



MONITOR

A monthly briefing sheet to keep communities informed about what is happening in Parliament

Did you know?...	OUR LEAD STORY	More information
<p>The Local Government Anti-Corruption Inspectorate (ACI) has been set up to deal with allegations of corruption in municipalities, and promote good governance by training municipal officials and councillors on ethical behaviour, and promote the Codes of Good Conduct in the Municipal Systems Act. It will coordinate investigations in the provinces, support entities such as the Hawks, and implement and manage whistle-blowing channels. It has investigated five cases and is still dealing with five more in the Eastern Cape, three in the Free State and six in Mpumalanga. Fifty seven cases were reported on the Presidential Hotline. All 25 municipalities in the North West are under investigation.</p> <div data-bbox="145 1630 464 1794" style="border: 1px solid black; padding: 5px;"> <p>The Office of the Consumer Protector has a toll-free number: 0800 007 081.</p> </div> <p>The Department of Labour has commissioned research on the taxi sector and the impact of transport transformation on that sector.</p>	<p>The Department of Human Settlements has reported on the creation of the Mortgage Default Insurance (MDI) Fund, which is intended to improve access to housing and mortgage financing for working class and lower-income families earning between R3 500 and R12 000 a month. Currently, they are unable to get loans from banks, because the banks consider the risk too high and will only lend against much higher interest rates. The MDI Fund will now offer opportunities to these lower-income families to qualify for loans, because not only will the MDI Fund itself be capitalised, but it also offers the banks a government guarantee of R1 billion for insurance against default.</p> <p>An initial agreement was reached with one financial institution to participate in an affordable housing fund with funding of R150 million to finance the development and sale of 25 000 affordable units. The insurance guarantee against default is intended to encourage the other major banks to offer housing finance in the R3 500 to 12 000 income bracket, because these loans would be insured by the MDI, relieving the banks of the responsibility of insurance.</p> <p>It was hoped that all agreements with the lending banks to offer housing finance would have been finalised by end-December 2011. The process to license the MDI with the Financial Services Board should be completed by end March 2012. It is hoped that a pilot project can start by August 2012. The MDI Fund hopes to support loans for 600 000 households. Phase 1 would cover 125 000 houses, whilst further guarantees over the next three years will back the remaining loans. About 900 loans can be processed each month by the banks.</p> <p>Linked to this is the Finance Linked Individual Subsidy Programme (FLISP) which aims to improve affordability for the end user. The National Housing Finance Corporation (NHFC) is also using the Government Employee Housing Scheme as a facilitator for the MDI, because once new developments for public servants have been located, they will need insurance to back the provision of their housing funding. The MDI will be developing risk management, audit and monitoring processes. The Financial Services Board will be increasing its oversight on how financial institutions treat their borrowers in future.</p>	<p>The Employment Conditions Commission (ECC) protects vulnerable workers who are not covered by the Basic Conditions of Employment Act, or where no trade unions exist, by making sectoral determinations to establish minimum wages in specific sectors. The sectoral determination for agricultural workers requires that, until 2012, they be paid R7.04 per hour, R317.51 per week and R1 375.94 per month. The ECC said shedding of jobs in this sector has not resulted directly from wage increases.</p> <p>The Department of Labour is presently consulting around the feasibility of setting up a provident fund for farm workers.</p> <p>People with refugee status are able to renew their papers at any of the Home Affairs offices in the provinces, rather than having to queue at refugee centres. Refugee centres are to be located at border towns.</p>

Who are they?

The United Nations High Commission for Refugees (UNHCR) currently has over 6 000 people working in 120 countries. Although the issues it handles are rooted in politics, its own mandate is apolitical, focusing on social and humanitarian relief. The UNCHR mandate covers refugees, asylum seekers, stateless persons, internally displaced persons and returnees. However, UNHCR is not a substitute for a government's responsibility to protect refugees, and to ensure that the way to do this is in place, and is implemented.

