

**2023**

# **ANNUAL REPORT**



Centre for Transformative Regulation of Work

Responding to the challenges and opportunities for decent work in the digital transformation of work and involved in community- engaged research to overcome barriers to decent work in a fast-changing global environment.



**UNIVERSITY of the  
WESTERN CAPE**



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# ANNUAL REPORT 2023



# AT A GLANCE 2023

CENTROW, located in the Law Faculty, and associated with the Mercantile and Labour Law department, was established by the UWC Senate in 2020 and launched in 2021.



## Director

Debbie Collier

## Financial Management

Annalize Swartz

## Administration

Leonore Schuller

Ivona Naidoo

## Education programme

Fairuz Mullagee

Roger Ronnie

Ernest Booys

## DPCP / We Care Project

Fairuz Mullagee

Sedica Davids

Candice James

Tatum Russell

Bronwyn February

## Labour Law onLine Project

Ratula Beukes

Roger Ronnie

Rowen Maggot (intern)

## Adjunct and Extraordinary Staff

Extraordinary Prof Paul Benjamin

Emeritus Prof Darcy du Toit

Extraordinary Professor Edoardo Ales  
(University of Naples 'Parthenope' (Italy))

## Law Faculty Research Associates

Prof Kitty Malherbe

Dr Tinashe Kondo

Dr Abigail Osiki

## Post-doctoral Fellow

Dr Theodore Kamwimbi



## Snapshot of 2023 Outputs

② Books

④ Chapters in books

⑨ Peer-reviewed articles

⑤ Research reports, policy & law submissions

⑥ Webinars





# ABOUT CENTROW

CENTROW’s activities are concerned with the Regulation of Work and with the design and implementation of labour laws and innovative regulatory strategies that promote decent work, supporting UN SDG 8 - inclusive and sustainable economic growth, full and productive employment, and decent work for all and the aspirations of Agenda 2063. Moreover, contributing to UN SDG 10 Reduced Inequality, and SDG 13 Climate Action, considering the impact of climate change on employment and the labour market, and the development of a regulatory framework for a Just Transition to a low-carbon economy inform CENTROW.

CENTROW’s Education Programme includes post-graduate teaching and supervision, as well as capacity-building, and CENTROW is involved in community- engaged research on overcoming barriers to decent work, informed by the challenges and opportunities that inhere in the digital transformation of work and a fast-changing global environment. CENTROW’s labour law reform activities advocate for effective labour laws and labour market regulation and policy promoting decent work and social justice in South Africa, in the region, and on the continent.



CENTROW’s research agenda is wide-ranging and dynamic. Many of South Africa’s challenges are echoed in global debates, including the need for a new ‘social contract’ as a basis for economic and legal renewal. Worker rights and decent work, from this perspective, are not limited to the workplace. Work as an element

of building social justice also concerns the worker as a citizen and raises issues transcending labour law in a narrow sense – for example, the impact of climate change, and the nexus between climate change law and labour law in the context of South Africa’s commitment to a Just Transition to a low-carbon economy.

## CENTROW’s Mission

The CENTROW Constitution articulates the following mission for the Centre:

- ⊙ To develop a centre of excellence in labour regulation, dedicated to improving our understanding of how the law should respond to the changes taking place in the world of work under the impact of transformative technological and structural change;
- ⊙ To identify sustainable forms of worker protection based on principles of social justice and fundamental rights embodied in the South African Constitution, 1996 and the standards of the International Labour Organisation (ILO);
- ⊙ To advocate and promote legal and regulatory reform towards the sustainable implementation of these rights in new areas of the labour market, and the digital economy in particular, where effective implementation is lacking.
- ⊙ To conduct its research from the perspective of a developing country, and a South African perspective in particular, taking into account its special features and challenges.



# DIRECTOR'S REPORT

The year 2023 was characterized by consolidation and growth for CENTROW.

CENTROW's education programmes expanded when the Advanced Diploma in Labour Law was offered for the first time, and we embarked on the multi-year NEDLAC Labour Law Reform project in 2023, focusing on the efficiency of labour market dispute resolution bodies, and considerations in the context of emerging forms of work and worker organizing in the platform economy, as well as climate change and the role of labour law in a just transition.

In 2023, Phase II of the Digital Platform Cooperative (DPCP) project commenced, and in December 2023, together with our funding partner, the Deutsche Gewerkschaftsbund (DGB), we revised our approach for Phase II, which will see the secondment of DPCP researchers to assist with the development (intensive institution building) of the WeCare enterprise. WeCare is a domestic worker voluntary organization operating as a social enterprise and focusing on labour standards and decent work. The UWC Technology Transfer Office (TTO) (Research and Innovation Seed Fund) is a second partner on the project and has provided critical institutional and technical support and funding for the development of a digital app, which will be central to the social enterprise that will operate as a worker-owned digital platform – the WeCare website and mobile app – in the domestic services sector. The enterprise and platform is in testing phase and will become operational in 2024.

CENTROW's LabourLaw onLine project benefitted from the Presidential Youth Employment Initiative (PYEI) and in 2023 Rowan Maggot (LLB, UWC) was appointed as an intern. Rowan was an excellent addition to the team, enabling the development of additional modules, including modules on the use of

polygraphs in the workplace, and the question: who is an employee?

Dr. Theo Kamwimbi joined CENTROW as a Post-Doctoral Fellow in June 2024, having completed his LL.D titled *The protection of the national labour force against foreign competition under labour migration laws and policies: a comparative analysis between DRC and South Africa* at UNISA in May 2023. Dr Kamwimbi has been an active researcher and is engaged in numerous projects in the field of labour and social security law. He is involved in work related to: Informal Cross Border Trade and the African Continental Free Trade Area; skills mobility and labour migration; the *International Encyclopedia of Laws: Labour Law*; and has completed *Understanding the DRC labour regime in the mining and quarrying sector* for publication, providing a comprehensive analysis of the regulatory framework in the Democratic Republic of Congo.

During the reporting period, CENTROW has established partnerships with numerous institutions concerned with decent work and labour regulation, and, through these partnerships has supported research, advocacy, and capacity-building projects. More details on CENTROW's activities are provided in the Annual Report.

Together with the CENTROW team, I would like to express heartfelt gratitude to the Dean of Law, Prof de Ville for his support, as well as the Faculty Board and faculty, our partners and funders, and associates and students, who make it possible for us to continue with the work that we do.



