

Department warns of bogus inspectors

Wednesday, February 2, 2022



The Department of Employment and Labour has warned the public about several bogus incidents in Gauteng, where people have been impersonating labour Inspectors and Commission for Conciliation, Mediation and Arbitration (CCMA) officials.

These individuals have been swindling money from unsuspecting employers.

In a statement on Wednesday, the department said that deceptive individuals posing as labour inspectors are visiting workplaces in Carletonville and Fochville to conduct illegal inspections and then issuing inspection reports and contravention notices to employers.

The department said that these individuals force employers to pay a fine of R500 or face the consequences.

“The department emphasises that none of the services provided by its inspectors requires payment to them or their bank accounts. There are procedures that must be followed after labour inspectors discover non-compliance with labour laws, and an immediate spot fine is not one of them.

“After labour inspectors discover non-compliance with labour laws, the procedure that must be followed includes a different approach to different situations and legislation,” the department said.

In accordance with the Basic Conditions of Employment Act (BCEA) – Non-Compliance, labour inspectors issue a compliance order requiring the employer to comply within 14 days. If the employer fails to comply within 14 days, the inspector will issue a confirmatory notice informing them that they failed to comply with the requirement of the compliance order and the matter will be referred to statutory services for enforcement.

“There is a significant difference between the Employment Equity (EE) Act and the Occupational Health and Safety (OHS) Act. Should there be non-compliance with the Employment Equity Act (EEA), the inspector will issue a confirmatory notice and refer the matter to statutory service depending on the section violated, for example, section 20 is a direct referral to labour court for prosecution.

“Other sections are also referred to the labour court, but not for direct prosecution,” the department said.

If the regulations of the OHS Act are not followed, the inspector will issue a contravention notice, giving the employer 60 days to comply and failure to comply with the Contravention Notice after 60 days, the inspector will issue a confirmatory notice informing the employer that the matter has been referred for prosecution.

The department added that if the non-compliance poses a life-threatening situation, the inspector will immediately issue a prohibition notice and failure to comply will result in immediate prosecution. At times, the situation will require the inspector to issue an Improvement Notice.

The department reiterated that an immediate spot fine is not one of the procedures that must be followed after labour inspectors discover non-compliance with labour laws.

“To avoid becoming a victim of a con artists posing as a labour inspector, the department advises you to remember the following: genuine inspectors are easily identified by their inspector identification card, which bears the departmental logo and trademark uniforms.

“These are created prior to the inspection. Never deposit money into the bank account of anyone, even if they are a legitimate labour official. Do not agree to do favours for the person inspecting in exchange for a more favourable inspection result.”

Services offered at no cost

The department has emphasised that all of its services are provided at no cost, and it does not sell any labour publications, charts, pamphlets, or posters.

“The department has no agreements or partnerships with any recruitment agencies, nor has it authorised any organisation to charge a fee for services provided by the department.”

Employers have been urged to be extra cautious and report any suspicious visits or requests to the South African Police Service or the department’s nearby offices.

“Employers are also advised not to pay for services provided by con artists posing as labour inspectors or CCMA officials. If employers are unsure about the inspector visiting their premises, they can check the credentials with the department’s office nearest to them,” the department said. –SAnews.gov.za: