

THE EXPERIENCES OF LABOUR INSPECTORS IN THEIR FIELD OF WORK

by

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DECLARATION

I hereby declare that this research report entitled “The experiences of labour inspectors in their field of work”, is my own work and that the report has not previously been submitted by me for a degree at any university.

I have given acknowledgement of all the sources consulted in this report.

Sekgena Melidah Mamakwa

.....

YOUR NAME AND SIGNATURE

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ABSTRACT

There are experiences that labour inspectors undergo when doing their jobs. In Brazil, (Labour Inspectors: Killings 2005:1), the use of physical violence against labour inspectors led to armed federal police officer travelling with labour inspectors, after the murder of three labour inspectors in the Soya Plantation which was allegedly using illegal slave labourers. Rice (2006:26) pointed out that labour inspectors enforce the labour laws and related regulations and apply national standards and report to supervisors on problems and defects not covered by regulations.

A qualitative study was used to collect data using one-on-one semi-structured interviews from 15 labour inspectors at 15 labour centres in Mpumalanga Province, South Africa. The aim of the study was to explore and describe the experiences of labour inspectors in their field of work. The researcher read the informed consent form for the participants and they signed and permitted the researcher to use an audio recorder (see annexure B).

The following experiences are identified and described: expectations of DOL when conducting an inspection, fulfillment, frustrations, frustration management, and challenges in the field of work, support systems and tools of trade.

The limitation of this study was the collection of data. Geographically, Mpumalanga Province (South Africa) is big and it was time consuming and financially costly to access the inspectors. They also had tight schedules to allocate time for the research interviews.

LIST OF KEY CONCEPTS

- Department of Labour
- Labour inspectors
- Inspection

CHAPTER 1

INTRODUCTION AND GENERAL ORIENTATION

1.1 INTRODUCTION

The Department of Labour (DOL) has two types of labour inspectors; Occupational Health and Safety (OHS) inspectors and General Labour inspectors. The focus of this study has been on general labour inspectors (hereafter refers to as labour inspectors). Labour inspectors enforce labour laws to protect vulnerable workers. Basson, Christianson, Garbers, Le Roux, Mischke and Strydom (2005:3) stated that labour law is a system of rules regulating one aspect of modern society, namely work or labour. The rules regulate the relationship between employer and employees as well as their trade unions. Breach of these rules can lead to sanctions or unpleasant responses by the DOL.

The Inspection and Enforcement Strategy (Department of Labour n.d.:1) however, stipulates that labour inspectors are responsible for promoting good labour practices, provide information and advice on labour laws and ensure compliance with labour law in South Africa (SA). There are specific pieces of legislation and or sections of the legislation which the labour inspectors enforce. This means that they do have legal power to protect workers but the power is limited to particular sections of the law as they do not administrate all the laws.

It is stated in chapter two of The Constitution of South Africa Act 106 of 1996, that every citizen of SA has the right to trade. Basson et al. (2005:9) however, indicate that the relationship between an employer (owner of company) and employee (especially the one performing menial work) is inherently unequal in the workplace, and that this constitutes the risk of exploitation of an individual employee. This happens because there are trade conditions that still disregard the well being or

the right of the workers in the workplace. Numerous cases have been reported where the employees are working long hours, with no protective clothing, and thus being exposed to a harmful environment. Worse still, is that they still earn pittance for their labour in such inhuman conditions.

It must be emphasized that labour inspectors are employed by the DOL to ensure the well being of the workers/vulnerable workers by recognition of their rights, and by enforcing specific labour laws. The inspection is done in the place of employment. This means, the labour inspector has to leave the office and go out to employers to do labour inspections. Ralane (2010) highlighted that an inspector can enter any employment premises without an appointment for inspection (excluding private households). However for governance purposes, the inspector must plan and submit a routine plan to the supervisor for approval.

It is important to stress that the labour inspectors in their normal course of executing their duties to protecting vulnerable workers, experience positive and negative encounters. The study intended to explore and describe experiences of labour inspectors in their inspection field.

Labour inspection is a challenging job; it has some fulfilling effects and frustrations. However the experiences are not scientifically proven and documented to influence decision making as information on this topic could not be found and the requisite literature has proven to be difficult to identify by the researcher. The results of the research given a picture of what the labour inspectors go through when executing their jobs.

The following key concepts were used in the study:

- **Department of Labour**

Labour Department Republic of South Africa (2010) defines Department of Labour as the office responsible to publish legislation that regulates labour practices and

activities. Casale and Sivananthiran (2010:1) wrote about labour administration which is defined as public administration activities in the field of national policy. For this study the Department of Labour (DOL), therefore, is the government ministry responsible for regulating the labour market. It regulates the relationship between employees and employers to ensure economic growth, well-being of the employees and productivity in the work environment. DOL is the custodian of labour laws in South Africa.

- **Labour inspectors**

A labour inspector is a person appointed under section 63 of the Basic Conditions of Employment Act 75 of 1997 and includes any person designated by the minister under that section to perform any function of a labour inspector. Labour inspectors are government employees who are in a position to influence the development of safe, healthy, fair and productive workplaces (Global code of integrity..... 2008:6). This presupposes then that a labour inspector is an employee of the Department of Labour appointed by the minister to ensure a safe and healthy work environment to vulnerable workers, and ensure compliance with healthy working conditions in both government and private sectors.

- **Inspection**

The *Concise Oxford English Dictionary* (2008:735) defines inspection as ‘the process that involves closely looking at an activity or object to assess quality’. The *Cambridge Advanced Learner’s Dictionary* (2008:748) is more specific in saying inspection is “when you look at something carefully, or an official visit to a building or organization to check that everything is correct and legal”. Thus, it can be taken that an inspection is the process of assessing an environment, activity or object with the aim of determining quality against certain given standards or requirements.

1.2 LITERATURE REVIEW

The labour inspectors are mandated by the Ministerial programme and strategic plan (Department of Labour, 2004-2009) to contribute to the achievement of the following objectives:

- ✓ Promote equity in the labour market through eradication of discrimination in the work environment, by implementing equity legislation. It must however be noted that the promotion of equity is not intended at promoting or employing officials without relevant qualification as this will distress production in the organization.
- ✓ Protect vulnerable workers by ensuring employers and workers understand their reciprocal rights. Contrary to some views that the current labour law protects the workers only, it also protects the employers, seeing them as equally important because it recognizes that their relationship has mutual benefits.
- ✓ Strengthening social protection by ensuring that employers do register and contribute to the unemployment insurance as a temporary measure of relief during the period of unemployment.
- ✓ Promoting sound labour relations by ensuring workers and management negotiate complicated issues such as methods of production.

Enforcement Services Strategy (Department of Labour, n.d.:2) pointed that labour inspectors are responsible for promoting, monitoring, and enforcing South African employment laws. The laws that labour inspectors enforce as outlined in the Inspection and Enforcement Services Strategy (Department of Labour, n.d.:4) are as follows:

- **Basic Conditions of Employment Act (BCEA) 75 of 1987 (section 65 & 66)**

BCEA is looking at advancing economic development and social justice by fulfilling and regulating the right to fair labour practices, enforcing basic conditions of employment and regulating the variation of basic conditions of employment.

- **Unemployment Insurance Act (UIA) 63 of 2001 (Section 55)**

UIA is aimed at establishing an unemployment insurance fund to which employers and employees contribute and from which employees who becomes unemployed or their beneficiaries are entitled to benefits to alleviate the harmful economic and social effects of unemployment. The act also makes provision for relief during periods of maternity or relief to bereaved dependents of the workers.

- **Employment Equity Act (EEA) 55 of 1998 (Section 35)**

The purpose of EEA is to achieve equity in the workplace; promote equal opportunities for all and eliminate unfair discrimination in the workplace; and provide affirmative action to redress the imbalances of the past in the workplace.

- **Occupational Health and Safety (OHSA) 85 of 1993 (Sections 29, 30, 31, 32, 34 and 35)**

The purpose of the Act is to provide for the health and safety of the persons at work and the health and safety in connection with the use of and machinery; the protection of persons other than persons at work against hazards to the health and safety arising out of or in connection with the activities of the persons at work

1.3 RATIONALE AND PROBLEM FORMULATION

There is some sort of frustration when labour inspectors cannot fulfill the need of a particular vulnerable employee. When this happens often enough, there is a feeling of helplessness and low morale on the part of the inspectors.

Related issues of job dissatisfaction due to low moral are issues like the temptation to take bribes from employers. Daniels (2001) reported that, one labour inspector was asked to appear before a disciplinary hearing and two of his team leaders were suspended, and another labour inspector was charged with misconduct for talking to the media about the Esschem Factory's (ESS) chemical accident that happened in Lenasia in November 2001. The incident killed 11 workers.

It must also be emphasized that, by virtue of the labour inspectors having powers to access the premises of employment, they are the only individuals to ensure best labour practices in terms of specific labour Acts and its sections. (This will be discussed in detail in chapter two).

However it is not as simple as the law requires. The vulnerable workers are usually poor. They are working for survival and can afford to be exploited instead of losing their jobs and face days without meals. For instance, labour inspectors once shut down a KwaZulu Natal construction site due to its condition which was life-threatening to workers (Inspectors shut down unsafe KZN construction site, 2008:1), and the workers felt helpless.

It is indeed true that the lives of workers are saved when unsafe workplaces are shut down; yet the period the workers stay without income during such shut downs may be seen to be harder than risking their lives, given their vulnerable economic circumstances. Some of the workers are actually against DOL labour inspectors because all they want is to meet their basic needs, such as food, shelter and clothing. Safety comes later as defined in Maslow's hierarchy of needs. However, Krumm (2001:195) stated that people who are employed already have satisfied their primary needs such as food, shelter, and clothing, and they are working towards safety and security in the Maslow's hierarchy of needs. However it must be pointed out that the vulnerable workers are working to satisfy their basic needs, because they even compromise their safety for survival. Some workers are aware

of their hazardous working conditions and aware of their responsibility in terms of the Occupation Health and Safety Act to report the problem and to whom they must report, however they choose to remain silent in order to remain employed.

The inspectors have also confirmed the frustrations emanating from the workers who tend to lie for their employers to sustain their jobs. Employers also do not divulge necessary information to labour inspectors during inspection in avoidance of compliance. It is not easy to enforce the law if the workers and employers are not cooperative. Worse still, labour inspectors are sometimes assaulted by employers while doing inspection, because they do not want to comply. Labour Inspectors: Killings...(2005:1) stated that the need for new preventative measure was highlighted when hundreds of French labour inspectors protested in the streets following the assassination of two of their colleagues who were shot dead by a French farmer in Dordogne before being able to inspect the contracts of seasonal workers employed on his farm.

In Brazil, (Labour Inspectors: Killings 2005:1) the use of physical violence against labour inspectors led to an armed federal police officer travelling with labour inspectors, after the murder of three labour inspectors in the Soya Plantation which was allegedly using illegal slave labourers.

The researcher observed an incident where a labour inspector at eMalahleni Labour Centre was physically attacked by an employer in the wholesale and retail sector. And this case is still to be heard in the Witbank Magistrate Court. Indeed, physical assault is a life-threatening incident and it constitutes trauma.

The frustrations continue to manifest to labour inspectors as a result of lack of capacity, when inspectors are unable to visit all the employers to ensure compliance with the legislation administered.

Besides, as already alluded to, the labour inspectors enforce specific laws and some of those laws also have some loopholes, such as failure to define employer by Labour Relations Act 66 of 1995 (labour brokers are operating as employers, but fail to comply with labour laws), which employers capitalize on to exploit workers. This may make labour inspectors feel helpless while the workers expect them to make a difference.

This study therefore, focused on investigating experiences that labour inspectors go through while executing their duties (Fouché, 2005a:116; Mouton, 2001:48). The research question was chosen because there are many assumptions about what happens during labour inspection (Blaxter, Hughes & Tight, 2006:35; Fouché & De Vos, 2005:100; Creswell, 1998:16) and is it therefore necessary to ask “What are the experiences of labour inspectors in their work?”

1.4 GOALS AND OBJECTIVES OF THE STUDY

1.4.1 The goal of the study

The goal of the study is to explore the experiences of labour inspectors in their field of work.

1.4.2 The objectives of the study

The objectives of this study are therefore as follows:

- To provide a detailed theoretical background on the experiences of general labour inspectors when doing inspection.
- To explore the experiences in the inspection field of labour inspectors.
- To make recommendations to management as guidelines to Department of Labour to reinforce good practices and control unfavourable practices in the field of inspection.

1.5 TYPE OF RESEARCH

Applied research was used in this study as the recommendations emanating from this research may provide scientific guidance (Fouché & De Vos, 2005:105) to assist management (Bless, Higson-Smith & Kagee, 2006:44) to reinforce positive experiences and plan to overcome negative experiences for the benefit of labour inspectors.

1.6 FEASIBILITY OF THE STUDY

Permission has been granted from the Head Office of the Department of Labour to conduct the research with labour inspectors (see annexure A), and in addition the informed consent forms to participate in the research were signed by the labour inspectors before commencement of the research (see annexure B).

A lot of traveling to the various labour centres was done to meet the prospective labour inspectors in their own environment.

1.7 ETHICAL CONSIDERATION

The researcher adhered to the following research ethics which were applicable to the study (Strydom, 2005a:57; Neuman, 2006:131).

- **Avoidance of harm**

The researcher developed the questions in a sensitive manner, and participants were treated with respect and dignity, and the researcher tried by all means to avoid possible harm (Strydom, 2005a:58). The participants were also informed of any emotional issues that are associated with participation (Neuman (2000:92).

Those who might be emotionally affected by default were advised to consult a therapist to help them regain their emotional stability. This was done to help participants realize that the researcher was not only concerned with the collection of data, but also their wellbeing. However the interview went well and no consultation was necessary as a result of participating in the research.

- **Informed consent**

The researcher provided an informed consent form to be signed by participants. The language used was English as all labour inspectors can communicate well in English. They were informed that participation is voluntary (Neuman, 2006:135) and that they have the right to terminate participation in the research at any time if they are uncomfortable with the interview (McLaughlin, 2007:62) (see appendix B).

