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No. 25383

MANUAL

IN ACCORDANCE WITH

**THE PROMOTION OF ACCESS TO
INFORMATION ACT (NO. 2 OF 2000)**



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

INDEX

Company Name	Gazette No.	Date	Page No.
Labour	25383	27-08-2003	3

**MANUAL ON ACCESS TO INFORMATION IN
POSSESSION OF THE DEPARTMENT OF LABOUR
COMPILED IN TERMS OF SECTION 14(1) OF THE
PROMOTION OF ACCESS TO INFORMATION ACT, 2000
(ACT NO. 2 OF 2000)**

**COMPILED BY: THE DIRECTOR GENERAL
DEPARTMENT OF LABOUR
PRIVATE BAG X117
PRETORIA
0001
TEL: (012) 309 4000
FAX: (012) 322 0413
E-mail address:
Website address**

CONTENTS

1.	Introduction	5
2.	Departmental Structure	6-10
3.	Statutory Bodies.....	11
4.	Information and Deputy Information Officers.....	12-15
5.	Provincial offices	16-17
6.	Functions of the Department.....	18-20
7.	Guide for SAHRC.....	21
8.	Information held by Department.....	22-26
9.	Access to Services Offered.....	27-28
10.	Access to Information.....	29-30
11.	Remedies.....	30-31

A. INTRODUCTION

In order for the public to make informed choices, which in turn should yield a more accountable and efficient Government, access to information held by the State is the key. The Department of Labour, in compliance with Section 14(1) of the Promotion of Access to Information Act, 2000 (ACT No. 2 of 2000) ("the Act") has compiled this manual to assist members of the public to have meaningful access to information in the possession of the Department that the affected member of the public might require.

B. STRUCTURE OF THE DEPARTMENT OF LABOUR

1. MINISTER

The Department of Labour is headed by the Minister of Labour who is appointed by the President in terms of Section 91(2) of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996 ("the Constitution").

