulnerable workers
- Free State CCMA is currently denying SADSAWU the right to represent members in hearings, on the grounds that the union is not registered. It was noted that in other Provinces SADSAWU is permitted to represent.
- The hearings for a new Sectoral Determination are underway, with the last ones taking place in Gauteng and W Cape in the next few days
- ANC branches in some areas could assist in recruiting for SADSAWU, using strategies such as calling on the DOL to come to address workers
- Community Development Workers employed by municipalities could also be of assistance

- Going forward there needs to be creative thinking about the long term financial sustainability of SADSAWU – in particular, putting in place an effective system for collecting subscriptions
- A legal handbook of basic rights of vulnerable workers would be useful
- The report in the pack on Domestic Workers and the Decent Work Agenda was noted, in particular developments with regard to
 - Extension of workers' compensation through amendments to COIDA expected before the end of 2014
 - Discussions and research taking place into possible skills differentiation
 - DOL commitment to exploring the option of a Domestic Worker Provident Fund, even while talks towards a general vulnerable workers' provident fund continue

14. Outstanding items

The following items were deferred to the next meeting:-

- NUMSA input on organising petrol station workers and electrical contract workers
- EPWP and CWP, including the Nedlac engagement
- Migrant workers, including an input from International Department

15. Date of next meeting

The next meeting will take place on Tuesday 22nd July 2014 from 10.00 to 16.00.

Attendance Register Vulnerable Workers Task Team 26th June 2014

Name	Union /Organisation	E mail	phone
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COSATU Notes on the Expanded Public Works Programme and the Community Works Programme

For reference in the Vulnerable Workers Task Team 22nd July 2014

Specific developments for the VWTT to note

Since the inception of the EPWP (of which the CWP is a sub-programme), the social partners in the Development Chamber of Nedlac have been playing a monitoring role. The Department of Public Works provides quarterly reports to the Chamber. The reports however are largely statistical. Labour has consistently demanded more serious engagement on the quality and principles of EPWP. In particular, Labour has insisted that our assertion that EPWP is being used to replace real public sector jobs be properly tested.

Finally in March 2014 a Ministerial engagement was secured under Nedlac, resulting in a Task Team being set up to engage more thoroughly.

The Task Team has met twice to date, and has agreed that the work should start with research into three questions.

1. Is there evidence of job displacement? And what are the costs of EPWP jobs vs the cost of direct employment by the state? (including looking at the role of middle agents)
2. Is the training being provided under EPWP effective and portable?
3. What has the impact of EPWP been on poverty alleviation?

Nedlac has made funds available for the research and a researcher will be appointed within the next few weeks. The research is likely to take two to three months, and its outcomes will form the basis of the engagement in the Task Team. Government expects that the recommendations will be to improve Phase 3 of the EPWP. COSATU is less convinced that this will be possible. If there is overwhelming evidence to support our assertion that public sector jobs are being displaced and/or that the programme is not cost effective, then COSATU is likely to review its position on EPWP.

What is expected of Affiliates and Provinces in this process?

Affiliates that are affected by EPWP in any way (in particular the public sector affiliates and NUM) are asked to do the following:-

1. Ensure that they bring forward any evidence that might be useful to the researchers

2. Above all, affiliates to open their doors to organising EPWP workers so that their voices can be heard in the engagement going forward
3. Use the background information provided below to discuss the principles of EPWP in COSATU Locals

BACKGROUND INFORMATION

Context: Some unemployment data (from Stats SA 2013)

Official unemployment in March 2013 was 25.2%, rising to 36.7% if discouraged workers are included. These are national average figures. There are some areas where unemployment rises to above 60% e.g Makhuduthamga at 62.7%

Over 70% of the unemployed are under 34 years of age, and 44% have never worked before.

The Expanded Public Works Programme

The rationale of EPWP

The basic rationale of EPWP is that it is designed to increase labour-intensity of existing government investments through the creation of “work opportunities”. A work opportunity is defined as employment for a person for a fixed time: a week, a month or year. EPWP also presents its reported data as a measure of “full time job equivalents (FTE’s)”, which equates to 230 days of employment in a year.

