
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 7020

23 January 2026

BASIC CONDITIONS OF EMPLOYMENT ACT NO 75, 1997

INTENTION TO DEEM PERFORMERS IN THE PERFORMANCE OF ADVERTISING, ARTISTIC, AND CULTURAL ACTIVITIES IN SOUTH AFRICA AS EMPLOYEES

I, Nomakhosazana Meth, Minister of Employment and Labour, hereby in terms of section 83(2)(a) and (b) of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997), and having considered the representations received following Government Notice No. 42900 of 4 December 2019, hereby give notice of my intention to deem all performers in the performance of advertising, artistic and cultural activities as employees for the following:

- 1. The Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997),** specifically the following provisions:
 - **Section 7:** Regulation of working time;
 - **Sections 9 to 19:** Ordinary hours of work, overtime, rest periods, meal intervals, and work on Sundays and public holidays;
 - **Sections 20 to 25:** Leave entitlements, including annual, sick, and maternity leave, and application to occupational accidents or diseases;
 - **Section 29:** Written particulars of employment;
 - **Sections 31 to 35:** Record-keeping, payment of remuneration, payslips, and deductions;
 - **Sections 37 to 39:** Notice and termination of employment; and
 - **Section 41:** Severance pay.
- 2. The National Minimum Wage Act, 2018 (Act No. 9 of 2018).**
- 3. The Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993).**

4. The Labour Relations Act, 1995 (Act No. 66 of 1995): specifically, section 198B(10)(a) (Fixed-term contracts exceeding 24 months).

This intention arises from widespread evidence and stakeholder representations indicating that performers in these sectors often operate under conditions characteristic of employment relationships, including fixed working hours, supervision, and payment for services rendered. However, they are frequently excluded from basic labour protections due to their classification as “independent contractors”.

This measure seeks to extend the fundamental protections of employment law to these vulnerable workers and provide a basis for regulatory and enforcement mechanisms that promote decent work in the creative economy.

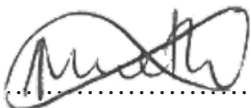
Interested persons are invited to submit written representations regarding this proposal within 30 days of publication of this notice to:

The Director-General: Department of Employment and Labour

Attention: Acting Deputy Director General: Labour Policy and Industrial Relations

Private Bag X117, Pretoria, 0001

Email: SDinvestigations@LABOUR.gov.za



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MRS. N. METH, MP

MINISTER OF EMPLOYMENT AND LABOUR

DATE: 8 January 2026