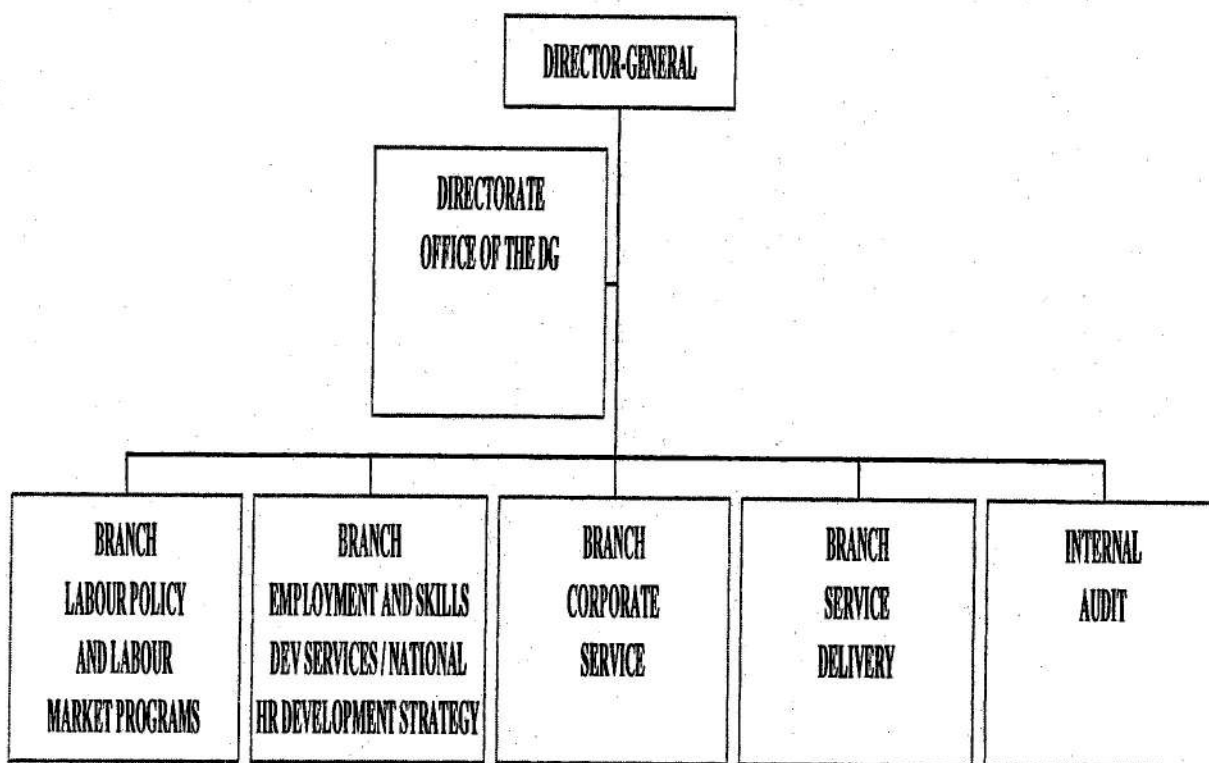
2. ADMINISTRATION

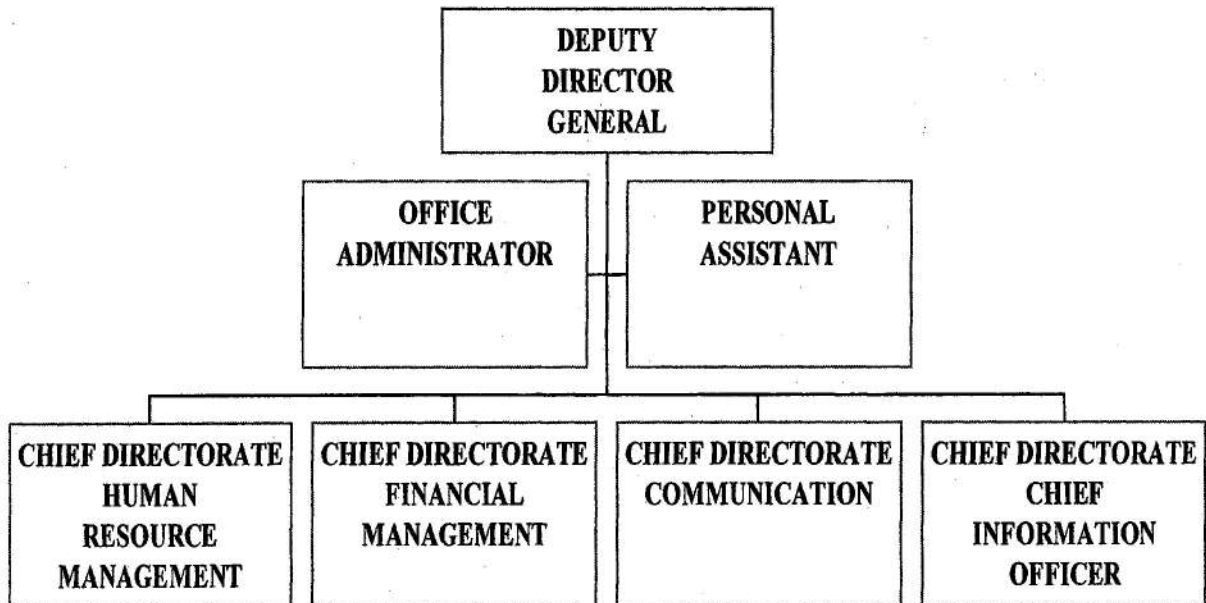
2.1 At a functional level, the Department is managed by a Director General, who is appointed by the President in terms of Section 12 of the Public Service Act, 1994 and the Constitution.

2.2 The Director General is assisted by four Deputy Directors General who head the Labour Policy and Labour Market Programme, Service Delivery, Corporate Services and Employment and Skills Development Services respectively. The Director General is the designated Information Officer.