- **Deception of subjects**

The researcher was sensitive not to deceive the participants, by adhering to the aspects addressed in the consent form (Strydom, 2005a:60) and representing facts correctly.

- **Violation of privacy, anonymity and confidentiality**

The data is coded, and no names attached to the files to ensure the researcher adhered to privacy, anonymity and confidentiality. There was no need to request consent to disclose any information of the participants, if that was needed, the informed consent was going to be obtained from the participants. The researcher used audio recorder and asked permission from the labour inspectors to ensure their privacy not violated. The participants were informed that the research involves their experiences which may be sensitive and confidentiality was guaranteed by not mentioning their personal information with anyone (Neuman, 2000:98).

- **Actions and competency of the researcher**

The researcher has successfully completed formal theoretical training in research methodology and has worked closely with her supervisor at the Department of Social Work and Criminology to ensure that the professional ethics and appropriate conduct of research is ensured (Strydom, 2005a:64).

- **Release of publication of findings**

The report of this research include the background of the problem, literature review, empirical study, findings, conclusion and recommendation as well as the limitations of the study. Data in this report is accurate and not fabricated. Biasness factors were avoided to ensure the research results are authentic (Strydom, 2005a:66).

The raw data collected will be safely stored for 15 years at the Department of Social Work and Criminology, University of Pretoria.

1.8 CONTENTS OF THE RESEARCH REPORT

The researcher included the following in the research report (Strydom, 2005b:246):

Chapter one: Introduction and general orientation

Chapter two: Literature review on experiences of labour inspectors in the field of work.

Chapter three: Research methodology

Chapter four: Data analysis and interpretation

Chapter five: Conclusions and recommendations.

1.9 LIMITATIONS OF THE STUDY

Collection of data was proven difficult for the researcher. The labour inspectors are having a tight schedule and targets to meet, thus it was difficult to secure appointments. The researcher ended up securing appointments with any available inspector in a particular office (one inspector per office). The researcher had to ask permission to meet the inspector from the Assistant Directors: Labour Centre Operations (ASDLO) to observe protocol despite the permission granted by the Director General of DOL.

Mpumalanga Province (South Africa) is geographically widespread and reaching the inspectors cost the researcher more time. The office space for interviews was also a challenge. The offices are open, and one can hear the background voices during the interview. It took the researcher nine months to interview fifteen inspectors from fifteen different labour centres.

The research should have taken the work experience, the exact number of employees against one inspector, gender, and age of participants into consideration because in retrospection, the researcher is of opinion that this kind of information could have influenced the results.

1.10 SUMMARY

This chapter addressed the background of the study, what informed the need for research, goals and objectives of the study, type of research, problem formulation, feasibility, ethical issues and the limitations of the study.

The next chapter will focus on an in-depth discussion on experiences of labour inspectors in the field of work.

CHAPTER TWO

THE EXPERIENCES OF LABOUR INSPECTORS IN THEIR FIELD OF WORK

2.1 INTRODUCTION

The researcher reviewed literature on labour inspectors, to obtain necessary information that will help in understanding the experiences of labour inspectors. The following components are discussed: the origin of labour inspectors, an inspector as an employee, the inspector in relation to registration officials, administrative staff and supervisors, the Labour inspector in the inspection field, the power of labour inspectors, the ethical principle of labour inspectors, challenges of labour inspectors and steps for strengthening labour inspection.

2.2 THE ORIGIN OF LABOUR INSPECTION

The origin of labour inspection emanated from the establishment of the International Labour Organisation (ILO) as stated in the Origin and History... (1996-2010:1-3) ILO was created in 1919 in Geneva, focused on security, humanitarian, political, economic and desire to the permanent peace in the world. The ILO was also keen to protect workers from exploitation in the industrializing nations of the time, which led to an increased understanding of the world interdependence to obtain similarity of working conditions in countries competing for markets. ILO focused on improvement in the following working conditions:

- **Regulation of hours of work including establishment of a maximum working day**

The researcher has the knowledge that, there is different working hours in different sectors of economy as regulated by labour law in SA, such as 55 hours per week

in the security sector as regulated by the Basic Conditions of Employment Act 75 of 1997 section 6.

- **Regulation of labour supply, prevention of unemployment and provision of an adequate living wage as well as recognition of the principle of equal remuneration for work of equal value**

This condition is focused on prevention of poverty at work, to ensure that there is a minimum salary to improve quality of life of workers and eliminate unfair discrimination against other groups on the basis of salary.

- **Protection of children, young persons and women**

Nel, Kirsten, Swanepoel, Erasmus and Poisat (2009:147) state that in South African labour law, no person may employ a child under the age of 15 years and the Minister of Labour may make regulations prohibiting or placing conditions on the employment of children over 15 years of age.

- **Provision of old age and injury on duty benefits and protection of the interests of workers when employed in countries other than theirs**

The researcher has the knowledge that, in South Africa, the aged who worked before, has some pension money saved for them. The money can be used when they retire. The Government of South Africa also made a provision for old age grants for all aged in the country from certain age given. There is also provision for compensation of workers injured at work.

- **Organization of vocational and technical education**

The researcher relates this condition to the work environment with a culture of learning and development to improve productivity and reduction of accidents at work.

It is from these conditions mentioned above that the labour inspectors are then employed for the implementation and monitoring of the employment regulation.

Labour inspectors in South Africa work under the Inspection and Enforcement Unit (IES) of the Department of Labour. IES is responsible to inspect the work environment and enforce SA labour laws in order to protect the workers, whom may not fight for their rights on their own. They ensure good working conditions of the employees.

2.3 THE INSPECTOR AS AN EMPLOYEE

Grogan (2005:23) defines an employee as a person employed by or working for an employer or any person assisting in carrying or conducting business of the employer. Section one of the Employment Equity Act 55 of 1998 (EEA) continues defining an employee as, any person other than an independent contractor who works for another person or for the state and who receives, or is entitled to receive remuneration in any manner in carrying on or conducting the business for the employer.

Du Toit, Erasmus and Strydom (2007:261) state that the Minister of Labour may appoint labour inspectors who perform functions such as promoting; monitoring and enforcing compliance with employment laws. The inspectors may also conduct inspections, investigate complaints and secure compliance with employment laws. Depicted from the above information the inspectors are the employees of the Department of Labour. In other words as employees, labour inspectors are protected by SA Labour Law. Some of the laws that govern inspectors in the workplace are the Basic Conditions of Employment Act, 1997 (BCEA) and the Labour Relations Act 66 of 1995 (LRA). Rice (2006:35) states that labour inspectors are government administrators, as such they are part of the executive team and all their actions and interventions must be based on national law and regulations.

Section 29 of the Basic Conditions of Employment Act 75 of 1997 obliges employers to draw employment contracts for employees in which both parties will freely and voluntarily enter into and all the parties must be fully aware of duties to which they have agreed and the obligation they have assumed. Grogan (2005:197) also supports the view that in South African Labour Law, no one can be compelled to work for another and no person is obliged to take a particular person into service.

The researcher therefore conclude that the inspector as an employee of DOL, have a contractual agreement with DOL to do inspection in compliance with the strategic plan of the Department of Labour. The inspectors are aware of their roles and responsibilities and they are also entitled for remuneration and better working conditions.

It is in the opinion of the researcher that the inspectors as the employees of DOL do have a relationship with the employer; other employees and their clients. The relationship between employer and employees is regulated by the law in SA to ensure fairness in the work environment.

It is thus clear that the inspectors are governing by labour law in SA like any other workers. The labour law in SA does protect both employees and employers to ensure the two complement each other in the economic development of the country and to ensure the employers still produce a product or provide the service to its customers without exploiting workers. Casale and Sivananthiran (2010:11) pointed that the main purpose of labour law is to protect the weaker party in the employment relationship (the worker) and maintain equilibrium between workers and employers.

2.3.1 Objectives to be achieved through labour inspection

Strategic overview of Inspection and Enforcement ... (2010-2015:2) mentioned the following objectives to be achieved through labour inspection:

- To promote good labour practices, including sound labour relations, improved working conditions and minimum wages, fair labour practices as well as a healthy and safe working environment.
- To provide information and advice on labour laws. DOL is the initiator and guardian of labour laws in SA. It has the responsibility to inform clients about the laws and educate them.
- To ensure compliance with labour laws. The inspectors do both reactive (dealing with complains and accidents) and proactive (identifies areas of non-compliance and advice on corrective action) inspection to ensure the labour laws are complied with.

The researcher perceives that the above mentioned objectives of the Inspection Directorate are informed by the focus of ILO in employment conditions as discussed in point 2.2.

2.4 THE INSPECTOR IN RELATION WITH REGISTRATION OFFICIALS, ADMINISTRATIVE STAFF AND SUPERVISORS

The relationship of the inspector with registration officials, administration staff and supervisors must be cognizant with what the Department of Labour is intended to achieve through labour inspection.

2.4.1 Working relationship of the inspectors

Strategic Overview of Inspection and Enforcement... (2010-2015:10-12) describes the relationship of the inspectors with registration officials, administration staff and supervisors as follows:

- **Relationship with registration staff**

In the researcher's observation the registration staff are called frontline staff or Client Service Officers (CSO) in the DOL, and are responsible for all walk-in clients, telephonic enquiries, received application for Unemployment Insurance (UI) claims and Compensation of Injuries and Diseases Act (COIDA), register complaints in respect of Inspection and Enforcement Services (IES) and registration of work seekers for Public Employment Services (PES). They handle enquiries of all the business units of the Department of Labour and they are obliged to have knowledge of all business units for relevant referral.

- **Relationship with administrative support staff**

Strategic overview of Inspection and Enforcement...(2010-2015:10) stated that the administrative support function include case management of referred cases on instruction from inspectors; process correspondence, summons, subpoenas as per inspectors' instruction, setting up appointments for inspectors, sending out invitations to stakeholders for training and maintain of filing/case management. The researcher views these officials as those handle cases specifically only for IES.

- **Relationship with supervisors**

Strategic overview of Inspection and Enforcement... (2010-2015:12) states that there must be teams and team leaders in the labour centres, and the team must at least consists of five inspectors and one team leader. The team leader need to be the person of higher rank than inspectors and responsible to allocate what inspectors should do in terms of expertise. The Team leader ensures that the pro-active inspections are done in line with the national inspection plan and that inspectors perform in terms of performance agreement signed.

Depicted from above the researcher perceives team leaders as managers or supervisors that inspectors report to. The inspectors are expected to develop a plan to do inspection, the plan must be informed by the resources available and

approve by the supervisor (team leader). They are also expected to report back on the outcomes of the inspection agreement. The team leader or supervisors are subject matter experts, and can be regarded as operation managers. According to Slack, Chambers and Johnson (2007:4) operation managers are people who have particular responsibility for managing some, or all of the resources which comprise the operations for production and delivery of goods or services. Smith and Cronje (2002:13) refer to operation manager as lower or first line manager, who are responsible for even smaller segments of the organization, namely the different subsections. The activity of lower management centered on daily activities of their department or sections, short term planning and implementation of middle management plans. The researcher views the short term plans as the inspection plans developed in the labour centre, by inspectors in consultation with the team leader.

2.5 LABOUR INSPECTORS IN THE INSPECTION FIELD

Casale and Sivananthiran (2010:44) mentioned that the main function of labour inspectors is to secure the enforcement of the legal provision relating to conditions of work and protection of workers while engaged in their work. Furthermore Powers of inspectors (n.d.:1) stated that labour inspectors are expected to execute the following functions:

- Advising employees and employers of their rights and obligations in terms of the law and how to best comply with the legal framework (Rice, 2006:26).
- Provide both pro-active (planned by labour inspector) and reactive inspection (labour inspector react to complain reported in the office).
- Investigating complaints made and conduct formal inquiries in terms of the Occupational Health and Safety Act (OHSA) 85 of 1993.
- Endeavouring to secure compliance with an employment law by securing undertaking or issuing compliance orders.

- Serving prohibition, contravention and improvement notices in terms of the Occupational Health and Safety Act (OHSA) 85 of 1993.
- Enforce the labour laws; related regulations; and applicable national standards and report to supervisors on problems and defects not covered by regulations (Rice, 2006:26).
- May monitor or enforce collective agreements (Rice, 2006:26).
- Promote harmonious relations and social dialogue between employers and employees (Rice, 2006:26).
- Deals with certain social insurance matters, in particular relating to workers' compensation (Rice, 2006:26).

Is in the researcher's opinion that the functions of the inspector informed by ILO guidelines on the duties of inspectors to enhance good employment relationships by protecting the workers while performing their duties. The duties of inspectors are informed by labour law, it is therefore means they have a mandate to ensure the wellbeing of the workers. It can be assumed therefore, that if an inspector is able to achieve the above mentioned functions, they then would derive a sense of satisfaction and fulfillment, knowing that they have been of great assistance to those people regarded as the most vulnerable. It would also mean that the mandate of DOL is accomplished.

2.5.1 Duties of Labour inspectors

The inspectors protect vulnerable workers from exploitation by their employers. The relationship between employees and employer has mutual benefit, employer realized he/she cannot do without the workers and the workers also need remuneration out of the job they have performed. However the employee has less power in the relationship and is vulnerable to abuse or exploitation. The inspectors protect workers by enforcing labour laws, as also stated by Rice (2006:26) that, labour inspectors are part of government's administrative system and their

essential purpose is to ensure compliance with all labour protection standards, as well as developing labour relations in a constructive way.

Vulnerable workers are those whose unique work circumstances render them to worst forms of abuse (Minister's programme of action and strategic plan 2004-2009). Furthermore Commission on Vulnerable Employment (CoVE) (2007/8:2) defines vulnerable workers as workers whose participation in the labour market, places them at risk of ongoing and extreme suffering, uncertainty and injustice resulting from an imbalance of power in the employer-worker relationship. Report of the Director-General: Decent Work (1999:11) also refers to vulnerable workers as the working poor group of employees. These are the workers mostly in the informal sector, whose needs are most acute, their rights are the least respected, they are underemployed, poorly paid, have no social protection and for whom social dialogue and participation have little meaning.