The issue of internally displaced persons involves questions of national sovereignty. The AU Convention for Internally Displaced Persons has to be ratified by fifteen countries before it comes into force, but only seven have done so up to now, and South Africa has not yet ratified this Convention. In 2010, there were 2.3 million refugees in Africa, out of the 9.9 million refugees worldwide. Africa has about one third of asylum seekers, about half of displaced persons, and only 21,119 stateless people, compared to 3.4 million in the rest of the world. More people are displaced within their own territories than across international borders. The highest number of refugees is found in Asia, partially because of Afghanistan conflicts, with Africa having the second highest numbers.

South Africa has only 7% of genuine refugees and asylum-seekers, most from the problem areas in the Great Lakes region, DR Congo and the Horn of Africa. However, its statistics for refugee applications are artificially high because many Zimbabwean nationals who do not meet the qualifications apply as refugees, simply because they do not have the correct documents for migration. South Africa's Constitution, the Refugee Act and court cases deal with issues of refugees. In 2004 the Supreme Court of Appeal recognised the right of asylum seekers to work and study. Refugees also qualify for some, but not all, social security benefits. There are still challenges in implementing protection, and the numbers - 57 899 refugees and 171 702 asylum seekers in South Africa – are indicative of the need to re-examine and improve the system. At present there is no distinction between man-made and natural disasters. Proper and reliable data is needed. The challenges around establishing reception centres and refugee determination systems at the borders, and possibly also screening at the borders, must be addressed.

South Africa has not been very successful in returning people to their home countries; although UNHCR encourages re-patriation, refugees who benefit from a foreign country's child and social relief grants are unwilling to choose to return to their own countries. Resettlement in a third country is not always viable. Xenophobia still remains a problem in South Africa and indeed elsewhere in the world.

The Commission for Conciliation, Mediation and Arbitration (CCMA) has played a significant role over the last few years in bringing industrial peace. South Africa has recently experienced a rise in violence and strikes, with more youths protesting in the streets, but their grievances are not necessarily work-related. The collective bargaining process still presents challenges, reflecting broader society problems. The growing gap highlighted by executive pay levels seems to be leading to increased frustration in individual workers.

CCMA has developed a multi-pronged job saving strategy, actively promoting business health and job security, alternatively ensuring that every retrenched worker will be provided with survival and support mechanisms. Between January 2009 and October 2011, 31 103 employees were retrenched in large-scale processes, but 28 325 jobs were saved through the formal facilitation process. In small scale conciliation involving one individual rather than a group, CCMA can only become involved if the parties come to the CCMA before negotiating on retrenchments. In this area, job losses are equivalent to those in large-scale businesses. One important aspect of the CCMA's job saving initiatives has been the Training Layoff Scheme (TLS), involving 76 companies and 11 066 workers. One of the spin-off benefits is that during engagement with companies, rigorous enquiries will be held into business distress and job losses. The overall concept seems to be sound and has huge potential, but it is still too bureaucratic, complex to administer and involves too many partners, including three ministries, so there is a need to streamline.

The CCMA's Dispute Management & Prevention (DMP) Department offers a range of support services to trade unionists, advice officers, managers and workers.

Communities in rural areas are reached mainly through the CCMA's user forums, community radio programmes, izimbizo meetings and road shows. 1 123 activities were conducted in the past year among the country's "most vulnerable" people, although Parliament has expressed concerns that the CCMA is not yet accessible enough in some provinces.

The Education Labour Relations Council's report on salary structures in public education concluded that in South Africa, since implementation of the Occupation Specific Dispensation agreements, teaching salaries are adequate to attract new entrants, who can obtain higher starting salaries than in other professions, and can qualify for incentives at the higher end. There are ongoing debates about linking pay to performance.

Reports from Departments and entities to Parliament

The Department of Agriculture assisted 453 forestry growers in 2010/11 with technical assistance and advice, including helping them to get planting licences, and business development skills. The Mondi Group partnered in offering financial support in six forestry-growing provinces. The Department had planted over 250 000 trees in all nine provinces. The Land Care Project had created 810 job opportunities. The Department had rehabilitated nearly 7 000 hectares of land through enforcing the Conservation of Agricultural Resources Act. A national climate change conference had been organised to solicit inputs for the development of the Adaptation and Mitigation Plan for the sector.