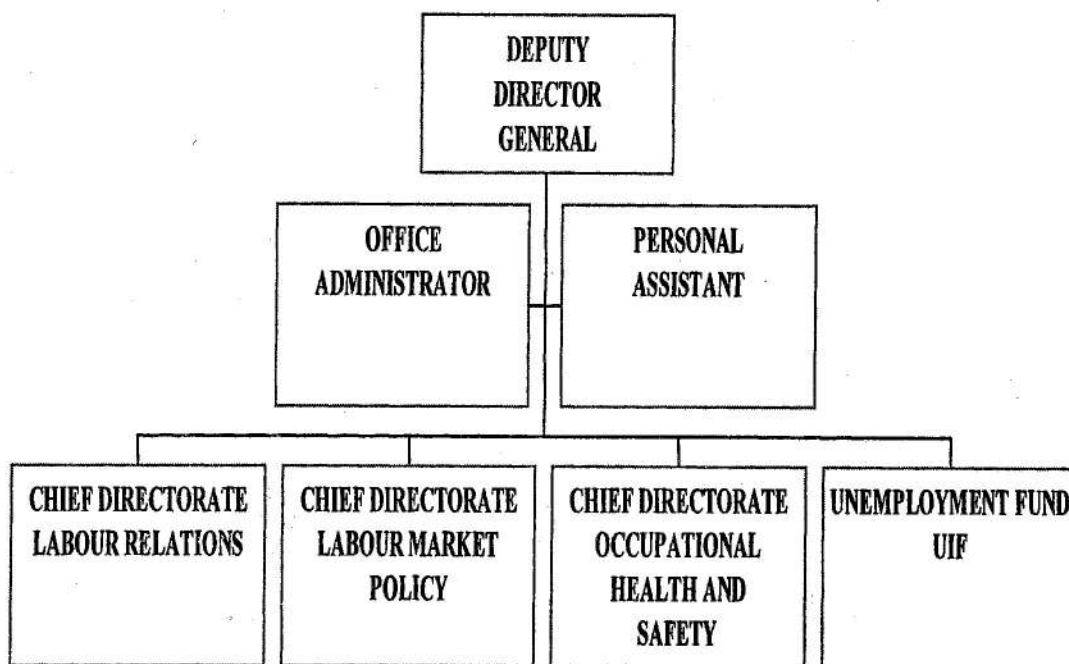
The details of Deputy Information Officers are contained in Section C below.