Depicted from the definitions above, the researcher defines vulnerable workers as those workers who know little about their rights in the work environment or because of poverty cannot fight for their rights. They usually opt for exploitation instead of starving. These workers are employed but their quality of life has not improved.

2.5.2 Resources required by inspectors

The researcher believes effective productivity in every organization requires resources. Labour inspectors do inspection outside their office, in the employment environment. In this case, they may need some of the following resources, transportation, computers, knowledge or competency, commitment and loyalty to protect vulnerable workers.

The 12th Congress of the International Association of Labour Inspection Geneva, 9-10 June 2008, alluded that the labour inspectors need training, ways to protect

themselves while protecting workers, data collection and analysis tools. Challenges facing labour inspection.... (n.d.:2) also states that labour inspectors need adequate means of communication and transport as well as travelling budgets.

It is clear to the researcher that the inspectors need resources such as transport to visit employers, competency to conduct inspection, computers to capture their reports, time for inspection and administration, support from colleagues, supervisors, workers (clients) and employers. Global Code of Integrity for Labour Inspection (2008:6) stated that the inspectors need to comply with the code of good practice of inspection, and government should ensure Labour Inspectorate and its employees have an appropriate level of resources in terms of funding, personnel and legislative requirements.

2.5.3 Work processes to conduct inspection

Strategic Overview-Inspection and Enforcement Services, ([sa] n.d.:9) states that inspection can be proactive (planned without complain) or reactive (inspection informs by complain). The reactive inspection comes from a registration services official, who takes all the inquiries coming to DOL and refers them to a specific unit such as Inspection and Enforcement Services (IES). Then the case gets registered and referred to a specific inspector for investigation, depending on the nature of the problem and sector of economy as well as specific law. Rice (2006:43) also mentions the following different visits of inspection:

Routine visits – concerned with checking compliance with the law, and advising enterprises on how to comply with legal provision.

Follow up visits - are undertaken to determine, the extent to which the enterprise has responded to the outcome of an earlier routine visit.

Special visits - may be investigation of a specific complaint by the worker in an enterprise.

The researcher perceives the second and the third types of inspections as informed by the need identified, while the first one is informed by the inspector's initiative and hard work. All types of inspections have the same intended outcome which is to ensure compliance with the labour laws, in order to protect the workers. Nyambari (2005:32) states that an effective inspection requires total involvement of workers, employers and trade unions and the inspector have to visit the workplace with the compliance checklist including the following compliance requirements:

- Protection of income and wages and salary records
- Hours of work
- Holidays and rest periods
- Work injury
- Work permits and child labour
- Welfare facility including rest rooms
- Personal protective equipments
- Emergency preparedness and first AID facilities
- Compliance with collective bargaining agreements
- Compliance with employment equity.

In addition, Rice (2006:42) states that the inspector needs to plan a visit for inspection which involves the following:

- The location of the business, contact person and the contact numbers.
- Total number of the workers, gender representative, youth, apprentice, foreign workers as well as their skills level.
- The Sector of economy and service or product of the business.
- Equipment used in the organization.
- Previous record in terms of compliance with labour law.
- Employer's general attitudes to the inspectorate.
- Record of work accidents and diseases over the past five years.

- Complaint letters from workers against management and action taken to address the complaint.
- The existence of trade union in the enterprise, and whether there are collective agreements between the union and management.

The researcher believes good planning and level of competency of inspectors determine the quality of inspection. The planning informs the inspector of what is that he/she needs advise or guidance on in advance. The inspector needs to inform the team leader in all the processes for assistance, and monitoring thereof. The inspector must also write a report about the inspection done and have good or effective record keeping, to ensure all the work done, is accounted for.

Rice (2006:8-9) continues to describe the following processes of inspection, integrated with subject matter expert (Ralane, 2010).

- Rice (2006:8) states that on the occasion of the first visit, the inspector makes full assessment of the state of compliance with labour legislations, covering all relevant social relations and social protection provisions, as well as assessing the employer's ability and apparent willingness to comply with these regulations. The information mentioned above is in congruent with Ralane (2010) as she mentioned that during the first visit the inspectors have to make sure that they assess and advice an employer as much as they can. The existence of the employment relationship between the employer and employees need to be taken into consideration, to determine the level of compliance with labour laws. In addition Ralane (2010) mentioned the concern on the utilisation of labour brokers, whom are seen as labour law manipulators because they look at the loopholes of the law to safeguard employers and exploit workers.

- Rice (2006:8) states that if the violations are not evidently serious, and if the inspector has grounds to believe that the employer will correct them by given deadlines and be reasonably co-operative in future, an advocacy will be the

primary means of intervention, together with clear, written instructions on how to comply, and the time frame to do so.

Related to violation, Ralane (2010) stated that the inspector can advise or give a notice, depending on which legislation the employer has violated e.g. in terms of Occupational Health and Safety Act 85 of 1993. The inspector has the right to use his or her own discretion, as far as the notices are concerned, depending on the seriousness of violation. For instance, there are three notices of Occupational Health and Safety Act 85 of 1993, section 21:

- First prohibition notice - used when there is life-threatening or immediate danger situation which stops whatever the employee is doing or using.
- Contravention notice - gives the employer 60 days to comply with the legislation.
- Improvement notice - gives the employer 60 days to comply or a chance to improve on the area of non-compliance. However the improvement notice is not as serious as the contravention notice, and cannot be used in the court of law to prosecute the employer. It may only be used to serve as an improvement notice and advocacy for compliance and how to comply with the law.

The researcher believes that, the notices are fairly reasonable, because they are informed by the seriousness of the contravention, and the inspector responds accordingly.

- Rice (2006:9) continues stating that if the inspector decides to prosecute the employer, the structured advocacy and the reason for doing so will be given, including the information on the employer's legal obligations; the consequences of the continued non-compliance, and the time frame for rectification. The reasons for prosecution will be laid down in writing for the employer. Ralane (2010) also mentioned that the processes of prosecution must be done through informing all the role players in the inspection process namely the Human Resources manager, the Safety manager, Employment Equity Safety and Union representatives about

all the areas of non compliance and how to comply. Rice (2006:9) states that in this phase, the inspector will also take the size and economic circumstances of the enterprise into consideration when deciding on prosecution. Whilst the law applies to all, inspectors can be more flexible towards small enterprises, in particular regarding deadlines for compliance with minor violations. Ralane (2010) is in agreement that it is required for an inspector to do thorough research about the nature of organization before making a prosecution decision, depending on the legislation violated. The researcher however believes that with OHSA, which focus on ensuring that the employees are not exposed to harmful and dangerous equipment in the work environment, under no circumstances will the safety of employees be compromised on the basis of the economic status of the business. Therefore researcher believes that despite the size of enterprise, the safety of the employee must not be compromised.

- Rice (2006:9) pointed that the inspector will consult with any workers or trade union representatives in the enterprise and informs them of any violations of labour legislation encountered and what further actions the inspector intend to take. Ralane (2010) has a different perception in comparison to Rice (2006:8) with regard to consultation. The inspectors have the power to enter and question anybody on the premises of the employer at any reasonable time. It is the responsibility of the employer himself to inform the employees about inspection or through employees' representatives to avoid unnecessary tension between the employer and employees.

- Rice (2006:9) points out that in the event that the inspector detects violations he/she may decide to give advice or information only, possibly combined with a written warning and a follow-up visit, not later than one month after the compliance deadline has lapsed. Ralane (2010) declares that the inspector has to conduct the follow up inspection at least 2 days later as per the performance agreement between DOL and the inspector. The inspector also needs to consider

the consistence of the system and procedure in all employers to maintain professionalism.

- If, in the occasion of such follow-up visits, the inspector finds the employer in spite of previous assurances, has taken no significant steps towards compliance and rectification of the violations noted earlier, the inspector will strictly initiate prosecution measures again, combined with structured advocacy to inform the employer once more of his legal obligations, and of the reasons for now prosecuting (Rice, 2006:9). Ralane (2010) mentioned that there is no longer a need for structured advocacy again, as the inspector can only inform the employer about the legal obligations and procedures. The inspector also needs to take into consideration the seriousness of the law violated when informing an employer about legal obligations. The researcher shares the opinion of Ralane (2010) in doing advocacy for the second time sacrifices the conditions of employment on vulnerable workers, and it may give the impression that Government is inefficient as it takes long to finalise cases.

- Only in exceptional, clearly justified cases, when the employer shows valid reasons and documentary of evidence from having to delay compliance, will the inspector once more give only structured advocacy, combined with a written warning to comply, and further a final deadline for doing so (Rice, 2006:9). If the employer is not willing to comply, the inspector must assist with conduction advocacy and make a recommendation to the employer to comply with the violated law (Ralane, 2010).

- Where an employer is generally in conformity with the law and having shown their willingness to comply, the inspector must document their reports and this employer will not be inspected again for a period of at least twelve months, unless a complain has been received again or an accident has occurred (Rice, 2006:9). Inspection can be conducted twice a year on the same company

depending on its level of compliance. It is also true that an inspection can be conducted after a year, but the level of compliance should be 80% and above for such companies to be inspected after a year. The period of inspection will be guided by the inspector's report and recommendations (Ralane, 2010). The researcher perceives a difference in opinion concerning the period of inspection; in the case of Rice (2006:9) the indication is that once a year is sufficient whereas Ralane (2010) indicates twice a year and only if the level of compliance is 80%.

- Rice (2006:9) indicates that the inspector will document his/her decision on all above steps in writing. The first inspection report will then be submitted to the field office director for discussion and approval, not later than 10 days after the visit. Submission within 10 days however, is not acceptable for Ralane (2010) as she suggests two days. She motivates her reasoning that an inspector is suppose to submit the report and recommendations the same day of the inspection due to the fact that the team leader has to check the files and approve them, sent them back to the support officer to compile the statistics and prepare files for follow-up inspection.

According to the researcher, the workers serving by labour inspectors are vulnerable. DOL is one of the agencies ensuring that the conditions of employment are not harmful and that workers are not exploited in the process of production and economic development. Because of their vulnerability, employees tend to overlook their rights and just strive for survival. Good Labour Practice ...(2010:30) pointed that inspectors have a range of sanctions when a violation is identified, which include a verbal and written warning, formal notices requiring actions, administrative fines, closing down of a factory and legal action such as prosecution or referral to the public prosecutor. The sanction given by the inspectors are meant to protect workers not to penalize an employer. It is unfortunate as some employers perceives inspection as penalisation and become resistant to comply with labour law.

2.6 THE POWERS OF LABOUR INSPECTORS

Rice (2006:27) stated that giving powers to inspectors does not mean they can do as they wish. Their powers must be moderated by a set of binding obligations, which are as follows:

- Rice (2006:28) alluded that the inspector must notify employers of their presence when on inspection visits; this does not mean the inspector must give advance notice of all visits. In terms of section 65(1) of BCEA 75 of 1997 an inspector may enter any workplace or the place where the employer carries business, without a notice or warrant, at any reasonable time, however a private home may not be entered into without the employer's consent. The Power of Inspectors (n.d.:2) also states that inspectors have to observe chapter two of The Constitution of South Africa Act 106 of 1996, which is not always absolute. In terms of section 3 of the Constitution these rights may be limited as everyone has a right to privacy which include the right to their home, property searched and their possession seized or the privacy of their communication infringed. However these rights are limited in terms of the Basic Conditions of Employment Act 75 of 1997 (BCEA) section (1) for the employers. The employer's rights to privacy may be perceived as violated in his workplace, because the labour inspector may enter the workplace at a reasonable time without a notice, in order to investigate labour complaints or to conduct an inspection. The inspector may also inspect all documentation and records pertaining to an employee's file at any place where the documents are kept. Is in the opinion of the researcher that every person has the right to privacy however, the rights are in some cases limited to ensure respect to human dignity.

- The inspector must produce their inspection identity card to employers (Rice, 2006:28). BCEA 75 of 1997 section 64, also state that an inspector is provided with an identity card to enter a workplace. The perception of the researcher is that no one can enter the workplace for labour inspections without

the identity card, not even the Assistant Manager, Labour Centre operations (previously regional manager) of the office.

- The inspector must undertake not to reveal any processes and information which may harm an employer's competitive position. The origin of the complain or identity of the complainant against an employer, must be kept confidential. The researcher believes there is information in all organizations that may be for public consumption, and others which supposed to be only for members of an organization to protect its reputation or for security reasons. One of the reasons employees suffers the exploitation without reporting it, is the fear of victimization by the employer. Some employees may be ill treated until they resign or they may even be fired. Therefore it is of utmost importance for the inspector to keep the identity of the complainant confidential.

- Rice (2006:28) mentioned that the inspector must submit individual reports, and periodic activity reports to supervisors. The submission of reports is related to what Robbins, Judge, Odendaal and Roodt (2009:270) describe as upward communication, which flows to the higher level in the organization. It is used to provide feedback to inform management or supervisors on progress towards goals and the constraints if there is any. The researcher is of the opinion that reporting is the way the officials are accounting for the work done against the indicators set. It also determines the reward for best performers and interventions for poor performers. It can be done effectively through communication, monitoring and evaluation of performance.

- Be independent, impartial and unbiased while exercising authority and have no direct or indirect interest in the enterprises under their supervision (Rice, 2006:28). In the opinion of the researcher, the inspector must avoid to take sides when making decisions during inspection, to ensure fairness. Although the employee is the weaker party in the relationship, the employer also have rights and need to be treated with dignity. The impartial decision making on the

inspector's site also ensure productivity and good relationships in the workplace. This means the inspectors need to refrain from any unethical or corrupt behaviour (Rice, 2006:28) as discussed in point 2.7.

