



**UNIVERSITY OF KWA-ZULU NATAL**

**Analysing the impact of recruitment challenges on hiring efficiency at  
Scribante Labour Consultants, a case study**

**by**

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degree  
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**Graduate School of Business & Leadership  
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## DECLARATION

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- The respondents that participated in this study.

## ABSTRACT

Private Employment Agencies significantly contribute to reducing unemployment in South Africa, yet challenges in agency work persist. This study explores the recruitment challenges at Scribante Labour Consultants, a private employment agency, focusing on two business models: Temporary Employment Services and Labour Consultants. Temporary Employment Services involves outsourcing employees to other companies, while Labour Consultants retain compensation management and Human Resources related responsibilities. Additionally, the study contextualises Agency Work, a prominent international model.

A literature review examined International Labour Organization Conventions, Temporary Employment Services, and South African labour laws, with Agency theory framing the research. Employing a quantitative approach, the study utilised probability sampling and cluster sampling criteria. Surveys were administered to Scribante Labour Consultant's associates, including Automotive Investment Holdings Mahindra Logistics, Toyoda Gosei South Africa, and Toyota Tsusho Africa. Data were analysed using Statistical Package for the Social Sciences (V23) and descriptive and inferential statistics.

Findings revealed challenges in stakeholder representation, with organisations like Confederation of Association in the Private Employment Sector earning high trust while others, such as Information Technology Association and Contact Centre Management Group, faced lower engagement. Scribante Labour Consultants aligned well with International Labour Organization standards on minimum wages and collective bargaining but exhibited gaps in areas like freedom of association, social security, and maternity protection.

Recommendations include enhancing stakeholder engagement, improving communication, and aligning practices with International Labour Organization Convention (No. 181). Integrating online and traditional recruitment strategies, addressing mismatches in candidate qualifications and roles, and refining maternity protection policies are essential for Scribante Labour Consultants to improve service delivery and strengthen its position in the private employment sector.

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## ACRONYMS AND ABBREVIATIONS

APSO	African Professional Staffing Organisations
AHASA	Allied Healthcare Agencies of South Africa
AIH	Automotive Investment Holdings
BCEA	Basic Conditions of Employment Act
CCMA	Commission for Conciliation, Mediation and Arbitration
COIDA	Compensation for Occupational Injuries and Diseases Act
CAPES	Confederation of Associations in the Private Employment Sector
COSATU	Congress of South African Trade Union
CEA	Construction Engineering Association
COVID-19	Coronavirus Disease 2019
DOL	Department of Labour
ETQA	Education and Training Quality Assurers
EEA	Employment Equity Act
ESA	Employment Services Act
GDP	Gross domestic product
HR	Human Resources
ITA	Information Technology Association
IRP30A	Labour Broker Exemption Certificate
CIETT	International Confederation of Private Employment Agencies
ILO	International Labour Organization
IR	Industrial Relations
LRA	Labour Relations Act
MSP	Managed Service Provider
MHSA	Mine Health and Safety Act
MISA	Motor Industry Staff Association
NEDLAC	National Economic Development and Labour Council
NUMSA	National Union of Metalworkers of South Africa
OHSA	Occupational Health and Safety Act
PEA	Permanent Placements
PEA	Private Employment Agencies
PFMA	Public Finance Management Act
QCTO	Quality Council for Trades and Occupations

RPO	Recruitment Process Outsourcing
SLC	Scribante Labour Consultants
SETA	Services Sector Education and Training Agency
SDA	Skills Development Act
SDL	Skills Development Levies
SME	Small and Medium Enterprises
SAFTU	South African Federation of Trade Unions
SARS	South African Revenue Service
SPSS v 23	Statistical Package for the Social Sciences
TES	Technical Education Scheme
TES	Temporary Employment Services
TGSA	Toyota Gosei South Africa
TTAF	Toyota Tsusho Africa
UIF	Unemployment Insurance Fund

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# CHAPTER 1

## INTRODUCTION AND BACKGROUND

### **1.1 Introduction**

The Confederation of Associations in the Private Employment Sector (CAPES) was established as the representative body for South Africa's four main staffing associations, which include various small and medium-sized enterprises as well as some of the country's largest corporate staffing agencies. CAPES participates in multiple initiatives, each contributing significantly to the future sustainability of the Temporary Employment Services sector. The organisations comprise the Federation of African Professional Staffing Organisations, Allied Healthcare Agencies of South Africa, Construction Engineering Association, and Information Technology Association, which collectively remit membership fees for their respective SME staffing agency members (Hameed and Veneziano, 2023). The members of each association are enabled to achieve success by accessing a variety of benefits, products, and services while operating within specific sectors. African Professional Staffing Organisations is an entity dedicated to the professionalization and regulation of the South African workforce-recruiting sector. They promote South Africa and the whole African continent within the global staffing sector, aiming to professionalise the staffing business (Burin, 2010). What is not known is that this entity guarantees its members to provide compliance and professional services by providing a variety of products, services, guidance, and toolkits to enhance their service offerings for the public's benefit. Therefore, they are the leading staffing association in South Africa.

Till today, no theory has been developed to define Temporary Employment Services. This gap in literature leaves a substantial argument in the Triangular relationship, as it is challenging to define the employer and further research is still yet required to be conducted under private employment agency literature. The services sector accounts for over 25% of South Africa's Gross Domestic Product and private employment agencies employs more than one million individuals annually (Mabeba and Mamokhere, 2021). For industries to thrive and grow, a competent and skilled workforce is essential. Facilitation and funding initiatives of Services Sector Education and Training Agency SETA that develop essential skill sets for the service sectors can be offered by private employment agencies to take opportunities of learnerships, apprenticeships, permanent and temporary employment to integrate formal education with training.

## 1.2 Background

The ILO Private Employment Agencies Convention, which was adopted in 1997 in South Africa, continues to be unratified. The preamble acknowledges the importance of private employment agencies in fostering a robust labour market. Nevertheless, it highlights the necessity of protecting workers from exploitation, affirming their right to form associations, and promoting collective bargaining and social dialogue (Orgad, 2010). The problem presented by the government at Scribante Labour Consultants arises when decisions about policies are made exclusively in collaboration with businesses that utilise the services of private employment agencies without involving both parties, for example, issues of occupational health and safety as well as compensation for injury on duty in the workplace. The Convention outlines three distinct categories of labour market services, with this study concentrating on those services that promote the alignment of job offers and employment applications, while excluding the direct participation of private employment agencies in the employment relationships. Furthermore, the services associated with the recruitment of individuals aimed at facilitating their availability to a third party are frequently referred to as labour broking or labour consulting in South Africa (Davies, 2018).

The legislative framework in South Africa succumbed to modifications in 1983, incorporating the concept of labour broking as a supplementary component to the Labour Relations Act (LRA) no. 28 of 1956 and amended to the Labour Relations Act no. 66 of 1995. The amendment designated the broker as the employer of the workers, leading to the formation of a triangular employment structure, commonly known in modern discussions as the TES setup (Moeketsi, 2020). This gap of inability to clarify responsibilities impedes Scribante Labour Consultants from offering optimum temporary employment services, permanent placements, payroll solutions services, human resources and industrial relations services both at national level and regional level in South Africa labour market. Section 198 of the 1995 amendment to the LRA articulates the responsibilities of the employer, recognised as the Temporary Employment Services, functioning in the capacity of a labour broker. The Basic Conditions of Employment Act (BCEA) no. 75 of 1997 delineates a definition of temporary employment services that is in close alignment with that articulated in the Labour Relations Act no. 66 of 1995. In alignment with the essential principles governing employment and labour relations, both the client and the temporary employment services share equal responsibility and may be held liable, either individually or jointly, for any legal infractions. According to Section 57(1)

of the Employment Equity Act (EEA) no. 55 of 1998, if a client utilises the services of temporary employment services for a period surpassing three consecutive months, the individual providing those services will be considered an employee of the client (Theron, Godfrey and Lewis, 2005). Nevertheless, Meyers and Macun (1993) conducted a study suggesting that the Occupational Health and Safety Act 85 of 1993 (OHSA) offers a more advantageous perspective of the workplace for TES employees. The OHSA legislation delineates the workplace as any site where an individual performs their professional responsibilities in accordance with their employment commitments. The legislation in question primarily relates to TES operations. Scribante labour consultants is expected to comply and enforce the laws as set by the constitution. A problem presented by government is not making an effort to create a conducive recognisable labour market for private employment agencies to thrive within a South African economy.

Section 24 of the Skills Development Act (SDA) no. 97 of 1998 mandates that private employment agencies offering recruitment and placement services must register with the Department of Employment and Labour (DoEL) to provide employment services for financial compensation. Additionally, the Skills Development Levies Act (SDL) no. 9 of 1999 requires all employment agencies to register with the Services Sector Education and Training Agency (Lee, 2023). South African business leaders, labour representatives, and government authorities have likely invested significant time and effort in addressing the complexities of Temporary Employment Services relative to their counterparts in other countries. Given the substantial differences in the parties' positions on TES regulation, a potential agreement seems to be emerging. This study examines the extent to which the attributes of TES employment that deter workers have been adequately addressed and their alignment with Convention (No. 181) (Masuku and Nkala, 2021). Scribante Labour Consultants faces challenges in penetrating the global labour market as a private employment agency from South Africa as a result of non-ratification in the convention, the company is unable to fully apply the full scope of Articles presented by the convention which is the international standard for all private employment agencies.

Employers and unions across various industries have successfully established agreements through negotiations at both the sectoral and organisational levels. These agreements either completely prohibit the use of labour broking or labour consulting or impose restrictions on its application. These limitations may include restrictions on the number or proportion of TES

workers involved, the establishment of a maximum duration of employment, and the assurance that the compensation and working conditions of TES workers meet the same minimum standards as those of directly employed workers. Arrangements have been periodically established to ensure that workers contracted through TES receive benefits equivalent to those of permanent employees. Most of these agreements have been established with the employer of the user enterprise, rather than with the TES businesses.

### **1.3 Research Problem**

A notable problem within the South African preamble is the persistent neglect of the role and operation of Private Employment Agencies in the labour market. The execution of the International Labour Convention concerning Private Employment Agencies in South Africa remains, to some extent incomplete. This gap of inefficiency impedes Scribante Labour Consultants from offering optimum Temporary Employment Services at national level in different regions around South Africa including Gauteng, Western Cape, Eastern Cape and KwaZulu Natal. The government has judiciously sanctioned and executed particular provisions from the Convention that protect and promote the rights of workers. Nonetheless, the Constitution has yet to formally endorse a favourable market environment for private employment agencies. The problem presented by the government at Scribante Labour Consultants arises when making these decisions are made exclusively in collaboration with businesses that utilise the services of private employment agencies without involving both parties, for example, issues of occupational health and safety as well as compensation for injury on duty in the workplace.

The International Labour Convention was established in 1997 as a revision of the Fee-Charging Employment Agencies Convention. Nevertheless, South Africa has yet to formally ratify the Convention (Elsley and Petersen, 2013). Scribante Labour Consultants faces challenges in penetrating the global labour market as a private employment agency from South Africa as a result of non-ratification in the convention, the company is unable to fully apply the full scope of Articles presented by the convention which is the international standard for all private employment agencies. The Preamble of the Constitution of the Republic of South Africa recognises the significant contribution of private employment agencies in facilitating the efficient functioning of the labour market. On the other hand, it also highlights the need of protecting workers from being taken advantage of, guaranteeing the right to freely associate, and promoting negotiations and discussions between workers and employers (Orgad, 2010).

Scribante labour consultants is expected to comply and enforce the laws as set by the constitution. A problem presented by government is not making an effort to create a conducive recognisable labour market for private employment agencies to thrive within a South African economy.

