

SECTION 14 MANUAL FOR THE NATIONAL ECONOMIC DEVELOPMENT AND LABOUR COUNCIL (NEDLAC)

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Nothing has yet been prescribed by the Minister in the Regulations

2. PARTICULARS IN TERMS OF SECTION 14

A. The functions and the structure of the National Economic Development and Labour Council [Section 14(1)(a)]

The functions of NEDLAC as prescribed by section 5 (1) of the Nedlac Act (Act 35 of 1994) are:

5. (1) The Council shall-

- (a) strive to promote the goals of economic growth, participation in economic decision-making and social equity;
- (b) seek to reach consensus and conclude agreements on matters pertaining to social and economic policy;
- (c) consider all proposed labour legislation relating to labour market policy before it is introduced in Parliament;
- (d) consider all significant changes to social and economic policy before it is implemented or introduced in Parliament;
- (e) encourage and promote the formulation of co-ordinated policy on social and economic matters.

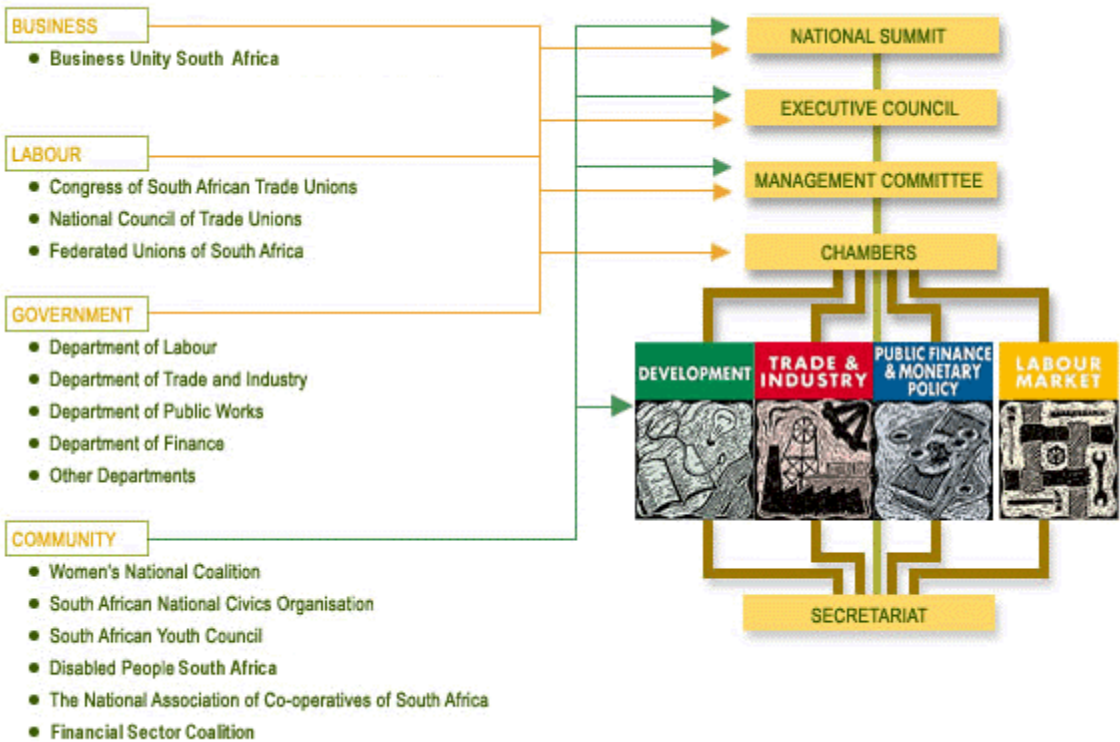
(2) For the purpose of subsection (1), the Council-

- (a) may make such investigations as it may consider necessary;
- (b) shall continually survey and analyse social and economic affairs;
- (c) shall keep abreast of international developments in social and economic policy;
- (d) shall continually evaluate the effectiveness of legislation and policy affecting social and economic policy;
- (e) may conduct research into social and economic policy;
- (f) shall work in close co-operation with departments of State, statutory bodies, programmes and other forums and non-governmental agencies engaged in the formulation and the implementation of social and economic policy.

(3) Nothing in this section shall preclude the Council from considering any matter pertaining to social and economic policy.

ii. A schematic diagram of the structure of the National Economic Development and Labour Council

CONSTITUENCIES



iii. The structure of NEDLAC

NEDLAC consists of one national office that is situated in Johannesburg. The body is made up of

- Members who represent organised business.
- Members who represent organised labour.
- Members who represent organised community and development interests
- Members who represent the State.