2.7 ETHICAL CONDUCT AND PRINCIPLES OF LABOUR INSPECTORS

The researcher believes there are principles and ethical codes in most professions such as law, psychology, teaching, medical practice, social work as well as the work environment. The ethics and principles enhance professionalism, uniformity in the field and protection of the clients concern. The inspectors are also subject to behave in an ethical and professional manner when interacting with their clients, colleagues, and management. The Public Service Regulation volume 427 of 2001, states a code of conduct for public servants of which inspectors form part. The code acts as guidelines to employees as to what is expected out of them from an ethical point of view, both in their individual conduct and their relationship with others, such as colleagues, the public and management. It is in the opinion of researcher that it is the responsibility of the employer (Government) to train staff (inspectors) about the code of public servants and the public servants to take the responsibility of studying and live by the code. Furthermore Global Code of Integrity for labour Inspection (n.d.:6) also established the code of integrity as a foundation for establishing credible, ethical and consistently professional behaviour expected of Labour Inspectorate employees. The code needs commitment from individuals, labour inspectorate and government at large.

Erikson (n.d.:9-12) defines six values which are defined in terms of Standards of Codes for both individual and organizational level:

- Knowledge and competence - this value seeks to develop knowledge and build capacity and stresses the importance of professional development and the use of professional skills in helping the organization and community to achieve

safe and fair workplaces. It speaks about ongoing learning and development, which is about creating an environment which encourages learning and development as well as encouraging staff to take responsibility for their personal development. Providing service without knowledge and competence is detrimental to any organization and compromises the wellbeing of the clients being served. Lack of knowledge may lead to poor services; defensiveness response, and poor self confidence on employees. It is therefore the responsibility of DOL to train the inspectors in order to enhance their competency.

- Honesty and Integrity - the inspectors are expected to put their clients first, refuse gifts that may compromise service delivery, prevent nepotism and patronage, exercise diligence, be impartial and professional in their practice, use the resources on the interests of public and serve the community in the direction of government. This is related to what Department of Labour South Africa (n.d.:2) calls Client Centred Service, which encourages and obligates officials to act on the understanding that their clients are the sole reason for their existence. The researcher believes that there are times where officials get used to their work to an extent that they do not respect their clients anymore. This value is important and need to be planted in the officials' minds to remind them that their clients created positions for them.
- Courtesy and Respect - the inspectors must not act with malice, prejudice or personal bias when making decisions. Clients need to be approached with tolerance and understanding, respect, human dignity without judging them according to their status in the community. This means the officials must always be sensitive and put themselves in the shoes of the clients to ensure good service delivery. Clients come to DOL because they cannot afford alternative service available at a fee or there is no other place to get the service from. Therefore ill-treating the helpless people will damage the image of the DOL and inability to achieve the objective set.

- Creativity, neutrality and fairness - inspectors are required to treat the community and colleagues with respect and courtesy bearing in mind they work with individuals of diverse cultures. Department of Labour South Africa (n.d.:2) pointed that representativity and diversity are the values focused on the representativeness of the staff and respect for diverse cultures in the work environment. The researcher highlighted that staff component which has a fair representation of all demographics of the population, is an indication of respect for diversity and lead to understanding and acceptance by their clients. However, the officials operate in a professional and sensitive manner and may always be accepted and understood despite their diverse background.
- Commitment and responsiveness - the inspectors must commit themselves in completion of any assignment to ensure objectives of the organization are achieved in a specific given time. Department of Labour South Africa (n.d.:2) mentions that effectiveness and efficiency as the values that the officials need to adhere to through achieving goals set within a given time. The researcher understand that people can reach objectives, however if the objectives are not achieved effectively and efficiently it may be in conflict with the values of DOL. The right work must be done according to policies and the set procedure.
- Consistency between personal and professional behaviour - the inspectors must not engage in any extra employment without consent of the DOL, not intentionally divulge confidential information of the clients and Department for personal gain or engage in any activity that creates, or has a potential of creating a perception of, conflict with the official responsibilities or bring discredit to the agency or individual. Department of Labour South Africa (n.d.:2) also expects the officials to be transparent in their operations to ensure fairness and accountability as well as ensuring staff is held responsible for their performance.

The researcher believes that inspection must be done only to ensure good employment conditions which are primarily focused on the workers and not any

other agendas that might be illegal or unacceptable by DOL. The Labour Department and inspectors need to commit themselves to the above mentioned values to ensure a good image of the Department and good service delivery to its clients. DOL must provide time for inspectors and finance for training. The inspectors must avail themselves, for training, attend all workshops and training organised for them, study hard and ensure the knowledge is really accumulated and practiced.

2.8 THE CHALLENGES OF LABOUR INSPECTION

Challenges Facing Labour Inspection... (n.d:2-3) states that ILO and its technical advisory services have taken a reasonable benchmarks that the number of labour inspectors in relation to workers should approach 1/10,000 in industrial market economies, 1/15,000/20,000 in transition economies and 1/40,000 in less developed countries. The researcher believes that a higher ratio of inspector per workers in the less developed countries makes sense, since more people are illiterate and are prone to exploitation, and that will have a positive impact on the well being of the workers. It however seems that there are not enough inspectors in SA to comply with the ratio stated, thus many of the employers might not be visited and employees are depending on the mercy of the employer. Some of the challenges can be highlighted as follows:

2.8.1 Resources

Hoferlin (2006:22) discovered that Governments tend to lack human material and infrastructural resources needed; as well as budget restrictions. Many workers interviewed in various sectors state that they have never witnessed an inspection in their workplace. Due to lack of resources, the number and frequency of inspection are on decrease worldwide, while work accidents including fatal accidents and those causing permanent incapacity are continually increasing.

2.8.2 Competency

The researcher perceives competency and training as the set value by both ILO and DOL to ensure professionalism in protection of workers. It is therefore important for the inspectors to be continuously trained to ensure competency and productivity in their work environment. Challenges Facing Labour Inspection... (n.d:3) states that in many developing countries, labour inspection officers receive only limited initial training and have little opportunity to receive any in-service training. This problem may lead to a decline in the quality of inspections undertaken.

Hoferlin (2006:23) also states that globalization does indeed pose many challenges for labour; the race to be competitive, market pressure, intensive work rate, adjusting supply and demand, new technology, subcontracting and emergence of new types of working relations which need considerable expertise to spot them.

Depicted from the above information, it is clear that training of inspectors must be continuous to ensure that inspectors are informed about current development in the inspection directorate. DOL needs to guide inspectors in the development of a Personal Development Plan which will guide the Department in budgeting for training on an annual basis.

2.8.3 Exposure to danger

The researcher is of the knowledge that some domestic employers release dogs when labour inspectors come by for inspection and other inspectors are physically and verbally attacked by employers. This is supported by Department of Labour South Africa (2009) that a labour inspector has laid a charge with the Potchefstroom police in the North West province after he was allegedly assaulted by an employer. The alleged attack occurred in town while the inspector was investigating non-payment of workers' salaries by the private security company.

Furthermore Challenges Facing Labour Inspection... (n.d:3) also pointed out that another challenge is the authority and credibility of labour inspection services, which include violence against inspectors and corruption. The attack of inspectors is a sign on an uncooperative employer in its extreme, which is not only illegal but also life-threatening to inspectors.

2.8.4 Limitations on inspections

Challenges Facing Labour Inspection... (n.d.:10) highlighted that exercising the power to enforce laws through legal sanctions and establishing commitment to voluntary compliance is a continuing challenge which can realistically only be done by experienced and trained inspectors on case-by-case basis. Close cooperation with organisations and unions can greatly assist inspectors in addressing these challenges. The researcher believes that as the inspectors do not enforce all labour laws and sections of the Acts, it disabled them to help in some cases of poor work conditions. Their limitations pose a serious challenge where the violation is obvious but the inspectors are then unable to help. At times the law says nothing about a particular violation and the employer capitalizes on the silence of the law to exploit the employees.

2.8.5 Cooperation from the employer

Challenges Facing Labour Inspection... (n.d.:6) state that a further important area is the promotion of voluntary compliance through advisory services and cooperation with the employers associations and trade union to assist the workers and employers to cooperate to ensure respect for labour laws. It is the opinion of the researcher that voluntary compliance is the best way to protect the workers, as enforcement naturally has power implication in the relationship. Voluntary compliance will imply that the employer sees inspection as looking after the well-being of workers and productivity.

2.8.6 HIV and AIDS

Albratcht (n.d.:67) stated that HIV and AIDS has a major impact in the workplace as well as the rest of the world and labour inspection is an indispensable part of the national strategy. The consequences of HIV and AIDS include absence from work, loss of skilled workers, reduce productivity, discrimination and stigma in the workplace. Labour inspectors have a role in advising employees and employers in treatment of infected workers and to ensure these workers are not unfairly discriminated against. The challenge of HIV and AIDS enables the ILO to offer support for training on HIV and AIDS prevention for labour inspectors based on ILO code of practice and a specifically developed handbook for labour inspectors and its implementation (Challenges Facing Labour Inspection..., (n.d.:10).

HIV and AIDS is a controversial issue even away from the work environment, which according to the researcher, the inspector can only guide an employer about what the labour law is saying in protecting infected workers. Education and prevention must be done by the officials who are the experts, and as it is a psycho-social problem, social workers and nurses need to be involved (Vass & Phakathi, 2006:15).

2.8.7 Migrant labours

The Economist, 2 September (2000) as cited in Adepoju, (2006:40) pointed out that motivated, adaptable and less scornful of menial work, migrant labours not only take on jobs that most locals loath, they also accept lower wages which locals scorn, prompting charges by labour unions that these migrant labour depress wage levels. The researcher believes that migrant labour is the crossing over borders (from other countries) and not from rural to urban areas within the same country. These circumstances put inspectors in a moral dilemma. The migrant labours work for survival, and the better working conditions and salaries are not priority. They are sometimes employed illegally and instead of being protected by law they may be deported to their own countries. The inspectors may find

themselves overlooking their exploitation as the migrant labours also do not actually want help that will take them back to their country of origin and subject them to starvation.

2.8.8 Informal economy

Daza (n.d.:16) defines informal economy as all economic activities by workers and economic units that are in law or in practice not covered or insufficiently covered, by formal arrangements. Thus there is no obligation to be fulfilled nor any right to be respected or demands and non-conformity with a legal reference point. The researcher perceives the workers in the informal economy as the survivors; they get employment and are aware of the risk involved as a result of poverty, they choose exploitation rather than to be unemployed. It is the responsibility of Government to ensure food security to the citizens and have regulations for the informal sector so that inspectors will have a point of reference for compliance. The business starts for an example, with a person operating a hair saloon under the tree and when more customers come, he/she requests helpers. The business then stays like that as long as it exists; the founder of business determines the payment which may be outside the law.

2.8.9 Child labour

De Lourdes Moure (n.d.:36) mentioned that the labour inspectorate found in 2004, 4040 children or teenagers under 16 years of age work in Brazil. De Lourdes Moure further states that labour inspection has an essential role in eliminating child labour and seeking opportunity for education and development. Child Labour in South Africa (2002) also reported that in January 2003 nearly five million children (about 36% of children) in South Africa are involved in economic labour.

Poverty and HIV and AIDS are the main factors contributing to child labour. Many families are headed by children, who are taking care of the whole family including sick parents. Children without food find themselves working to put food on the

table. They are likely to stack in poverty for the rest of their lives, due to lack of opportunity to get education and welfare services. Therefore protection of children from employment is needed; however, other role players such as Departments of Social Services and Education must also be involved in providing these children with homes and education.

2.9 THE STRENGTHENING OF LABOUR INSPECTION

Treichel, (n.d.:74) describes ten steps for strengthening labour inspection:

Step 1: Creation of an appropriate structure and organization

Reshaping national policy, human resource policy, internal policy and enforcement policy to come into parity with ILO core labour standards, bearing in mind different circumstances of the individual member. The researcher perceives that policies are good for guidance, however good policy can only be realized if it is well implemented and the users of policies are constantly trained.

Step 2: Better utilization of resources

Ensuring that the ratio inspector per workers accurately matches finances allocated. According to the researcher one of the sectors that may be negatively affected by an imbalanced ratio in SA is domestic workers, as an inspector will visit the place of employment for one employee. It is therefore important to hold advocacy sessions which inform public about their rights and where to report their work problems.

Step 3: Introduce effective training

Developing a clear, specific, nation-tailored concept for effective training that leads to a prevention-oriented integration for specialized and general inspectors. It is also in the researcher's opinion that training must be continuous and be informed by new technology to ensure inspectors are informed and effectively enforce the

labour laws. Training needs commitment from both the government and inspectors.

Step 4: An active role for labour inspectors

Creating a three-fold role for labour inspectors such as supervisor, advisor and enforcement agent, with an overall mission of guidance. The researcher believes that inspectors shall ensure compliance with legal provisions if they can fulfill these three roles under the guidance and monitoring from management.

Step 5: Integrating inspection

Trimming down specialist and general inspectorate's roles to allow for a one inspector for one enterprise mentality. It is in the opinion of the researcher that while integrated inspection is recommended, the inspectors must do the work according to their competency, which is ethical and professional to ensure the well being of workers.

Step 6: Publicizing inspection best practices

Creating an inspection plan of frequency of inspections and prevention strategies. According to the researcher good practices and successes encourage employers to comply, workers feel protected and inspectors feel fulfilled that the mission of protecting workers is accomplished. The public need to know about the good performance of the labour inspectors to create hope for workers.

Step 7: Ensuring tools for a management system for labour inspectors

Centralizing tools such as firm chemical data sheets, active research and on-the-job training of important policy and current issues. The researcher believes there is a need for an electronic national case management system that will enable the keeping of case records, the processes and how the case is resolved. The system must be accessible to relevant users.

Step 8: Task related issues

Fostering the important roles of social dialogue among other sectorial approaches. In the researcher's opinion, this factor is related to networking, encourage networking and consultation to help in addressing the inspection issues without enforcement.

Step 9: Stressing networking

Providing inspectorates with knowledge, training, financial support and expertise through a steady-flow of information with other organizations. The researcher believes that cooperation of stakeholders sharing common interest is important as it enables the role players to share ideas for the benefit of their clients.

Step 10: Taking steps to curb corruption and other challenges that currently hinder in the field

All the above mentioned challenges of the inspectors need to be dealt with to ensure good service delivery and the implementation of the ethical code discussed in point 7.2.