Is it reasonable to assume that successful private employment agencies in South Africa are the root cause of these preamble outcomes even when excluded in negotiations?

Eteläpelto, Vähäsantanen, Hökkä and Paloniemi (2013) describe a private employment agency as an entity, whether an individual or a legal entity, that operates independently from public authorities and offers one or more labour market services. This encompasses services aimed at enabling the link between job opportunities and applications while ensuring that the private employment agency does not directly engage in the subsequent employment agreements. This involves arranging services where employees engage with and are allocated to a third party, either an individual or an organisation. The client, known as the user enterprise, assigns tasks to the workers, defines their responsibilities, and oversees the completion of these duties. Moreover, supplementary employment assistance initiatives, formulated by the relevant authorities in collaboration with the most prominent business and labour organisations, including the dissemination of information, which do not seek to link specific job vacancies with applications. The initial category of Convention No. 181 pertains to the methodology involved in the recruitment and allocation of personnel. Conversely, the stipulations regarding standard term workers have been contended to encompass individuals who are actively seeking employment, as well as those engaged with temporary employment services or labour broking (Davies, 2018). Elsley and Petersen (2013) note that this convention signifies the formal acknowledgement of TES in an official context. The convention recognises the formalisation of labour broking, sometimes known as TES (Temporary Employment Services). From the literature examined in chapter 2, it is clear that the South African labour market has only adopted Article 11 of the Convention (no. 181) and compensated by Articles 1 - 13. The ratification procedure for all articles of the ILO Convention is still an ongoing process. Theron et al. (2005) pointed out that various analysts perceived the Convention as a departure by the International Labour Organization (ILO) from its fundamental principle of not regarding labour as a commodity. The Convention fails to encompass the entirety of triangular employment arrangements.

For instance, it does not encompass the practice of outsourcing, which involves an employer engaging a distinct company to carry out functions such as cleaning, security, or information technology. Furthermore, it excludes contractual services that were not originally integral to the organisation's primary functions (Elsley and Petersen, 2013). It is crucial to unambiguously delineate and clarify the fundamental tenets of the ILO Convention, particularly with regard to the South African business models that incorporate the practice of outsourcing. On the other hand, the constitutional preamble protects the rights of workers by guaranteeing their ability to form associations and encouraging negotiations and social dialogue. Businesses operating inside this framework are apprehensive about being disregarded, as the framework believes they function in an ideal market. Marule, Schurink and Ukpere (2019) distinguish between an organisation contracted to provide a service and client-managed labour. Outsourced service employees and TES employees share many similarities.

#### **1.4 Research Objectives**

The aim of this study is to evaluate recruitment challenges associated with agency employment services and examine the relevance of SLC to the ILO Convention No. 181. This study effectuates the subsequent goals in order to attain the main aim delineated above:

1. To identify the key bodies representing employers and employees in the employment industry.
2. To evaluate the relevance of SLC private employment agency in South Africa to the ILO private employment agencies Convention (No. 181).
3. To investigate challenges in recruitment and placements of individuals in permanent or temporary employment through Temporary Employment Services (TES) in which SLC provides services.

#### **1.5 Research Questions**

The research will provide answers to the following questions in order to accomplish the aforementioned goals:

1. What are the key bodies representing employers and employees in the employment industry?
2. What is the relevance of SLC private employment agency in South Africa to the ILO private employment agencies Convention (No. 181)?
3. What are the challenges in the recruitment and placement of individuals in permanent or temporary employment through Temporary Employment Services (TES) in which SLC provides services?

## **1.6 Significance of the Study**

This research offers significant insights and industry information to support the analysis of trends, skills enhancement, and demand. Additionally, it identifies the required modifications in the labour consulting industry to offer the best possible service for both labour consulting companies and their clients, specifically in the fields of TES (Temporary Employment Services), HR (Human Resources), IR (Industrial Relations), payroll, and other associated services. This study's findings provide professionals, such as Recruitment Specialists, Human Resources Business Partners, Human Resources Consultants, Human Resources Managers, and Industrial Relations Specialists with a comprehensive understanding of the obstacles that impede the efficient operations of Private Employment Agencies in the industry.

The aim of the study was to investigate the recruitment challenges encountered by a South African Private Employment Agency at SLC and assess its adherence to the ILO Private Employment Agencies Convention. The goal was to detect any inconsistencies between the South African regulation and the provisions outlined in Convention (No. 181). This study provided recommendations for labour consulting companies and private employment agencies pursuing to modify the identified gaps in the information. This project aimed to augment industry expertise, heighten awareness of capabilities, deepen comprehension of temporary employment services, improve outsourced recruitment skills for labour consulting and propose new recommended solutions for Private Employment Agencies.

## **1.7 Research Methodology**

This study employed the quantitative research methodology, with a specific emphasis on offering comprehensive explanations and persuasive justifications for its utilisation in the study. Quantitative research philosophy, according to Creswell (2017), is predicated on studies employing methods that provide insight into social phenomena because of quantifiable evidence and utilise large sample sizes to ensure generalisation. Statistical analysis is commonly used in these research initiatives to produce objective, valid and reliable results.

Given that this study relied on quantitative methods, a non-probability technique was adopted using the correlation method to develop connections between various individual traits, test hypotheses, make predictions where feasible, and identify and define categories to comprehend the relationships among them. The justification for using a quantitative research approach stems from the capacity to collect large data from a broad sample of organisations being

investigated. This technique enables researchers to create correlations between different attributes and variables that exhibit variation across individuals and to empirically test hypotheses for the purpose of predicting outcomes.

### **1.8 Research Design**

A quantitative research project can be classified as experimental or quasi-experimental based on the method employed to collect data (Foster, 2024). A research design is a methodical blueprint formulated by an investigator to tackle a specific research subject, delineating the all-encompassing approach that shall be followed during the course of a project. This study employed a descriptive research design, which does not incorporate control groups or other experimental features. Instead, the researcher distributed survey questionnaires directly to participants, who completed them independently.

By utilising survey questionnaires, the study gathered data from a representative sample, enabling inferential conclusions about the broader population. This approach ensured that findings were based on direct responses from participants, providing insights into the research topic while adhering to the non-experimental nature of the study.

### **1.9 Chapter Outline**

This research project is structured into five (5) chapters:

#### **Chapter 1: Introduction and Background**

This chapter serves as an introductory section that provides an overview of the study and explores the specific goals and objectives of the research.

#### **Chapter 2: Literature Review**

This chapter aims to assess, delineate, elucidate, and compare the bodies of literature surrounding temporary employment services and review the convention (No. 181) of the private employment agencies with the objective of uncovering gaps, inconsistencies, and areas of alignment with the SA implementation. This chapter examines historical and contemporary agency theories to elucidate the relationship between outsourcing and the TES.

#### **Chapter 3: Research Methodology**

The research design employed in this study is laid out in this chapter. It elucidates and justifies the research methodologies and strategies employed for data collection and analysis. Before

concluding with ethical concerns, the methodological justification, data gathering and sample size are all examined.

#### **Chapter 4: Data Analysis and Discussion of Findings**

This chapter will concentrate on addressing the primary goals of this study and presenting the data gathered from the fieldwork. The researchers' results are presented and subjected to critical evaluation.

#### **Chapter 5: Conclusion and Recommendations**

Chapter 5 presents the conclusions derived from the respondents and the analysed literature, followed by the formulation of suggestions. This chapter also specifically addresses the constraints encountered throughout the study and provides an analysis of the consequences of the research.

#### **1.10 Chapter Summary**

The introductory chapter explores the principal aim of the study, which is to examine the operations of Scribante Labour Consultants, a private employment agency situated in South Africa. The emphasis lies in comprehending the intricate mechanisms involved in the recruitment and placement of individuals for both permanent and temporary positions via Temporary Employment Services. The chapter articulates the agency's function as a tertiary labour supplier for an alternative organisation or employer.

The range of Private Employment Agencies in South Africa is dependent on the particular services they offer, which include Temporary Employment Services, Permanent Placements, Recruitment Process Outsourcing, Managed Service Provider, Digital Platforms, Outplacements, Contracting, Career Management, Internships and Learnerships.

This chapter delineates the contextual framework and articulates the problem statement, study design, and methodology, meticulously detailing the approaches employed for data collection and analysis while also providing a rationale for the chosen methodologies and considerations regarding sample size. The introductory chapter delineates the research aim, objectives, and inquiries of the study. This chapter offers a comprehensive literature review that seeks to analyse and juxtapose agency theories, the body of work surrounding Temporary Employment Services, the conventions established by the International Labour Organization, and the landscape of private employment agencies in South Africa, with the objective of uncovering existing gaps and potential avenues for exploration.

## **CHAPTER 2**

### **LITERATURE REVIEW**

#### **2.1 Introduction**

Bettany-Saltikov and McSherry (2024) articulate the positive aspects of examining the literature, as it provides a comprehensive understanding of the ‘WH’ (what, why, where, who and which) in the discussion. Consequently, a literature review must extensively analyse research articles that integrate existing studies on a specific topic, placing them within the current context of the topic at hand.

This chapter describe, explain and examine Agency Theories, from their origins to the present form in order to determine the connection between Outsourcing and Temporary Employment Services business models. The objective is to identify challenges in recruitment and placements of individuals in permanent or temporary employment. Furthermore, review the literature on temporary employment services, a triangular employment relationship structure that differs from labour consultants to identify key bodies representing employers and employees in the employment industry.

Lastly, review the articles of International Labour Organization Convention of Private Employment Agencies and standards of the framework to determine the relevance of a private employment agency in South Africa compared to the ILO private employment agencies standards.

#### **2.2 Agency Theories**

Researchers in the field of economics investigated the concept of risk sharing among people or groups during the 1960s and early 1970s (Arrow, 1971; Wilson, 1968). The field of Agency theory has developed into two distinct branches since its inception in the field of information economics, strictly from positivist and principal-agent (Jensen, 1983). The contract between the principal and the agent is the shared unit of analysis for both streams. The risk-sharing issue, as articulated in this literature, arises when different parties involved have disparate risk preferences. The risk-sharing literature was expanded by Agency theory to encompass the agency dilemma, which arises when collaborating parties have divergent objectives and division of labour (Jensen and Meckling, 1976).