The Deputy Minister of Cooperative Governance and Traditional Affairs reported, during a meeting on the poor state of the 25 North West municipalities, that there were many things that CoGTA would like to do, but could not, because it was the provinces which had oversight responsibility over municipalities. The national sphere could intervene only if the provincial government concerned was not playing its role. CoGTA now sought to address the issue by the Support, Monitoring, and Intervention Bill which was aimed at a more integrated cooperative governance system in which the national Government would play a more active role in Section 139 interventions. This Bill would not require a constitutional amendment.

The Department of Human Settlements reported that the National Urban Reconstruction and Housing Agency (NURCHA) has been recapitalised. R89.4 million was disbursed for loans under the affordable housing scheme, or for serviced sites. 2 092 houses were built or sites were serviced, and 33 infrastructure and community programme projects were completed. The Rural Housing Loan Fund (RHLF) was rated as one of the best performing government entities and was recapitalised to the value of R49 million. NURCHA made 40 289 loans, to the value of R133.6 million. The Trust for Urban Housing Finance loan portfolio reached R1.2 billion, and successfully implemented turnaround programmes for distressed clients and a collection recovery strategy. The Housing Development Agency (HDA), which identifies and acquires land for human settlements, will be releasing more land in 2012, including more than 33 000 hectares of state land, which is to be managed by a Coordinating Committee in accordance with set criteria and procedures. The Social Housing Regulatory Authority accredited 18 social housing institutions and has delivered 1 050 social housing units. The National Home Builders Registration Council (NHBC) has now enrolled 32 424 homes, and inspected 15 631, and it has also enrolled 49 929 subsidy homes.

The Department of Home Affairs reported that gaps in the process that used to allow people to enter the country on a visitor's visa, and then set up a business, are being closed, as there are now new requirements for registration of businesses. The Department also announced that it would be increasing deportation of illegal immigrants, in line with its strategy to manage immigration services.

The Department of Labour carries out routine inspections on both a proactive and reactive basis, and may or may not give notice about the inspection. It reported problems with workers' rights and compliance with labour legislation in the farming sector, where instances of child labour had increased, with consent from parents, and where it also found that workers often lived in poor conditions, that many had no contracts of employment or that contracts that did exist, did not comply with the legislation. Illiteracy in the sector was still widespread, so workers signed documents that they could not read or understand. There was an increased use of labour brokers and consultants, and this made it difficult in some cases to identify the real employer. The organisation of farm workers for collective bargaining also poses a challenge. Employment of legal and illegal immigrant workers is another problem. Women are often not paid the same as men in this sector. It has been proposed that in future, inspectors should be able to issue compliance orders immediately, rather than first having to call upon the employer to rectify the situation before issuing a formal order. The Department is also trying to arrange more meetings between farmers and workers' unions.

The Department of Labour also carried out fact-finding visits into labour centres between July and September 2011, to assess the provision of services currently, the demand for those services, and some of the challenges. It reported that the Public Employment Services Bill must be fast tracked to enable employers to register vacancies with the Department, and guidelines on rules of engagement must be drawn. The Employment Services for South Africa system had to be overhauled, to match job seekers and job opportunities. The Compensation Fund needed more processing and service delivery points. Overall, problems that were noted included the method of job grading, too little observance of qualifications during recruitment and selection, and poor compliance with grievance and disciplinary procedures. Throughout departments, there was still difficulty in meeting equity targets at senior management level.

Parliamentarians noted that many labour centres and constituency offices were difficult to access, especially for the disabled, and suggested use of mobile offices. They asked for urgent work on foreign labour and cross-border migration, as well as work on the vulnerable sectors of farming, security and domestic workers.