2.10 WELLNESS OF LABOUR INSPECTORS

The well-being of the labour inspectors needs to be taken into consideration, to ensure a healthy working environment and high productivity. Evaluation of employee assistance programmes (EAPs) in the Public Service Regulation 427 of 2001 (2006:2) state that EAPs were implemented in the South African Public Service to deal with various employee problems long before HIV and AIDS became known, and long before transformation imperatives generated a broader range of workplace problems to deal with. Bearing on their productivity in the workplace, including, inter alia:

- substance abuse and/or substance dependency;
- adaptation problems in the public service workplace;

- mental and personal relationship problems;
- employee conflict in the workplace;
- personnel development;
- dealing with disease (e.g. cancer); and
- the need for counselling (e.g. occupational or clinical counselling).

2.11 SUMMARY

This chapter focused and discussed the origin of labour inspectors, an inspector as an employee, an inspector in relation with registration officials, administrative staff and supervisors, the labour inspector in the inspection field, the power of labour inspectors, the ethical principle of labour inspectors, challenges of labour inspectors and steps for strengthening labour inspection.

Chapter three will focus on the research methodology implemented in this study.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 INTRODUCTION

A detailed account of the research methodology that was used to carry out the research study will be presented in this chapter. Specifically, attention will be given to the approach, the design, sampling method and the actual sample used as to how information was collected from the research participants and finally how the analysis took place and the writing of the final report. The researcher will also discuss the process in which data is analysed, taking into account the similarities and differences in order to get themes and sub-themes out of the raw data collected from the participants.

3.2 RESEARCH APPROACH

The most appropriate approach to this study was qualitative research as it looks deeply into behaviour within specific social settings rather than at broader populations. This study used is qualitative approach because of the need to describe in details of the social reality in a mostly holistic manner (Fouché & Delpont, 2005:74) which in this case was the experiences of labour inspectors in the field of inspection. This type of research relies on qualitative data that is measured not in numerical form but in words. When seeking people's input on a subject, it was important to interact with them and establish their opinions in their own words. This made the qualitative research approach the most appropriate one in the present instance (Bless, Higson-Smith & Kagee, 2006:43).

3.3 RESEARCH DESIGN AND METHODS

3.3.1 Research design

The most suitable research design for this study was a qualitative design with a collective case study with the intention to explore in-depth multiple cases over a period of time (Fouché, 2005b:272) to understand the population being studied. As the researcher wants to see the world through the eyes of the labour inspectors, she kept an open mind in gathering data from the participants (Struwig & Stead, 2001:12-13). The researcher intended to gather information to assist management to either/or reinforce positive experiences and plan to overcome negative experiences for the benefit of labour inspectors.

3.3.2 Research population, sample and sampling method

The population that the researcher was interested in was the labour inspectors in the Department of Labour, Mpumalanga Province (Rossouw, 2003:103). Mpumalanga has 15 labour centres in which the researcher interviewed one per centre. In addition to 15 inspectors interviewed for the main study, the researcher also interviewed two inspectors for pilot purposes.

The researcher used the non-probability sampling (Strydom, 2005c:201) as the odds of selecting a particular individual are not known. Due to the labour inspectors' tight schedules and targets to meet, she opted for accidental sampling at the labour center, using Assistant Directors: Labour Centre Operations (ASDLCO). The inspectors were from different regions in Mpumalanga province which are called Labour Centres. The first available inspector in a particular labour centre was requested to take part in the research when the researcher visited the specific centre.

Fifteen inspectors were sampled, their years of experience, gender or race was not considered, as long as the individual is working as an inspector. The researcher needed to draw a picture of their experiences regardless of the factors mentioned above.

3.3.3 Data collection

As the approach of this study was qualitative in nature, semi-structured interviews (Mouton, 2001:150) were used to collect data. This method was preferable because interviews allowed the researcher to communicate personally with the research participants and understand the world from the participant's point of view (Greeff, 2005:287) to unfold the meaning in people's experiences and to uncover their experiences prior to scientific explanation. The researcher attempted to explore the experiences of labour inspectors in their field of work.

These semi-structured one-on-one interviews conducted, and organized around areas of particular interest but allowing flexibility in scope and depth (Greeff, 2005:292). For the interviewing to be effective, the researcher had a set of pre-determined questions on an interview schedule (see annexure C). The interviews took 30 to 60 minutes. To maintain privacy, most of the interviews were done at the respective labour centres of the inspectors while for others the researcher requested an office in the DOL Provincial Office in Mpumalanga. The participants were asked permission to use a voice recorder and they all agreed. In addition to the voice recorder, the researcher also took notes.

In addition to the 15 Labour inspectors, two labour inspectors were selected from the Labour Centre: eMalahleni as pilot, to determine the accuracy and appropriateness of the interview schedule. Before the tool was used in the main study, some of the questions were revised or deleted due to uncertainty and repetition during the pilot testing (Babbie, 2005:210). Caution has been taken after realizing the noise reflection from other offices during the interview. The

researcher also improved in utilization of the audio recorder. Data of the participants of the pilot testing did not form part of the main study (Strydom, 2005d: 209).

The inspectors were given a copy of the research approval from (DOL) and the informed consent form was presented to them to read and to sign on understanding. The participants were asked permission to use a voice recorder and all agreed.

3.3.4 Data analysis

De Vos (2005:333-339) indicates that data analysis in a qualitative inquiry necessitates a twofold approach. The first aspect involved data analysis at the research site during data collection. The recording and tracking of analytic insights that occur during data collection are part of data analysis. The second aspect involved data analysis away from the site, following the period of data collection. The researcher tried to sit down immediately after interviews to write down her impression (Greeff, 2005:298) as to transcribe and analyze the interview while it was still fresh. It was indeed good practice to do so, as the transcription of an interview and writing the impression while it was still fresh enhanced the richness of information, due to the fact that the researcher had an accurate picture of the conversation in mind.

After organizing data, the researcher read and re-read the data and listens to tape recordings to validate data, correctly get the meaning out of the data and to become familiar with the data in an intimate way. (Marshall & Rossman in De Vos, 2005:337). Hereafter it was possible for the researcher to generate categories, themes and patterns from the data collected. Kelly, Durrheim and Terre Blanche (2006:323) also refer to this stage as brainstorming. During the qualitative data analysis process, the researcher examined patterns of similarities and differences

from the different labour inspectors and tried to come to terms with their diversity (Rigan in Neuman, 2006:458).

De Vos (2005:334) indicates that the following nine steps of Creswell's (1998) analytic spiral of data analysis cannot be followed rigidly but may overlap or even move in circles. These steps were implemented as follows.

- **Planning for the recording of data**

The first step in data analysis was the planning for the recording of information (De Vos, 2005:334). As stated earlier, a schedule was used as a guide during the planned interviews, to gain an understanding of the world of the Labour inspectors in their field of work. The participants were asked for permission to use a tape recorder so as to ensure the accuracy of information. This was in line with a suggestion by Trochim and Donnelly (2007:146) about using recording devices when conducting interviews. The researcher also wrote notes to remind her of what was said during the interviews.

- **Data collection and preliminary analyses**

As the interaction between data collection and analysis is a distinguishing feature of qualitative research, the researcher collected data from labour inspectors while provisionally formulating meanings in terms of what their experiences were in regard to their work (De Vos, 2005:335). At this stage the researcher was guided by initial concepts and developing understandings but shifts and modifies them as the information was collected and analysed (De Vos, 2005:335).

- **Managing data**

The researcher put all collected data into files. Raw data from the tapes was transcribed to reflect sentences that make sense for analysis at a later stage (De Vos, 2005:336).

- **Reading and writing memos**

The researcher re-read the data several times to get the feel of what Labour inspectors said during interviews and wrote notes in the margins used in identifying patterns (De Vos, 2005:337).

- **Generating categories, themes and patterns**

After completing the process of reading and writing memos, the researcher generated categories, themes and patterns. This process entailed “identifying salient themes, recurring ideas or language, and patterns of belief” (De Vos, 2005:338).

- **Coding the data**

The researcher used abbreviations of key words to code the data in ways she understood (De Vos, 2005:338).

- **Testing emergent understandings**

During this phase the researcher evaluates data for usefulness and centrality (De Vos, 2005:339). The researcher considered the extent to which the available data answered the question about what are the experiences of Labour inspectors in their field of work.

- **Searching for alternative explanations**

The last step in the information analysis will be the search for alternative explanations (De Vos, 2005:339). The researcher looked at and considered the various ways in which labour inspectors experienced their work. The final result was a general description of the experiences of labour inspectors in the workplace.

- **Writing the report**

The researcher tried to present the report in such a way that it can be understood by the general public. It was important to ensure that technicalities were avoided at all times.

3.4 SUMMARY

A qualitative research approach was used in this applied research. The collective case study research design was chosen to get an in-depth analysis and understanding of the experiences of labour inspectors in their field of work. Fifteen inspectors were chosen from fifteen labour centres of DOL in Mpumalanga Province using a non-probability sampling method, specifically accidental sampling.

Data was collected by using a one-on-one semi-structured interview, using a voice recorder and taking notes to validate data. Data was analyzed by identifying similarities and differences across the cases, to get the meaning and generate categories and themes.

Chapter four will focus on the data collected, data analysis and interpretation.

CHAPTER FOUR

DATA ANALYSIS AND INTERPRETATION

4.1 INTRODUCTION

In this chapter, the researcher will attend to the empirical findings derived from the collective case study of 15 inspectors from 15 Labour centers in Department of Labour Mpumalanga Province. The research findings gathered will be analyzed, interpreted and presented based on themes and sub-themes identified from the participants' responses.

4.2 PRESENTATION OF DATA

De Vos (2005:338) indicates that “identifying salient themes, recurring ideas or language and patterns of belief that link people and settings is the most intellectually challenging phase of data analysis”. Data collected from 15 participants is categorised and presented in the form of themes and sub-themes. The researcher identified the following central themes and sub-themes presented in the table below.

Table 1: Themes and Sub-themes

THEMES	SUB-THEMES
1. Expectations of DOL when doing inspection	<ul style="list-style-type: none"> • Competency • Quality inspection • Protection of vulnerable workers
2. Fulfillment	<ul style="list-style-type: none"> • Compliance with Labour law • Well-being of employees
3. Frustrations	<ul style="list-style-type: none"> • Uncooperative employers • Uncooperative employees • Legal actions against labour inspectors • Case management • Lack of resources
4. Frustration management	<ul style="list-style-type: none"> • Work experience • Consultation with supervisors or other Government departments
5. Challenges in the field of work	<ul style="list-style-type: none"> • HIV and AIDS • Migrant labour • Informal economy • Child labour
6. Support systems	<ul style="list-style-type: none"> • The Wellness programme and champions • Supervisors • Relationship with other inspectors • Cell phones and telephones
7. Tools of the trade	<ul style="list-style-type: none"> • Staff capacity • Electronic data management • Computers • Transport

THEME 1: EXPECTATIONS OF DOL WHEN DOING INSPECTION

The first theme identified was the participants' knowledge on what DOL expect from them. In the words of Rice (2006:26) labour inspectors enforce the labour laws, related regulations, and applicable national standards and advise employers and workers on how to best comply with the legal framework. The participants' knowledge on what DOL expect from them was divided into three sub-themes namely competency, quality inspection and protection of vulnerable workers.

Sub-theme 1.1: Competency

Participants are of opinion that they have enough knowledge of BCEA which is mostly the Act that they administrate. However they are working as a team and do consult other inspectors who are experts in a particular field. Participants also indicate that they can be trained in OHSA for them to be able to work. The following are citations from the participants.

- “We have a lot of labour legislation and some of the inspectors have the capacity on specific legislation and others one another.”
- “I can say I am 60% clued up, but there are still areas where I need more information.”
- “I think I am knowledgeable about BCEA, DOL train us, if there are any amendments they e-mail us.”
- “I need to do research and equip myself with information.”
- “Technology influence our operation, one must not be the same as yesterday.”
- “I have enough knowledge, but there is room for improvement.”
- “I have serviced DOL for five years; I think my knowledge is good.”
- “Competency in terms of skill, but there is room for improvement.”
- “I have enough knowledge; I managed to master what I have learnt.”
- “DOL does not give us new amendments and we are using an old OHS Act.”
- “I think we have, even though one cannot say I have enough knowledge I even help others.”

- “I can say partly, but is up to you to do research and equip yourself with information.”
- “No like now, let me take the case of OHS, the Act I have is old edition, I have to buy myself new with my own money.”
- I have serviced DOL for five years, I think knowledge is good.”
- As far as I have been taught I have enough knowledge, I managed to master what I have learnt.”

Challenges Facing Labour Inspection... (n.d:3) states that in many developing countries, labour inspection officers receive only limited initial training and have little opportunity to receive any in-service training. This problem may lead to decline in the quality of inspections undertaken. From the above citations it is clear that the participants acknowledged that they do have enough knowledge but learning needs to be continuous; learning the new ways of addressing the current Labour issues.

Sub-theme 1.2: Quality inspection

The following statements are an indication of the participants' responses.

- “To meet the target and do a quality job.”
- “Expect me to follow the right procedure when doing my job.”
- “They expect me to meet the standard as per performance agreement.”
- “Make sure employers are complying.”
- “To do the job at the best of my ability in line with the mandate of DOL.”
- “Me as an inspector must not do less than 12 inspections per month.”
- “They want all places to be inspected.”
- “Service delivery.”
- “Assists external stakeholders and help clients on behalf of DOL.”
- “The end results must favour DOL and vulnerable workers.”
- “Pushing the mandate of (DOL) in terms of Labour legislation. To inspect and enforce where there is contravention of our Labour legislation by employers.”

- “Interview employees and employers to check the level of compliance. We also do information sessions with employees and employers.”
- “Helping people who are working, when having problems with employers; it can be safety or basic conditions of employment.”
- “Inspectors protect employees who have been exploited by employers at the workplace. I do advocacy with employers and employees on our legislation ... protect both employees and employer.”
- “We go to employers and do inspection to ensure employers comply, BCEA ... and UI Act.”

All 15 inspectors are clear and aware of what DOL expect from them in the work environment. Most importantly they emphasize the issue of quality of outcomes of their jobs. This is in line with Du Toit et al. (2007:261) who state that the Minister of labour appoints labour inspectors to perform functions such as promoting; monitoring and enforcing compliance with employment laws. The researcher believes DOL set the roles of the inspectors clear and informed them about the impact of their job.