Organised business is represented by the newly formed Business Unity South Africa (BUSA), which brings together the Black Business Council (BBC), and Business South Africa (BSA). The members of the BBC and BSA are all founder members of BUSA. BUSA's first President is Mr Patrice Motsepe and its first Chairman is Mr Attie du Plessis. The CEO is Bheki Sibiyi, who was previously President of the Black Management Forum. The Overall Convenor for Business at Nedlac is Professor Raymond Parsons.

The Women's National Coalition (WNC), the National Co-operatives Association of South Africa (NCASA) the Disabled People of South African, the South African National Civic Organisation (Sanco) the South African Youth Council (SAYC) and the Financial Sector Coalition represent organised community and development interests.

The interests of organised labour are represented by the Congress of South Africa Trade Unions (Cosatu), the Federation of Unions of South Africa (Fedusa), and the National Council of Trade Unions (Nactu).

The government delegation in Nedlac is drawn from several ministries and departments, including Labour, Trade and Industry, Finance, Public Works and Constitutional Development. Representatives of other government ministries and departments participate in Nedlac structures on an *ad hoc* basis. These have included the Departments of Welfare, Minerals and Energy and the Office of the Deputy President.

The Secretariat is headed by the Executive Director, Mr Herbert Mkhize, and consists of up to 19 staff members who fulfil secretariat duties to the various structures of Nedlac.

B. Contact details [Section 14(1)(b)]

Information officer:

Mr Herbert Mkhize – Executive Director inforequests@nedlac.org.za

Deputy information officer:

Jennifer Wilson
Communications Co-ordinator inforequests@nedlac.org.za

General information:

Address: 14A Jellicoe Avenue
Rosebank
Johannesburg
2196

Postal address: PO Box 1775
Saxonwold
2132

Telephone: +27 11 328-4200
Fax: +27 11 447-2089
Website: www.nedlac.org.za

C. The section 10 Guide on how to use the Act [Section 14(1)(c)]

The South African Human Rights Commission is due to make the guide available by not later than August 2003.

D. Access to the records held by NEDLAC [Section 14(1)(d)]

i. Automatic disclosures [Section 14(1)(e)]

A notice in terms of section 15(2) describes the categories of records of the bodies that are available without a person having to request access in terms of the Act. The NEDLAC notice in terms of section 15(2) has not yet been compiled, but the following records are available without a request in terms of this Act:

Annual reports – 1995-2002
Summit reports – 1996-2002
Press releases – 1995-2003

Agreements and reports:

DEVELOPMENT CHAMBER

- Guidelines for local development
- National Development Agency (1996)
- Declaration on Crime and Violence (1996)
- Reports on Social and Economic Developments in South Africa 1997 | 1998 | 1999 | 2000 | 2001
- Framework Agreement on job Creation in Public Works Programmes and the Construction Industry (1997)
- Guidelines for local development (1997)
- Water Services Act (1997)
- National Water Bill (1998)
- National Water Service Bill
- Special Report on Housing (1997)
- Memorandum of Understanding on Service Tariffs (1998)
- Presidential Lead Project on Housing (1998)
- Masakhane campaign (1998)
- Municipal Systems Bill (1999)
- Infrastructure Delivery in South Africa (2000)

Labour Market Chamber

- Labour Relations Act, 1995
 - Amendments to the Labour Relations Act
 - Schedule 7 of the Labour Relations Act
 - Schedule 9 of the Labour Relations Act
 - Regulations for the Essential Services Committee
 - The Labour Court and Labour Appeal Court
 - Model Constitution for a Statutory Council
- Recommendation of 14 ILO conventions (1995-2000)
- Amendment to the Insolvency Act (1996)
- Mine Health and Safety Act (1996)
- Integration of Labour Laws Act (1996)
- Amendment to the Compensation for Occupational Injuries and Diseases Act (1997)
- Basic Conditions of Employment Act (1997)
- Mine Health and Safety Amendment Bill (1997)
- Code of Good Practice Regarding Dismissals Based on Operational Requirements (1998)
- Code of Good Practice on Picketing (1998)
- Code of Good Practice on the Handling of Sexual Harassment Cases (1998)
- Labour Relations Amendment Bill (1998)
- Skills Development Act (1998)
- Employment Equity Act (1998)
- Unemployment Insurance Amendment Bill (1998)
- Code of Good Practice on the Protection of Pregnant & Breastfeeding employees (1998)
- Code of Good Practice on the Arrangement of Working Time (1998)
- Regulations to assist in the implementation of the BCEA (1998)
- Terms of Reference for the SADC Employment & Labour Sector (1998)
- SADC Charter of Fundamental Rights (1998)