A handwritten signature in black ink, appearing to read 'Debbie Collier'.

**Debbie Collier**





# COMMUNITY ENGAGEMENT PROJECTS

## The Digital Platform Cooperative Project (DPCP) - We Care Platform

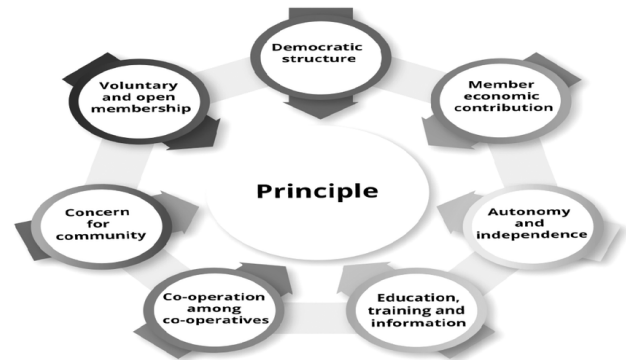
DPCP Convenor: Fairuz Mullagee

### Context

The enduring effects of the Covid-19 pandemic have significantly reshaped the landscape of the domestic work sector, as indicated by a notable decline in the proportion of domestic workers within the overall workforce. According to the Quarterly Labour Force Survey, domestic workers accounted for 6.2% of the workforce in 2019, a figure that decreased to 4.9% by 2023.

This shift underscores a change in both the demand for and nature of domestic work, with many households transitioning from traditional full-time or part-time domestic employment to utilising occasional services through outsourced companies. There has been a noticeable trend of households transitioning from employing full-time or part-time domestic workers to utilising occasional services through outsourced companies. Changes in household composition, such as more couples opting for fewer or no children, have reduced the need for childcare within domestic work services. While there remains a demand for domestic services in younger households, the focus has shifted predominantly towards cleaning rather than care. Conversely, in older couples, there is an increasing demand for both cleaning and care services.

Domestic workers partnering with the Digital Platform Cooperative Project (DPCP) project team have shown a keen interest in digital inclusion, and the Covid-19 pandemic accelerated the transition to digital platforms as the project unfolded. The project involves the co-creation of a worker-owned social enterprise, premised on the seven co-operative principles, for the promotion of decent work in the domestic work sector.



The 7 Co-operative Principles

Source: Leo-Paul Dana (ResearchGate)

Key project partners are the Deutscher Gewerkschaftsbund (DGB), the principal trade union federation in Germany, and the UWC Technology Transfer Office (TTO), supporting the development of a sustainable platform for domestic and care work owned and controlled by the workers.

### Objectives of the Project

DPCP is working towards two broad outcomes:

Overall, the bargaining and negotiation position of domestic and other targeted workers in South Africa is improved: They are empowered and organised on a sustainable basis, with more choices regarding work opportunities and determining their own working conditions through collective engagement.

Specifically, empowered domestic workers, to utilise an efficient and effective digital platform, and have access to improved work opportunities and increased incomes.

The target country is South Africa, and at the core of the project are the founding members, who are domestic workers, based in Cape Town, Johannesburg and Pretoria. The project outputs include a working digital platform and a core group of workers operating the enterprise.



## Prominent activities

In the timeline of the Voluntary Association's establishment, several significant milestones mark the journey towards formalisation and operational readiness. Firstly, the adoption of the Constitution in late February 2023 provided a foundational framework, outlining the principles and guidelines for the association's governance and operation. Subsequently, a Plan of Activities was crafted and deliberated upon, and unanimously agreed by the interim office bearers during a dedicated meeting, paving the way for coordinated action and progress. Another pivotal moment came in August 2023 when the Memorandum of Understanding (MoU) between We Care and UWC underwent thorough review and received official approval from UWC's legal department, solidifying a crucial partnership. The completion and presentation of the iterative business plan in July 2023 marked a significant step forward, highlighting the association's strategic direction and objectives as it embarked on its journey of impact and service delivery. Lastly, the creation of the We Care web test application represents a significant milestone for the Voluntary Association. This innovative tool serves as a practical solution to streamline processes, facilitate communication, and improve service delivery for both clients and stakeholders.

In the last quarter of 2023, it was agreed that two DPCP researchers would be seconded to assist with the development (intensive institution building) of the WeCare enterprise, ensuring it will operate as a social enterprise and focusing on labour standards and decent work.

## Capacity building activities

The capacity building activities are geared towards equipping We Care office bearers and core group to fulfill their roles effectively, leading to improved performance in governance, administration, and financial management. With a better understanding of

governance principles and financial management practices, the core group can make informed decisions that align with the organisation's goals and objectives.

Workshops have been the cornerstone for capacity building, leadership development, and empowerment within the organisation, directly benefiting 47 of the founding members. Through these targeted sessions, participants gained invaluable insights, skills, and knowledge essential for their roles and responsibilities within the organisation. The workshops have equipped individuals with practical tools and techniques but also fostered a sense of camaraderie and collaboration among the founding members. By investing in their personal and professional growth, the organisation laid a strong foundation for effective leadership, sustainable development, and collective empowerment, ensuring its members are well-prepared to navigate challenges and seize opportunities in pursuit of their shared goals and objectives.

In 2023, progress has been made as 12 trained 'trainers' have been further capacitated to provide support to other workers, with approximately 10 individuals actively fulfilling these training roles. However, training the trainer is a gradual and demanding process, requiring ongoing, consistent efforts to ensure the effectiveness and sustainability of the training program.

Finally, it is worthwhile mentioning that a DPCP researcher, Judith Ncube, was awarded, a certificate of participation in the Platform Co-op School (PCC), at the New School University in New York. This 15-week program was conducted in partnership between PCC and 45 organisations spanning 24 countries from January to July 2023.

## Advocacy materials

In 2023, DPCP played pivotal roles in advancing advocacy efforts within the We Care Project and the OXFAM domestic work



programme. OXFAM collaborated to develop an advocacy pack for the DPCP - We Care Project, under the banner of 'Domestic Workers Rising. The advocacy packs' focusing on critical topics such as the 'Gig economy,' 'Digital Literacy,' 'COVID-19 and Domestic Work,' and 'COIDA and Domestic Work' is a comprehensive pack aimed to raise awareness and address pressing issues facing domestic workers, leveraging insights and expertise to drive overall development of domestic workers within the We Care project.