EPWP is meant to train workers at the rate of two days of training for every 20 worked.

History of EPWP and Nedlac monitoring

The Expanded Works Programme was launched in 2004 under the Department of Public Works, and was extended to a second phase in 2009. The first phase exceeded its target of one million work opportunities. Implementation of the second phase was consulted in Development Chamber of Nedlac, during which COSATU raised a number of concerns including the practice of some municipalities of substituting permanent workers with EPWP workers, the low rate of pay, and issues of training.

As a result of concerns raised by COSATU the Department of Public Works agreed that the monitoring and auditing of EPWP should be expanded to reflect social indices including the impacts of EPWP on training, on poverty alleviation, on income creation, and on positive or negative impacts on job creation.

However, the reports received at Nedlac tended to be irregular, and do not include the agreed assessment criteria. As a result the Development Chamber requested a detailed engagement with DPW, as well as with COGTA on the related Community Works Programme. This engagement took place on 23rd July 2013.

It was agreed that the engagement with the two Departments would be followed up with a further high level engagement with the respective Ministries. This is the meeting that is taking place on 26th March 2014.

The legal status and conditions of employment of EPWP workers

EPWP workers are recognised as workers in terms of labour legislation and their conditions of employment are governed by a Ministerial Determination first introduced in 2002 as well as a Code of Good Practice published by the DOL in 2002. The most recent Ministerial Determination was published in May 2012 (see attached). Ministerial Determinations do not go through the consultative processes of the Employment Conditions Commission.

EPWP workers are employed on a temporary basis or contract basis. On employment a worker receives a “statement of employment” stating the job, the terms of employment, and what training the worker will receive. Proper procedures must be followed for termination of the contract. Absence for more than 3 consecutive days without informing the employer, or non attendance at training events can lead to termination of the contract.

The key elements of conditions of employment are as follows:-

- Workers on an EPWP are employed on a temporary or contract basis. However the restriction on working no more than 24 months in a cycle of 5 years was removed in the 2012 Ministerial Determination.
- Maximum hours are :- 40 hours per week, five days per week and 8 hours per day. The exception is security guards who may work up to 55 hours per week and 11 hours per day.
- Work on Sundays and Public Holidays must be paid at double time.
- COIDA applies but workers are excluded from UIF, and severance pay does not apply.
- Sick pay applies if more than 24 hours a month is worked. Workers are eligible for maternity leave, but not maternity pay, because of the exclusion from UIF. 3 days a year family responsibility leave applies.
- Payment must be in money. Payment “in kind” is not provided for. (This is why the EPWP Food for Waste programme fell foul of Labour in Nedlac).

- The current minimum rate as from 1st November 2013 is R70.59 per day. (According to DPW and DOL this is set in line with the level of the disability social grants as well as minimum rates in other Sectoral Determinations. In fact the wage is significantly lower than most SD minima e.g. farm workers R111.69 pd, and hospitality workers in enterprises of less than 10 workers R111.51 pd. The closest minimum is in the domestic worker sector in non metro areas R74.70 pd. See the attached table for details.)

Non compliance on wages

There is evidence that many projects do not pay the prescribed minimum wage of R70.59.

In an article in the Witness dated 4th February 2013 (when the minimum wage was R66.34), the following examples were cited:-

- Limpopo education department where 4,000 projects produced an average daily wage of R34.28
- Limpopo safety and security department R30 per day
- Gauteng 900 work opportunities produced and average daily wage of R30
- Social Development in the Western Cape had a daily rate of R56.98

EPWP Programmes and numbers of work opportunities and FTEs

Some of the programmes within the EPWP include work on the environment, tourism, road maintenance, early childhood development, community based care and community safety.

The target for the first phase was one million work opportunities and the target for the second phase is 4,92 million work opportunities (2,020,436 full time equivalents).

Work opportunity and FTE targets and achievements for 2nd phase 2009/10 – 20013/14 (extracted from Q4 (2012-13) Performance Report to Nedlac Development Chamber.