- SADC draft declaration on productivity (1998)
- SADC draft code on the safe use of chemicals in the SADC region (1998)
- Unemployment Insurance Bill and Unemployment Insurance Contributions Bill (2000)
- International Migration White Paper (2000)
- Insolvency Act Regulation (2000)
- Code of Good Practice on HIV/AIDS in the workplace (2000)
- Amendments to Labour Laws (2001)
- Demarcation of Sectors, ongoing
- Co-ordination of nominations to boards of statutory bodies, ongoing
- Recommendations regarding appointments of Labour Court and Labour Appeal Court judges, ongoing
- Nedlac's Report on the Labour Law Amendment Bills (2001)

Trade and Industry Chamber

- The Establishment of the National Investment Promotion Agency (1995)
- Enhancing Technical and Marketing Support for Small, Micro and Medium-Sized Enterprises (1995)
- Sasol Synthetic-Fuel Investigation (1995)
- The Social Clause (1996)
- Evaluation of the Regional Industrial Development Programme (1996)
- National Small Business Bill (1996)
- Export Finance Guarantee Scheme (1995)
- Workplace Challenge (1996 - 2000)
- SA- EU trade agreement (1996-1998 & ongoing)
- SADC Trade Agreement (1998)
- The Social Plan (1998)
- Competition Policy (1998)
- National Environmental Management Bill (1998)
- White paper on energy policy (1999)
- Participation in WTO Seattle Ministerial Meeting (1999)
- Industrial Development Zone policy (2000)
- Amendment Protocol of the SADC Free Trade Agreement (2000)
- Mineral Development Bill (2001)
- Fridge studies, ongoing
- Proudly South African campaign (2001)

Public Finance Chamber

- 1996-1997 Budget framework
- Draft bill on tax amnesty (1996)
- Report on 1997-1998 Budget discussions (1997)
- Tax task group report on the revenue side of the 1997-1998 budget (1997)
- Educational booklet on the tax system (1998)
- Discussion document on health and education budgets (1998)
- Pension Funds Surplus (2000 - 2001)
- Information sessions on the Medium Term Expenditure Framework (1999, 2000)
- Information session on Monetary Policy (1999)
- Information session on the Policy Framework on the Restructuring of State Assets

Agreements and Reports on Codes of Good Practice:

- Code of Good Practice Regarding Dismissals Based on Operational Requirements
- Code of Good Practice on Picketing
- Code of Good Practice on the Handling of Sexual Harassment Cases
- Code of Good Practice on Key Aspects of HIV/AIDS and Employment

Agreements and Reports on Miscellaneous Issues:

- Evaluation of the RIDP and the Tax-Holiday Scheme
- Discussion document on a framework for social partnership and agreement-making in Nedlac (16 October 1995)
- International Labour Organisation Conventions
- Protocol for Nomination to Statutory Bodies
- Protocol for Tabling Issues in Parliament

Studies undertaken in terms of the Fund for Research into Industrial Development Growth and Equity