Sub-theme 1.3: Protection of vulnerable workers

There seems to be a clear understanding of the participants' responsibility towards workers. The following are the statements of participants.

- “To make sure employees are well protected.”
- “To enforce labour practice, so that employees may not be oppressed at work.”
- “Minimum salary, working hours, overtime, issues such as pay slips and a contract between employer and employees.”
- “Vulnerable workers, talking about people who were previously disadvantaged, for example been illiterate, who cannot interpret the law, those who cannot stand for their rights like domestic and farm workers.”

- "We talk about Basic Conditions of employment. Everyone has a right to good working conditions; like reasonable hours; overtime provision and save work."
- "Protecting vulnerable workers by inspecting their job situation, in terms of how they are treated and the relationship between employee and employer."
- "Job conditions, I normally don't take sides between two parties but I don't only listen to vulnerable workers, but the main thing is to protect vulnerable workers."
- "I understand that employees with no information about labour legislation can be exploited."
- "I advice an employee in case he does not know the law. If the employer is wrong I tell him what the law says."
- "We try to advocate, give employees information, and confirm their confidentiality."
- "Protect employees, who cannot protect themselves; who cannot stand for their rights, who have no information and we act on their behalf."
- "Pushing the mandate of (DOL) in terms of Labour legislation. To inspect and enforce where there is contravention of our Labour legislation by employers."
- "Interview employees and employers to check the level of compliance. We also do information session to employees and employers."
- "I think there is specific sector the vulnerability of workers can be defined, that will be your workers like farm, domestic..." We talk about Basic Conditions of employment..."everyone has a right to good working conditions, like reasonable hours, overtime provision and save work."
- We try to advocate, give employee information, confirm their confidentiality, for the employer to address the challenges"

From the above quotes it is clear that participants are in agreement with the importance of protection of vulnerable workers as outlined by the Department of Labour (2004-2009) and Rice (2006:26) that vulnerable workers need to be protected by ensuring employers and workers understand their reciprocal rights and to ensure compliance with all labour protection standards.

THEME 2: FULFILLMENT

The second theme identified from the empirical data was the fulfillment the labour inspectors experienced in their work. Inspectors reported that they feel fulfilled when there is some level of compliance after their interventions. The two sub-themes identified are compliance with the labour law and well-being of employees.

Sub-theme 2.1: Compliance with Labour law

Participants know they are responsible for promoting good labour practices, provide information and advice on labour laws and ensure compliance with labour law in South Africa. The following statements are an indication of the participants' responses.

- “Is interpreting the section of the Act and knowing I am going to win.”
- “Sometimes you find that employers do contravene our labour laws, then you win by ensuring the employer comply or adhering to our labour law.... and by mere being present at the working environment it gives a relieve, it is felt by the vulnerable employees....that here are people who take care of them and make a difference in their lives.”
- “When I go to a particular employer and we reach an agreement and the employer starts to comply, it makes me happy if there is a change after my visibility.”
- “To see the end results; that is winning for the vulnerable workers... at the end of the day our work is to make complainant happy in a legal way.”
- “When I finalize the case, it is to me a job well done.”
- “Cooperation of the employer satisfies me.”
- “When employer complies it saves them money time, energy and also stress. We maintain professional relationship with employers but sometimes are difficult”.
- “Ya if the employees are paid the minimum wage, they are provided with proper protective clothing...”

- “The sense of relief of workers when you come and confidence that they have when helping them, that I can help those cannot help themselves and resolving their queries and to me that make my day.”
- “I see that someone who had problem with employer and follow worker and that the employee is happy that inspection has helped him/her.”
- “When I see happy faces of the clients after I did my job.”
- “I make sure the employee are treated well at work and get their salary.”
- “I go to employer who does not comply and do advocacy
- “Is when you come across a difficult employer (racist) and solve the case.”
- “Is to change the life of employees especially when you go to work place and find employees being exploited and after inspection there is a change.

The extracts above confirm that participants know what is expected from them in the work environment and can be integrated with the view of Rice (2006:35) who states that labour inspectors are government administrators, and all their actions and interventions must be based on national law and regulations. This leads to their fulfillment by the outcomes of their work.

Sub-theme 2.2: Well-being of employees

The participants indicated that the final results of the inspection are to ensure vulnerable workers are somehow protected by inspectors with reference to the labour laws. The following statements are an indication of the participants' responses.

- “The sense of relief of workers when you visit and help those who cannot help themselves and resolving their queries, to me that makes my day.”
- “I conducted the investigation of an employee who didn't get paid for months. She got the money and you cannot explain how the employee felt, that completes me.”
- “I enjoy what I am doing, I enjoy the section, speaking to people, going out, and even the way we experience difficulties outside.”
- “Changing lives of the vulnerable workers.”

- “Thinking of the vulnerable workers makes me wake up and inspire me.”
- “The fact that I love what I am doing gives me energy and of course I am being paid for what I am doing and support my family.”
- “To see a person desperately looking for help, then I see the problem is serious then I jump in and help the person.”
- “Protect employees and give them information.”
- “My wish is to make positive impact on employees.”
- “Clients, they can make you work more and to make my boss proud of me.”
- “It makes me happy and when employee calls me to help them they give you feedback.
- “Workers who work abnormally, those who are paid less than minimum salary and change that to favorable healthy and safe environment”.
- “At the end of the day our work is to make complainant happy in a legal way.”
- “There was an employee for months, she was not being paid and I conducted investigation, she got the money and you cannot explain how the employee felt, that completes me.”
- “When client call me and say thank you.”

The above statements of the participant's stress that the participants feel fulfilled by the impact of the inspection, which is the wellbeing of the employees at the workplace and giving employees a sense of security or relieve when the inspector visits workplaces. This fulfillment highlights one of the functions of labour inspectors as discussed by Powers of inspectors (n.d.:1) and Rice (2006:26) who state labour inspectors are expected to advise employees and employers of their rights and obligations in terms of the law and how to best comply with the legal framework.

THEME 3: FRUSTRATIONS

The third theme identified from the empirical data was the level of frustration that the inspectors encounter when doing their work, both in the office and the field.

The following are the five sub-themes under frustrations; uncooperative employers, uncooperative employees, legal actions against labour inspectors, case management and lack of resources.

Sub-theme 3.1: Uncooperative employers

Participants mentioned that they become frustrated mostly by uncooperative employers who are not complying or just being aggressive or difficult, or giving invalid information as well as not knowing the local language. The following statements are an indication of the participants' responses. "There are employers who are still difficult, they take us as the police, and others agree on appointment but are not available when you get there."

- "Employers who do not want to comply like at Nkomazi, there are a lot of farmers and they don't want to comply, they release dogs when you visit."
- "It is frustrating when you find difficult employers because issues can't be solved quickly."
- "Employers especially foreign employers who do not understand our languages."
- "When an employee's case is still not dealt with after seven days."
- "A negative, arrogant and difficult employer who does not allow you on their premises."
- "Difficult employers who do not want to understand even if you want to explain, language barrier."
- "First ne I become frustrated when I visit employer and is very aggressive and do not want to accommodate me....."
- "There are employers think we are police..."
- "In the field being threatened by employer is too dangerous in or if we have cases in the farms is too frustrating."
- "I get frustrated when employer gives false information."
- "Employees lie because they are scared of employer."
- "Some employers are difficult especially those who do not comply."
- "Employers have attitude on government."

Two respondent reported that no problems with employers.

Although Rice (2006:26) indicates that labour inspectors are part of the government's administrative system and that their essential purpose is to ensure compliance with all labour protection standards. The labour inspectors also develop labour relations in a constructive way. The above statements confirm what Department of Labour (2009) reported that labour inspectors can allegedly be assaulted by an employer.

Sub-theme 3.2: Uncooperative employees

Participants highlighted their frustration with regards to vulnerable workers whom they try to protect. However some participants had cooperated well with employees. The following statements are an indication of the participants' responses.

- "The level of literacy of employees and translation may not be easy."
- "I get frustrated when employees give false information and when there is a situation beyond my control."
- "Employee absconds and later come, and wants his/her money then we cannot enforce."
- "Sometimes employees file a complaint or when you interview them they lie to you because they may be scared of the employer, and we don't know how to protect that vulnerable worker."
- "There are few instances that they were not happy with the way the results are out,
- "They want their results go their way."
- "Some of the employees are difficult."
- "It depends on the approach, some employees have bad experiences with DOL. When you get there they don't want to see you, some got help form DOL they actually welcome you, some of them want us solve salary issues not covered by the act."
- "Employees are difficult but I know how to handle them."

- Employees give wrong information because they are afraid of the employer or scared of losing their jobs,”
- “No disturbance, they support us and we go there to support them.”
- “In most cases I try to be their friend more than addressing their issues, and I also not promise the things I cannot provide.”
- “Some do not understand the way we conduct our duties.”
- “They also appreciate, if there is dispute I will apologize but at the end of the day they will say thanks you.”
- “I can say most of the employees are cooperating.”

From the above excerpts, the participants’ responses can be interpreted to be saying that they take stock of the fact that some of the workers are actually against DOL labour inspectors because all they want is to meet their basic needs, such as food, shelter and clothing and are prepared to compromise their safety for survival by giving false information. This correlates with Krumm (2001:195) who indicates that people are working towards satisfying their primary needs such as food, shelter and clothing.

Sub-theme 3.3 Legal actions against labour inspectors

Although labour inspectors are the law enforcers, which imply filing legal charges against employers in their field of work, participants reported their frustrations, that some employers opened cases against them or reported them to the provincial office. The following statements are an indication of the participants’ responses.

- “We went to an employer to do inspection and the employer chased us away, but we did inspection without his consent. He wrote to the Provincial office and demands an internal investigation against us.”
- “An employer once threatened me that he will open a case against me.”
- “The employer hired people from Maputo, the Client Service Official (CSO) asked me to get a UI/19 from the employer. The employer quoted the old Act, and then opens a case that foreigners do not get Unemployment Insurance (UI) benefits.”

- “The employer once threatened me that he will open case against me.”
- “We take employers towards the processes of compliance, prosecution is the last thing, but we hear in the news that some inspectors have been arrested or accused of bribery, though there was no prosecution.”
- “They do threaten us, the employer was owing an employee, when we intervened they threaten to sue us, they just harass you because you don’t agree with them.”
- “No since I joined the department no, instead I get compliment from employer.”
- “Some of them (employers) threaten you with their lawyers and I tell them about the law.”

Seven respondents reported they never got any legal actions against them

From the above responses it is clear that although labour inspectors enforce the law and are supposed to know the labour law and act accordingly, it may still be frustrating or disturbing to inspectors when a case is opened against them. This affirms the view of Challenges Facing Labour Inspection... (n.d.:3) who pointed out that another challenge is the authority and credibility of labour inspection services, which include violence against inspectors and corruption.

Sub-theme 3.4: Case management

Participants reported on their frustrations concerning case management, with regard to quality issues in the work and others found their colleague helpful. The following statements are an indication of the participants’ responses.

- “CSO are really helpful but some of them are not capacitated in case management.”
- “Some of the cases I feel must be sent back because the information is not sufficient.”
- “We experience problems with cases from registration, they don’t have enough information.”

- “What I saw cases are attended by CSO I never saw supervisor registration trying to solve the case..... Some of the cases I feel I must send them back the information is not sufficient.”
- “Complains are reported to CSO which they will try to solve, if failed it will be taken to the Team Leader (supervisor) and the Team leader will then allocate an inspector.”
- “Case management is still frustrating because everything is done manually.”
- “Slow, very slow, my feeling is that even though in our region some of the cases can be solved by CSO, they refer it to the inspector.”
- “I will not say it is poor, but average, because the information from SCO is not clear. “
- “Sometimes we receive a case from registration and the details are not there and this kind of investigations causes headaches.”
- “Not good, we experience problems with cases from registration, they don’t have enough information.”
- “I can say the time frame is fine because case need to be referred to supervisor in seven days and from inspector to supervisor seven days also but CSO take the case with important details and supervisor helps us with calculations if we don’t understand.”
- “Only when the supervisor is not here, or the CSO do not know what to do, those guys (CSO) are working, case started there to register then to supervisors.”
- “Sometimes CSO do not probe the client, or no information or they did not calculate,”
- “Case comes from CSO, to my supervisor (Team leader) then to me”. Supervisor is helpful, CSO also explain and informs me more, we have support staff but is new.”
- “Most cases that we find are underpayment or non- paymentCSO deal with some of the problems in the workplace which are minors, supervisors gives inspector 30 days to solve case.”

- “We have registration CSO, take the case if is unresolved to registration supervisor then to team leader till to inspector.”

From the above quotes, participants strongly acknowledge frustrations concerning case management although Strategic overview of Inspection and Enforcement...(Department of Labour 2010-2015:10) stipulates that the administrative support function include case management of referred cases on instruction from inspectors, process correspondence, summons, subpoenas as per inspectors’ instruction; setting up appointments for inspectors; sending out invitations to stakeholders for training and maintain of filing/case management.

Sub-theme 3.5: Lack of resources

Participants referred to frustrations in the work as merely resource issues as acknowledged by Hoferlin (2006:22) who pointed out that government tends to lack human; material and infrastructural resources needed; as well as the budget restrictions. The following statements are an indication of the participants’ responses.

- “Yes frustration can be merely resources like a laptop and 3G.
- “When you are with an employer and wants to retrieve information to be given to the employer during inspection, the employer has to wait and when you get to the office there is no server.”
- “We share transport.”
- “Wait for someone to finish using the computer.”
- “We wait for each other to use the computer or car and there is nothing you can do about it.”
- “Transport is frustrating as three inspectors share one car.”
- “We really struggle when there are no cars. We have to move the appointment to another date.”
- “Transport, there is a frustration. The pool cars (DOL rented cars) are not enough.”

- “Yes we have a problem with transport we only have two cars and share it with client service officials.”
- “Transport is challenge, as three inspectors share one car.
- “For an inspector to sit in the office means you are not working, if you need a car you have to wait.”
- “The cars are not enough there is serious challenge.”
- “We have three computer and we are eleven inspectors.”
- “Computers are problem, we are three and use one computer is difficult.”
- “We only have one computer and we are three.”