More Reports from Departments and entities

The Public Service Commission gave a report on the State of the Public Service. Although 84% of departments had an anti-corruption policy in place, only 47% had compiled an implementation plan, and only 5 had dedicated anti-corruption or integrity management units. 7 922 cases were investigated, and feedback from the departments was received on 37%, whilst 23% were closed, which suggested that the Minimum Anti-Corruption Capacity (MACC) strategy had not worked properly. Over the last few years there had been a steady increase in cases involving financial misconduct, from 434 cases in 2002 to 1 135 in 2010. Only about 12.8% of funds were recovered. There was a general trend of too little capital expenditure, because departments did not adequately cost, plan and manage projects. Although departments were, on average, spending around 90% of their budgets, they were achieving only 59% of their planned outputs, and many of these were not final outputs that resulted in benefits to citizens.

The Public Service Commission also commented on development indicators, noting that in addition to social grants, 93.8% of households now had access to potable water, and 80% had access to sanitation. Unemployment was at 25.7%. However, in order to achieve equity, there would have to be societal and economic structural changes, including new approaches to the public service. Although 41% of departments had a policy on public participation, there was lack of feedback to citizens and a lack of proof that public inputs had been considered. Ward Committees were not effective channels for engaging with the public. In respect of internal matters, the PSC found that although 16 heads of departments should have been evaluated, only two had actually been evaluated. From a transparency point of view, 62% of departments had procedures for access to information in place, although that information was not always provided in a user-friendly way, and sometimes management responses were lacking. Workplace skills plans were in place, but there was poor compliance with them, and the value of training was not always assessed.

The Department of Rural Development and Land Reform (DRDLR) reported back on its progress in implementing the recommendations made by the Portfolio Committee after its visits to Eastern Cape and KwaZulu Natal. The DRDLR is now trying to strengthen development planning, with participation of communities. It is holding monthly collaborative meetings with the Departments of Human Settlements and Agriculture, and all departments will be signing Memorandums of Agreement on their responsibilities. DRDLR is trying to build capacity and common understanding of the Comprehensive Rural Development Programmes (CRDPs), whilst the Department of Agriculture will be providing skills training. The past confusion about the roles and responsibilities, particularly between the provincial DRDLR and Departments of Agriculture, has been clarified. The Ministers have delegated oversight over programmes to the premiers, and district mayors are tasked with implementation. The Portfolio Committee urged that the real needs of the rural poor, as expressed by poor people themselves, not as assessed by outsiders, should be addressed. The CRDP programmes should be driven by the community, not government, although social profiling must be done to establish the means of every household in a community. 22 districts have been prioritised for development of a comprehensive annual performance plan with targets. It was intended to offer apprenticeship to 5 300 young people, who were currently studying construction training at the Further Education and Training Colleges, across 22 districts. They would in turn then train other members of their communities. It is hoped that they will, with assistance from the Department of Trade and Industry, move on to take an active part in building projects for the Departments of Basic Education and Public Works.

The Social Security Agency's Integrated Community Outreach Programme (ICROP) tries to increase access and ensure equity to social assistance services, especially in rural and semi-rural areas. In the last year it conducted outreach programmes in 121 municipalities, with 72 425 new beneficiaries registered. Poor households received Social Relief of Distress Awards (SRD), whilst 3 766 households who were experiencing hardship were issued with vouchers, food parcels and assistance. ICROP uses partnerships with Departments of Social Development, Home Affairs, Health and the South African Police Service for integrated service delivery. North West also established eleven satellite offices. Refugees and foreigners could apply for some, although not all, grants.

The South African Local Government Association addressed concerns about the apparent lack of structure to Local Economic Development (LED) in municipalities. SALGA agreed that LED was still project-driven, said that unrealistic targets were being set, and criticised the limited monitoring and political support, and poor integration with other programmes such as the Expanded Public Works Programme. Although the South African LED Network (www.led.co.za) was set up to share information, SALGA said LED should be rooted in communities, and their specific conditions assessed to tailor individual programmes. SALGA was concerned that many entities were still unaware of the new preferential procurement regulations, to be implemented on 11 December, requiring certification of businesses. In practice, a lack of service providers probably meant that white-owned businesses would still be certified, and defeat BEE procurement targets. SALGA wanted to mainstream LED, share good practice, build capacity, and urged recognition of the importance of the informal sector, and support for the green economy and tourism sectors.