1. Petrochemicals, Plastics And Synfibre Cluster Study (1998) Volume 1.
2. Petrochemicals, Plastics And Synfibre Cluster Study (1998) Volume 2.
3. The International Experience On The Financing Of Training: Synthesis Report For The National Training Board (1995).
4. Expenditure On Training In The Private College Sector (1996).
5. Enhancing Technical And Marketing Support For Small, Micro And Medium-Sized Enterprises (1994).
6. Developing A Framework For Investment Promotion In The New South Africa (1995).
7. Study On The South African Electronics Cluster (1996).
8. Study On The Ceramic Tableware Industry (1997)
9. Evaluation of the RIDP: Summary Report of Findings, Conclusions and Recommendations.
10. Evaluation Brief 2.1.4.: The RIDP's Relation to and Congruence (or lack thereof) with former TBVC Economic Development Programmes and / or incentives.
11. An Account of Comparative Regional Industrial Policy (1996)
12. Evaluation Brief 2.1.3. An Evaluation of the 1993 SRIDP in terms of its Stated Mission Objectives (1996).
13. The 1991 Regional Industrial Development Programme: Brits and Nkowankowa (1996).
14. Evaluation Brief 2.1.5.: Evaluation of the Effectiveness of Past Programme Administration.
15. Evaluation Brief 2.2.3.: Assessment of Current Provincial Industrial Development Policies, Initiatives and Administrative Capacities.
16. Evaluation Brief 2.1.2. An Evaluation of the 1992 RIDP in terms of its Stated Mission and Objectives (1996).
17. An Account of National Support Measures for Manufacturing: SMME Policy and Incentives (1996).
18. Evaluation of the 1992 Regional Industrial Development Programme and the 1993 Simplified RIDP: Historical Background and Macro Evaluation (1996).
19. Assessment of National, Provincial and Local Government Legislative Powers with Regard to Industrial Development (1996).
20. The Use of Foreign Assistance to Support Trade and Industrial Objectives (1996).
21. Evaluation of the RIDP in KwaZulu / Natal (1996).
22. Report on an Evaluation of the RIDP and Simplified RIDP in the Free State IDPs of Botshabelo / Seloshesha and Phutdijhaba / Industriqua.
23. Evaluation of the RIDP: Western Cape, Eastern Cape and Northern Cape.
24. Evaluation of the RIDP in KwaZulu / Natal (Pinetown Survey Area; Richards Bay Area; Isithebe Report; Port Shepstone Area; Newcastle Survey Area).

25. National Tourism Collaborative Planning Action Initiative
26. SA Flower Industry Cluster
27. Silicon Cluster
28. Pharmaceutical Manufacturing
29. Socio-Economic Impact of the Proposed Plastic Bag Regulations
30. Review of the South African Standards, Quality Assurance, Accreditation and Metrology (SQAM) Infrastructure
31. How will the responses of the developed countries to the United Nations' Framework Convention on Climate Change affect South Africa? (Microsoft PowerPoint)
32. How to accelerate Local Tourism Clusters - A Manual for Tourism Development Officials
33. Implementation of the Globally Harmonised System of Chemical Classification and Hazard Communication(GHS) in South Africa: Progress Report No. 1

For copies of these studies, contact Fridge on 011 269-3635

ii. Records that may be requested [Sections 14(1)(d)]

Description of the subjects and categories of records held by NEDLAC:

Subject: Development policy

Category: Chamber meetings documentation (agendas, minutes, reports, copies of presentations)

Sub-category: Sub-committee meetings documentation (agendas, minutes, reports, copies of presentations). The following subcommittees are under the Development Chamber:

Education
 Social Security
 Local Government
 Water Services
 Cooperatives (joint with Trade and Industry Chamber)
 Housing
 National Skills Development Strategy
 Presidential Job Summit Agreements
 ACP-EU

Previous sub-committees not functioning currently are:

Construction Industry
 HIV/AIDS
 Infrastructure
 Masakhane
 Transport
 Transitional National Development Trust
 Non-profit Organisations Bill
 Mvula trust
 Urban and Rural Strategies

Subject: Labour Market policy

Category: Chamber meetings documentation (agendas, minutes, reports, copies of presentations)

Sub-category: Sub-committee meetings documentation (agendas, minutes, reports, copies of presentations). The following subcommittees are under the Labour Market Chamber:

Demarcation

International migration

ILO conventions

Productivity

Future of the Labour Court and Labour Appeal Court

Previous sub-committees not functioning currently are:

Labour Law Amendments

Occupational Health and Safety

Codes of Good Practice

BCEA

Employment Equity

Skills Development

Subject: Public Finance and Monetary policy

Category: Chamber meetings documentation (agendas, minutes, reports, copies of presentations)

Sub-category: Sub-committee meetings documentation (agendas, minutes, reports, copies of presentations). The following subcommittees are under the Public Finance and Monetary Policy Chamber

Budget

Transformation of the Financial Sector

Other sub-committees not currently meeting:

Preferential procurement

Pension surplus

Exchange control

Tax reform

Infrastructure Investment

Restructuring of State Assets

Subject: Trade and Industry policy

Category: Chamber meetings documentation (agendas, minutes, reports, copies of presentations)

Sub-category: Sub-committee meetings documentation (agendas, minutes, reports, copies of presentations). The following subcommittees are under the Trade and Industry Chamber

Small and Medium Enterprises and Black Economic Empowerment
World Summit on Sustainable Development
Nepad
Taxi-Recapitalisation Project
Industrial Strategy
Trade and Sectoral Liaison
Us Proposals on Container Security
National Commercial Ports Policy
National Procurement Regulations (joint with PFMP)
Sector Summits
ICT Sector Summit
Metals and Engineering Sector Summit
Chemicals Sector Summit
Fund for Research into Industrial Development, Growth and Equity
Clean Development mechanism

