

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

NOTICE 1422 OF 2022

MS OMPHILE MAOTWE, MP

NOTICE OF INTENTION TO INTRODUCE THE INSOURCING BILL, 2022, A PRIVATE MEMBER'S BILL, INTO PARLIAMENT AND INVITATION FOR PUBLIC COMMENT THEREON

Ms Omphile Maotwe, MP, acting in accordance with section 73(2) of the Constitution of the Republic of South Africa, 1996, intends to introduce the Insourcing Bill, 2022 ("draft Bill"), in Parliament. An explanatory summary of the draft Bill is hereby published in accordance with Rule 276(1)(c) of the Rules of the National Assembly (9th Edition).

The South African government in all spheres, including organs of state, provides services to citizens, but in order to do so contracts third parties who provide these services and who bring their own employees to deliver these services. This includes, but is not limited to: cleaning services; security services; gardening services; construction of buildings and infrastructure; maintenance of buildings and infrastructure; IT services; catering services; auditing services; transport services; administration services, and healthcare related services. All these services will be required on a recurring basis, and there is always a need for government to provide them for an indefinite period of time.

Post-1994 the South African government embarked on a programme of wholesale outsourcing of services and functions required or provided by government. Emphasising the principles of de-bureaucratisation of the public sector and local government; reforming and strengthening management practices in government; decentralising decision making; and outsourcing of all government functions where possible.

These reforms created many administrative problems, but to highlight two:

- (1) Prices for contracts are often purposefully inflated through manipulation of the tendering system. This underlies the majority of corrupt activities that are currently taking place in all spheres of government, including in organs of state. It has further, to a large extent,

collapsed the ability of the state to deliver the necessary services to the people of South Africa; and

- (2) exploitation of the workers who are employed by the service providers to deliver these services – services that the state will for the foreseeable future be required to provide on a recurring basis. By contracting third parties who provide outsourced workers, the government in all spheres, including organs of state, is often making use of persons whose labour is exploited, whose employment is on a casual basis, providing minimal job security, whose labour is under-paid, who receives minimal or no benefits and who are accordingly not properly protected by labour legislation.

The draft Bill seeks to provide a comprehensive legislative mechanism to bring an end to these problems and challenges, brought about by the outsourcing of services and functions provided by government and to provide for insourcing of services that are required on a regular basis by the organs of state.

Interested parties and institutions are invited to submit written representations on the proposed content of the draft Bill to the Speaker of the National Assembly within 30 days of the publication of this notice. Representations can be delivered to the Speaker, New Assembly Building, Parliament Street, Cape Town; mailed to Speaker, P O Box 15 Cape Town 8000, or emailed to speaker@parliament.gov.za and copied to chiefwhip@effonline.org.

Copies of the Bill may, after introduction, be obtained from: 90 Plein Street, Cape Town Centre, 8000, Marks Building Office M415.