Some recent work by Parliamentary Committees

The Portfolio Committee on Mining has held further meetings on the Aurora Mine issues and has called for reports on whether the demands have been served on the owners (who had disappeared from their business premises) and the sale of the mine as a going concern. It has also held oversight visits to Smokey Hill Platinum Mine, raising concerns about the security at the mine, the procedure for dismissal of employees, the lack of investment and development in the surrounding communities and the mine premises and lack of housing erected despite approval of funding. Follow-up visits will be held.

The Portfolio Committee on Social Development, after conducting oversight visits to Eastern Cape, questioned the Department of Social Development (DSD) on possible duplications between the Departments of Health and Social Development, particularly around training. This Committee noted its concern that one particular home community-based care project kept no records of who was being assisted, provided no kit, training or assistance to volunteers, and that some NGOs did not even have their own premises. It urged the DSD to enter service level agreements with entities, and maintain close relationships with traditional leaders. The Committee expressed concerns that although there was funding for old age homes, they were not adequately monitored by the Department for labour relations of staff, or care of the elderly residents, and there were practical problems such as slippery floors, lack of heating in some wards and insufficient linen. The National Minister would be asked by the Committee to send a task team to investigate certain old age homes.

The Portfolio Committee on Basic Education heard the results of an evaluation of 74 schools by the Department of Basic Education, conducted in Mpumalanga, Eastern Cape, KwaZulu-Natal, Northern Cape and Western Cape, to assess reasons for underperformance of both primary and high schools, identify good primary school practices, and evaluate if national initiatives were being implemented. It was found that teachers focused on formal written assessments, often ignoring other forms of assessment. Tasks often did not build problem solving and practical skills. Most principals did not monitor curriculum delivery, classroom practices or teachers' work, did not facilitate staff development and only a few were aware of their schools' literacy levels. Many schools completely ignored the key components of teaching reading, and many did not even have sufficient reading materials and did not use learner workbooks properly. Many schools failed to cater for learners with difficulties, did not make effective use of school time, and did not follow reading and mathematics minimum teaching times. A separate controlled scientific study to evaluate the quality of teaching and learning would be conducted between January and March 2012 in 100 schools across the provinces, with the final report due in April 2012.

The Portfolio Committee on Correctional Services considered reports on the incidence of torture in South African Correctional Centres. There was serious embarrassment at the international level by an incident of torture at St Albans Correctional Centre in July 2011, when Bradley McCallum and several others had been tortured, prevented from seeing their families, and were forced to self-treat their wounds. Authorities had not heeded McCallum's complaints, and local remedies did not help, and his lawyers eventually successfully raised the matter at the United Nations. The UN Committee requested that South Africa provide information within 180 days as to what it had done. The Department of Correctional Services (DCS) issued a joint media statement on 6 October 2011, but the UN specifically requested that government must publish the findings of the UN Committee. Although South Africa was a signature to the UN Convention against Torture, its track-record for reporting was poor, and it was reluctant to respond to enquiries from the UN Human Rights Commission. South Africa is obliged to establish preventative mechanisms against torture. Although the Constitution contains principles against torture, it does not go so far as to criminalise torture. The Department of Justice did prepare a draft Bill against Torture, but nothing had been done to process it since 2003. Only the South African Police Service has provisions against torture.

The South African Human Rights Commission urged that a system of regular visits to all correctional centres and individual cells be set up, that all staff must be educated to achieve a change of attitude, and the draft Bill must be passed urgently. Other commentators noted that inmates did not report torture, for fear of further reprisals. Most torture involved several officials mistreating one individual. It can also include failure to provide medical treatment. One entity called for prohibition of electronically activated stun belts, stun shields and stun batons and guns, as well as chains and leg irons, although it was recognised that alternative methods would be needed to deal with dangerous prisoners and escapees.

The Committee called for amendment of training programmes, reports on incidents, progress reports, and the possibility of giving investigative powers to the Judicial Inspectorate for Correctional Services. It was of the view that the prevention of torture and abuse superceded the right to privacy. There had to be closed circuit TV surveillance. It was suggested that an independent body should focus on prevention, address root causes of torture, and that DCS must be made more professional.