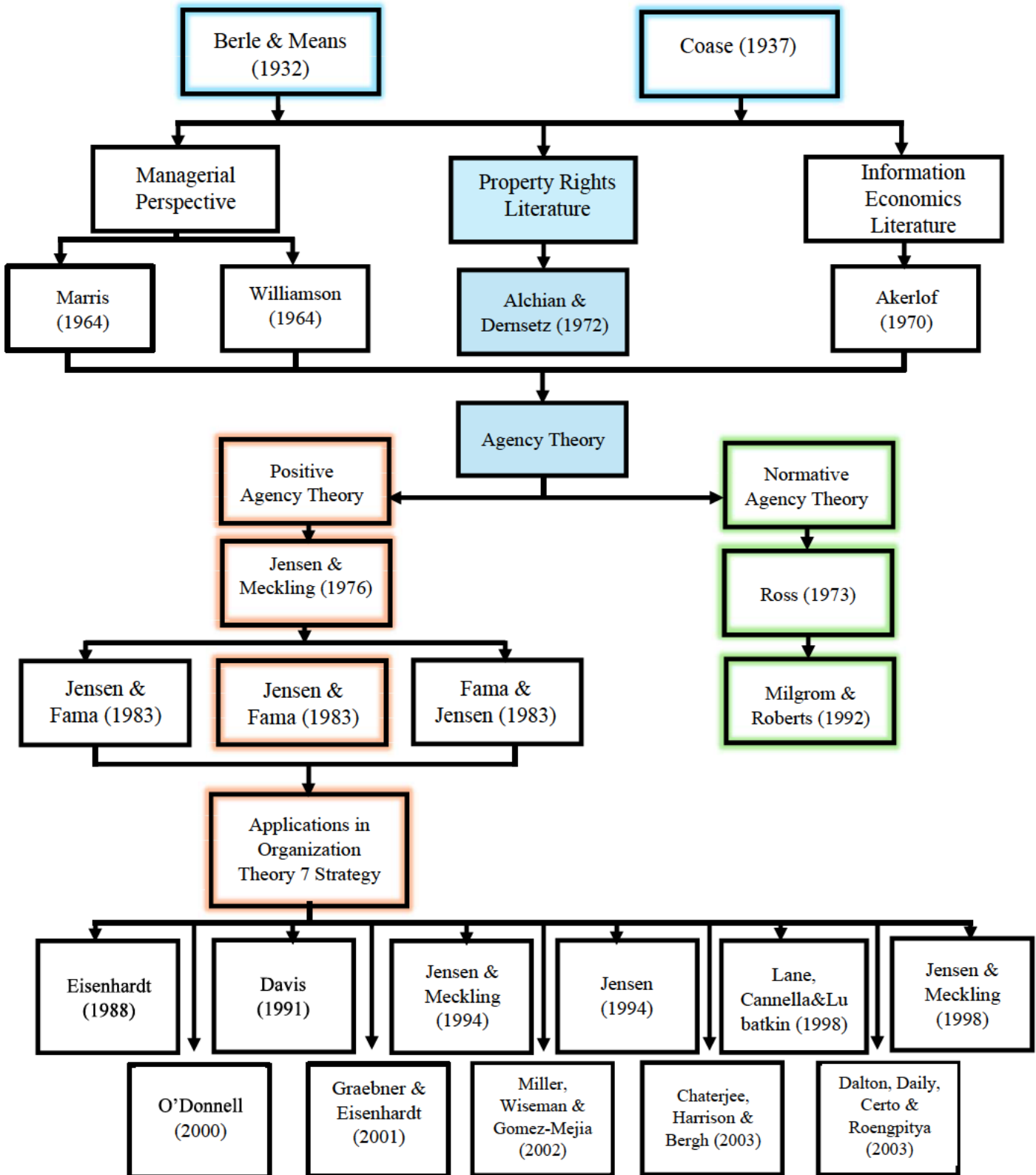
Agency theory focuses on the common agency connection, where one party (the principle) assigns tasks to another (the agent) who carries out those tasks. Agency theory seeks to establish the relationship between parties by employing the analogy of a contract (Ross, 1973).

Agency theory examines the resolution of two fundamental issues that can emerge in agency interactions. The initial concern pertains to the agency problem, which arises when there exists a discord between the objectives or desires of the principal and the agent, particularly when it becomes difficult or expensive for the principal to verify the actions of the agent (Ross, 1973). The principal finds it challenging to determine if the agent has demonstrated suitable conduct, which poses a significant issue. The second issue pertains to the challenge of risk sharing that arises from the differing risk preferences between the principal and the agent. The crux of the matter lies in the fact that the principal and agent may pursue divergent actions as a result of their differing levels of risk tolerance.

### **2.2.1 Origin and Development of Agency Theory**

Jensen and Meckling (1976), along with Fama and Jensen (1983b), contributed significantly to the formulation of Agency theory, illustrating the essential role of shareholders in counterbalancing the discretionary authority of managers, thereby preventing it from becoming unchecked and potentially harmful. Consequently, the roles and responsibilities of each party were meticulously redefined. When the manager exercises authority with a commanding approach, making decisions grounded in his management acumen, he perpetuates his role as an agent designated by the shareholders. As a result, he bears the responsibility to thoroughly inform the market in a way that allows shareholders to understand and endorse the results (Jensen and Meckling, 1976; Fama and Jensen, 1983b). The principal refrains from delineating the strategy or exerting control at higher levels. Nonetheless, it confirms that the agent operated in alignment with the contractual agreement (Gomez, 2003). This stands in opposition to the principles espoused by agency theorists. Agency theorists contradict the perspective of critics of private property by asserting that the potential conflict of interests between shareholders and managers provides a basis for defining and restricting the manager's authority.

**Figure 1: Trend of Agency Theories**



Source: Zogning (2017)

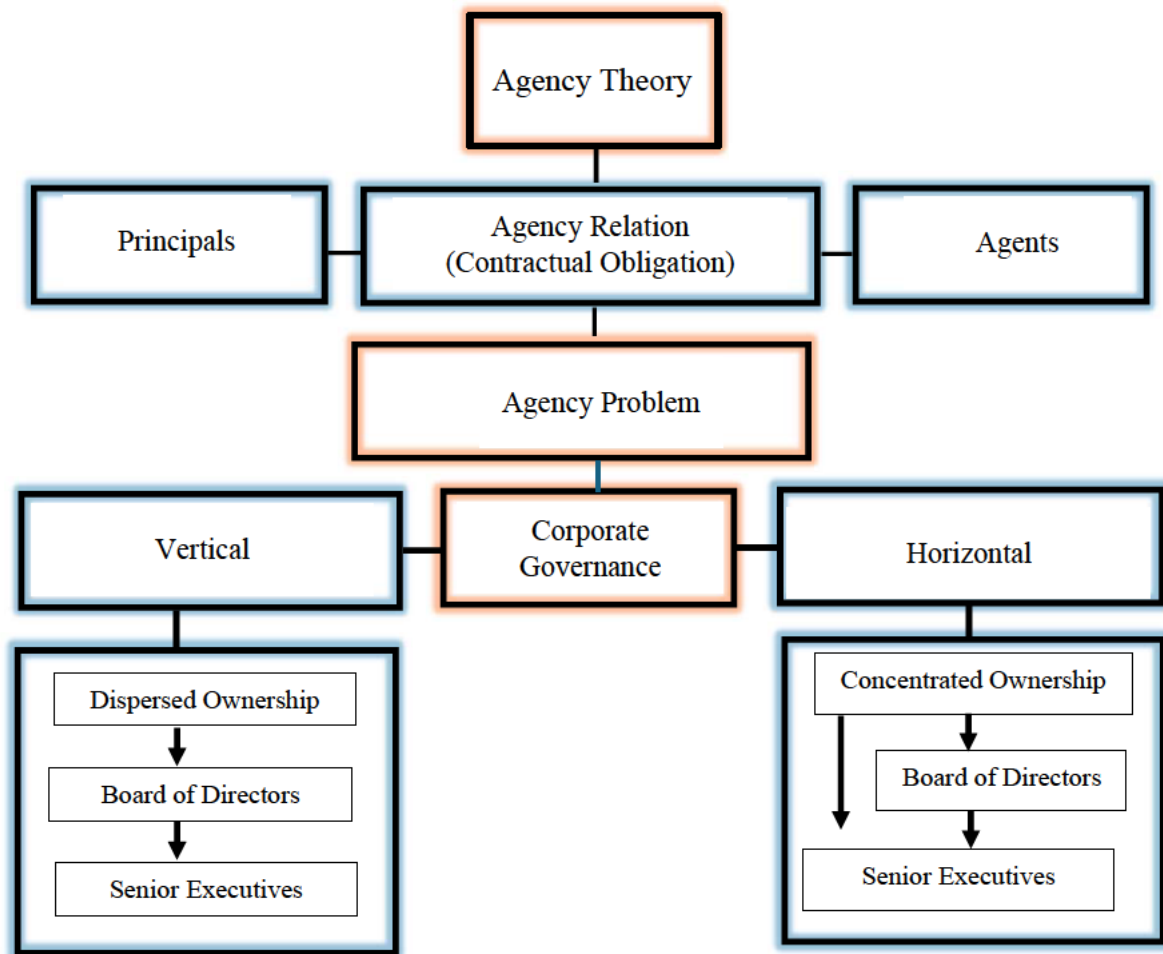
This is achieved by evaluating the manager's performance in relation to the shareholders' interests (Fama, 1980). The discretionary power is thereby constrained to a sovereign authority that is significant but restricted by the ultimate comparison between the achieved outcomes and the anticipated outcomes by the owners. Numerous research studies have been conducted to determine the indicators of effective or ineffective management and to quantify their impact (Charreaux, 1999). Agency theory gained momentum in the 1980s, which redefined corporate governance as a system that maintains a balance of powers and counter-powers. It was a response to the common technocrat (Gomez, 2003).

### **2.2.2 Agency Relationship**

Jensen and Meckling (1976) shed light on the fact that an agency relationship can be conceptualised as a contractual arrangement wherein one or more individuals, referred to as the principal, engage another individual, termed the agent, to perform specific functions on their behalf, thereby bestowing upon the agent a certain level of authority in decision-making. Nonetheless, the dynamics of an agency relationship can become complex when the principal and agent possess divergent personal interests. The agency hypothesis is distinguished by its foundation on two behavioural assumptions. The initial premise posits that individuals seek to optimise their utility, while the subsequent premise suggests that individuals may derive benefits from the absence of thorough contracts. Agency relationships often exhibit a level of complexity and ambiguity, especially given that the agent is bound to prioritise the interests of the principal (Bennett, 2024).

This complexity is especially evident when considering ethical considerations. Adhering to the traditional interpretation of the agency theory, which stipulates that the agent is obligated to consistently prioritise the principal's interests, it is presumed that the principal's interests are inherently morally justifiable (Otto, 2024). Consequently, the agent may frequently find themselves compelled to act in a manner that contradicts ethical principles in order to fulfil their obligations within the agency relationship. These convictions clearly violate any feasible framework governing business ethics.

**Figure 2: Agency Theory**

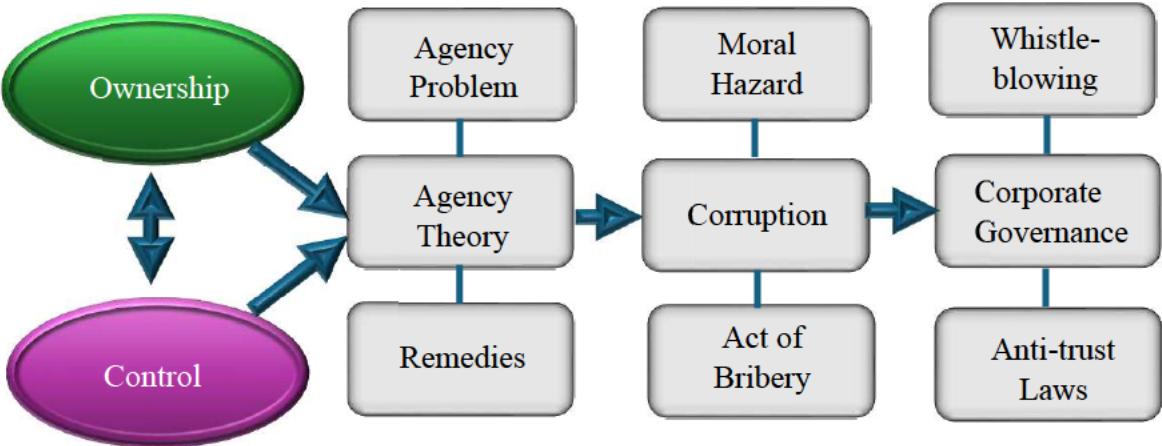


Source: Jensen and Meckling (1976)

### 2.2.3 Ownership and Control Separation

Berle and Means (1968) introduced the concept of Agency theory bringing a separation of ownership and control (Hindley, 1970). Ownership comprises shareholders, most of whom have little to no direct control of the company. Management is performed by company executives, who may or may not have shares in the company. In any event, the interest of shareholders is different from that of managers. The interest of shareholders is to receive as much return from their investment as possible. The interest of managers is to mulct as much as they can. However, managers may mulct their companies by awarding themselves needlessly high pay, shirking, awarding themselves undeserved benefits, or engaging in non-profit-making activities such as the empire-building and needlessly increasing sales. Given that immediate control of the company rests with managers, they have the power to extract vast amounts from the companies that employ them (Al-Faryan, 2024).