### **Publications**

Candice James, Fairuz Mullagee and Abigail Osiki, 'Domestic Workers in South Africa: Inclusion Under the Compensation for Occupational Injuries and Diseases Act', The Thinker, Volume 97, 2023. Accessible at: [https://repository.uwc.ac.za/bitstream/handle/10566/9241/Mullagee\\_domestic%20workers\\_2023.pdf?sequence=2&isAllowed=y](https://repository.uwc.ac.za/bitstream/handle/10566/9241/Mullagee_domestic%20workers_2023.pdf?sequence=2&isAllowed=y)

Mullagee, F and Manicom, DP. (2023) The Impact of COVID-19 'Hard' Lockdown Regulations and the Temporary Employer-Employee Relief Scheme on Domestic Workers in South Africa. In 'COVID-19: Sociological Interventions', Frontpage.

### **Presentations**

Abigail Osiki, Fairuz Mullagee and Candice James, 'Towards decent work for domestic workers: introducing the Digital Platform Cooperative Project in South Africa', Presented and were panellists at the Labour Law Research Network (LLRN) Conference. (Poland, 25 – 27 June 2023)

Abigail Osiki, Fairuz Mullagee and Candice James, 'Opportunities and Challenges of domestic worker's platform cooperatives: Lessons from the Digital Platform Cooperative Project (DPCP), South Africa' Presented and were panellists at the International Conference on "New Technologies and Future of work in Global South." (Abigail Osiki, presented in

person, Fairuz Mullagee and Candice James, Online, 17-19 July 2023, New Delhi, India)

Fairuz Mullagee, Judith Ncube, 'Women Platform workers, organising nationally, regionally and globally' Presented and were panellists at the Action Aid - NGO Committee on the Status of Women (CSW) 67, under the theme 'Opportunity or exploitation? Feminist perspectives on women's rights and the gig economy'. (Online, 14 March 2023)

### **Webinars**

CENTROW, (Professor Adelle Blackett (Centrow Research Associate) and Kelebogile Khounou (Socio-Economic Rights Institute (SERI)), on 'A Tribute to Myrtle Witbooi – Giving Effect to Labour Rights for Domestic Workers.' (Online, June 2023)





## Labour Law online (LLL) Project

**LLL Convenor: Ratula Beukes**

### Context

Our collaboration with ArbeidsmarktResearch, a research unit at the University of Amsterdam (UvA), has played a role in creating Expert Systems (ES) for South African labour law.

The UvA team's knowledge in ES and expertise combining labour law with technology, and their support for Labour Law onLine (LLL), has provided us with the capacity to develop a prototype of labour law expert systems modules primarily designed to offer legal assistance to non-unionised and vulnerable workers. The idea is that through strategic partnerships with Community Advice Offices (CAOs) and under-resourced trade unions, the program creates opportunities for workers to access specific labour law services at these offices incurring limited costs. In this digital age, the project seeks to uphold the fundamental constitutional right to access to justice, with Community Advice Offices chosen for their track record in educating, assisting, and mobilising communities.

### Objectives of the project

LLL is working towards two broad outcomes:

Developing and implementing expert system modules to address dismissal disputes, unfair discrimination, social security, and other identified priorities with partner organisations.

Conducting research with relevant stakeholders to assess the potential of digitising legal resources in promoting access to justice.

### Prominent activities

The technical work has progressed throughout 2023, resulting in the testing, adjustment, and development of eight Expert Systems (ES) by

the project team. To facilitate their use, we have established a test site accessible to students and Community Advice Offices (CAOs) at the following website: <https://uwc.legallogic.dev/user>. Additionally, we have recruited two interns who contributed to the development of at least four of the new ES's. Furthermore, we provided training to six individuals (including one resident attorney, four paralegals, and a shop steward) from two CAO's to use the online tool effectively. Moreover, we conducted two live demonstrations of the Labour Law onLine (LLL) platform for unions affiliated with COSATU and AMCU. We conducted a further live demonstration with researchers, George Mthethwa, and Trenton Elsley from Labour Research Service (LRS).

### Impact

The progress made in the technical work throughout 2023, particularly the development of eight Expert Systems (ES), is expected to have a significant impact on the accessibility and utilisation of legal resources in the field of labour law. By establishing a test site accessible to students and Community Advice Offices (CAOs), we are democratising access to legal expertise, with the view to empower individuals and organisations with the tools they need to navigate the labour law field effectively. It's premature to assess the tool's impact on Community-Based Organizations (CBOs) at this stage. However, these endeavors hold significant potential to transform labour law practice in the digital era.

### Expert systems developed

We have developed Expert Systems in several key content areas related to labour law during 2023. These include ES's addressing issues such as non-payment of salaries, the law concerning Temporary Employment Services, and the legality surrounding polygraph testing in the workplace. Currently, we have Expert Systems ready for testing to provide



guidance and assistance with dismissal based on misconduct.

The tool evaluates both substantive and procedural fairness in cases involving allegations of theft, misuse of alcohol or drugs, unauthorized absence from work, and insubordination. Additionally, we developed Expert Systems addressing substantive and procedural fairness in dismissals based on capacity, such as dismissal of probationary employees for poor work performance and addressing dismissal based on ill health or injury among permanent employees. The broader ES's deal with topics such as 'Condonation', ensuring 'Fair procedure' is followed, and determining the employment status of a worker.

A brief survey carried out in the last quarter of 2022, encompassing responses from 7 out of 15 CAO's in the Western Cape, shed light on the accessibility, usability, and hurdles encountered in using the LLL tool to aid dismissed workers and address labour-related issues. Despite the small sample size, a noteworthy discovery emerges: 70% of respondents had utilised the LLL tool, demonstrating confidence in their capacity to effectively aid workers. However, several challenges were identified, including the complexity of dismissal dispute rules, technical difficulties, time constraints, and issues with tool accessibility. Limited access to technology and data emerged as a notable barrier for those who hadn't utilised the LLL tool. The survey also highlighted the prevalent nature of dismissal cases handled by advice offices, underscoring the demand for individual labour law training and capacity-building initiatives. Additionally, these offices provided guidance on various labour law areas, indicating a broader scope beyond dismissal disputes, such as wage-related issues which resulted in the development of the ES on 'Non-payment of salaries', 'Temporary Employment Services' and 'Polygraph testing' in 2023.

In light of these findings, it's evident that the LLL tool can play a crucial role in supporting CAO's,

however there's a pressing need to address accessibility barriers, technical challenges, and knowledge gaps among staff. To optimise the tool's effectiveness and promote access to justice for workers, targeted interventions and support mechanisms are essential moving forward.

