

A TES partner can help multinationals navigate the complexity of new labour laws around hiring foreign nationals



The Draft National Labour Migration Policy, which goes hand-in-hand with the Employment Services Amendment Bill, will, if passed, have a significant impact on the employment of foreign nationals. It will make matters complicated for multinational organisations operating in the country, because it will impose quotas for foreign employees, over and above enforcing local preferential employment and skills transfer. A Temporary Employment Services (TES) partner can prove invaluable in navigating this complexity, easing the burden of sourcing local skills, handling administrative processes, supporting skills transfer programmes, and effectively simplifying an increasingly complicated labour market.

Proposal for change

Among other requirements, the Draft National Labour Migration Policy and Employment Services Amendment Bill requires that employers “satisfy themselves that there are no South Africans with the requisite skills to fill the vacancy”, which will mean an extensive recruitment process with a heavy due diligence component for any available positions. It also requires that, should the employer be unable to source a candidate locally for a position, that they prepare a skills transfer plan with the aim of ensuring that this skill becomes locally available.

While this will be beneficial for local workers, it does add another layer of challenge for multinational corporations, where it is often simpler to bring in skills from the country of origin than trying to source them locally. There is also a perceived and actual skills shortage in South Africa in many areas, which means that an intensive hiring process may yield few results. This is hugely admin-intensive and can

cause delays in filling open positions.

While the Act is still in draft phase and is currently available for public comment, some version of these laws will undoubtedly come into effect soon, and organisations need to be prepared.

Navigating the complexity

A TES provider can assist across multiple areas, including taking over the intensive search for local skills. With access to a vast database of potential resources, a TES partner will be able to find local candidates quicker for open positions and will also be able to prove that all avenues have been exhausted, and that there is justification should a foreign national need to be employed for a position.

The legal landscape in South Africa can be intricate, and with this new law adding to the complexity, it can be even more difficult for multinationals to operate effectively in the market. Adding to the challenge, different sectors and different tiers of employment will likely have different quotas, and each already has its own labour laws that still need to be considered, which makes partnering with a local expert even more important.

A TES partner that is a local expert can ease the administrative burden of hiring, improve compliance, ensure that processes are streamlined, and local procurement is prioritised. They can also add value through industrial relations and legal expertise, vetting and skills development of potential candidates, handling of contracts, human resources and more.

Essentially, a TES partner takes over the entire process of hiring and maintaining specific skills, which can significantly assist multinationals in employing qualified and skilled people for positions, ensuring they source locally where possible and have skills transfer plans in place where they cannot. This will be key in compliance with new labour legislation going forward.