

But the main reason workers are not getting their rights is because bosses are just ignoring the rights. The bosses know the unions are weak and not organising labour broker workers. The bosses also know the Department of Employment is not interested in enforcing worker rights. So they continue to exploit the cheaper labour of labour broker workers.

The bosses are ignoring or dodging labour broker worker rights

Most bosses are ignoring the rights labour broker workers have. Others say their labour broker is a 'service provider' and is not covered by the LRA.

Who is a labour broker?

The LRA says a labour broker is someone who provides client companies workers and who pays the workers. The LRA calls labour brokers 'temporary employment services' because the workers they supply to client companies must do work that is temporary. If the work is not temporary then the workers work for the client company. Even if the work is temporary the client company must employ the labour broker workers after three months.

'Service providers'

Some bosses have argued that they are using 'service providers', not labour brokers. Many of them are winning at the CCMA and the labour court, even when they are clearly using labour brokers. The main problem is that workers are not well organized enough to win these struggles. The weakness of rights in the law and the anti-worker politics of the CCMA and the Labour Court add to the difficulties workers face to become permanent.

'Scheduling'

Other bosses agree to make labour broker workers permanent where workers have confronted them. But they then 'schedule' workers, so that these supposedly permanent workers are working only a few days a week or a few days a month. These bosses go even further and punish the workers who have organized themselves by giving more scheduled hours to new labour broker workers.

Supervisors target the most militant workers by not scheduling them. They regularly sexually harass and exploit women workers by demanding sex in exchange for being scheduled.

Victimisation of workers who demand their rights

Some bosses simply dismiss workers for demanding their new rights.

The problem of 'condonation'

Another problem is that the 2015 rights for labour broker workers were badly written. One part of the LRA seems to say that if labour broker workers do not claim their rights within six months they will lose these rights.

Bosses have exploited the badly written law to refuse workers their rights, with the help of the CCMA and the Labour Court. Many workers have lost their rights because of this poorly written law.



Labour broker workers must organise

The Casual Workers Advice Office and the Simunye Workers Forum have been organising labour broker workers for many years, especially from the time of the new rights. This organising has led to thousands of workers becoming permanent, better wages, improved conditions of employment and access to benefits. Workers have won these victories because they organized themselves.

Labour broker workers, organise. To be permanent is a right that is already in the LRA.

For more information contact the CWAO or the Simunye Workers Forum.

Phone 082 812 1934 or visit us at 2 High Road, Germiston (just opposite the Germiston railway station) for more information or support with organising.



Bosses are robbing labour broker workers of their right to be permanent



The LRA says labour broker workers must be permanents of the client company after 3 months.

Comrades, the Labour Relations Act (which most of us know as the LRA) says that client companies must make labour broker workers permanent after three months. When they make you permanent, you have the right to wages, conditions and benefits which are not worse than what the client company gives its other permanents.

Are these new rights for labour broker workers?

These are not new rights. The rights have been in the LRA since 2015.

Why are many labour broker workers not getting these rights?

One reason why labour broker workers are not being made permanent is that many do not know about their rights. This is partly because of the weak state of the workers' movement, which is not organising workers and teaching them about their rights.