### **Fundraising**

Funding for the project remains a challenge and the project coordinator for LLL is actively pursuing additional funding opportunities. In 2023, LLL was shortlisted for funding from the Steelworkers Humanity Fund (SHF), the funding arm of the Canadian based United Steelworkers union, and continues to engage with potential funding partners for the project.

### **Capacity building activities**

Ratula Beukes, Rowan Maggot, Attended the Eerste Rivier Community Advice Office to discuss the various online tools of Labour Law onLine with the resident attorney, paralegals, and a shop steward, (Eerste River, Cape Town, South Africa, 25 May 2023).

Ratula Beukes, Rowan Maggot, Attended the Langa Community Advice and Development Centre and trained paralegals working with labour law matters at the office to use the Labour Law OnLine tool, (Langa, Cape Town, South Africa, 5 July 2023).

Ratula Beukes, Roger Ronnie, Attended to a request by AMCU's, training coordinator Ntshebele Mankge to share details with the view of using the Labour Law OnLine tool in their offices, (Online, 17 July 2023).

Ratula Beukes, Attended a workshop organised by the International Training Centre of the ILO (ITCILO) 'Knowledge sharing on Digital Labour Platform Policies and Case Law', (Online, 5-7 December 2023)

Ratula Beukes, Attended a webinar series on 'Trade Unions and Collective Bargaining



Rights for Workers’, and ‘Who are Not Employees’, (Online, 22 February, 2023).

Ratula Beukes, Attended a webinar on the ‘Right to Public Spaces and Informal Work: Key considerations for Law & Policy-Making’, (Online, 28 June 2023).

### Presentations

Ratula Beukes, ‘Are we ready for the Platform Coops in South Africa?’ Presented at the GovTech Conference 2023, South African State Information & Technology Agency (SITA).

(Durban International Convention Center, Durban, 15 September 2023)

Ratula Beukes, ‘The Transformation in the Workplace New Forms of Work’ Presented at the Inspections and Enforcement Services: Employment Standards, Department of Employment and Labour. (Durban, South Africa, 21 September 2023)

See: <https://centrow.org/labour-law-online/>



## How Labour Law onLine Operates

LLL can assist if your dismissal is based on conduct or capacity. Find out if the dismissal was fair by answering the questions using a relevant tool and receive a Labour Law Online report!

<a href="#">LLL SEEKS TO:</a>	▶
<a href="#">WHEN TO USE LLL</a>	▶
<a href="#">HOW TO USE LLL</a>	▶
<a href="#">LLL BACKGROUND AND PARTNERS</a>	▶

## For more information:

Project Coordinator: Ratula Beukes

Email: [rbeukman@uwc.ac.za](mailto:rbeukman@uwc.ac.za)





# LEARNING, TEACHING & SUPERVISION

## Education Co-ordinator: Fairuz Mullagee

CENTROW's labour law programmes in 2023 underscore its commitment to academic excellence, research, and scholarship in the field of law. Through dedicated teaching, supervision, and scholarly engagement, the CENTROW aims to build a strong reputation in legal education, linked to CENTROW's research objectives.

CENTROW staff are actively engaged in teaching, coordinating coursework, and assessing students' progress on the Post Graduate Diploma in Labour Law, as well as the the Advanced Diploma in Labour Law, introduced in 2023.

On the LLB programmes, CENTROW staff were involved in final year research supervision, across a range of topics impacting on the world of work.

## Post Graduate Diploma in Labour Law

The Post Graduate Diploma in Labour Law enrolled 33 students in the programme. Lecturers involved in the programme taught the following modules -

1. Andiswa Makasi, Teaching on 'Labour Law in Context' on the Post Graduate Diploma in Labour Law (Module Code: PGL 711);
2. Ratula Beukes, Teaching on 'The Right to Fair Labour Practices' on the Post Graduate Diploma in Labour Law (Module Code: PGL 712);
3. Carlton Johnson, Teaching on 'Labour Dispute Resolution' on the Post Graduate Diploma in Labour Law (Module Code: PGL 721);

4. Tariq Jamodien, Teaching on 'Advanced Dispute Resolution Procedure' on the Post Graduate Diploma in Labour Law (Module Code: PGL 722).

## Advanced Diploma in Labour Law

The Advanced Diploma in Labour Law enrolled 35 students in the programme. Lecturers involved in the programme taught the following modules -

1. Karin Chinnian, Teaching on 'Introduction to Law' on the Advanced Diploma in Labour Law (Module Code: LAB 611);
2. Ernest Booy, Teaching on 'Legal Skills' on the Advanced Diploma in Labour Law (Module Code: LAB 612);
3. Ernest Booy, Teaching on 'Principles of Labour Law' on the Advanced Diploma in Labour Law (Module Code: LAB 613);
4. Roger Ronnie, Teaching on 'Collective Labour Law' on the Advanced Diploma in Labour Law (Module Code: LAB 614);
5. Ratula Beukes, Teaching on 'Individual Labour Law' on the Advanced Diploma in Labour Law (Module Code: LAB 615);
6. Roger Ronnie, Teaching on 'Labour Conflict and Dispute Resolution' on the Advanced Diploma in Labour Law (Module Code: LAB 616);
7. Debbie Collier, Teaching on 'Equality and Workplace Discrimination' on the Advanced Diploma in Labour Law (Module Code: LAB 617);
8. Ernest Booy, Teaching on 'Labour and Social Security Law' on the Advanced Diploma in Labour Law (Module Code: LAB 618).



## LLB Research Papers

Ernest Booyes, Debbie Collier, and Roger Ronnie supervised final year LLB student research papers, including -

1. Ernest Booyes Supervised, C. Naidoo (UWC: 4114051) 'Is the use of the Baby Box a culturally suitable alternative to 'unsafe' abandonment in South Africa?'
2. Ernest Booyes Supervised, Khumalo S (4024603), 'A critical discussion of the inadequate and insufficient implementation and enforcement of Alternative Dispute Resolution (ADR) Mechanisms in the South African context.'
3. Ernest Booyes Supervised, Nombembe T (4026638), 'To what extent are the Alternative Dispute Resolution mechanisms effective and efficient in settling disputes in the current labour law environment in South Africa?'
4. Ernest Booyes Supervised, Palha A (3950685), 'A critical analysis of the current racial discrimination labour laws of the South African employee in the Workplace post 1994 and Covid-19.'
5. Ernest Booyes Supervised, Van Wyk L (3981327), 'An (investigation) analysis and evaluation of inadequate and insufficient application of the current Laws of Succession with regard to nasciturus.'