**Figure 3: Ownership and Control Separation Conceptual Framework**



Source: Hindley (1970)

**2.2.4 Agency and Temporary Employment Services**

Barreto (2020) underscores that upon revisiting and analysing the International Labour Organization framework concerning private employment agencies, the entity accountable for the placement of employees is designated as the user enterprise. This organisation is frequently designated as the client, user, or host organisation. In South Africa, it is customary to use the term that is often associated with what other nations identify as labour brokers or temporary employment agencies.

In South Africa, the designation ‘labour broker’ is employed to characterise these kinds of organisations. Notwithstanding a legislative alteration in 1995 regarding ‘temporary employment services,’ the designation ‘labour broker’ endures and is often subjected to scrutiny in public discourse. The concept of private employment agencies pertains to the broader classification of intermediaries within the labour market. This aligns with the practices that are widely recognised on a global scale. TES is categorised within the scope of private employment agencies (Cobb, 2023).

**2.2.5 Agency and Contracts**

The agency and contract are related concepts, but there are two key distinctions that some academics have pointed out (Gomez, 2003). Firstly, agents are not chosen for specific jobs or tasks, but rather for a wide range of activities that may evolve over time and align with the principal's core goals and interests. When considering this situation, it is important for the

parties involved to have a certain level of interest in the agent's personality, profile, and other characteristics that are typically not a concern in contractual agreements. The principal will prioritise the attainment of overarching goals rather than focusing solely on individual assignments (Van Eck, 2010).

Al-Faryan (2024) points out that in the agency relationship, there is level of independence between the agency and the principal is typically lower compared to that of contracting parties. Practically speaking, this implies that the relationship between the principal and agent is characterised by a hierarchical and impulsive nature, rather than a contractual one. The principal has greater freedom to reward, punish, and exert control over the agent. Some may argue that the agency should be seen as a specific application of the contract theory (Van Der Riet, 2010). On the other hand, it can be argued that the reverse is also valid. A contract is a formalised, structured, and restricted form of the agency, while the agency itself is not reliant on any contract (Al-Faryan, 2024).

#### **2.2.6 Agency Work in Private Employment Agencies**

Neumann (2024) suggests the benefits of section 198 of the LRA that the application of temporary employment services extends beyond just agencies that provide temporary employees. The drafters of the 1983 amendments, along with section 198 of the current LRA, clearly intended to establish a framework for overseeing the placement of temporary employees with clients (Van Eck, 2010).

Nonetheless, agreements that fulfill the requirements of section 198 have been progressively utilised as a foundation for employing individuals on a permanent basis. Research shows that this arrangement frequently transforms individuals who were directly hired by their organisation into those positioned by private staffing firms (Van Eck, 2010). This outcome arises from the reality that the TES provides the workforce and compensates them accordingly. This outcome can be attained without any additional formalities. Workers involved in this manner lack job security with the client, despite their continuous engagement with the client as though it were their employer (Cobb, 2023).

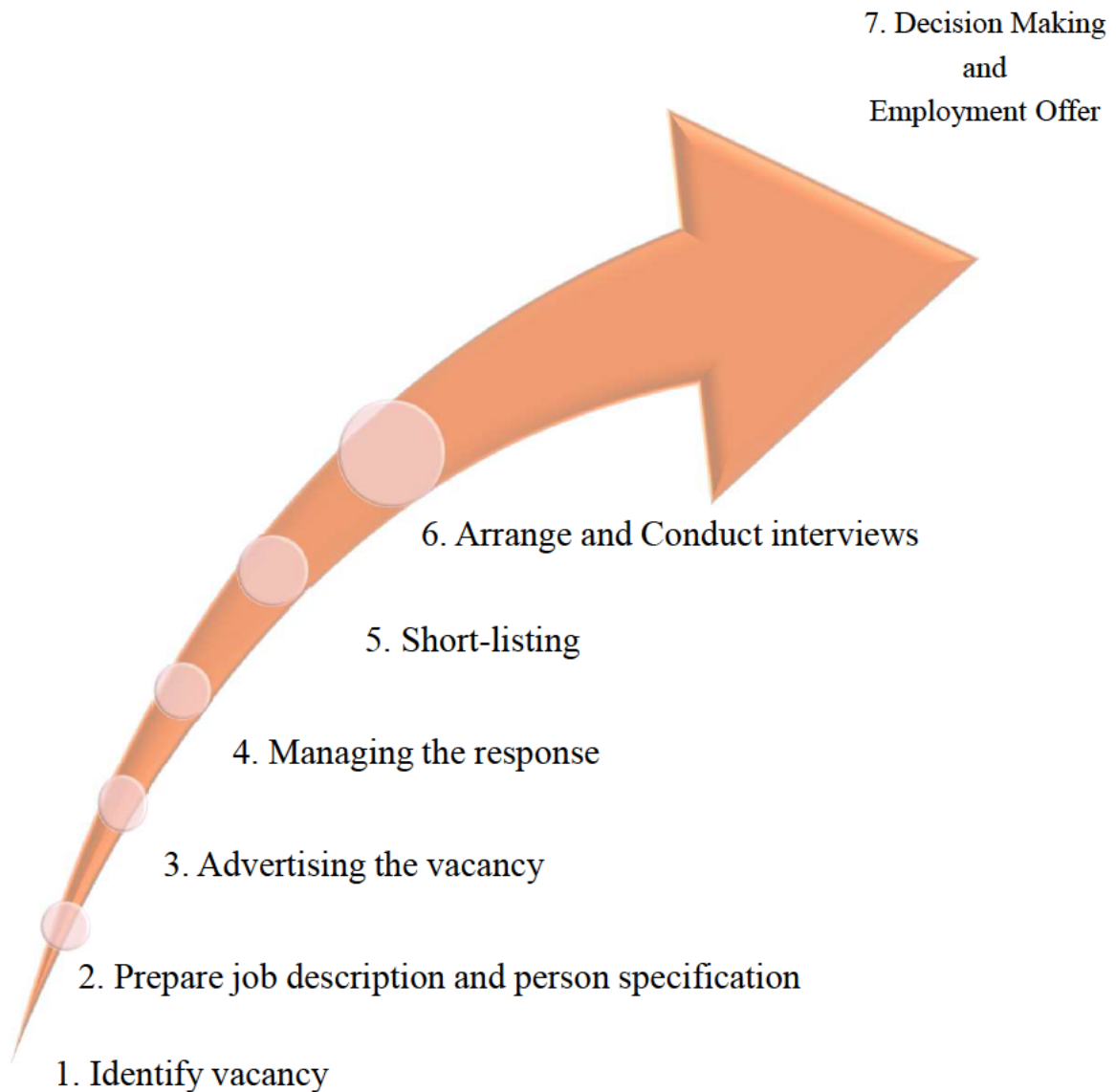
Furthermore, the client's choice to ask an agency to remove an employee is communicated from the client to the agency based on their business agreement and thus lies outside the scope of labour law (Otto, 2024). The legal precedents indicate that employees often lack awareness that the TES is legally recognized as their employer (Van Eck, 2010). The Department of

Labour and National Economic Development and Labour Council (NEDLAC) highlighted that employees hired through brokers receive considerably lower wages compared to their counterparts performing identical tasks (Cobb, 2023). A legal measure designed to streamline the provision of temporary personnel has inadvertently transformed into a means of establishing a lasting triangular employment structure, resulting in workers lacking job security and receiving lower compensation compared to their counterparts directly employed by the organisation (Masuku and Nkala, 2021; Al-Faryan, 2024).

### **2.3 Recruitment Processes**

Recruitment involves identifying potential candidates for employment and encouraging them to submit applications for positions within the organisation. Conversely, recruitment serves as the connection between employers and job seekers. Recruitment can be viewed as the process of identifying and attracting qualified candidates for employment opportunities. The process commences with the sourcing of new recruits and concludes with the submission of their applications (MacKay, Boddy, Brack, Diack and Jones, 2024). Recruitment may be conducted through both manual and online methods. A company announces job vacancies, and applicants submit their resumes in response. The company selects applications and administers interviews and tests at a designated location and time (Swanson et al., 2024). These are recognised as critical recruitment stages, although the specific processes and procedures may differ depending on the business standard operating procedures.

**Figure 4:** Recruitment Processes



Source: Govender, Khaliq, Naidoo and Moodle, 2024

### **2.3.1 Main Types of Recruitment in Private Employment Agencies**

#### **2.3.1.1 Permanent Placements**

The permanent employment services offered by Private Employment Agency are referred to as direct recruitment or full-time recruitment, which includes a once-off placement fee and does not involve the Private Employment Agency becoming involved to the employment relationship.

The Employment Services Act under subsection 1 gives reference to this by defining Private Employment Agency as any person who provides employment services (Govender, Khaliq, Naidoo and Moodle, 2024).

### **2.3.1.2 Outsourcing Temporary Employment Services**

Temporary Employment Services is a triangular employment relationship between worker, employer, and Private Employment Agency. Section 198 of the Labour Relations Act no. 66 of 1995 defines TES, which entails agency work and non-direct employment relationships (Govender et al., 2024). This involves temporary recruitment outsourced from a third party offered by a private employment agency to the client for specific talent requirements and the agency remunerates the employee while managing other human resource-related activities. This arrangement includes a reoccurring fees and is referred to as temporary employment services (Casey and Alach, 2004; Neumann, 2024).

### **2.3.2 Challenges of Recruitment in Private Employment Agencies**

The recruitment process has been effective from the initial stages (MacKay et al., 2024). However, it has encountered numerous challenges throughout its progression. Individuals frequently commit errors while completing forms, such as entering incorrect names, hometowns, or skills. Numerous applications exist simultaneously, and documents are readily replicable. This increases the likelihood that genuine candidates will be disregarded in preference for duplicates (Swanson et al., 2024). Applications may be submitted via mail or online, leading to uncertainty regarding the accuracy and authenticity of the information provided by staff. Issues arise regarding the quantity and quality of applicants generated through web tools and sites designed to expand the applicant pool, which often result in a significant number of unqualified candidates (Matimbwa and Kamala, 2024).

## **2.4 Temporary Employment Services**

Till today, no theory has been developed to define Temporary Employment Services. Hoevenberg and Willems (1997) highlight perspectives into Temporary Employment Services that it can be viewed as a triangular employment relationship setup, which sets it apart from formal employment or direct recruitment. Labour consultants play a crucial role in connecting the dots between formal recruitment and selection processes, expediting entry into workplaces. This is known as atypical employment, which is the opposite of standard employment.