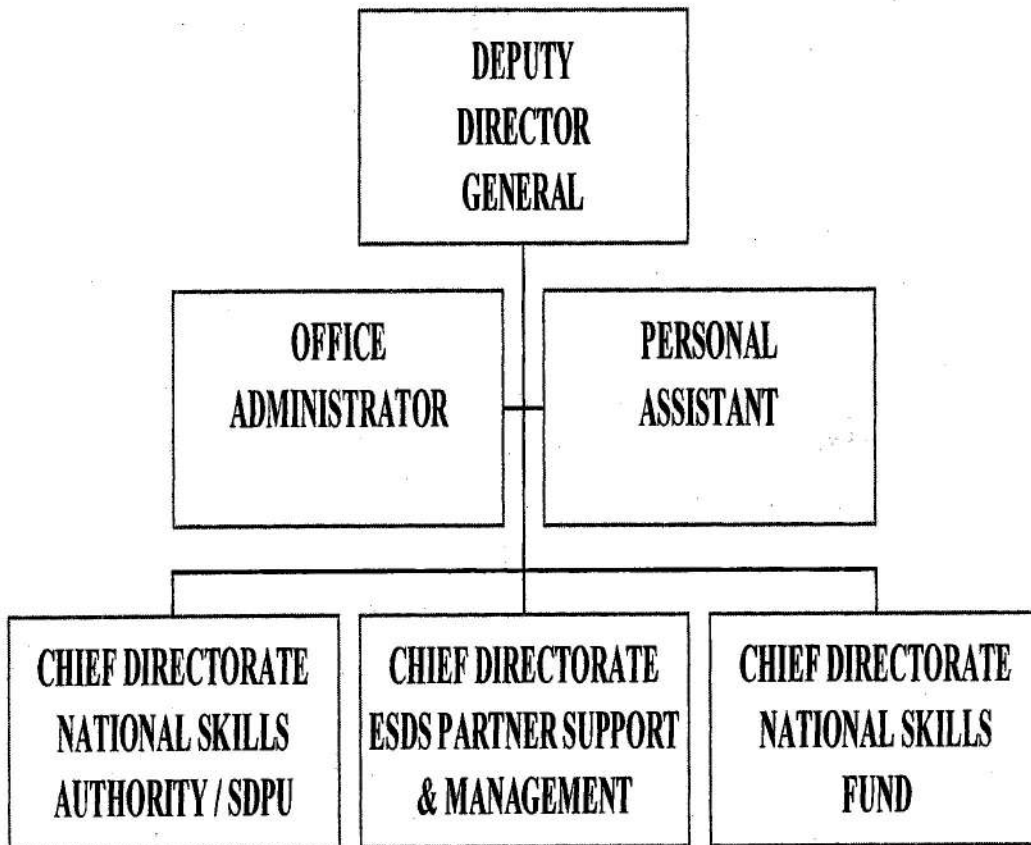
DEPARTMENT OF LABOUR



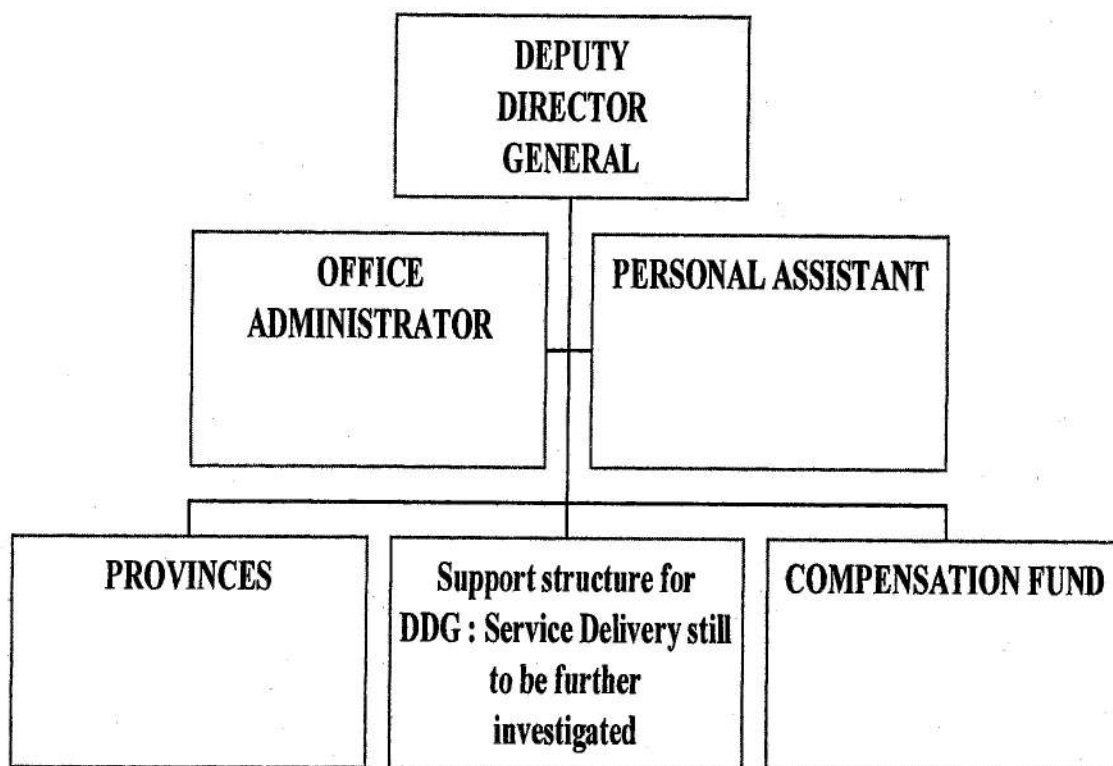
BRANCH: CORPORATE SERVICES

BRANCH: LABOUR POLICY AND LABOUR MARKET PROGRAMMES



BRANCH: ESDS/HRD

BRANCH: SERVICE DELIVERY



3. **STATUTORY BODIES**

3.1 The following statutory bodies have been established in terms of legislation administered by the Department:

3.1.1 Advisory Council for Occupational Health and Safety;

3.1.2 Compensation Board;

3.1.3 Compensation Fund and Reserve Fund;

3.1.4 National Economic Development and Labour Council;

3.1.5 Commission for Conciliation, Mediation and Arbitration;

3.1.6 Employment Conditions Commission;

3.1.7 Commission for Employment Equity;

3.1.8 National Skills Authority;

3.1.9 Skills Development Planning Unit; and

3.1.10 National Productivity Institute.

C. INFORMATION OFFICERS

1. The Director General is the designated Information Officer, as contemplated in Section 1(a)(ii) of the Act.
2. The Information Officer's contact details are as follows:

2.1 POSTAL ADDRESS

The Director General (Information Officer)
Department of Labour
Private Bag X117
PRETORIA
0001

2.2 STREET ADDRESS

The Director General
Laboria House
215 Schoeman Street
PRETORIA
0001

2.3 Telephone Number: (012) 309 4000

2.4 Fax Number: (012) 320-2059

2.5 Website: www.labour.gov.za

3. The Deputy Directors General's are the designated Deputy Information Officers', as contemplated in Section 17 (1) of the Act. The details of the Deputy Information Officers are as follows:

3.1 **POSTAL ADDRESS**

The Deputy Directors General (Deputy Information Officers)
Department of Labour
Private Bag X117
PRETORIA
0001

3.2 **STREET ADDRESS**

Laboria House
215 Schoeman Street