## Master's and PhD Programmes

CENTROW staff and associates are involved in teaching and supervision of students registered for the Master's in Comparative Labour Law, offered by the Department of Mercantile and Labour Law. An iKamva site - Masters@Work – is maintained for Labour Law LLM students, and research workshops conducted by CENTROW.

## Master's supervision (students graduated)

1. Dr Abigail Osiki supervised Phaniel Hamunadwadi (Master of Laws); 'Extension of social protection to self-employed workers: Re-considering the need and the possibilities in light of the COVID-19 pandemic.' (September 2023)
2. Dr Abigail Osiki supervised Wendy Charles (Master of Philosophy); 'The Extension of Social Protection to Informal Farm Workers in South Africa Department.' (September 2023)

## External Exam Peer review

Debbie Collier, Served as an external examiner for an LLM minor dissertation at UKSN. (June/July 2023).

## NEDLAC Labour Law Reform update

CENTROW prepared and presented the following three scoping papers in 2023 -

<p>EFFICIENCY OF LABOUR MARKET INSTITUTIONS</p> <p>SCOPING PAPER</p> <p>June 2023</p>
<p>WORKERS WHO ARE NOT EMPLOYEES <i>and</i> REMOTE WORK(ERS) (<i>'Theme II Extending Protection'</i>)</p> <p>SCOPING PAPER</p> <p>July 2023</p>
<p>ENABLING A JUST TRANSITION (<i>Theme III</i>)</p> <p><small>"Just transition" means a shift towards a low-carbon, climate-resilient economy and society and ecologically sustainable economies and societies which contribute toward the creation of decent work for all, social inclusion and the eradication of poverty."</small></p> <p>SCOPING PAPER</p> <p>September 2023</p>



# INCOME AND EXPENDITURE STATEMENT

<b>ANNUAL INCOME STATEMENT</b>		
<b>CENTRE FOR TRANSFORMATIVE REGULATION OF WORK</b>		
<b>INCOME</b>	<b>2022</b>	<b>2023</b>
Bursaries & Awards	458 512,50	267 580,00
Income Received	3 281 488,77	4 780 780,37
<b>TOTAL INCOME</b>	<b>3 740 001,27</b>	<b>5 048 360,37</b>
<b>EXPENDITURE</b>		
Salaries	3 759 766,37	4 419 355,77
Consultation fees	462 785,50	211 309,00
Bursaries & Awards		28 215,00
Office Expenses	7 376,02	(5 709,01)
Communication Expenses	133 695,90	134 453,92
Printing & Photocopying	6 573,69	5 564,21
Sundry Admin Expenses	350,00	1 481,78
Other Expenses & Services	75 027,53	4 415,86
Local Office Costs		
Travel Local (Staff)	14 226,34	19 389,10
Travel Local (Student)		
Travel Local External parties	2 100,00	
Travel International (Staff)		40 886,86
Functions & Catering	117 595,00	
Workshops & Training	155 684,02	29 706,10
Refreshments & Entertainment	2 836,41	2 567,66
Running Costs		753,45
Research Expenses	96 140,00	
Transport costs	747,87	
Subscription Costs	5 877,00	7 264,65
Postage & Courier Services	787,20	
<b>TOTAL EXPENDITURE</b>	<b>4 841 568,85</b>	<b>4 899 654,35</b>
<b>Surplus/Deficit for the Period</b>	<b>-1 101 567,58</b>	<b>148 706,02</b>
<b>Accumulated Surplus Brought Forward - 2023/12</b>	<b>1 621 445,17</b>	<b>715 507,84</b>
<b>CLOSING BALANCE</b>	<b>519 877,59</b>	<b>864 213,86</b>

Prepared By: A. Swartz

Authorized By: \_\_\_\_\_



J. Cloete - Finance & Grants

Date: 2024/05/06



# THE CENTRE'S OUTPUTS

## PUBLICATIONS

### Books

1. Darcy Du Toit, Bradley Conradie, Tamara Cohen, Carole Cooper, Emma Fergus, Shamina Gaibie, Graham Giles, Shane Godfrey (2023) 'Labour Relations Law: A Comprehensive Guide 7th Edition, LexisNexis, South Africa, <https://store.lexisnexis.co.za/products/labour-relations-law-a-comprehensive-guide-7th-edition-skuSASKUPG6941> .
2. Du Toit, Darcy (ed.) (with others), (2022) 'Labour Law Through the Cases', LexisNexis, Issue 40, <https://law.uwc.ac.za/publications/labour-law-through-the-cases/>

### Book chapters

1. Eruaga, O.A., Osiki, A. and Ubi-Abai, (2023) 'Nigeria's Political, Economic, and Social Dynamics in a Pandemic Era', in: Aleksandar Stojanović, Luisa Scarcella, Christina R. Mosalagae (eds), 'The First 100 Days of Covid-19: Law and Political Economy of the Global Policy Response', (Springer Nature, Singapore) 235-272, <https://link.springer.com/book/10.1007/978-981-19-6325-4>.
2. Collier D, Mkhwanasi L. (2023) 'Technological Disruptions in Labour and Employment Law: South Africa,' in De Vos M, Anderson G, Verhulp E, (eds), 'The Cambridge Handbook of Technological Disruption in: Labour and Employment Law', (Cambridge Law Handbooks. Cambridge University) Press, page 312-331, <https://www.cambridge.org/core/books/cambridge-handbook-of-technological-disruption-in-labour-and-employment-law/74C592E4CE86690E67F75B1D6DC3A8EF>
3. Collier, Debbie, (2023), 'Labour Law and AI: labour law as a technology for humanising work in the digital era,' in: C Ncube, T Schonwetter, I Rutenberg, D Oriakhogba (eds), 'Artificial Intelligence and Law in Africa', (Lexis Nexis), Chapter 10, <https://store.lexisnexis.co.za/categories/academic/law-academic-496/artificial-intelligence-and-the-law-in-africa-skuSASKU9781776174324/details>
4. Edoardo Ales, (2022), 'Genuine Autonomous Work: Toward a Tailor-Made Social Protection,' in: Tindara Addabbo & Edoardo Ales & Ylenia Cursi & Tommaso Fabbri & Olga Rymkevich & Iacopo Senatori (ed.), 'Defining and Protecting Autonomous Work,' chapter 6, pages 109-120, (Springer Books), [https://ideas.repec.org/h/spr/sprchp/978-3-031-06397-8\\_6.html](https://ideas.repec.org/h/spr/sprchp/978-3-031-06397-8_6.html).