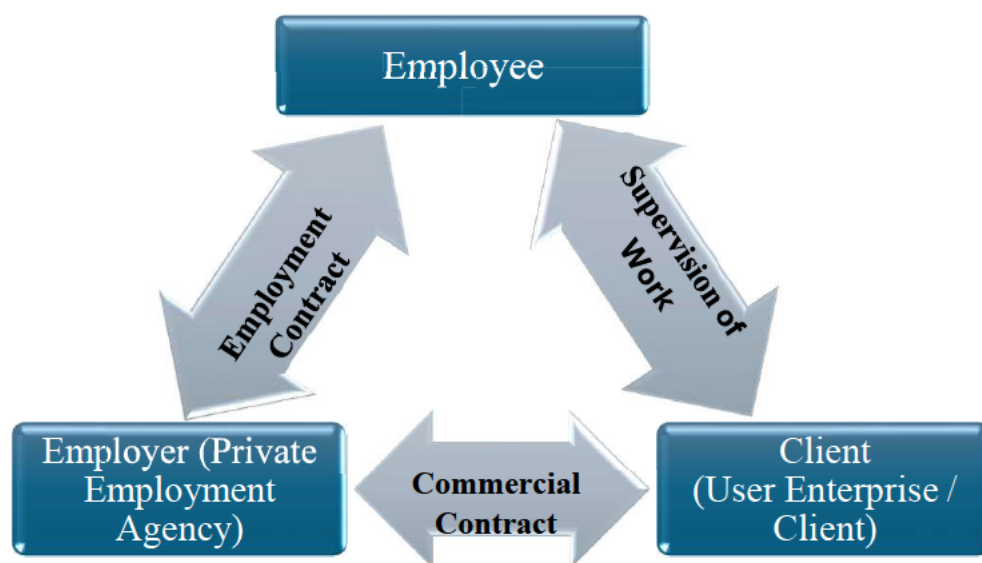
Omowowo (2011) notes that standard employment can be described as full-time employment with no set end date, where the employer has control, and the majority of work is done at the workplace. When it comes to the key features of alternative employment, there is a lack of agreement in the literature (Van Der Riet, 2010).

Theories that contributed to the emergence of alternative working arrangements have varied and include the replacement of permanently employed staff with temporary employees who are absent due to medical leave (Nyenti, 2007; Casey and Alach, 2004). In such instances, employers often want to evade the financial obligations associated with terminating a contract, especially in nations with stringent employment contract regulations. Therefore, it became common practice to provide temporary workers with reduced compensation, allowing for more management adaptability in reaction to economic instability, and implementing legislative measures to diminish the bargaining strength of employees (Biggs, Burchell and Millmore, 2006). In such a setting, the agency steps in to handle personnel matters in order to safeguard the expertise of its limited number of permanent workers. Additional advantages include the ability to find prospective competent employees before making any employment obligations. Temporary employment aligns with the employer's objective of establishing protective measures for permanent employees (Golden and Appelbaum, 1992).

There is ongoing debate about whether or not TES employment practices are closely connected to the business cycle. However, a significant consensus has emerged suggesting that alternative work arrangements have developed because of globalisation. This is because business organisations have had to adapt to the challenges and opportunities brought about by globalisation (Adgaonkar, Yewale and Mule, 2012). Casey and Alach (2004) classified temporary employees into three distinct groups based on their reasons for adopting TES working arrangements, involuntary temporary workers, freely motivated workers, and stepping-stone workers. Individuals choose TES employment for many reasons, such as the need to support their families financially, the requirement for additional income, the aspiration to enhance their recognised expertise, discontentment with permanent roles, and the demand for a harmonious work-life equilibrium. Additional variables include the challenge of securing long-term employment, few alternative options, and the potential for career advancement (Adgaonkar et al., 2012).

There was no exception for South Africa when it came to the more significant repercussions of globalisation. The reason for this was that, in comparison to other African countries, the South African economy was more connected to the global economy. Nevertheless, the examination of poverty in South Africa has mostly focused on the enduring effects of apartheid, namely, racial domination and bias (Nyenti, 2007; Omowowo, 2011). Adding to the aforementioned difficulties is a prevalent belief in South Africa that poverty is primarily caused by unemployment and that creating more jobs would solve all poverty-related issues. However, there is insufficient focus on the quality and nature of the jobs that need to be created or the necessary restructuring of existing jobs. In the current political situation, there is a growing practice of outsourcing employment. This has resulted in the responsibility of maintaining living standards shifting from the formal sector to the family or home. This is due to the low earnings received by a larger number of temporary workers (Von Holdt and Webster, 2008).

**Figure 5:** Triangular Relationship Setup



Source: Woldman (2019)

In response to the problems posed by unemployment and poverty, trade unions have implemented initiatives that extend beyond addressing not only work-related concerns.

Members of the Congress of South African Trade Union (COSATU) actively participate in political forums, including parliament and municipal councils, in order to enhance their bargaining power and secure benefits for workers (Buhlungu, 2008).

#### **2.4.1 Confederation of Associations in the Private Employment Sector**

Guilherme (2017) points out that the Confederation of Associations in the Private Employment Sector (CAPES) is a collective organisation founded in 2002. CAPES was established as the representative body for South Africa's four main staffing associations, which include various small and medium-sized enterprises as well as some of the country's largest corporate staffing agencies (Du Toit, 2005; Guilherme, 2017). CAPES participates in multiple initiatives, each contributing significantly to the future sustainability of the TES sector. The organisations comprise the Federation of African Professional Staffing Organisations (APSO), Allied Healthcare Agencies of South Africa (AHASA), Construction Engineering Association (CEA), and Information Technology Association (ITA), which collectively remit membership fees for their respective SME staffing agency members (Hameed and Veneziano, 2023; Guilherme, 2017).

Guilherme (2017) argues that labour market intermediaries, such as Private Employment Agencies and Temporary Employment Services, are crucial in facilitating transitions. CAPES advocates for strict adherence to all pertinent standards, arguing that improved enforcement is crucial, rather than the introduction of further legislation (Hameed and Veneziano, 2023). The association's representatives occupy roles on the CAPES board, responsible for protecting the interests of their constituents. The members of each association are enabled to achieve success by accessing a variety of benefits, products, and services while operating within specific economic sectors (Du Toit, 2005).

#### **2.4.2 The Services Sector Education and Training Agency**

The services sector accounts for over 25% of South Africa's GDP and employs more than one million individuals annually (Mabeba and Mamokhere, 2021). For industries to thrive and grow, a competent and skilled workforce is essential. Facilitation and funding initiatives that develop essential skill sets for the service sectors offered by Private Employment Agencies are linked through the Services SETA, which integrates formal education with training (Naidoo, 2019).

The Services SETA collaborates with public and private educational institutions to meet its obligations and provide essential training. Sector Education and Training Authorities (SETAs) operate under a framework of strict regulations (Mthembu et al., 2024).

The Skills Development Act established Sector Education and Training Authorities. The Skills Development Levies Act regulates the funding of Sector Education and Training Authorities. The SETA is required to manage these funds in compliance with the Public Finance Management Act (PFMA) and applicable regulations, which encompass the principles of supply chain management (Mthembu et al., 2024). Muswubi (2024) highlights the necessity for Services SETA to consider the amendments to these Acts over the years in their operational practices. The activities of SETA are guided by the South African Qualifications Act No. 58 of 1995. The Act grants SETAs the authority to operate as Education and Training Quality Assurers (ETQA) (Mthembu et al., 2024). The National Qualifications Framework Act No. 67 of 2008, along with the amendments to the Skills Development Act in 2008, led to the establishment of the Quality Council for Trades and Occupations (QCTO). The SETAs play a crucial role in developing a skilled workforce, which is vital for reducing poverty and fostering equality (Mabeba and Mamokhere, 2021).

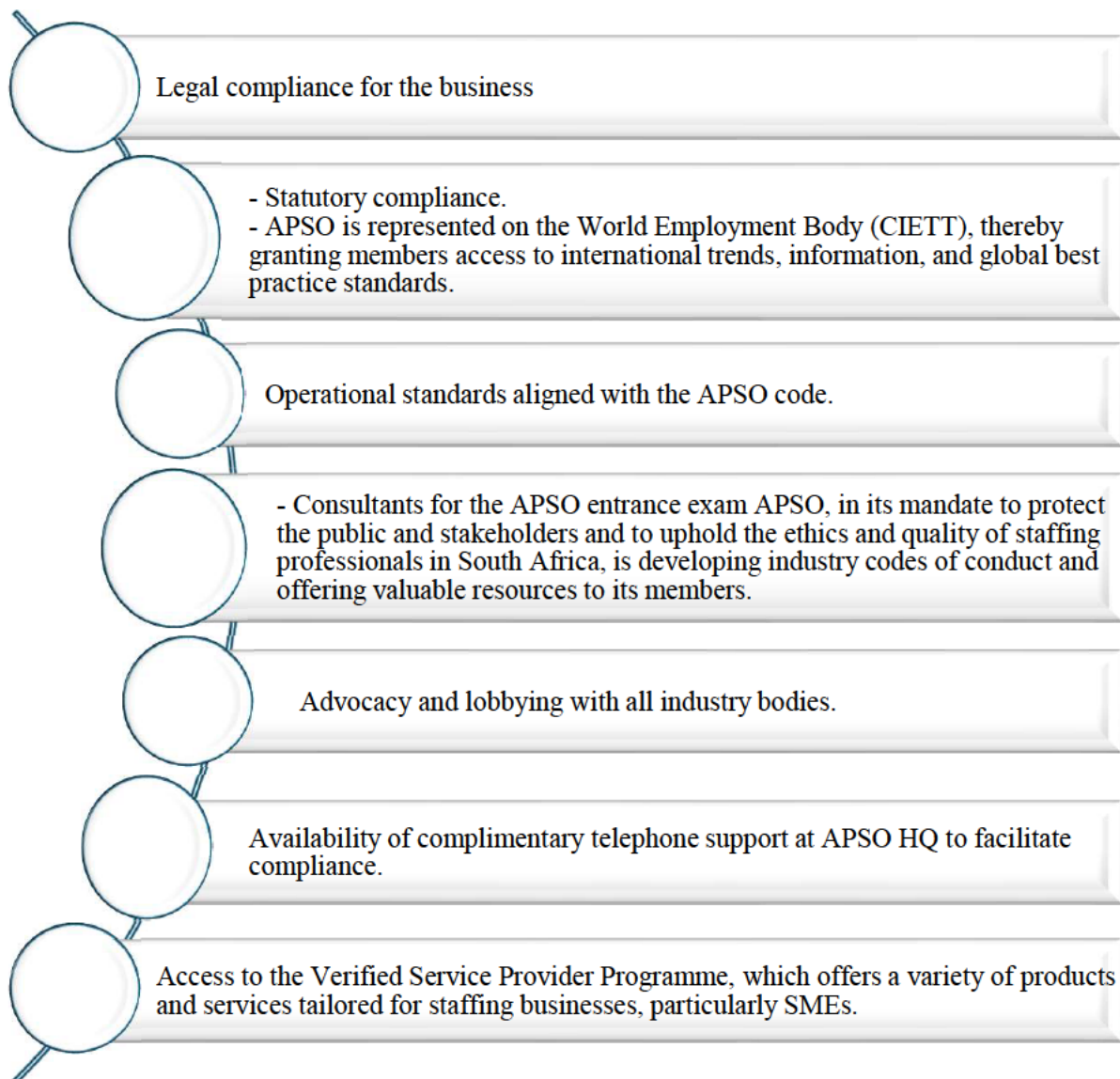
#### **2.4.3 The Federation of African Professional Staffing Organisations**

Burin, Roberts-Lombard and Klopper (2015) emphasise the significance of the Federation of African Professional Staffing Organisations (APSO) as an entity dedicated to the professionalization and regulation of the South African workforce-recruiting sector. APSO was established in 1977 and was formerly referred to as the Association of Personnel Services Organisations. On the other hand, it promotes South Africa and the whole African continent within the global staffing sector, aiming to professionalise the staffing business (Burin, 2010). APSO guarantees that its members can provide compliance and professional services by providing a variety of goods, services, guidance, and toolkits to enhance their service offerings for the public's benefit. APSO is the leading staffing association in South Africa, including over 700 members, 80% of which are small and medium-sized enterprises (SMEs) (Arnold and Sanchez, 2022; Burin et al., 2015). Naidoo (2019) unpacks APSO and alludes to the fact that it is a member of the International Confederation of Private Employment Agencies (CIETT), participating in global projects and ensuring South Africa adheres to international best practices.