From the above quotes it is clear that the participants reiterated what Challenges facing labour inspection.... (n.d.:2) states namely that labour inspectors need adequate means of communication and transport.

THEME 4: FRUSTRATION MANAGEMENT

The fourth theme identified from the data collected revealed mechanisms of dealing with frustration. Labour Inspectors: Killings... (2005:1) pointed that the need for new preventative measures is a continuous process. Within this theme the following two sub-themes were identified; work experience and consultation with supervisors or other Departments.

Sub-theme 4.1: Work experience

From the quotes it is apparent that participants place importance on experience. Being practical in the work environment influence the participants to be creative and have productive ways of solving the work related problems.

The following statements are an indication of the participants' responses.

- “I just have to find a way of helping them (clients).”
- “When I was still new I could not even sleep, but now I have a strategy.”

- “When employers do not want me to do inspection I tell them, I am not policing, but that we need to help each other.
- “Any employee who hides information, I request them not take part in the interview.”
- “We must go back and rectify (for lying employees) because if we cannot help them, they will call the president’s hotline.
- “We take the names of the employees we interviewed, because they have a tendency of denying their involvement.”
- “With dogs, we just stay in the car or call the police.”
- “I need to draw out the correct information from lying employees, to be able to help.”
- “Nothing you can do, just have to wait when employers releasing dogs.”
- “Some of the employees are very sick but employers do not help in checking them, employer also cannot release them to do non-demanding job.”
- “We have a lot of migrant labors others do not have work permit and pass board, but Home Affairs and police help us.”
- “We find the workers are not registered, when you supposed to ask employers to register them they don’t have South African ID, we just have to tell employer that these people have to be registered.”
- “You will find 15 employees and only ten is registered, the employer prefer people from Swaziland because there are cheap.. We involve Home Affairs, we cannot just leave them.”
- “Under payment, Like Chemise lack of communication because they don’t know English, but when we want to arrest them they speak English.”
- It is frustrating the challenge of child labour, we alert cluster manager as they say there are specific dealing with child labour in the Provincial Office, and those people are trained.”

From the above responses it can be interpreted that experience gives participants some strategy to deal with the problems of employers and employees. This is in accordance with Challenges Facing Labour Inspection... (n.d:10) who indicates

that exercising the power to enforce laws through legal sanctions and establishing commitment to voluntary compliance, is a continuing challenge which can realistically only be done by experienced and trained inspectors on case-by-case basis.

Sub-theme 4.2: Consultation with supervisors, colleagues or other Government departments

It is apparent that consultation plays the important role in ensuring the compliance with labour legislation. The following statements are an indication of the participants' responses.

- "I also involve other workers or other parties."
- "We are accompanied by the police to do inspection (for aggressive employers)."
- "Frustrations give energy so that you can do more research to enable you to make consultation with colleagues."
- "Currently there is no structure per se to deal with traumatic experiences, but debriefing with colleagues and supervisors plays an important role."
- "When an employer does not comply, the next step is a compliance order."
- "If the case is difficult I sent the case to the team leader."
- "I don't want to take it personal, so I take the matter of an aggressive employer to my supervisor."
- "Consulting with supervisors or colleagues helps a great deal."
- "We meet with other inspectors and share our problems."
- "They (supervisors) support us and we go to them for support."
- "To be honest my supervisor helps me."
- "I get support from team leader and manager in case of difficult employer."
- "Interacting with other colleagues from other Labour centers and province and also team leaders."
- "I am so lucky my supervisor was an inspector and is very good in helping me with my problems."

- “You have no one to speak to when you raise the issue they tell you about protocol which affect service delivery”. But I just have to find a way of helping them.”

From the above extracts, it is clear that participants do consult depending on the nature of the problem. Participants share the same opinion that they make use of the Departments like Home Affairs, South African Police Services (SAPS) and Social Development, if they are confronted with a work situation beyond their mandate. This behavior supported the view of Rice (2006:9) that the inspector will consult with any workers or trade union representatives in the enterprise and inform them of any violations of labour legislation encountered and what further actions the inspector intend to take.

THEME 5: CHALLENGES IN THE FIELD OF WORK

The fifth theme identified from the data collected revealed the challenges of Labour inspectors in their line of work. Challenges Facing Labour Inspection... (n.d:2-3) states that ILO and its technical advisory services stipulated benchmarks what the number of labour inspectors in relation to workers should be. It however seems that there is not enough inspectors in SA to comply with the ratio stated, thus many of the employers might not be visited and employees are depending on the mercy of the employer as the labour inspectors can not attend to all the needs. The following four sub-themes were identified: HIV and AIDS, migrant labour, informal economy and child labour.

Sub-theme 5.1: HIV and AIDS

Participants reported different experiences, some had challenges and some had never been challenged about HIV and AIDS in the inspection field. The following statements are an indication of the participants' responses.

- “The problem is time off to collect medications.”
- “A chef has been removed from cooking due to his status.”

- "Employers do not maintain confidentiality."
- "Some of them are very sick but employers do not release them to do non-demanding jobs."
- "Absenteeism due to HIV is an issue of wellness."
- "Not really but I have been to places where I saw many people sick but not been allowed to go to a clinic."
- "Yes, some employers dismiss employees if they disclose their status."
- "Some employees lose their salary because their sick days are finished. Due to lack of information they can claim sick benefits from DOL."
- "Yes the employer will complain that this person takes two days leave every month."
- "Yes, the employer would say he has a problem with absenteeism because of AIDS."

Five inspectors reported that they have not encountered HIV and AIDS issues in their field of work, they just said "no."

The challenge experienced by participants regarding HIV and AIDS highlighted by the responses from the participants accentuating Albracht's (n.d.:67) statement that HIV and AIDS has a major impact in the workplace as well as the rest of the world and labour inspection is an indispensable part of the national strategy. Education and prevention according to Vass and Phakathi (2006:15) must be done by the officials who are the experts.

Sub-theme 5.2: Migrant labour

Participants meet similar challenges with regard to migrant labour. The inspectors have a moral dilemma as they are obligated to inform the Department of Home Affairs and SAPS to help migrant workers get their documents. The migrant workers, however, are at risk of losing their jobs and being deported. The following statements are an indication of the participants' responses.

- "We have a lot of migrant workers who do not have a work permit and passport, but the Department of Home Affairs and the SAPS help us."

- “Migrant workers do not have proper documents which mean they are underpaid.”
- “They do not have a South African ID so is not so easy to register them for UIF.”
- “They are mostly exploited and underpaid... it is painful.”
- “Sometimes the foreign employees don’t care how much they earn as long as they have a job, which means they get less salary and their working conditions are not good.”
- “Yes we do have, because usually most of the employers use them, but do not register them that is the biggest challenge.”
- “Yes I do. For example, the Mozambicans, when I do inspection, we find they don’t have the required documents, or they hide.”
- “Employers hire foreigners who do not have work permits and passports, and do not comply with minimum wages, especially Agriculture and Forestry.”
- “You will find 15 employees and only ten is registered, the employer prefers people from Swaziland because they are cheap. We involve Department of Home Affairs as we cannot just leave them.”
- “On Monday we did a blitz inspection with SAPS and Department of Home Affairs and find about 40 migrant workers without passports and work permits.”
- “I personally don’t have problems; being aware of scarcity of skill like artisan they will be imported.”
- “Yes I do e.g. the Mozambicans, when doing inspection, we find them they don’t have required documents and employees hide themselves.”
- “As an inspector I never met someone working but not as South African.”
- “No I never see one.”
- “They get less salary and their working conditions are not good.”

The above excerpts are related to The Economist, 2 September (2000) as cited in Adepoju, (2006:40) saying that the migrant workers are motivated; adaptable and accept menial work, and lower wages that most locals dislike. Accepting lower

wages prompt labour unions press the charge that these migrant labours depress wage levels.

Sub-theme 5.3: Informal economy

Participants experienced problems with small businesses which at time make them feel helpless, as it may be beyond their power to help them. The following statements are an indication of the participants' responses.

- “With Chinese people communication is a problem because they don't speak English, but when we want to arrest them for paying poor salaries, they speak English.”
- “There is a lot, you will not get the correct information on the number of employees or get hold of the owner of the business.”
- “With Pakistanis and Indians, the challenges are that they operate without following procedures; they run their businesses without permits.”
- “Although it is not a DOL problem, it is a vast problem. You cannot determine who is who between the employer and employees, the registration is also an issue, it has been a challenge for so long and our duty is to help them formalize business.”
- “Informal businesses do not register their workers with UI and BCEA, the people work longer hours, no rest period, the employer will say they business is small and they just sit here, but you find people work from seven to seven.”
- “Sometimes you find they don't have the required documents like an attendance register, no EEA or BCEA chart. They don't comply because they themselves are not registered.”
- “Registration with UI, BCEA they don't register their workers.”
- “The employer will say they business is small and they just sit here, but you find people work from seven to seven.”
- “Small business is a challenge, e.g. you can do inspection for an hour without client coming and at the end you have to tell employer to pay minimum wage.”

- “Pakistan, Bangladesh, Chinese, without papers and reinforcement is with the police, and Home Affairs, ... a lot of our people working for less money after they got their money for underpayment they loose their jobs.”
- “The problem with the Chinese, we introduce ourselves, they don’t understand English or they say this business is not for me but for my brother.”
- “Chinese, Pakistanis and Somalian, open business here and do not understand English or pretend not to understand English, and enforcing is difficult and we discover that all Chinese are employees, they delay enforcement and we leave them”.
- “They don’t have enough knowledge on how to registers employer and what are expected of them.”
- “Is difficult because we have to register employer first, some like Chinese they claim not to know English, or the person to complete the form is outside the country, we have to come again and again.”
- “They don’t comply because they themselves are not registered.”

From the above quotes, participants strongly acknowledge that they are having a serious challenge with regard to small business or informal businesses running by the above mentioned nationalities which affirm Daza’s (n.d.:16) point that informal economy are economic units that are in law or in practice not covered or insufficiently covered, by formal arrangements.

Sub-theme 5.4: Child labour

Participants describe child labour as challenging because the employer or parents hide the child. This leads to a moral dilemma for the inspectors, whether to enforce the law as mandated or look at the needs of the victim at the time of inspection. The following statements are an indication of the participants’ responses.

- “Child labour is a frustrating challenge, we alert specific officials dealing with child labour in the Provincial Office.”
- “Is not easy to detect, because you will find the child selling mealies and the child claims it is for mom.”

- “We once experienced a child labour case in one of the areas. In those cases we communicate with the social worker to intervene.”
- “It is difficult as we cannot verify it because they hide them.”
- “I had only one case of child labour, the child was helped. Government has done well in that field to take the child away from work.”
- “It only happened once, on a farm, the machine harvest the mealies and the kids pick up the ones fallen out. When interviewing the parents, they actually told me to leave as I cannot provide for those kids, but I advised the employer that if he does not comply he will be arrested.”
- “I haven’t met child labour case.”
- “No I have never found people underage working.”
- “Up to so far no.”
- “At the moment I haven’t come across that.”
- “No so far no.”

Four just said no to the question

Although Nel et al. (2009:147) state that under the South African labour law, no person may employ a child under the age of 15 years and the Minister of Labour may make regulations prohibiting or placing conditions on it, the above responses from the participants indicate that it seems not easy to determine child labour.

THEME 6: SUPPORT SYSTEMS

The sixth theme identified from the data collected revealed the support systems in the work environment that ease the workload of the labour inspectors. The four sub-themes identified are the wellness programme and champions, supervisors, relationship with other inspectors and cell phones or telephones.

Sub-theme 6.1: The Wellness programme and champions

Participants are aware of the wellness programme and wellness champions. The following statements are an indication of the participants’ responses.

- “This programme is for wellness or referring people for career counseling.”
- “The programme that can help is wellness.”
- “We use wellness champs.”
- “I know of this programme. They provide counseling and also manage grievance procedure.”
- “Wellness champions.”
- “I know of wellness champions but I have never used them before.”
- “Don’t know of any programme.”
- “To be honest I don’t know.”
- “Yes our cluster manager.”
- “I can conduct HR, or depending on the problem.”

Five participants mentioned that they don’t know of any programme, while others get support from supervisor or Human Resources practitioners.

From the above responses participants are aware of the available wellness programme in DOL which is helping employees facing problems. Public Service Regulation 427 of 2001 (2006:2) states that EAPs were implemented in the South African Public Service to deal with various employee problems long before HIV and AIDS became known, and long before transformation imperatives generated a broader range of workplace problems to deal with.

Sub-theme 6.2: Supervisors

The participants reflect a two-fold relationship with the supervisors; meaning at times they don’t get support and sometimes they get support. They also indicated that supervision is not always the same; some supervisors were inspectors before and have knowledge on how to support them, while other supervisors are just not there to help. The following statements are an indication of the participants’ responses.

- “They support us and we go to them for support.”
- “We mostly work together well.”

- “The support I am getting is positive, if there is a challenge it is easy for me to go to my supervisor.”
- “We have a good working relationship in the office.”
- “My manager is supportive and helps me here and there”.
- “In my labour center I am lucky my supervisors and manager are supportive.”
- “They do support me, like when I have a problem with an employer or employee.”
- “Sometimes the support is there, in the cases from the President, it will be done from A to Z. Sometimes.....I even call other labour centers for support.”
- “Mostly the supervisors are in the office and lack knowledge; sometimes they force things to happen. It can be 50/50 depending on the productiveness of the supervisor.”
- “Not all of them are supportive and if I don’t get help from one, I will try another one.”
- “My previous supervisor was a most supportive supervisor, but not all of them are helpful some are sour.”
- “My supervisor is good sometimes there can be misunderstanding but we deal with the issues, but mostly we work together well.”
- “I think of the direct supervision to be given technical support, to be an expert, and be professional but sometimes we get frustrated.”
- “Supervisors not available, they not want sign the trip request.”
- “I get support from team leader and manager in case of difficult employer.”