### Peer-reviewed articles

1. Collier, D, 'The Employment Equity Amendment Bill B14B – 2020: Innovating towards equity or kicking the can down the road?', Industrial Law Journal, Volume 44 Issue 1, (2023), pages 1 – 27. Accessible at: <https://people.socsci.tau.ac.il/mu/lilachlurie/files/2023/09/ILJ-2023-1Q-articles-pdf-printed-Lurie-and-Begas.pdf>.
2. Aisha Adam and Debbie Collier, 'Notes: High heels in the workplace – a health hazard or a symbol of femininity? Observations on appearance regulation in Mofokeng v CCMA & Others (2022), 43 ILJ 2531 (LC), Industrial Law Journal, Volume 44 Issue 1, pages 82 – 92.



Accessible at: <https://people.socsci.tau.ac.il/mu/lilachlurie/files/2023/09/ILJ-2023-1Q-articles-pdf-printed-Lurie-and-Begas.pdf>.

3. Debbie Collier, 'Amendements de la loi sur l'équité en matière d'emploi en Afrique du Sud : à côté de la cible!', *Revue de droit comparé du travail et de la sécurité sociale*, (2023), pages 158 - 163. Accessible at: <https://journals.openedition.org/rdctss/5464>.
4. Abigail Osiki, Hassan Sadiq, Prisca Osiki & Vincent Oniga, 'COVID-19 pandemic, a war to win: assessing its impact on the domestic work sector in Nigeria', *Labour and Industry*, Volume 33/2, (2023) pages 241-262. Accessible at: [https://repository.uwc.ac.za/bitstream/handle/10566/9242/Osiki\\_%20COVID-19%20pandemic\\_2023.pdf.pdf?sequence=1&isAllowed=y](https://repository.uwc.ac.za/bitstream/handle/10566/9242/Osiki_%20COVID-19%20pandemic_2023.pdf.pdf?sequence=1&isAllowed=y)
5. Jean-Paul Van Belle, Kelle Howson, Mark Graham, Richard Heeks, Louise Bezuidenhout, Pitso Tsibolane, Darcy du Toit, Sandra Fredman, Paul Mungai,' Fair work in South Africa's gig economy: A journey of engaged scholarship, *Digital Geography and Society*, Volume 5, 2023. Accessible at: <https://www.sciencedirect.com/science/article/pii/S2666378323000168?via%3Dihub>
6. Mark Graham, Jamie Woodcock, Richard Heeks, Paul Mungai, Jean-Paul Van Belle, Darcy du Toit, Sandra Fredman, Abigail Osiki, Anri van der Spuy, Six M. Silberman, 'The Fairwork Foundation: Strategies for improving platform work in a global context', *Geoforum*, Volume 112, 2020, pages 100-103. Accessible at: [https://www.researchgate.net/publication/339479769\\_The\\_Fairwork\\_Foundation\\_Strategies\\_for\\_improving\\_platform\\_work\\_in\\_a\\_global\\_context](https://www.researchgate.net/publication/339479769_The_Fairwork_Foundation_Strategies_for_improving_platform_work_in_a_global_context).
7. Darcy du Toit, Kelle Howsen, 'Protecting Platform Workers: Options and Challenges', *Industrial Law Journal*, Volume 43, Issue 2, pages 711 – 725. Accessible at: <https://www.jutajournals.co.za/protecting-platform-workers-options-and-challenges/>.
8. Darcy du Toit 'La tutela dei diritti dei lavoratori domestici e di cura: verso un nuovo paradigma' ('The protection of the rights of domestic and care workers: towards a new paradigm') in Lilli Casano (ed) *Verso un mercato del lavoro di cura? Questioni giuridiche e nodi istituzionali*, (2022) ADAPT University Press. Accessible at: [https://moodle.adaptland.it/pluginfile.php/70362/mod\\_resource/content/4/2022\\_casano\\_lavoro\\_di\\_cura.pdf](https://moodle.adaptland.it/pluginfile.php/70362/mod_resource/content/4/2022_casano_lavoro_di_cura.pdf)
9. Candice James, Fairuz Mullagee and Abigail Osiki, 'Domestic Workers in South Africa: Inclusion Under the Compensation for Occupational Injuries and Diseases Act', *The Thinker*, Volume 97, 2023. Accessible at: [https://repository.uwc.ac.za/bitstream/handle/10566/9241/Mullagee\\_domestic%20workers\\_2023.pdf?sequence=2&isAllowed=y](https://repository.uwc.ac.za/bitstream/handle/10566/9241/Mullagee_domestic%20workers_2023.pdf?sequence=2&isAllowed=y)

## RESEARCH REPORTS, POLICY & LAW SUBMISSIONS

1. Debbie Collier, Ratula Beukes, 'Strategies for decent work and sustainable development in the tobacco sector in Malawi: Legal, Conceptual, and Practical Tools for Stakeholders' (2023) ILO ADDRESS project, ILO Country Office for Malawi.
2. Debbie Collier, Shane Godfrey, 'Draft SADC Model Framework for Labour Dispute Resolution Systems in the Southern African development Community'' (2023) prepared for the



International Labour Organisation (ILO) and member states of the Southern African Development Community (SADC).

3. Debbie Collier, Mario Jacobs, Ratula Beukes, research conducted for 'The right to non-discrimination in work and employment: A promise not realised', South Africa, 2023, National Qualitative Research ERT and Solidarity Centre Report.
4. Theodore Kamwimbi (Postdoctoral Fellow), 'A review of developments and practices in regulation and implementation of C181' for the updating the 'ILO Guide to Private Employment Agencies: Regulation, Monitoring and Enforcement', prepared for the International Labour Organisation (ILO), 2023.
5. Debbie Collier, Comments on the Draft EE Notice Published in Government Gazette No. 48589, 12 May 2023 (June, 2023).