They enable its members and stakeholders to enhance their comprehension of the staffing business and to advocate for its significance as a vital contributor to the South African economy. Furthermore, APSO is a member of the Institute of Ethics South Africa.

Therefore, the federation guarantees adherence to internationally matched basic standards in the business, ensuring that members promote exemplary service in the staffing sector. APSO has a position on the National Skills Authority, representing the private employment services industry and promoting professional best practices in South Africa (Phelan and Lee, 2022).

**Figure 6:** APSO Standards



Source: Arnold and Sanchez, 2022

APSO does not automatically confer membership due to its extensive range of industries and significant responsibilities. Members must adhere to the standards.

#### **2.4.4 Trade Unions**

Representation in disagreements Unions advocate for their members in conflicts with employers, encompassing grievances and disciplinary measures (Sefotho, 2024). Unions represent the rights and interests of workers, frequently impacting labour legislation and policy. South African legislation ensures that all workers possess the right to join trade unions, engage in strikes, and partake in union activities. Trade unions in South Africa advocate for workers in negotiations with employers regarding workplace matters such as salary and working hours. South Africa has numerous trade unions across various sectors, including the Congress of South African Trade Unions, the National Union of Metalworkers of South Africa, the Motor Industry Staff Association, and the South African Federation of Trade Unions (Sefotho, 2024).

#### **2.4.5 Bargaining Councils**

Woldman (2019) discusses bargaining councils as entities that function in alignment with the Labour Relations Act institutes in 1995. Nevertheless, the preponderance was originally established as industrial councils in accordance with the previous Industrial Conciliation Act no. 11 of 1928 as amended in 1956 (Bischoff et al., 2021). Bargaining councils arise when entities that represent both employers and employees (unions) within a specific industrial sector and geographic region reach an agreement to participate in collective bargaining (Duval and Shibata, 2021).

The employer associations and unions that grant consent are acknowledged as participants in the bargaining council and operate as the negotiating partners upon the establishment of the council (Francis and Valodia, 2021). To ensure the registration of these objectives with the Department of Labour, it is imperative for the involved parties to demonstrate that they have adequate representation. It is imperative that the unions proposed for participation in the council demonstrate that they represent over 50% of the workforce within the designated sector as members (Duval and Shibata, 2021).

Upon registration, a bargaining council acquires a variety of powers and responsibilities (Bischoff, Masondo and Webster, 2021). Their functionalities include the creation of funds designed for social welfare purposes. Section 28 of the LRA 1995 as amended in 2022

empowers registered councils to establish and manage various schemes or funds, including pension, provident, medical aid, sick pay, holiday, unemployment, and training schemes, designed to benefit one or more parties engaged in the bargaining council or their members. It is incumbent upon bargaining councils to submit annual reports to the Registrar of Labour Relations (Barreto, 2020).

Through the process of registration and the payment of the necessary fee, an employer is granted the privilege to align with an Employer's Organisation or Association relevant to a specific Bargaining Council, at their discretion (Francis and Valodia, 2021). Upon registration, the employer is seamlessly incorporated as a participant in the Bargaining Council and its collective agreement through the employers' organisation (Bassier, 2022). The employer is obligated to adhere to the provisions outlined in the collective agreement, which encompasses the disbursement of necessary levies, minimum wage standards, and contributions to the pension or provident fund, sick fund, Unemployment Insurance Fund (UIF), and training initiatives (Duval and Shibata, 2021; Bischoff et al., 2021).

Two advantages can be identified for the employer (Mthethwa, 2015). In instances of alleged unjust terminations, inequitable labour practices, or other employment-related conflicts, a representative from the Bargaining Council will provide counsel, assistance, and advocacy for the employer during the dispute resolution procedures (Barreto, 2020). The second advantage pertains to the employer's capacity to engage in the collective bargaining process via their organisation, thus playing a role in the establishment of a negotiated collective agreement with the unions involved in the bargaining council (Francis and Valodia, 2021).

The registration process provides the benefit of expanding agreements to encompass non-parties, thus ensuring that all employers and employees within the industry are encompassed by the provisions of the specific collective agreement (Mthethwa, 2015). An application addressed to the Minister of Employment and Labour is requisite for extensions concerning non-parties. The extension is designed to safeguard member employers from engaging in unfair competition with non-member employers, especially in the context of wage undercutting (Duval and Shibata, 2021; Mthethwa, 2015).

Mpedi (2010) elucidates the stipulations of section 33A (2) of the LRA, highlighting that the collective agreements subject to extension in this context include the provisions of any fund or

scheme established by the bargaining council. This suggests that when a collective agreement established by a bargaining council is expanded to include non-members, the employer is required to comply with the terms of that agreement (Sefotho, 2024). In this situation, the employer remains unregistered with the bargaining council and refrains from participating in negotiations for the collective agreement with the unions, which may result in a potentially adverse outcome (Barreto, 2020).

A notable limitation is that an employer lacking membership will relinquish the benefit of having a representative from the Bargaining Council to aid in the resolution of labour disputes (Bischoff, Masondo and Webster, 2021).

## **2.5 Adoption of Temporary Employment Services Model in South Africa**

Theron, Godfrey, and Lewis (2005) contend that temporary employment services have been an integral component of South Africa's mining industry since the nineteenth century. This occurred due to the employment of workers by intermediaries via fixed-term contracts. Throughout that timeframe, the intermediary or recruiter was not considered the employer (Woldman, 2019). In 1983, the concept of labour broking was incorporated into the legal framework through an amendment to the 1956 Labour Relations Act (LRA). This amendment facilitated the creation of agencies tasked with supplying skilled personnel to the industrial sector (Sachs, Ewinyu and Shedi, 2024).

The amendment presented a novel idea by designating TES as the employer of the workers, as opposed to the customer who utilised the services of these workers. Consequently, a triangular employment relationship developed, wherein the customer held the power to dictate and supervise the tasks to be performed, as well as to set the parameters governing the execution of the work. The client will partially influence the employee's compensation and employment conditions (Sachs et al., 2024). As time progressed, labour brokers expanded their services to include the provision of unskilled labour across diverse sectors of the economy. This led to a rise in the number of brokers, the variety of their functions, and the overall count of individuals they catered to (Woldman, 2019).

Section 198 of LRA 1995 defines TES as any individual who, for a fee, assists or supplies clients with other individuals who deliver services or execute tasks for the client, receiving remuneration from the temporary employment service (Woldman, 2019; Godfrey, 2018).

Section 198(4) delineates that both the Temporary Employment Service and the client share joint responsibility and liability in situations where the TES violates a collective agreement set forth by a bargaining council, a binding arbitration award, the Basic Conditions of Employment Act, or sectoral decision pertaining to any of its employees. The personnel of TES are included within the frameworks set forth by negotiating councils as delineated in the following subclauses, dependent on the formal extension of these frameworks to non-parties within the registered jurisdiction of the relevant council or councils (Mpedi, 2010).

Moreover, the Labour Relations Act delineates the structure for the creation of bargaining councils and the development of agreements. Godfrey (2018) states that it is estimated that between 2011 and 2017, around 2.3 million individuals engaged in the negotiation of council agreements. Within this group, agreements encompassed over a million employees in the public sector. Roughly 20 percent of the overall workforce in the economy comprises individuals involved in the negotiation of council agreements. Section 198(2) articulates that when a temporary employment service designates an individual to perform work for a client, that individual is considered an employee of the temporary employment service, which is subsequently acknowledged as their employer. Theron, Godfrey and Lewis (2005) highlight that the 1995 amendment clearly designated the TES as the employer, diverging from the prior statute, a modification that did not receive unanimous support from the ILO at that time (Madala, 2022).

Webster (2021) elucidates that the BCEA establishes a foundation for TES that closely corresponds with the framework outlined in the LRA. In alignment with the fundamental principles established in the employment act and the labour relations act, it is clear that both the client and the temporary employment service bear equal responsibility and may face liability for any legal infractions (Barreto, 2020). Masuku and Nkala (2021) clarified that the Labour Court has ruled that a worker is prohibited from initiating legal proceedings against the client in the Commission for Conciliation, Mediation and Arbitration (CCMA) or Labour Court unless they have secured a judgement or award against the Temporary Employment Service, which the TES then declines to fulfill. In contrast, section 57(1) of the Employment Equity Act of 1998 differentiates itself from the LRA and BCEA by stipulating that an individual whose services are procured through a Temporary Employment Service shall be regarded as an employee (Benjamin, Bhorat and Van der Westhuizen, 2010; Theron et al., 2005).

In contrast, the Occupational Health and Safety Act delineates a precise and advantageous definition of a workplace for TES workers (Woldman, 2019). The legislation delineates a workplace as any premises or location wherein an individual engages in activities pertinent to their employment. Nonetheless, this statute offers no guidance beyond the delineated rights and obligations it articulates (Masuku and Nkala, 2021). Madala (2022) contends that the Employment Services Bill of 2012 advocates for regulation instead of an outright prohibition on TES. It posits that the designation Temporary Employment Services aligns with its definition as articulated in the LRA.

There exist well-defined registration criteria that will distinguish between private employment agencies offering TES services and those that solely provide alternative services. The agreement established between the client company and the TES must delineate the proportion of the remuneration designated for the workforce. The previously articulated points possess considerable importance to the endeavours of the TES. The services related to recruitment and placement offered by private employment agencies are regulated by section 24 of the Skills Development Act (Bischoff et al., 2024). This section stipulates that any individual or organisation seeking to provide employment services for remuneration be required to secure registration with the Department of Labour (Eneh, Bakare, Adeniyi and Akpuokwe, 2024). All employment agencies are required to register with the Services Sector Education and Training Agency, as outlined by the Skills Development Levies Act, irrespective of the adequacy of their payroll to warrant contributions (Masuku and Nkala, 2021).

## **2.6 Temporary Employment Services Compliance**

### **2.6.1 Skills Development Levies Act and Unemployment Insurance Act**

The Skills Development Levies Act (SDL) and Unemployment Insurance Fund (UIF) recognize Temporary Employment Services that have successfully applied for and obtained an exemption certificate (IRP 30) from SARS as an employer (Chu, Reynolds, Tavares, Notari and Lee, 2021). They have the capacity to withhold tax from the earnings of employees and remit it to SARS. Following a year's duration, it is necessary to renew these certificates. In the absence of a valid exemption certificate for a TES, the client is obligated to remit the skills development levy along with the contributions to the Unemployment Insurance Fund for both the employer and the employee. Furthermore, the employer is precluded from utilising the TES to withhold and remit taxes on behalf of its employees (Norton, 2022; Benjamin et al., 2005).

### **2.6.2 Basic Conditions of Employment Act**

The Basic Conditions of Employment Act (BCEA) delineates that Temporary Employment Services (TES) are regarded as the employer when supplying personnel to clients. On the other hand, the client bears joint and several liabilities for complying with the minimum requirements outlined in the Act (MacKay, Boddy, Brack, Diack and Jones, 2024). The existence of this responsibility is contingent upon whether the customer has compensated for the temporary employment service. By virtue of the principle of joint and several liabilities, the responsibility to fulfil its obligations shifts, in essence, from the private employment agency or temporary employment service to the client. Nevertheless, the client carries an intrinsic responsibility. The client does not operate in the capacity of an employer; therefore, pursuing direct legal action against them within the Bargaining Council, Commission for Conciliation, Mediation and Arbitration (CCMA), or Labour Court is not permissible. The employee may initiate action against the client only after securing a judgement or order against the TES, which the Employment Agency has chosen not to fulfil (Rogers, 2016; Chu, 2021).