From the above quotes it is clear that the labour inspectors have mixed feelings concerning support from their supervisors. They acknowledged that supervision depends on the individual manager or supervisor and confirmed there are good team leaders and managers that you can rely on for support and guidance when doing the job. It seems understandable to have diverse personalities and competency in the work environment and that not all people will be helpful and not all people will be bad despite guidance from the policies in DOL which indicates in Strategic overview of Inspection and Enforcement... (Department of Labour 2010-

2015:12) that the team leader needs to be the person of a higher rank than inspectors and responsible to allocate what inspectors should do in terms of expertise.

Sub-theme 6.3: Relationship with other inspectors

The participants reported on having a good relationship with their fellow inspectors with minor differences that do not affect their normal operation. The following statements are an indication of the participants' responses.

- “We have good relationships, even outside the office.”
- “Sometimes there can be misunderstanding, but we deal with the issues, but mostly we work together well.”
- “Is very good.... OHS, we go together to one company at the same time.”
- “It is OK, is much critical, because we have got different experiences and skill that helps for consultation and also debriefing.”
- “Honestly 100% good.”
- “Is very good, we brainstorm, ask questions, some help you.”
- “So far it is good, we don't fight and we help each other during blitz inspection.”
- “We have a good working relationship.”
- “Very good we have a team, we are brothers and sisters”.
- “Very good, we share when we come back and help each other, even personally.”
- “Good we help each other, and work together; we don't compete with each other.”
- “Is good we are like family, so let say maybe someone hurt me, we do sit and talk about it.”
- “We are always happy and never angry with each other.”
- “We complement each other.”
- “Is good relationship.”

From the above responses, it is the opinion of the researcher that the good relationship of inspectors amongst each other, reflects on their open interaction and may have beneficial effects on clients, because if the labour inspectors are not in a good working relationship, the clients may suffer. This confirms that the labour inspectors have internalized the code of conduct for public servants (of which inspectors form part) as stipulated by The Public Service Regulation volume 427 of 2001, as to what is expected of them from an ethical point of view, both in their individual conduct and their relationship with others, such as colleagues, the public and management.

Sub-theme 6.4: Cell phones or telephones

The participants reported not having problems with means of communication since they have cell phone subsidy and access to a landline. The following statements are an indication of the participants' responses.

- "They provide us with cell phones."
- "When we are in the office we have a landline and in the field we have cell phones, DOL supply us with cell phones."
- "We do have contract cell phones to communicate."
- "We are covered in terms of communication (phones)."
- "We all have cell phones."
- "They give us nice phones and minutes."
- "I am two years in the office, but still don't have cell phone subsidy, I use land line and my personal cell phone."
- "Cell phones not good, after finishing the free minutes them soft log us and give us free minutes at night."
- "No problem."
- "With communication the telephones not a problem... I have a mobile phone, but not enough lines in the office."
- "No problems DOL provide us with Cell phones."
- "Telkom is OK, I don't have subsidy."

- “In general we don't have problem, but in my case I have problem because my pin code is not working and I don't have cell phone.”
- “We all have cell phones.”
- “DOL provide us with cell phones.”

The excerpts above acknowledged that this is an area where DOL provided support to the majority of inspectors. This refutes Hoferlin's (2006:22) statement that Governments tend to lack infrastructural resources needed, because DOL managed to supply inspectors with cell phones.”

THEME 7: TOOLS OF THE TRADE

In any work environment the resources may be the challenge to reach the organizational goal. The seventh theme identified from the data collected focus on the tools needed by the participants to perform their duties. The four sub-themes identified are staff capacity, electronic data management, computers and transport.

Sub-theme 7.1: Staff capacity

The participants reported a high need for more inspectors since they have to meet monthly targets, except four inspectors whom felt their areas are small. The following statements are an indication of the participants' responses.

- “No the inspectors are not enough, there is a lot of employers who do not comply but we cannot reach them, we take four months to get to them.”
- “No the area is big, you will find one firm was never visited in 15 year.”
- “Not enough, we do 30 inspections and work under pressure to meet the targets.”
- “Because of the demand of the work we always need more inspectors.”
- “We need more inspectors for specification like OHS and to meet target per month.”
- “No we don't have enough staff.”

- “The area is big and there is only one team leader and three inspectors.”
- “No, shortage of staff is too much and the work load gets more and more.”
- “No number of inspectors must be added.”
- “I Think is enough, we visit all business.”
- “The inspectors can manage.”
- “We need more; because we are under pressure we have cases and a lot of job and end up not reaching the target for inspection or investigation.”
- “Yes we have enough inspectors”.
- “We only have three inspectors and the area is big including farmers.”
- “I think we are enough because the area is not that big”.

As depicted from the extracts, it seems that there is a need for more inspectors as to ensure quality at work and targets to be reached. It is expected from inspectors to commit themselves in completion of any assignment to ensure that objectives of the organization are achieved in a specific given time. This confirms the view of Department of Labour South Africa (n.d.:2) that effectiveness and efficiency are the values that the officials need to adhere to through achieving goals set within a given time. The researcher perceives that people can reach objectives, however if the objectives are not achieved effectively and efficiently it may be in conflict with the values of DOL. The right work must be done according to policies and the set procedure.

Sub-theme 7.2: Electronic data management

The participants reported that there is no electronic data management in DOL and that everything is done manually. The following statements are an indication of the participants' responses.

- “No we don't have an electronic data management system in place. Everything is done manually, if I have a case it is mine and no one can access it.”
- “No system, I went for training but the system is still under-development.”
- “No we don't have something like that.”

- “At the moment I have an electronic system in one town, but in another town data are processed manually.”
- “Emails yes, but no system of electronic data management.”
- “To be honest I heard about it ... but we don’t have it.”
- “Due to the lack of electronic data management, two inspectors may visit one employer and handle issues in a slight different manner which may result in a bad image for DOL.”

Eight inspectors just sad, “no we don’t have.”

From the quotes above it is clear that the lack of electronic data management may contribute to some of the frustration in the Inspection and Enforcement unit. These statements were reiterated again in what has been said at the 12th Congress of the International Association of Labour Inspection Geneva, 9-10 June 2008, that labour inspectors need training, tools to do data collection and analysis.

Sub-theme 7.3: Computers

The participants are of the opinion that they need laptops and internet access to do inspection better. Only one respondent have no problem with computers. The following extracts are an indication of the participants’ responses.

- “We need laptops and 3G.”
- “We have three computer and we are eleven inspectors.”
- “We struggle with computers, we have to go to other labour centers.”
- “This is a very serious problem.”
- “The only person having a computer in the office is the supervisor.”
- “We need computers. Most of the computers are with CSO and we have to ask them to utilize their computers.”
- “If you want to update claims you have to wait.”
- “We cannot type or download information because there are no computers.”
- “We don’t have problem with computers unless server is down”.
- “Yes we have computers, cell phones and access to internet.”
- “We are six inspectors in the office and have four computers.”

- “Computers are problem, we are three and use one computer is difficult.”
- “Computers are available.”
- “We are four inspectors and have two computers if you want update claims you have to wait.”
- “We only have one computer and we are three.”

The above extracts accentuate the participants’ struggle to do their job without enough computers. Having laptops will help inspectors to operate efficiently in the global world, and confirms the view of Global Code of Integrity for Labour Inspection (2008:6) that government should ensure Labour Inspectorate and its employees have an appropriate level of resources.

Sub-theme 7.4: Transport

The participants reported this problem as crucial since their work is 99% outside the office. Those having car subsidy reported no problems with transport The following statements are an indication of the participants’ responses.

- “The cars are not enough.”
- “There is scarcity of resources like computers and transport.”
- “Transport is a problem.”
- “Transport is a need, for example if you have to go for an inspection and there is no car available.”
- “Transport is challenge, as three inspectors share one car.”
- “No problem, I have a subsidy car.”
- “The cars are not enough there is serious challenge.”
- “We really struggling when there is no car we have to cancel the appointment to other date.”
- “Transport there is a challenge. The pool cars (DOL rented cars) are not enough.”
- “Transport we coordinate, I can say is available.”
- “Yes we have a problem with transport we only have two cars and share it with client service officials.”

- “Is a problem.”
- “No enough transport.”
- “I use to walk to do inspection, but now I have a car subsidy.”
- “Previously we struggled but now I have subsidy car.”

From the above responses it is clear that participants are in need of better transport services to enhance their work performance. This seems to affirm the problem highlighted by Hoferlin (2006:22) saying Governments tend to lack human; material and infrastructural resources needed; as well as the budget restrictions. It also stress the point that it is a problem in different countries as Challenges facing labour Inspection in Asia (n.d.:2) states that labour inspectors need adequate means of communication and transport as well as travel budgets to protect workers.

4.3 SUMMARY

All 15 participants had sufficient experience and a substantial number of people responsible for, to provide inputs regarding their experiences in the field of inspection. The researcher managed to provide the research findings in this chapter through one-on-one semi-structured interviews between the researcher and participants. The results are presented in the form of themes and sub themes.

The results showed that participants embraced their responsibilities as labour inspectors. However in order to do this, empirical findings showed it was evident that although they have strategies in place to address their frustrations, it can have a detrimental effect on their performance.

In the next chapter conclusions regarding themes and sub-themes identified during the study will be provided and recommendations made to management.

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

5.1 INTRODUCTION

The goal of the study was to explore the experiences of labour inspectors in their line of work. An empirical study of a qualitative nature was undertaken and the rationale was to engage labour inspectors in sharing their experiences while doing inspections. Relevant literature reviewed in chapter two was integrated with the empirical study to confirm the findings given. Data was gathered using one-on-one semi-structured interviews from 15 participants functioning as labour inspectors.

The main aim of this study was to explore the experiences of labour inspectors in the field of work. Based on the findings in the previous chapter, certain recommendations will be made to reinforce good experiences and intervene to reduce negative experiences.

This chapter will serve as the final evaluation of the research process. In order to enable the researcher to provide an effective research report, certain conclusions and recommendations will be made.

5.2 CONCLUSIONS

The following conclusions are made from the findings of the empirical study in chapter four.

- The inspectors are fully aware of what Department of Labour expects from them as inspectors. The inspectors understand the meaning of protecting vulnerable workers and interpreting the law to do quality inspections.

- They get fulfillment and inspiration when they succeed in getting compliance with Labour law and the ability to enhance the well-being of employees.
- Frustration derived mostly from uncooperative employers and employees as the labour inspectors' performance is affected in the process. The inspectors use a variety of techniques to deal with their frustrations like implementing their work experience, and sharing their problem with colleagues or consult with other departments or supervisors.
- Poor case management and lack of resources hinder the performance of labour inspectors.
- Some inspectors are aware of the wellness champions that can help in dealing with the issues that affect their work, but never reached a point of using them.
- It seems that the wellness or EAP programme is not well marketed in DOL. The inspectors perceive the wellness programme as the same as the Employee Assistant Programme but do not make use of this service.
- Inspectors enjoy good relationships with other inspectors, as they share the same platform and understand each other.
- With regards to the relationship with supervisors, there were some labour inspectors indicating dissatisfaction on the way the team leaders sometimes treat them.
- HIV and AIDS which has to do with more absenteeism of the vulnerable employees, migrant labours, the informal businesses that do not want to comply or are not even having legal registration and child labour are some of the challenges faced by the inspectors.
- There need for improvement in staff capacity, electronic data management transport and availability of more computers.

5.3 RECOMMENDATIONS

The following recommendations are made to management as guidelines to DOL to reinforce good practice and control unfavorable practices.

- The Department of Labour may continue to instill the practice of making inspectors aware of its expectations through strategic plans, work plan and performance agreements. The performance agreements must be monitored and evaluated on a monthly basis to determine if the target is reached in an effective way.
- Labour laws need to be amended in such a way that labour inspectors have more power to deal with uncooperative employers, informal businesses and to protect vulnerable workers, while not suppressing business.
- The support staff like CSO needs to be trained to ensure case management is effective.
- DOL need to strengthen the work relationship with the Department of Home Affairs and SAPS to ensure workers who are illegal in the country be dealt with accordingly.
- DOL needs to maintain the relationship with Departments of Social Services and Education, to ensure that children are taken away from work situations and get a safe home and access to education.
- National electronic case management is important and need to be implemented to ensure professionalism and efficiency in doing inspection.
- More inspectors need to be hired to do the work effectively.
- DOL needs to provide resources like cars, cell phones, updated Acts and internet access, for the inspectors to do their job effectively and efficiently.
- In order to deal with issues that may affect their performance, the Employee Assistance Programme (EAP) needs to be marketed to inspectors or all employees of DOL.

5.4 SUMMARY

The study was exploratory in nature as the researcher used a collective case study to explore and describe experiences of general labour inspectors through an

empirical study, by collecting, presenting and analyzing data. The following objectives of the study as outlined in chapter one were achieved:

The first was to provide a detailed theoretical background on the experiences of general labour inspectors when doing inspection. Literature analysed in chapter two looked deeper into the origin of labour inspection, laws that labour inspectors need to enforce, duties of labour inspectors, the process of inspection, powers of labour inspectors, the ethical conduct and principles of labour inspectors and challenges of labour inspection as well as Wellness champions.

The second objective was to explore the experiences in the inspection field of labour inspectors. Semi-structured interviews were used to gather first-hand information from labour inspectors regarding their experiences in the field of work. The research study was ethically guided to ensure that it was conducted in a just manner and the dignity of participants was promoted at all times (see chapter three). Data collected from participants was analysed and broken down into themes and sub-themes to derive rich meaning to understand the phenomena under study. Relevant literature was integrated with these responses for further understanding and confirmation (see chapter four).

The final objective was to make recommendations to management as guidelines to the Department of Labour to reinforce good practices and control unfavorable practices in the field of inspection. The researcher was able to make the necessary recommendations in chapter five.

It can therefore be concluded that the goal and objectives described in chapter one have been successfully achieved through this investigation.

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APPENDIX A: PERMISSION LETTER FOR RESEARCH

APPENDIX B: INFORMED CONSENT

APPENDIX C: INTERVIEW SCHEDULE

APPENDIX D: LETTER FROM EDITOR