Gender and Youth initiatives

The Department of Energy has a Directorate on Special Programmes and Outreach Projects to ensure mainstreaming throughout all projects of gender, disability and youth development, and to facilitate economic empowerment for targeted groups within the energy sector. This Department is working on disability recruitment projects for interns and youth interns. Its Nuclear Bursary is aimed at improving skills and capacity within the nuclear sector. A Malaysian scholarship is aimed at improving scarce skills levels and capacity within the energy sector.

The Department of Women, Children and People With Disabilities (DWCPD) is an advocacy institution, and it is primarily responsible for ensuring coordination, in both private and public sectors, and providing guidance on issues concerning women, children and people with disabilities. It also plays a role in facilitating training and capacity development. It has a Memorandum of Understanding with the Department of Energy around promotion of empowerment, and training and skills development for disabled people, in the fields of petroleum and nuclear energy, as well as on pro-poor pricing initiatives for low-income households.

The Department of Labour seeks to promote employment equity, through equal opportunities and fair treatment in employment, elimination of unfair discrimination and implementation of affirmative action to redress past disadvantages. Twelve Sheltered Employment Factories in seven provinces (excluding Limpopo and Mpumalanga), with the support of 120 administration, management and technical staff, provide employment opportunities for 1 050 people with disabilities who are unable to hold down employment in the open labour market. These factories have the potential to provide work for more than 3 000 people.

The Department of Human Settlements has a Youth Housing Settlement programme aimed at exposing youth to the sector, transferring skills, instilling a spirit of volunteerism, and providing youth with information and mentorship. Its Youth Build programme is conducted during Youth Month. It also aims to have 30% of the building budget for subsidy homes given to women, through a three-pronged approach, involving structured learning and skills development, accredited technical training through the National Home Builders Registration Council (NHBR), and exposure to practical training on the job. It also provides in-service training to construction artisans in bricklaying, plastering, construction management, and project management. The Women's Build Programme, held annually to commemorate the 1956 Women's March to the Union Building, involves women volunteers constructing houses in poor communities, raising awareness of women's role in the construction sector.

The National Youth Development Agency (NYDA) aims to enhance participation in the economy of youth aged 14 to 35, with an emphasis on those with disabilities and women. It provides information, through targeted programmes such as creating enterprises, job opportunities and income-generation, and through educational programmes, particularly for school dropouts. NYDA aims to influence government policies, programmes, and municipalities towards youth emancipation and help in youth development, and encourages youth to participate in government conventions. Through the National Youth Service it promotes volunteer work, and exposes people to workplace opportunities. The National Youth Policy (2009-2014) emphasises rural youth development, and encourages government to invest in up-skilling the rural youth and to create mechanisms to attract and retain youth in rural areas, with incentives and employment, which is linked to government investment in infrastructure and development in those areas.

All departments have been asked to establish youth directorates and youth development strategies. There is a two-pronged approach to facilitating community development facilitation, firstly by identifying opportunities and linking with institutions to open up funding, and also by setting up cooperatives and linking them to training. Specific focus areas include agriculture, water and waste management, renewable energy and energy efficiency and integrated agribusiness development, the green economy and environmental management.

The NYDA **Ithubalentsha Micro Enterprise Programme** focuses on loans up to R100 000, in trade and business areas such as plumbing, music production, mobile merchants and photography. Local facilitators will provide education, technical or trade training, mentorship, financing and linkages to ensure sustainability. NYDA aims to create 322 825 jobs over five years, with capital investment of R5.8 billion, as well as 2 714 small enterprise projects. Its partners include traditional leaders, the Land Bank and private partners.

NYDA claims that its challenges included poor capitalisation, and limited budget, negative media reports, and lack of youth directorates in departments. The MPs, however, said that its projects were not always visible, commented that NYDA's past behaviour had led to loss of faith, and called on it to promote youth responsibility, and formation of cooperatives.

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