	Targets work opportunities	Achieved to 31st March 2013	% Progress	Targets Full Time Equiv.	Achieved FTE to 31st March 2013	% Progress
Total	4,920,000	3,054,027	62.07	2,020,435	868,974	43.01
Infrastructure	2,374,000	1,255,824	52.90	903,478	365,034	40.40
Environment	1,156,000	611,718	52.92	325,652	176,110	54.08
Social	750,000	674,730	89.96	513,043	247,601	48.26
Non state NPOs	256,000	129,576	50.62	111,304	38,439	34.54
Non state CWP	384,000	382,179	99.53	166,957	41,789	25.03

Municipal/Provincial/National divide

According to the Q4 2012/13 Report, the split between municipal and provincial actual project Full Time Equivalents per sector for the period 1 April 2012 to 31st March 2013 was as follows:-

Sector	Municipal	Provincial	National
Infrastructure	38,610	51,163	6,184
Environment & Culture	22,413	11,614	42,428
Social Sector	1,143	63,683	8,074

All 278 municipalities participate in EPWP. 64% of municipal work opportunities are in infrastructure, 33% in environment and culture, and 3% in the social sector. Each Municipality is expected to develop an EPWP policy, an implementation plan, and to report to DPW on a quarterly basis.

Profile of EPWP workers

In the first phase the profile of the EPWP workers was found to be the following :-

- Average age 36.5 years
- 54% male and 46% female
- Household income before EPW R500-R900 and after EPW R900-R2000. Average earning per work opportunity was R3000 over a period of between 3 and 4 months.
- Average household size 5.37

Duration of work in EPWP

The average duration of the work opportunities in the first phase per sector was infrastructure 51 days, environment 45 days, and social 165 days.

The target for the second phase is an average of 100 days, with sector specific targets and achievements for the period 1st April 2012 to 31st March 2013 being as follows:-

Sector	Annual Target hours	Achieved annual hours
Infrastructure	88	65
Environment & Culture	68	72
Social	153	98
NPOs	100	81
Community work	100	23

Proportion of costs to wages

In the Nedlac Development Chamber meeting of 23rd July 2013, DPW reported that in the 2012/13 financial year there were 941,593 participants and the total expenditure was R14,8 billion. R4,4bn of the total expenditure was on wages and the rest on other costs. This translates to an average of 29.7% of costs on wages. What is not spent in wages is therefore absorbed by contractors, administration and other costs.

In the Q4 2012/13 Report to Nedlac it was reported that the labour intensity in infrastructure projects was as low as 8% in the Northern Cape, 10% in Western Cape, and 15% in Eastern Cape. The highest labour intensity in infrastructure was achieved in Limpopo at 34%. Provincial labour intensity in Environment and Culture projects ranged from 31% to 57%, and in the Social Sector it ranged from 21% to 90%.

However Glenn Ashton in an article published by SACSIS in May 2012 claimed that the proportion spent of wages is actually lower than 29.7%. *"The biggest problem with the EPWP is that only a small fraction of the money going into the programme reaches the intended beneficiaries. In some cases less than 10% of programme costs reach the workers as wages"*. He goes on to say that *"Analysis shows that on average less than one rand in every five in the EPWP budget has been paid to the workers"*, and furthermore that *"In the infrastructure component, the largest component of EPWP, wages to beneficiaries fell from just over 27% to less than 10% over five years."*

Training

Two days out of 20 worked are supposed to be allocated to training.

In 2009 a five year NSF grant of R259,1m was allocated to EPWP initiatives, with an additional R110m allocated in 2013. R310m has been allocated to skills programmes, R52 for artisan development and Learnerships and R7.1m to NECSA training.

According to a DPW presentation made at Nedlac in July 2013, between 2009 and July 2013 10,733 people had gone through some NSF funded training.