### **2.6.3 Skills Development Act**

Temporary employment services fall outside of the scope of the Skills Development Act (SDA). The determination of the employer for a placed employee rests with the courts, which must apply the conventional criteria of the employment relationship. This is essential for verifying the conditions under which an employer can engage in a learnership or apprenticeship agreement with an individual recruited through a Technical Education Scheme (TES). Temporary employment services function within the framework of a private employment services agency. The SDA requires that private employment service agencies obtain registration with the Department of Labour. Nevertheless, there have been no published regulations concerning this issue since the amendments made in 2003. Private employment agencies operate under fee restrictions established by regulations implemented in 2000 (Chu, Reynolds, Tavares, Notari and Lee, 2021).

### **2.6.4 Employment Equity Act**

Duval and Shibata (2021) examine the Employment Equity Act (EEA), which serves to prevent unjust discrimination and mandates that companies engage in affirmative action, with the notable exception of smaller enterprises. The EEA prohibits any individual from engaging in unjust discrimination against workers.

Consequently, the anti-discrimination provision of the Act is applicable to both a temporary employment agency (TES) and the client to whom workers are assigned. Moreover, a client bears joint and several liabilities for any unjust discrimination perpetrated by the TES as a result of the client's explicit or implicit directives. Should the TES choose candidates according to a pre-established criterion, such as ethnicity, in accordance with the client's directives, this scenario would indeed arise (Matemane and Moloi, 2024).

### **2.6.5 Compensation for Occupational Injuries and Diseases Act**

Moloi (2024) underscores that the stipulations of the Compensation for Occupational Injuries and Diseases Act (COIDA) designate TES as the employer. Consequently, the TES is required to officially register as an employer with the compensation fund, adhere to the reporting obligations established by the Act, and submit payments to the fund via assessments, and record occupational accidents and illnesses in accordance with the Act's provisions (Govindan et al., 2024). The safeguarding against civil claims is solely pertinent to the TES and does not extend to the client. Furthermore, the client undertakes the obligations of the employer in relation to adherence to health and safety regulations. Nonetheless, the assertion previously articulated remains applicable to both the Occupational Health and Safety Act and the Mine Health and Safety Act (MHSA) (MacKay et al., 2024). This signifies that the TES is obligated to notify the Compensation Fund regarding any accidents involving a placed employee, whereas the client holds the sole responsibility for reporting these incidents to the inspectorate in accordance with OHSA or MHSA regulations (Rikhotso, Morodi, and Masekameni, 2022).

### **2.7 International Labour Convention of Private Employment Agencies**

Novitz (2024) notes that the rise of Private Employment Agencies in regions where they were previously absent has been shaped by the swift progress of information and communication technologies, the rise in temporary and part-time employment, and the escalating rates of unemployment (Barbier and Tengeh, 2023; Nyenti, 2007).

This has led to a profound alteration in the dynamics of labour markets. Throughout the twentieth century, numerous nations enacted prohibitions on PEAs, primarily motivated by concerns regarding the potential for worker abuse and exploitation, which ultimately eclipsed any advantages they may have offered. Nonetheless, the alterations examined in the operation of labour markets have unveiled an expanding spectrum of opportunities for PEAs, which have markedly influenced their present ascent in various nations (Ogawa, 2024).

The growing recognition of their advantageous influence has led to a re-evaluation of their role. The ratification of ILO Convention No. 181 concerning Private Employment Agencies in 1997 represented a pivotal transformation in this domain. This convention aims to create a harmonious framework that recognises the significant role of private employment agencies in delivering specialised labour market services while simultaneously safeguarding the essential rights of workers (Govindan, Jain, Singh and Mishra, 2024).

The Private Employment Agencies Convention addressed the increasing complexities encountered by organisations amid the growing global competitive landscape. The Convention aims to reconcile the need for businesses to modify their workforce with the essential rights of workers to experience stable employment, a secure working environment, fair working conditions, and a safety net in the event of incapacity to work (Barbier and Tengeh, 2023).

## **2.8 ILO Standards of Private Employment Agencies**

Ogawa (2024) provides a detailed examination of the preamble of Convention No. 181, emphasising the significantly transformed context in which private employment agencies operate, as opposed to the circumstances that existed during the inception of Convention No. 96. The preamble acknowledges the significant role that private employment agencies can play in fostering a dynamic labour market while emphasising the necessity of protecting employees from exploitation (Wouters, 2021). This also evokes the stipulations in 1949, and the Discrimination (Employment and Occupation) Convention of 1958, the Employment Policy Convention from 1964, the Minimum Age Convention of 1973, alongside the regulations pertaining to recruitment and placement (Nyenti, 2007; Barbier and Tengeh, 2023). The Convention actions to establish a harmonious equilibrium between the imperative of protecting the essential rights of workers and the recognition of the constructive function that private employment agencies may fulfil in delivering particular labour market services.

Novitz (2024) asserts that convention delineates the meaning of a private employment agency as any individual or organisation distinct from the government that provides various labour market services aimed at aligning job offers with applications while remaining uninvolved in any employment agreements that may arise. Samantroy (2015) delineates services that involve the recruitment of employees aimed at rendering them available to a third party, whether an individual or an entity, which designates and supervises the performance of these responsibilities.

Furthermore, additional services pertinent to the job search process are delineated by the appropriate authorities, considering the perspectives of the most prominent employers' and workers' associations. Furthermore, these services encompass the dissemination of information, which is not intended to align with specific employment opportunities or programs for employment (Barbier and Tengeh, 2023).

### **2.8.1 Regulating Articles / Standards**

The Private Employment Agencies Convention of the International Labour Organization involves among the functions of labour acquisition and recruitment that private employment agencies perform (Govindan et al., 2024). In some areas of the economy, countries that have ratified the Convention have the ability to restrict the operation of employment agencies. This includes Article 7, which indicates that employees may not be charged any fees by agencies. Article 8, the Convention requires ratifying nations to have sufficient mechanisms for reporting and looking into complaints against agencies, but it does not mandate a licensing system (Samantroy, 2015). The functions of the government in relation to public employment services can sometimes be unclear when compared to private employment agencies. From an analytical perspective, the government assumes the dual role of funding and providing various services, including job placement or labour exchange, labour market information, and labour market programs (Moeketsi, 2020).

Various growing and developed economies are increasingly relying on non-profit or for-profit private employment to handle this responsibility. Nevertheless, the government consistently remains the primary provider of funds in all situations. Government financing is accompanied by procurement processes that are designed to ensure strict adherence to regulations (Barbier and Tengeh, 2023). However, in the case of private employment agencies that function as profit-driven businesses relying on client transactions, it is the government's duty to supervise and regulate them as corporations. As part of their role, a government needs to evaluate whether private agencies can effectively function as business enterprises and, if necessary, set up rules and regulations for their operations. Similar to the auditor, the government plays a crucial role in monitoring and supervising the operations of businesses across various industries of the private economy (Meyers and Macun 1993).

In total, twenty-four (24) articles regulate the minimum standards outlined in Convention 181 for private employment agencies. Private employment agencies have significantly improved

national labour markets following the COVID-19 pandemic (Selberg, 2020). The capacity of these experts to match employers with candidates for employment in fluctuating job markets is crucial for robust economies in these rapidly evolving circumstances. Private employment agencies facilitate the strategic alignment of resources for companies and individuals, adapting to the evolving landscape of employment in response to changing economic circumstances. They provide support to young, migrant, disabled, and older professionals in securing employment in the labour market (Wouters, 2021).

**Table 1:** Convention (No. 181) Standards of Private Employment Agencies

<b>Article No.</b>	<b>Description</b>
<b>Article 1</b>	Within the framework of this Convention, the term private employment agency denotes any individual or entity functioning autonomously from public authorities, which provides one or more of the designated services pertinent to the labour market.
<b>Article 2</b>	This Convention applies universally to all private employment agencies. This Convention is relevant to all classifications of workers in every sector of economic endeavour. This bears no significance to the recruitment and placement of seafarers. This Convention seeks to enhance the operational efficacy of private employment agencies while concurrently ensuring the protection of workers who engage with their services, in alignment with its provisions. Following discussions with the foremost organisations representing both employers and employees involved.
<b>Article 3</b>	The legal status of private employment agencies will be determined in accordance with national laws and established practices, subsequent to discussions with the most representative bodies of both employers and employees. A member is assigned the responsibility of defining the parameters that govern the operations of private employment agencies, in accordance with a framework of licensing or certification, unless different regulations are prescribed by applicable national legislation and practices.
<b>Article 4</b>	It is essential that measures are taken to ensure that individuals hired through private recruitment agencies, as specified in Article 1, maintain their rights to freedom of association and collective bargaining.

<b>Section 5</b>	In order to promote fair access to employment and particular professions, it is essential for a member to ensure that private employment agencies interact with workers in an unbiased manner, free from discrimination on the grounds of race, colour, sex, religion, political beliefs, national origin, social background, or any other discriminatory criteria acknowledged by national laws and practices, including age or disability.
<b>Section 6</b>	The administration of personal data pertaining to employees by private employment agencies should be conducted in a manner that safeguards this information and honours the privacy of workers, in alignment with national legislation and recognised practices. This is reasonable to be confined to an examination of the qualifications and professional experiences of the individuals concerned, in addition to any other pertinent information that is directly associated with them.
<b>Section 7</b>	It is against the law for private employment agencies to impose any fees or expenses on their employees, under any circumstances, whether they do so directly or indirectly, in whole or in part. The relevant authority may, after engaging in dialogues with the principal organisations representing both employers and employees, authorise exceptions to the provisions outlined in the previous paragraph concerning particular categories of workers and certain services provided by private employment agencies. These exceptions would take into account the individuals who are currently employing themselves and would be made after taking into consideration the individuals who are currently employed.
<b>Section 8</b>	Subsequent to discussions with the principal organisations representing both employers and employees, a member is obligated to implement all necessary and appropriate measures. This will be executed within its jurisdiction and, when suitable, in collaboration with other members, to ensure adequate safeguarding for migrant workers recruited or assigned in its territory by private employment agencies while also preventing any potential misuse. It is essential that these encompass guidelines or statutes that enforce penalties, particularly the prohibition of private employment agencies engaged in fraudulent practices and abuses. When individuals are recruited in one nation to serve in another, the parties involved ought to contemplate the

	establishment of bilateral agreements to mitigate the potential for abuses and fraudulent practices in the realms of recruitment, placement, and employment.
<b>Section 9</b>	It is mandatory for a member to take action to prevent private employment agencies from using child labour.
<b>Article 10</b>	The entity in question is obligated to ensure the implementation of adequate mechanisms and protocols, integrating, when appropriate, for the comprehensive investigation of grievances, alleged violations, and misleading practices associated with the operations of private employment agencies.
<b>Article 11</b>	Article 1 stipulates that a member is obligated to guarantee that individuals employed by private employment agencies receive appropriate protection by implementing the requisite measures in alignment with national legislation and prevailing practices. This encompasses various rights, such as the formation of unions and collective bargaining for improved wages and working conditions.
<b>Article 12</b>	The specific roles and duties of user enterprises and private employment agencies are to be determined by a member in accordance with national law and common practice. Among the topics covered are compensation for injuries or illnesses on the job, protection against insolvency, protection of workers' claims, and benefits for mothers and fathers.
<b>Article 13</b>	A member must establish, implement, and regularly assess conditions that promote collaboration between private employment agencies and the public employment service after consulting with the most representative organisations of employers and workers and in compliance with national laws and established practices. The preceding paragraph lays forth the necessary conditions, which assume that government agencies have ultimate control over labour market policy and the allocation of public funding for its execution.