### **MEDIA, OPINIONS, NEWSLETTERS**

1. Paul Benjamin, Written editorial, 'The Hlobane mining disaster marked a major turning-point in the ongoing battle to secure higher levels of occupational health and safety for workers in South Africa, but much remains to be done.', The Daily Maverick, (12 September 2023). Available at: <https://www.dailymaverick.co.za/article/2023-09-12-remembering-hlobane-40-years-of-struggle-for-mine-health-safety/>
2. Darcy du Toit, Edoardo Ales, Interview Participants for White Paper 23, 'The Future of Labour Law', The International Law Association, (2023) Available at: <https://www.ilaparis2023.org/wp-content/uploads/2022/11/ADI-ILA-travail-VHD2-EN.pdf>.
3. Tatum Russel, Shares and engages with Daily Maverick, Cape Town TV, eNCA on the DPCP - We Care Project Media-press release about the project (9 March 2023).

### **PRESENTATIONS**

1. Debbie Collier, 'How the digital skills landscape (strategy and framework) relate to the regulation of work' Presented and was a panellist for the Digital Skills Colloquium, 'Scaling data skills for multidisciplinary impact', Digital Skills Framework at the NEMISA 2023. (Cape Town, 15 - 17 February 2023)
2. Abigail Osiki, Fairuz Mullagee and Candice James, 'Towards decent work for domestic workers: introducing the Digital Platform Cooperative Project in South Africa', Presented and were panellists at the Labour Law Research Network (LLRN) Conference. (Poland, 25 – 27 June 2023)
3. Abigail Osiki, Fairuz Mullagee and Candice James, 'Opportunities and Challenges of domestic worker's platform cooperatives: Lessons from the Digital Platform Cooperative Project (DPCP), South Africa' Presented and were panellists at the International Conference on "New Technologies and Future of work in Global South." (Abigail Osiki, presented in person, Fairuz Mullagee and Candice James, Online, 17-19 July 2023, New Delhi, India)
4. Fairuz Mullagee, Judith Ncube, 'Women Platform workers, organising nationally, regionally and globally' Presented and were panellists at the Action Aid - NGO Committee on the Status of Women (CSW) 67, under the theme 'Opportunity or exploitation? Feminist perspectives on women's rights and the gig economy'. (Online, 14 March 2023)



5. Debbie Collier, Paul Benjamin, “Labour Law: Past, Present and Future”, Presentations at the Law Colloquium, Stellenbosch Institute for Advanced Study. (Stellenbosch University, Stellenbosch, 2-3 September)
6. Abigail Osiki, 'Worker Agency, Trade Unions, and Hybrid Forms of Organisation' Presented and panellist at the REFA Festival - Rethinking Economics for Africa, (Online, 8 September 2023).
7. Ratula Beukes, ‘Are we ready for the Platform Coops in South Africa?’ Presented at the GovTech Conference 2023, South African State Information & Technology Agency (SITA). (Durban International Convention Center, Durban, 15 September 2023)
8. Ratula Beukes, ‘The Transformation in the Workplace New Forms of Work’ Presented at the Inspections and Enforcement Services: Employment Standards, Department of Employment and Labour. (Durban, South Africa, 21 September 2023)
9. Fairuz Mullagee, ‘Labor Rights and Technology Meeting and FIFAfrica 23’, Panellist at its two-day closed meeting, organised by The Solidarity Center, ILAW Network, and the Ford Foundation. (Dar es Salaam, Tanzania, September 26 -29)
10. Fairuz Mullagee, ‘Implementation of C189 on Decent Work for Domestic Workers’ Presented at the COSATU Domestic Workers Summit: The Unspoken Servitude of Domestic Workers. (Garden Court, Walmer Estate, Cape Town, 2023)
11. Candice James, Fairuz Mullagee Presented ‘Feminist Practices: DPCP - We Care Project’, DGB Partners Conference on “Feminism and Trade Union Transformation” (Germany, 30 October - 2 November 2023)
12. Theodore Kamwimbi (Postdoctoral Fellow), Presented a Conference Paper, ‘Social Protection for Vulnerable Groups in the SADC region: The Case of Persons with Disabilities (PWDs)’, at the 2023 International Annual SASPEN Conference. (University of Mauritius, Mauritius, 24 – 26 October 2023)
13. Theodore Kamwimbi (Postdoctoral Fellow), Participated in the ‘International Symposium on Migration and Mobilities’, hosted by the University of the Western Cape. (UWC, Cape Town, 12 - 13, and 16 October 2023)
14. Theodore Kamwimbi (Postdoctoral Fellow), Speaking to Postgraduate students at the University of Lusaka’s School of Law. (Silverest Campus, Lusaka, Zambia, 23 November 2023)

## WEBINARS

1. CENTROW (Extraordinary Professor Paul Benjamin, Gabriel Le Roux, General Secretary for the Trade Union for Musicians of South Africa (TUMSA)), on ‘The struggle for recognition as a Trade Union for Musicians and Professionals in the Music Industry.’ (Online, 25 January 2023)
2. CENTROW (Extraordinary Professor Edoardo Ales, Mario Jacobs), on ‘ILO standards and the right to collective bargaining for self-employed workers in the EU: lessons for South Africa?’, ‘How can bargaining rights be extended to non-employees?’ (Online, 22 February 2023)
3. CENTROW, (Professor Adelle Blackett (Centrow Research Associate) and Kelebogile Khounou (Socio-Economic Rights Institute (SERI)), on ‘A Tribute to Myrtle Witbooi – Giving Effect to Labour Rights for Domestic Workers.’ (Online, June 2023)



4. CENTROW, [Bill Mutoro, the Deputy General Secretary of the Transport and Allied Workers Union in Kenya; and Adedamola Adeniran, the President of the Amalgamated Union of App-Based Transport Workers of Nigeria (AUATWON)), and Ruth Castel-Branco from the Southern Centre for Inequality Studies] on 'Emerging forms of organising in the platform economy.' (Online, 25 October 2023)
5. CENTROW, [Melithemba Mnguni (activist, Sibongiseni Shange (SANTAGO), Omar Parker (Deputy General Secretary for the Western Cape E-Hailing Association), Shane Chosane (NUM)], on 'Organising in the Platform Economy.' (Online, 29 November 2023)

