agricultural business chamber
the way to prosperity

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Employment Services Amendment Bill

The Employment Services Amendment Bill was introduced in the National Assembly in May 2026 and is currently before Parliament. The Portfolio Committee on Employment and Labour has already begun engaging with the Department of Employment and Labour on the Bill and its alignment with the National Labour Migration Policy.

For Agbiz members, this is legislation worth monitoring closely. Agriculture is one of South Africa's most labour-intensive sectors and relies heavily on seasonal labour, with some subsectors also depending on foreign workers during peak production periods. If enacted in its current form, several provisions could have important implications for how agricultural employers recruit, employ and manage their workforce.

What the Bill is trying to achieve

According to the Department of Employment and Labour, the Bill aims to promote employment, economic growth and productivity by improving access to work opportunities for South African work seekers, while strengthening the regulation of foreign employment and private employment agencies. Government has indicated that the Bill is intended to strike a balance between protecting employment opportunities for South Africans, addressing labour market abuses and ensuring that employers continue to have access to skills that are not readily available in the local labour market.

The Bill proposes repealing sections 8 and 9 of the Employment Services Act and introducing a new Chapter 3A regulating the employment of foreign nationals.

Under the proposed framework, employers would be required to verify that foreign nationals are legally entitled to work in South Africa, satisfy themselves that suitably qualified South Africans are not available before appointing a foreign national, and develop skills transfer plans for those positions.

Perhaps the most significant proposal for agriculture is contained in section 12B, which would empower the Minister, following consultation with the Employment Services Board, to prescribe sectoral, occupational, regional or national quotas for the employment of foreign nationals. Before any quota is introduced, it must be published for at least 30 days of public comment, while employers with fewer than ten employees (excluding the public sector) would be exempt.

Unlike the 2022 draft Bill, the current version no longer excludes critical skills from the quota framework. Instead, employers wishing to exceed an applicable quota would need to apply for an exemption. For sectors such as agriculture, where seasonal labour requirements fluctuate considerably and some farming operations rely on foreign workers during peak harvest periods, this provision could have practical implications for workforce planning should quotas eventually be introduced.

The Bill also strengthens compliance and enforcement provisions. Labour inspectors would have expanded powers, while penalties for repeated non-compliance could increase substantially, with administrative fines of up to R1 million or 10% of an employer's annual turnover, depending on the nature and frequency of the contravention.

Where things stand

The Bill has not yet been enacted. It remains before Parliament and is still undergoing committee deliberations. On 24 June 2026, the Portfolio Committee held a workshop with the Department of Employment and Labour to consider the Bill's interaction with the National Labour Migration Policy, including proposed sectoral quotas, labour market compliance measures, skills transfer requirements and protections for vulnerable workers.

The Bill must still complete the parliamentary process, including approval by the National Assembly, consideration by the National Council of Provinces, and Presidential assent before it can become law. Even thereafter, any future quota system under section 12B would require a separate public consultation process before implementation.

While the Bill remains before Parliament, there is still an opportunity for stakeholders to influence its final form. This is particularly important for agriculture, where labour requirements differ significantly from many other sectors because of seasonal production cycles.

Members should continue reviewing their employment practices, particularly where foreign nationals are employed, to understand how the proposed provisions could affect future recruitment and compliance obligations. Agbiz will continue to monitor the parliamentary process and engage on those aspects of the Bill that are most relevant to the agricultural sector, particularly the proposed labour migration and quota provisions.

By Thapelo Machaba