

Employment compliance inspections for wholesale, retail and hospitality sectors

By [Dhevarsha Ramjettan](#), [Nivaani Moodley](#) and [Siya Ngcamu](#)

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The Department of Employment and Labour issued a notification that the Gauteng Inspectorate and Enforcement Services will be conducting a mega blitz of the wholesale, retail and hospitality sectors during the week of 26 - 30 September 2022.

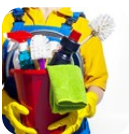


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The Basic Conditions of Employment Act (BCEA) regulates the monitoring and enforcement of employment-related legislation. To give effect to the enforcement and monitoring mechanisms, the BCEA grants labour inspectors powers of entry into workplaces as well as powers to question employees and inspect documents.

The purpose of the inspection is to measure the level of compliance with employment-related legislation, including the BCEA, the National Minimum Wages Act, the Unemployment Insurance Act, the Unemployment Insurance Contributions Act and Compensation for Occupational Injuries and Diseases Act (employment laws).

We caution that the inspection may go beyond the scope of the employment laws. In recent inspections, the scope has included the status of foreign nationals in South Africa and whether they may lawfully live and work in the country. Employers must ensure that they have the appropriate documentation for their foreign national employees.



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The inspection may also include the processing and disclosure of personal information, as defined in the Protection of Personal Information Act (PoPIA), to the labour inspectors. In this regard, employers would have to comply with certain obligations in terms of PoPIA in relation to their employees.

Employers are reminded that if a labour inspector has reasonable grounds to believe that they have not complied with the employment laws, the labour inspector may issue a compliance order. An employer must comply with a compliance order within the time period set out in the order. If it does not, the compliance order may be made an arbitration award.

Employers are also warned to be cautious of people impersonating labour inspectors. To avoid becoming a victim of labour inspector impersonators, employers can identify genuine labour inspectors by their labour inspector identification cards, which carry the logo of the Department of Employment and Labour, and their trademark uniforms.

ABOUT THE AUTHOR

Dhevarsha Ranjettan, Nivaani Moodley, Partners & Siya Ngcamu, Associate at Webber Wentzel

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