## **SEMINARS AND CAPACITY BUILDING**

1. Theodore Kamwimbi (Postdoctoral Fellow), Seminar on 'Enhancing visibility and function of the University of Lusaka's School of Law Legal Aid Clinic' and on 'Human rights advocacy and matters relating to the Constitution of Zambia'. (Leopards Hill Campus, Zambia, 29 November 2023)
2. Debbie Collier, Expert input and Workshop, 'Proposed Employment and Labour Relations Bill and on developments regarding the Public Services Act', ILO Capacity building workshop, (Jwaneng, Botswana, 30 January - 3 February 2023)
3. Ratula Beukes, workshop 'Labour Law onLine tools and training on Individual Labour Law' for paralegals. (Eerste River Community Advice Centre, 3 July 2023).
4. Ratula Beukes, workshop 'Labour Law onLine tools and training on Individual Labour Law', for resident attorney and paralegals. (Langa Community Advice Centre, 5 July 2023).
5. Debbie Collier, validation workshop on 'Strategies for decent work and sustainable development in the tobacco sector in Malawi: Legal, Conceptual, and Practical Tools for Stakeholders' (ILO Country Office for Malawi, September 2023)
6. CENTROW, education and training, on 'Legal Research and Writing Skills for Labour Law' for AMCU members. (Online, September - October 2023)
7. Theodore Kamwimbi (Postdoctoral Fellow) Workshop on assisting the University of Lusaka's School of Postgraduate Studies with restructuring the course structure and guideline. (Silverest and Leopards Hill Campuses, Zambia, 23-29 November 2023)
8. DPCP - We Care Project Training workshops on 'We Care - Constitution' with 12 multipliers (office bearers (OBs) to transfer information with Forums), (Online, 14, and 28 February 2023)
9. DPCP - We Care Project Training workshops on 'We Care - Constitution' with Forum Members (Online, between 1-13 February, and 15-27 February 2023)
10. DPCP - We Care Project Training workshops with Office Bearers to Develop a Learning Strategy that results in a MANUAL for on boarding and ongoing learning, including occupational wellness, (Online, 14 March, and 28 March 2023)
11. DPCP - We Care Project Training workshops with Forum Members to discuss the Learning Strategy that results in a MANUAL for on boarding and ongoing learning, including occupational wellness, (Online, 1-13 March, and 15-27 March 2023)



12. DPCP - We Care Project Training Workshops on Continuous technical skills development Workshops with domestic workers. (2023)

## ADVOCACY ENGAGEMENTS

1. Debbie Collier, Paul Benjamin, meeting with Martin Jansen from Workers' World Media Productions to discuss the status and organisational rights for community health workers and farmworkers, (Cape Town, South Africa, February 16, 2023, and April 4, 2023).
2. Prof Darcy du Toit, workshop with Prof. David du Toit (University of Johannesburg), and Kelle Howson (Institute for Economic Justice) to discuss proposed Impact Litigation for domestic work and the platform economy, (Online, 17-20 July 2023).
3. Fairuz Mullagee, Ziona Tanzer (Solidarity Centre), Debbie Collier, Paul Benjamin, to discuss Impact Litigation regarding SweepSouth Discussions on reaching out to potential litigants through Facebook, and WhatsApp to obtain a copy of contract terms given to domestic workers by Sweep South, (Online, September 2023).
4. Paul Benjamin, The misidentification of Volunteer Food Handlers (VFH) as volunteers rather than employees of the public school system, (Cape Town, 2023).
5. Fairuz Mullagee, Debbie Collier, Roger Ronnie, Attended the COSATU - Vulnerable Workers Forum, discussing improving the impact of labour legislation on vulnerable workers, (Online, 10 July 2023).
6. Fairuz Mullagee, Debbie Collier, Roger Ronnie, annual LDRP meeting on mutual beneficiation with Partner Universities, CCMA, Bargaining Councils on the LDRP, (Online, 20 September 2023).
7. Ratula Beukes, Rowan Maggot, Engagement with the Eerste Rivier Community Advice Office to discuss the various online tools of Labour Law onLine with the resident attorney, paralegals, and a shop steward, (Eerste River, Cape Town, South Africa, 25 May 2023).
8. Ratula Beukes, Webinar series on 'Trade Unions and Collective Bargaining Rights for Workers', and 'Who are Not Employees', (Online, 22 February, 2023).
9. Ratula Beukes, Webinar on the 'Right to Public Spaces and Informal Work: Key considerations for Law & Policy-Making', (Online, 28 June 2023).
10. Ratula Beukes, Rowan Maggot, with Langa Community Advice and Development Centre and trained paralegals working with labour law matters at the office to use the Labour Law OnLine tool, (Langa, Cape Town, South Africa, 5 July 2023).
11. Ratula Beukes, Engagement with AMCU training coordinator on using the Labour Law OnLine tool in their offices, (Online, 17 July 2023).
12. Ratula Beukes, Attended workshop organised by the International Training Centre of the ILO (ITCILO) 'Knowledge sharing on Digital Labour Platform Policies and Case Law', (Online, 5-7 December 2023)
13. Theodore Kamwimbi (Postdoctoral Fellow) provided a legal opinion, 'Migrant domestic workers and gig work in South Africa', to CENTROW, (1 August 2023).



14. Fairuz Mullagee, Participation at FIFAfrica 23' Conference, organised by CIPESA, (Dar es Salaam, Tanzania, September 26 -29)
15. Tatum Russell, Attended a meeting organised by the Action Aid - NGO Committee on the Status of Women (CSW) 67, under the theme 'Opportunity or exploitation? Feminist perspectives on women's rights and the gig economy'. (Online, 14 March 2023)

### **ADVOCACY MATERIALS**

1. Fairuz Mullagee, Candice James, Developed an advocacy pack for the DPCP - We Care Project, on the "Gig economy", Digital Literacy', 'COVID-19 and Domestic Work', and 'COIDA and Domestic Work', for the OXFAM programme for improving digital literacy and labour rights under the banner of 'Domestic Workers Rising.' (2023)

### **STUDENT/STAFF ACHIEVEMENTS**

1. Bronwyn February, graduated with BA Honors in Sociology, University of the Western Cape. (2023)
2. Osiki Abigail, received the UWC Research and Innovation Developing - The Scholar Programme Award (DTS). (February 2023)
3. Leonore Schuller, received, the Academic Administrator Award, University of the Western Cape. (2023)
4. Judith Ncube awarded a certificate for her participation in the Platform Co-op School, The New York University. (July 2023)
5. Candice James, Fairuz Mullagee, Participated in the DGB Partners Conference in Germany. (2023)

### **MEMBER APPOINTMENTS:**

6. Darcy du Toit, Appointed as an editor of the Journal of African Law.



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