The Committee on Economic, Social and Cultural Rights (the Committee) took into consideration the initial report of South Africa, the reports of the South African Human Rights Commission and civil society organisations on the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR) in October 2018. The Committee provided a number of recommendations on several subjects related to the Right to Work. The Committee recommends that South Africa:

**ASYLUM SEEKERS**

- Ensure, to the fullest extent possible, that asylum seekers can support themselves and enjoy the right to work, including by amending section 22 (8) of the Refugees Amendment Act;

**SEX WORKERS**

- Impose an immediate moratorium on arrests of sex workers until the legal status of sex work is determined. That the State should consider decriminalizing the sale of sex; protect sex workers from police harassment; as well as from sexual and physical violence and exploitation by traffickers, establishment owners and others; provide support and assistance to victims of harassment, violence and exploitation and; take measures to curb the demand for prostitution and provide sex workers with alternative livelihood opportunities;

**PRECARIOUS EMPLOYMENT IN THE FORMAL AND INFORMAL ECONOMIES**

- Introduce a legislative framework to regulate the informal economy, with a view to protect workers therein from abuse, including by law enforcement officials;
- Extend the coverage of the labour and social security legislation to informal workers;
- Facilitate the transition of workers in the informal economy to the formal economy, taking into account International Labour Conference recommendation No. 204 on the transition from the informal to the formal economy;
- Prevent and mitigate the casualisation or externalisation of work in the formal economy;
- Strengthen the enforcement of the amendments to the Labour Relations Act to this effect;
- Collect information on the informal economy, including its scale and the working conditions of workers therein, on a regular basis;
### DOMESTIC AND FARM WORKERS

- Further strengthen the legislative framework on domestic work by extending to domestic workers the application of the Compensation for Occupational Injuries and Diseases Act for occupational injuries and deaths, and provide legal guidance on the standard of accommodation;
- Regularly carry out unannounced labour inspections in domestic settings (without a notice or warrant);
- Ensure that domestic and farm workers have access to effective complaint mechanisms;
- Raise public awareness of the rights of domestic workers;

### MINIMUM WAGE

- Apply the same minimum wage across all sectors, including the domestic, farm and retail sectors;
- Raise the national minimum wage and regularly adjust it to the cost of living so as to ensure an adequate standard of living for workers and their families;
- Ensure full compliance with the minimum wage. This presupposes that the State party will design a composite index to regularly assess the cost of living, in order to support its efforts to guarantee that wages provide workers with a decent standard of living for themselves and their families;

### MINING SECTOR

- Ensure the strict enforcement of the Mine Health and Safety Act and the Occupational Health and Safety Act in the mining sector;
- Ensure that injured mineworkers and mineworkers with occupational diseases, regardless of their status, have access to effective remedies, including through liability actions against their employers;
- Carry out regular risk assessments of hazards to the safety and health of mineworkers, in particular temporary or contract workers;
- Promote the safety and dignity of female mineworkers, address gender inequalities and violence, and eradicate the male-dominant work culture in the sector;
- Improve living conditions in mineworker communities, and ensure mineworkers’ access to adequate housing, water, electricity, sanitation, health care, education and other social services;
- Strictly enforce social labour plan-related obligations and impose penalties on employers in cases of non-compliance, including by revoking their licenses;

### LABOUR INSPECTIONS

- Increase the level of funding allocated to the Directorate of Inspection and Enforcement Services;
- Secure a sufficient number of qualified labour inspectors and ensure that the wages and resources provided to labour inspectors serve to reduce the high rate of turnover;
- Ensure that the compliance orders of labour inspectors are duly implemented;

### GENDER PAY GAP AND EQUAL PAY FOR WORK OF EQUAL VALUE

- Intensify its efforts to close the gender pay gap and to address vertical and horizontal segregation, and ensure that the principle of equal pay for work of equal value is incorporated into labour laws and collective agreements and is effectively implemented;

### TRADE UNION RIGHTS

- Ensure that all workers, including those in precarious employment, effectively participate in the decision-making process relating to their working conditions and exercise their legitimate rights, as provided for in the Constitution and labour laws;
- Ensure that the amendments to the Labour Relations Act provide for stronger protection of labour rights, including the right to strike.

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