Socio economic impacts of EPWP employment

DPW presented the results of a study into the impact of EPWP in a Nedlac meeting in July 2013. The study was conducted by means of 8 case studies, and interviews with 177 government managers, 347 implementers, and 1235 beneficiaries. 400 interviews were conducted as part of a community survey. The study showed the following:-

- 52% said the project experience helped them find their current job
- 48% said the EPWP training helped them in their current job
- 81% said they prioritised spending their earnings on food and the household
- 21% said they now saw less unemployment in their community
- 22% said local infrastructure has improved as a result of EPWP
- 32% said people in the community are happy with EPWP
- 18% said crime has reduced in the community because of EPWP

The Community Works Programme

History and conception of CWP

The CWP was initiated in 2007 by the Second Economy Strategy Project – an initiative of the Presidency. It was designed to test the possibility of a universal employment guarantee in South Africa. It was modelled to an extent on India's National Rural Employment Guarantee (NREGA). In terms of NREGA, the Indian state guarantees a minimum of 100 days of wage employment per annum to every rural household with unemployed adult members willing to do unskilled work. Over 55 million households in India currently participate in the scheme.

Initially it was run outside of government with donor funding. In 2009 it was recognised as a new component of EPWP and was transferred to the Department of Cooperative Governance in April 2010. A target of CWP operating in two wards per municipality by 2014 was set.

There are some similarities between the EPWP and the Community Works Programme (CWP). But the CWP is a distinct programme whose implementing Department is the Department of Cooperative Governance. DCoG contracts to implementing agencies, including NGO's. The main difference between EPWP programmes and CWP programmes is that EPWP programmes are identified by government departments, whereas CWP programmes are identified by communities. The work is supposed to be "useful work" i.e. that it betters the community in measureable ways.

CWP Implementation

A number of Implementing Agents have been appointed by COGTA. They seem to be appointed on a provincial basis, but this is not entirely clear. They include the Seriti Institute, Mvula Trust (water and sanitation projects in Limpopo, Gauteng

and Mpumalanga), Tembaletu Trust in KZN, and Teba Development (Eastern Cape and North West).

The Provincial Implementing Agents appoint Local Implementing Agents to manage local sites. There is a limit to the number of sites one LIA can manage. The LIA can be a registered NPO, a Section 21 company, a trust or a co-operative.

CWP sites and number of participants

In March 2013 there were 204,494 participants in 148 sites. According to a CoGTA presentation made to the Development Chamber on 23rd July 2013, based on March 2013 figures, 58% of participants were women and 54% were youth. 0.89% were people with disabilities.

Typical projects include home based care, food gardens, teacher assistance, ECD assistance, environmental services and the creation and maintenance of community assets such as parks, graveyards, schools, clinics, churches, village roads, and water pipelines.

CWP Labour Intensity

CWP aims to have a 65% labour intensity (translating into 65% costs allocated to labour) on its sites. The total CWP budget for 2012/13 was R1,439,876.52 of which R882,178.20 went to on site wages i.e. 61.2% to on site labour costs.

CWP wages and employment conditions

The minimum pay rate for CWP is the same as EPWP ie currently R70.59 per day. They are also governed by the Ministerial Determination.

A difference between EPWP and CWP however is that CWP employment is regular and predictable part-time work, rather than short term and temporary. Employment is usually guaranteed for two days a week indefinitely.

For every 25 participants, a workteam leader is appointed who works for three days a week. And for every 100 participants, a co-ordinator is appointed to work full time at a higher daily rate. From April 2012 a new pay structure was introduced recognising semi-skilled and skilled categories of work. No more than 10% of workers in a project can be skilled. (*Kate Philip "The Community Work Programme: Building a Society that Works" ILO Working Paper No.149 of 2013. Pg 14*)

The advocates of CWP argue that this predictability provides not only security of income but helps to lift participants out of the cycle of permanent unemployment by building self-confidence and skills. They also argue that the provision of predictable earnings and involvement in work has positive social consequences in that it reduces aggression, domestic violence, alcoholism, depression and so on.