PRETORIA
0001

3.3 Telephone Number: (012) 309-4000

3.4 Fax Number: (012) 320-2059

3.5 Website: www.labour.gov.za

3.6 The Senior Executive Managers are the designated Deputy Information Officers as contemplated in Section 17 (1) of the

Act. The details of Deputy Information officers' are as follows: -

3.6.1 Senior Executive Manager: Human Resources

Telephone : (012) 309-4027

Fax Number : (012) (012) 309-4631

3.6.2 Senior Executive Manager: Labour Relations

Telephone : (012) 309-4122

Fax Number : (012) 309-4595

3.6.3 Chief Information Officer:

Telephone : (012) 309-4550

Fax Number : (012) 325-8896

3.6.4 Compensation Commissioner:

Telephone : (012) 319-9276

Fax Number : (012) 325-3932

3.6.5 Senior Executive Manager: Communication

Telephone : (012) 309-4662

Fax Number : (012) 309-4030

3.6.6 UI Commissioner:

Telephone : (012) 337-1880

Fax Number : (012) 337-1946

3.6.7 Senior Executive Manager: Labour Market Policy

Telephone : (012) 309-4146

Fax Number : (012) 309-4883

3.6.8 Chief Financial Officer: Finance

Telephone : (012) 309-4286

Fax Number : (012) 309-4697

3.6.9 Senior Executive Manager: NSA\SDPU

Telephone : (012) 309-4167

Fax Number : (012) 309-4237

3.6.10 Senior Executive Manager: National Skills Fund

Telephone : (012) 309-4470

Fax Number : (012) 309-4048

**3.6.11 Senior Executive Manager: Sector Education and
Training Authority Co-ordination**

Telephone: (012) 309-4782

Fax Number: (012) 320-0792

4. PROVINCIAL OFFICES OF THE DEPARTMENT

- 4.1 The Provincial Executive Managers of the Department are also designated as Deputy Information Officers in terms of section 17 (1) of the Act and their addresses and contact details are as follows: -