Other sub-committees not currently meeting:

EU-SA Free Trade Agreement
Competition Policy
Customs
Environmental management
Industrial Development Zones
Japanese grant fund
Minerals and Energy
Plastic bags
Proudly South African
South African Customs Union–Commission for International Trade
Administration
Social Plan
Regional Industrial Development Programme

Subject: *Management of processes*

Category: *Management Committee and Executive Council meetings documentation (agendas, minutes, reports, copies of presentations)*

Sub-category: *Sub-committee meetings documentation (agendas, minutes, reports, copies of presentations). The following subcommittees are under the Management Committee:*

Finance Committee
Section 77 Committee
National Framework Agreement on HIV/AIDS Prevention and Treatment

Subject: Finance and administration

1. Human resources
 - Policies on staff recruitment and other staff related policies
 - Employment records and other related policies

2. Procurement
 - Asset register
 - Procurement policies
3. Financial management
 - Budgets
 - Strategic plans
 - MTEF submissions

Subject: Secretariat

- Minutes of meetings of secretariat
- Records of workshops and conferences attended
- Papers presented

iii. The request procedures

A requester must be given access to a record of a public body if the requester complies with the following:

- The requester complies with all the procedural requirements in the Act relating to the request for access to that record; and
- Access to that record is not refused on any ground of refusal mentioned in the Act.

Nature of the request:

- A requester must use the form that has been printed in the Government Gazette [Govt. Notice R187- 15 February 2002] (Form A).
- The requester must also indicate if the requester is for a copy of the record or if the requester wants to come in and look at the record at the offices of the public body. Alternatively if the record is not a document it can then be viewed in the requested form, where possible [s 29(2)].
- If a person asks for access in a particular form then the requester should get access in the manner that has been asked for. This is unless doing so would interfere unreasonably with the running of the public body concerned, or damage the record, or infringe a copyright not owned by the state. If for practical reasons access cannot be given in the required form but in an alternate manner, then the fee must be calculated according to the way that the requester first asked for it [s 29(3) and (4)].

- If, in addition to a written reply to their request for the record, the requester wants to be told about the decision in any other way, e.g. telephone, this must be indicated [s 18(2)(e)].
- If a requester is asking for the information on behalf of somebody else, the capacity in which the request is being made should be indicated [s 18(2)(f)].
- If a requester is unable to read or write, or has a disability, then they can make the request for the record orally. The information officer must then fill in the form on behalf of such a requester and give them a copy [s 18(3)].

There are two types of fees required to be paid in terms of the Act, being the request fee and the access fee s22:

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

- The information officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- The request fee payable to public bodies is R35. The requester may lodge an internal appeal, where appropriate, or an application to the court against the tender or payment of the request fee.
- After the information officer has made a decision on the request the requester must be notified of such a decision in the way in which the requester wanted to be notified in.
- If the request is granted then a further access fee must be paid for the search, preparation, reproduction and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

E. Services available [Section 14(1)(f)]

Nature of services

Nedlac provides services to its constituencies: Government, business, labour, community. It does not provide services, other than access to reports etc.; to members of the public.

F. Arrangement allowing for public involvement in the formulation of policy and the exercise of power [Section 14(1)(g)]

At NEDLAC, arrangements for public involvement would include:

Nedlac Annual Summit – a broader number of non-governmental organisations; members of Parliament; academics and other economic stakeholders are invited to the Annual Summit.

Roundtable Seminars – ad-hoc seminars are held to which academics, members of Parliament, and other interested parties are invited.

G. The remedies available if the provisions of this Act are not complied with [Section 14(1)(h)]

The National Economic Development and Labour Council, like the South African Human Rights Commission and other Chapter Nine Institutions (in terms of the Constitution of South Africa, Act 108 1996) do not have internal appeal procedures like most other public bodies, the courts will have to be approached in such instances where there is no compliance with the provisions of the Act by these bodies. This would apply to any situation in which the requester wishes to appeal a decision made by the information officer. Although mention is made of internal appeal procedures, this is subject to such a mechanism actually being in place within a public body to facilitate such an internal appeal.

H. Other information as prescribed in terms of the Act [Section 14(1)(i)]

There is currently no information available from the Minister of Justice and Constitutional Development in terms of section 92 to be placed here.