Furthermore, the advocates of CWP argue that because projects are locally decided through consultation, and are always premised on an agreed notion of “useful work”, CWP is transformative, and can act as a catalyst for integrated development. The argument is that the cycle from identification of work to implementation is often only two weeks, compared to the Integrated Development Plan cycles of municipal government which are one year. The CWP is able to address some of the “unfunded mandates” at a local level to unblock partially funded initiatives. (See Kate Philip *“Towards a right to work: The rationale for an employment guarantee in South Africa. TIPS conference paper. September 2010. See also ILO Working Paper No. 149 referred to above.”*)

Despite their status in law as employees, the executive manager of the CWP programme in CoGTA Nomalizo Malefo, stated in an interview with Alex News in September 2013 after receiving a memorandum from striking CWP workers in Alexander township, Johannesburg : *“People have been misinformed. The programme is not a job but a safety net and is for the poorest of the poor. If these members persist with their actions, we will close down the programme here and give it to other communities that have a need for it”*.

The demands in the dispute were payment of some workers who had not been paid for months, a salary increase (allegedly promised by a new agency managing the project), the appointment of another agency, the graduation of coordinators to facilitators, and Seta accreditation for workshops. It is not known if any of the grievances were resolved.

COSATU Table of Sectoral Determination & EPWP minimums

As at 1st July 2014

Sector	Min ph	Min pd (9 hour day)	Min pm	Review date
1. Domestic metro	9.63	86.67	1877.70	30 th Nov 2014
Domestic non metro	8.30	74.70	1618.37	
2. Security Officer Grades D& E Area 1	14.12	*-	2938.00	31 st August 2014
Security Officer Grades D& E Area 2	12.92	-	2688.00	
Security Officer Grades D& E Area 3	11.74	-	2441.00	
3. Forestry	12.41	111.69	2420.41	31 st March 2015
4. Farm	12.41	111.69	2420.41	28 th Feb 2015
5. Contract Cleaning Area A metros ex KZN	15.66	140.94	3051.35	30 th Nov 2014
Contract Cleaning Area B all other ex KZN	14.19	**127.71	2764.92	
6. Hospitality 10 or < workers	13.34	600.48	2601.88	30 th June 2015
Hospitality > 10 workers	14.87	669.30	2900.08	
7. Taxi drivers and admin workers	13.68	657.05	2847.01	30 th June 2015
Taxi rank marshals	10.94	525.23	2275.81	
8. Wholesale & Retail shop ass. Area A	15.71	141.39	3063.13	31 st Jan 2015
Wholesale & Retail shop ass. Area B	13.16	118.44	2556.30	
Wholesale & Retail sales person Area A	19.83	178.47	3866.20	
Wholesale & Retail sales person Area B	16.73	150.57	3261.51	
9. EPWP (Ministerial Determination)	8.82	***70.59		31 st October 2014

Notes

1. Rates are all for those working more than 27 hours per week. All sectors except security guards in the Security Sector and EPWP, are based on a 45 hour week.
2. *Almost all security guards work 12 hour shifts based on a compressed working week, so the daily rate is not meaningful
3. **Most contract cleaners work less than nine hours a day. Historically employers have cut hours whenever there is an increase. For this reason, since 2012, employers must pay for a minimum 6 hours per day. So the actual legislated minimum per day is R89.46 for a six hour day.
4. ***EPWP workers' conditions are governed by a Ministerial Determination. The maximum hours per day is 8 hours, and 40 hours per week.
5. A Bargaining Council exists for the Contract Cleaning sector in KZN. The SD therefore excludes KZN in its entirety.
6. Some Sectoral Determinations have only one minimum e.g. Domestic and contract cleaning. However others such as Wholesale and Retail have multiple minimums linked to a range of job categories. For the purposes of this table, where there are multiple grades/wages, the dominant grades are recorded.
7. Sectoral Determinations set wages for three years. Every SD has a different three year cycle. Increases for the second and third years are set in advance. The current ECC trend is to set the increases as CPI plus a percentage (sometimes plus 1% sometimes plus 2%). The review dates indicate when the current wage expires. This does not necessarily mean a complete new Sectoral Determination will follow. But in all cases a new wage will follow.