4.1.1 GAUTENG SOUTH

The Provincial Executive Manager

Tel: (011) 497-3118

Fax: (011) 834-1081/2570

4.1.2 GAUTENG NORTH

The Provincial Executive Manager

Tel: (011) 309-5066

Fax: (011) 309-5006

4.1.3 LIMPOPO

The Provincial Executive Manager

Tel: (015) 290-1607

Fax: (015) 280-1608

4.1.4 NORTH WEST

The Provincial Executive Manager

Tel: (018) 387-8100/9

Fax: (018) 384-2745\4

4.1.5 FREE STATE

The Provincial Executive Manager

Tel: (051) 505-6200

Fax: (051) 447-9353

4.1.6 MPUMALANGA

The Provincial Executive Manager

Tel: (013) 655-8700/9

Fax: (013) 690-2622

4.1.7 KWA-ZULU NATAL

The Provincial Executive Manager

Tel: (031) 336-1545

Fax: (031) 305-9540

4.1.8 NORTHERN CAPE

The Provincial Executive Manager

Tel: (053) 838-1500

Fax: (053) 832-8798

4.1.9 WESTERN CAPE

The Provincial Executive Manager

Tel: (021) 460-4104

Fax: (021) 465-3642

4.1.10 EASTERN CAPE

The Provincial Executive Manager

Tel: (043) 701-3030

Fax: (043) 743-9719

D. FUNCTIONS OF THE DEPARTMENT OF LABOUR

1. The Department of Labour administers, oversees, implements and enforces all employment legislation, namely:
 - 1.1 Labour Relations Act, 1995 (Act No. 66 of 1995);
 - 1.2 Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997);
 - 1.3 Compensation for Occupational Injuries and Disease Act, 1993 (Act No.130 of 1993);
 - 1.4 Occupational Health and Safety Act, 1993 (Act No. 85 of 1993);
 - 1.5 Skills Development Act, 1998 (Act No. 97 of 1998);
 - 1.6 Employment Equity Act, 1998 (Act No. 55 of 1998);
 - 1.7 Skills Development Levies Act, 1999 (Act No. 9 of 1999);
 - 1.8 Unemployment Insurance Act, 2001 (Act 63 of 2001) and
 - 1.9 National Economic Development and Labour Council Act, 1994 (Act No. 35 of 1994).

2. THE DEPARTMENT OF LABOUR: -

- 2.1 gives effect to the constitutional right to fair labour practices as contained in Section 23(1) of the Constitution, through legislation that regulates minimum employment standards, dispute prevention and resolution.
- 2.2 ensures compliance by South Africa with all its obligations as a member state of the International Labour Organization ("the ILO");
- 2.3 enforces all labour related legislation;
- 2.4 promotes the constitutional right of equality and aims to eliminate unfair discrimination in employment by ensuring the implementation of employment equity to redress the effects of discrimination;
- 2.5 promotes economic development and efficiency in the workforce by continuously reviewing employment policies, practices, procedures and the working environment of the workforce;
- 2.6 maintains an institutional framework for the implementation of national sector and workplace strategies with a view to developing and improving the skills of the South African workforce.
- 2.7 regulates the payment of compensation for disablement caused by accidents to or industrial diseases contracted by employees in the course of their employment, or for death

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resulting from such accidents and diseases through the Accident and Reserve Funds;

2.8 administers the Unemployment Insurance Fund which regulates contributions payable by employers and contributors to the unemployment insurance fund and of benefits, allowances, amounts payable from the said fund;

2.9 provides for minimum health and safety standards at workplaces; and

2.10 through National Economic Development and Labour Council:

2.10.1 strive to promote the goals of economic growth, participation in economic decision-making and social equity;

2.10.2 seeks to reach consensus and conclude agreements on matter pertaining to social and economic policy;

2.10.3 considers all proposed labour legislation before it is introduced in Parliament;

2.10.4 considers all significant changes to social and economic policy before it is implemented or introduced in parliament; and

2.10.5 encourages and promotes the formulation of coordinated policy on social and economic matters.

E. GUIDE OBTAINABLE FROM THE SAHRC

The South African Human Rights Commission is required to compile a guide in all official languages of South Africa to assist all people who wish to exercise the right of access to information, which such persons may need in the exercise of their rights. This guide is obtainable from the information officer of the SAHRC at the following address:

The Information Officer

Postal address:

South African Human Rights Commission
Private Bag X 2700
HOUGHTON
2041

Street Address:

Entrance 1
Boundary Road
Isle of Houghton
PARKTOWN

Telephone Number: (011) 484-8300

Fax Number: (011) 484-7146

Website: www.sahrc.org.za

THE

F. INFORMATION HELD BY THE DEPARTMENT

Any person who wishes to have access to information held by the Department can contact either the Information Officer or the Deputy Information Officers.

