

TEMPORARY EMPLOYMENT SERVICES (LABOUR BROKERS) IN SOUTH AFRICA AND NAMIBIA

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Summary

South Africa currently allows labour broking although this area of commerce is problematic. The trade union movement, government and organised business are presently debating the future regulation of this industry. Namibia has experimented with, and failed, to place a legislative ban on labour broking. The Supreme Court of Appeal of Namibia considered International Labour Organisation conventions and provisions of their Constitution before concluding that labour broking should be regulated but not prohibited. In this article it is argued that South African policy makers can gain valuable insights from the Namibian experience. It is submitted that it would be appropriate for Parliament to take cognisance of international and foreign principles and to accept amendments that would provide for stricter regulation for labour broking, rather than placing an outright ban on this economic activity.

Keywords: Africa Personnel Services; *ILO Convention* 181 of 1997; labour broker; labour hire; right to choose trade, occupation or profession freely; temporary employment service