G. THE TYPE OF INFORMATION HELD BY THE DEPARTMENT**1. INFORMATION WITH THE SENIOR EXECUTIVE MANAGER
HUMAN RESOURCE MANAGEMENT**

1.1 Personal information of all its employees.

**2. INFORMATION WITH THE SENIOR EXECUTIVE MANAGER:
LABOUR RELATIONS**

2.1 constitutions of registered trade unions;

2.2 constitutions of registered employers' organizations;

2.3 constitutions of federations of trade unions;

2.4 constitutions of federations of employers' organizations

2.5 constitutions of registered bargaining and statutory councils;

2.6 copies of financial statements by the above organization;

2.7 details of designated employers in terms of Employment Equity Act ("EEA");

- 2.8 employment equity plans of designated employers;
- 2.9 employment equity reports;
- 2.10 wage determinations;
- 2.11 sectoral determinations;
- 2.12 ministerial determinations;
- 2.13 ministerial variations;
- 2.14 collective agreements by Bargaining and Statutory Councils;
- 2.15 reports by the Employment Equity Commission;
- 2.16 reports by Employment Standards Commission: and
- 2.17 Financial statements and status reports of CCMA.

3. INFORMATION WITH UNEMPLOYMENT INSURANCE COMMISSIONER

- 3.1 records of contributing employers and employees;
- 3.2 records of claims by contributing employees; and
- 3.3 financial statements of the Fund.

4. INFORMATION WITH THE COMPENSATION COMMISSIONER

- 4.1 records of contributing employers and employees;

4.2 records of claims by contributing employees; and

4.3 financial statements of the Fund.

5. **INFORMATION WITH THE SENIOR EXECUTIVE MANAGER
OCCUPATIONAL HEALTH AND SAFETY**

5.1 records of accidents and injuries at workplaces;

5.2 reports of inquiries into workplace accidents.

5.4 statistics;

5.5 inspection reports; and

5.6 list of contractors and electricians.

6. **INFORMATION WITH THE SENIOR EXECUTIVE MANAGER SECTOR
EDUCATION AND TRAINING AUTHORITY CO ORDINATION**

6.1 details of all the twenty five (25) Sector Education and Training Authority;

6.2 annual Reports of Sector Education and Training Authority; and

6.3 register of all learnerships.

7. **INFORMATION WITH THE SENIOR EXECUTIVE MANAGER
NATIONAL SKILLS FUND**

7.1 details of projects funded by National Skills Fund; and

7.2 criteria for accessing funds from National Skills Fund.

8. INFORMATION WITH THE SENIOR EXECUTIVE MANAGER
NATIONAL SKILLS AUTHORITY

8.1 Details of the National Skills Development Strategy.

9. **INFORMATION WITH THE EXECUTIVE MANAGER INTERNATIONAL**
RELATIONS

9.1 International Labour Organization Conventions; and

9.2 International Agreements concluded by the Republic of South Africa and countries and/or organizations.

10. INFORMATION WITH SENIOR EXECUTIVE MANAGER:
COMMUNICATION

10.1 press releases;

10.2 speeches by the Minister of Labour;

10.3 the Department's Annual Reports; and

10.4 leaflets, newsletters and booklets issued by the Department.

11. INFORMATION WITH THE CHIEF FINANCIAL OFFICER

11. records of budgets, expenditure and projections for the Department.

12. INFORMATION WITH THE EXECUTIVE MANAGER INTERNAL AUDIT

12.1 records of risks plans;

12.2 records of prevention plans; and

12.3 audit findings and reports.

13 INFORMATION WITH THE CHIEF INFORMATION OFFICER

12.4 records of Private Public Partnerships.

14. GENERAL INFORMATION

14.1 green and white papers related to the functions of the Department;

14.2 policies and procedures in relation to:

- (i) employment practices;
- (ii) acquisition, procurement, and purchasing; and
- (iii) labour market practices.

14.3 Labour Market reports.

I. **ACCESS TO SERVICES OFFERED BY THE DEPARTMENT**

1. **Unemployment Insurance**

1.1 acceptance and processing of applications for unemployment insurance payments; and

1.2 payment of Unemployment Insurance Funds.

These services are available at each of the Provincial Offices of the Department, situated in all nine (9) Provinces.

2. **COMPENSATION FOR OCCUPATIONAL DISEASES AND INJURIES**

2.1 acceptance and processing of applications for compensation due to occupational diseases or injury; and

2.2 payment of compensation.

3. **LABOUR RELATIONS**

3.1 Registration of trade unions, trade union federations, employers' organizations, federations of employers' organizations, bargaining and statutory councils;

3.2 making sectoral determination;

3.3 making ministerial variations; and

- 3.4 enforcing compliance with minimum employment standards, health and safety legislation.

These services are rendered from the Head Office of the Department in Pretoria and Provincial Offices.

4. **SKILLS DEVELOPMENT**

- 4.1 records of all Sector Education and Training Authorities, including their constitutions; and
- 4.2 supervises the functioning of Sector Education and Training Authorities.

Details of all Sector Education and Training Authorities are available from any of the Provincial Offices of the Department and on its website at {www.labour.gov.za}.

5. **DISPUTE PREVENTION AND RESOLUTION**

- 5.1 the Commission for Conciliation, Mediation and Arbitration ("CCMA") performs dispute prevention and resolution functions; and
- 5.2 the Labour Courts provide an adjudication service.

Details of CCMA offices and Labour Courts are available from any of the Provincial Offices of the Department or its Head Office.

J. ACCESS TO INFORMATION HELD BY THE DEPARTMENT

1. The information in the possession of the Department can be accessed by making a request in the prescribed form, which is available from all Provincial Offices of the Department and addressed for the attention of the Information Officer or Deputy Information Officers at the address mentioned in paragraph C above.
2. The requester of the information must complete all the details in the form to enable the Information Officer to identify the information requested. The requester should clearly identify:
 - 2.1 the record or records requested;
 - 2.2 whether the information requested is personal to the requester;
 - 2.3 the age of the requester;
 - 2.4 if the requester is being assisted in obtaining the information; and
 - 2.5 whether the records relate to the physical health of the requester and whether the requester is being assisted or the request is being made on the requester's behalf.

K. PARTICIPATION IN FORMULATION OF POLICY

- 1 Any member of the public is allowed to participate and influence the formulation of policy and, generally, have a say in the exercise of powers and performance of duties within the Department by:
 - 1.1 directly communicating with the Minister at the address provided;
 - 1.2 making representation to the Parliamentary Portfolio Committee on Labour;
 - 1.3 making submissions through National Economic Development and Labour Council; and
 - 1.4 commenting on proposed legislation, lodging objections to the registration of trade unions and employers organization.

L. REMEDIES IN RESPECT OF AN ACT OR FAILURE TO ACT BY THE DEPARTMENT

In the event that a requester for information is aggrieved by the Department's failure to provide the information requested, the requester may;

- 1.1 lodge an internal appeal in terms of Sections 74 (1) and 75 (1) of the Act against the decision of the Information Officer within 60 (sixty) days of the date of refusal. The appeal should:

- 1.1.1 be delivered to the Information Officer;
 - 1.1.2 identify the subject of the internal appeal and state the reasons for the internal appeal and any other relevant information;
 - 1.1.3 be accompanied by the prescribed fee for such internal appeals; and
 - 1.1.4 contain the contact details of the requester.
- 1.2 apply to a Court in terms of Section 82 of the Act;
 - 1.3 lodge a complaint with the Human Rights Commission; or
 - 1.4 lodge a complaint with a Public Protector.

M. GENERAL

Any person who is uncertain of anything contained herein may approach the Information Officer or his deputies or any of the Provincial Offices of the Department for assistance.

End

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