<b>Article 14</b>	Legal decisions, arbitration results, collective bargaining agreements, and regulatory frameworks are all acceptable means of putting this Convention's provisions into practice, as are other approaches that are in line with national norms. The Labour Evaluation Service or other officially sanctioned government agencies will ensure the monitoring of the implementation of this Convention's requirements. When this Convention is violated, the appropriate sanctions, including fines, must be put in place and strictly implemented.
<b>Article 15</b>	Employees who are recruited, placed, or hired by private employment agencies may be subject to more favourable terms under other international labour conventions, and this Convention does not change that.
<b>Section 16</b>	When this convention and its predecessor, the Fee-Charging Employment Agencies Convention of 1949, were founded with the purpose of revising and improving the 1933 convention.
<b>Section 17</b>	For registration purposes, the formal confirmations of this Convention must be sent to the Director-General of the International Labour Office.
<b>Article 18</b>	Only ILO members who have formally ratified the convention and had their ratifications confirmed with the ILO Director-General's office are required to comply with its provisions. Once two members' ratifications have been recorded with the Director-General, it will be effective twelve months later. Following the ratification date, this Convention will be effective for all members twelve months later.
<b>Section 19</b>	After 10 years from the date of the Convention's first implementation, a ratifying member may request to withdraw from it by notifying the Director-General of the International Labour Office by registration. No later than one year from the date of registration will the aforementioned denunciation take effect.
<b>Article 20</b>	The Director-General of the International Labour Office is tasked with informing all Members of the International Labour Organization regarding the registration of all ratifications and acts of denunciation conveyed by the members of the organisation.

<b>Article 21</b>	The Director-General of the International Labour Office is tasked with informing all ILO members that the organisation has duly received and documented all ratifications and denunciations submitted by its members.
<b>Article 22</b>	In instances deemed essential, the Governing Body of the International Labour Office shall provide a report regarding the implementation of the Convention to the General Conference. The determination will also be made regarding whether the matter of its complete or partial reform warrants inclusion on the Conference agenda.
<b>Article 23</b>	It is established that should the Conference resolve to adopt a new Convention that revises the current one, the ratification of the existing Convention will be promptly denounced, unless the new Convention indicates otherwise. This should be comprehended regardless of the stipulations outlined in Article 19 above. This Convention will cease to be available for ratification by Members once the new amending Convention comes into effect. For the advantage of Members who have endorsed this Convention yet not the revised version, it shall continue to be fully operational under all conditions.
<b>Article 24</b>	The texts of this Convention in both English and French hold equal authority.

Source: Oonincx, 2022

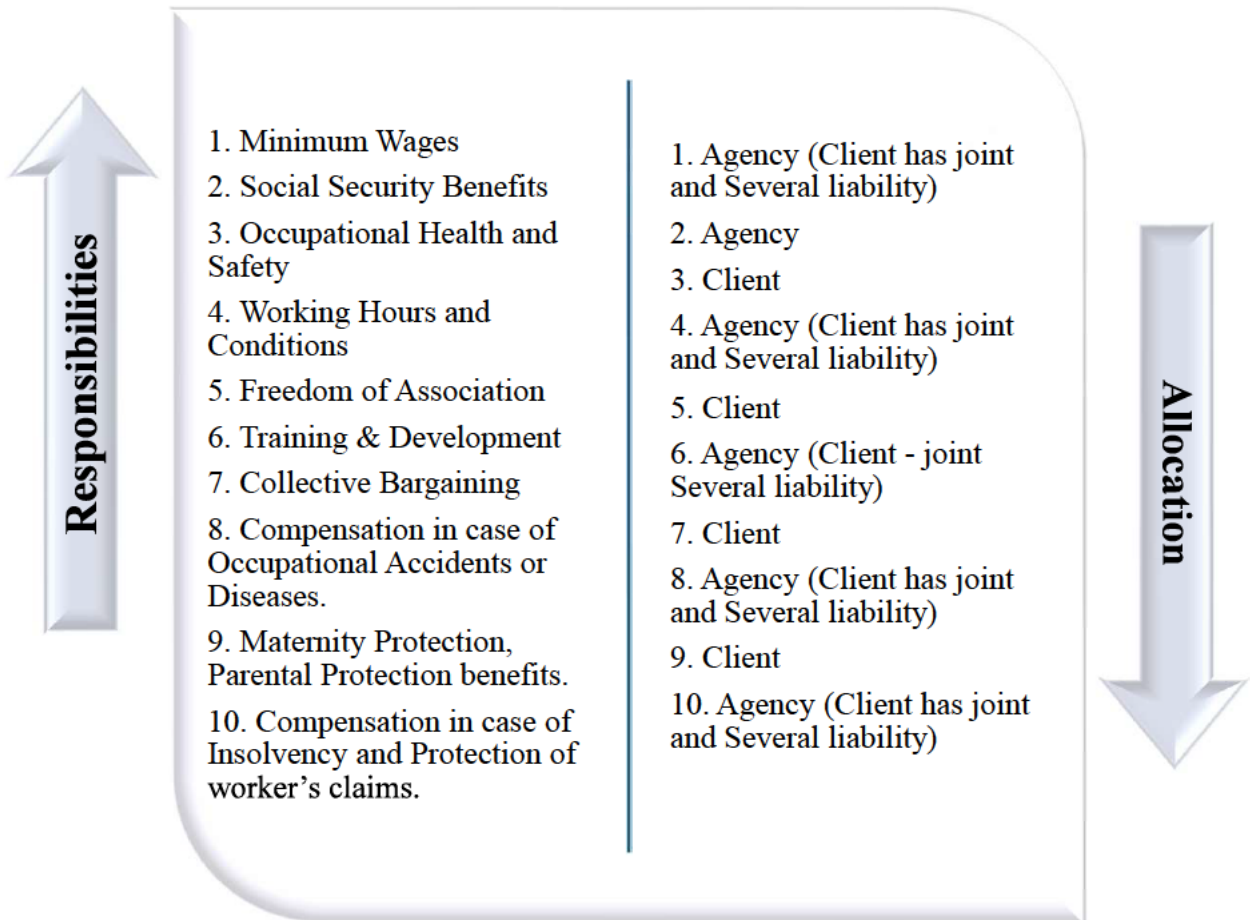
## **2.9 Adoption of ILO Convention (No. 181) to South Africa**

The Convention discusses the function of private employment agencies in the processes of recruitment and labour hiring activities. In South Africa, the ratified Convention could impose limitations on the functioning of employment agencies within specific sectors of the economy (Van Daele, 2008). Agencies are prohibited from imposing fees on employees. Although the Convention does not impose a licensing system on ratifying nations, it necessitates that they possess adequate resources for the submission and examination of complaints against agencies. The Convention aims to ensure that individuals placed in user firms by employment agencies receive appropriate protection under labour law, safeguarding them against discrimination and infringements of their personal rights. The principal stipulation facilitating this methodology mandated South Africa to establish legislation that delineates the responsibilities of agencies and user enterprises in safeguarding the rights of placed employees regarding freedom of association, collective bargaining, remuneration and working conditions, social security benefits, health and safety, as well as other facets of labour law (Du Toit, 2005).

Notable criticisms have been made against the adoption of Convention (No. 181). Vosko (1997) stated that the Convention does not specify how obligations should be distributed among the organisations involved in the triangular relationship setup. Moreover, it fails to provide rules for the allocation of responsibilities in this sort of partnership. Furthermore, the Convention makes no mention of the criteria that governments should consider when considering whether to allow agencies to be categorised as employers (Meyers and Macun 1993).

The Employment Relationship Recommendation Act addresses this issue through its non-binding recommendation that countries implement a national policy to ensure that employed workers, including those involved in multi-party relationships, are protected (Wouters, 2021). However, South African law that regulates agency employment was established before the Convention was adopted. In contrast to the Convention, current regulatory effort has focused on extending equality and non-discrimination to placed employees. This has emerged as a critical method for ensuring that employment agencies and non-standard employment do not lead to a race to the bottom, and it has been a driving force behind South Africa's legislative reform process (Sachs, Ewinyu and Shedi, 2024).

**Figure 7:** Allocation of Roles for Agency and User Enterprise



Source: Du Toit (2005)

The primary objective of the 1997 Convention in South Africa was to guarantee that workers, who are assigned to user enterprises by employment agencies, are provided with adequate safety measures under labour legislation (Sachs et al., 2024). These measures include protection against discrimination and abuse of their private rights. Nevertheless, the Convention failed to determine the allocation of obligations among the entities involved in the triangle relationship and did not provide any guidance on how to divide these tasks. Furthermore, it failed to address the specific factors that governments should consider when determining whether to grant agencies the classification of employers or ensuring the job security of people employed by private employment agencies (Davies, 2018).

The Employment Relationship Recommendation 2006, is the sole global standard that tackles this matter by suggesting that countries should implement a national policy to guarantee that employed individuals, including those involved in multi-party relationships, receive the appropriate level of protection. Prior to the adoption of the Convention, South African legislation on agency work was already in place. However, recent regulatory efforts have been concentrated on expanding the principles of equality and non-discrimination to employees placed through agencies. The aim is to prevent agency work and non-standard employment from resulting in a decline in labour standards and to promote legislative reform in South Africa (De Grip, Hoevenberg and Willems, 1997).

**Table 2:** Adopted Convention (No. 181) Standards in South Africa

<b>Article No.</b>	<b>Description</b>
<b>Article 1</b>	Urges member states to ratify and implement it in order to promote optimum labour markets and avoid abusive labour recruitment methods.
<b>Article 2</b>	Applies to all peas, worker groups, and sectors, with the exception of seafarers. Member states have the authority to restrict agency operations for certain groups of staff or certain industries in the economy.
<b>Article 3</b>	Allows member states to engage social partners before formulating legislation.
<b>Article 4</b>	Requires member countries to guarantee that workers hired via or by private employment agencies have the right to free association and collective bargaining.
<b>Article 5</b>	Banning discrimination by private employment agencies while allowing for special services to help the most disadvantaged.
<b>Article 6</b>	Requires procedures that private employment agencies use to process the personal information of workers.
<b>Article 7</b>	Forbids the collection of fees from workers.
<b>Article 8</b>	Mandates particular steps to avoid misuse of migrant workers recruited through private employment agencies.
<b>Article 9</b>	Procedures to guarantee that private employment agencies do not employ or supply children as workers.
<b>Article 10</b>	Mandates proper provisions and processes for reporting grievances, abuse, and fraud.

<b>Article 11</b>	Requires measures to protect employees' freedom of association, collective bargaining, minimum wages, working time and conditions, statutory social security benefits, access to training, occupational safety and health, compensation for accidents or diseases, compensation in the event of insolvency, protection of workers' claims, and maternity protection and benefits.
<b>Article 12</b>	Defines the obligations of agencies and user businesses.
<b>Article 13</b>	Private employment agencies are required to provide non-confidential information to national authorities.

Source: Samantroy (2015)

## **2.10 Convention (No. 181) Compliance**

### **2.10.1 Article 5 Unfair Discrimination**

Banning discrimination by private employment agencies while allowing for special services to help the most disadvantaged (De Grip et al., 1997). In South Africa, the Employment Equity Act ensures that all individuals are protected from any form of unfair discrimination in the workplace. Both a TES and a client with whom employees are placed are covered by the terms of the Act's prohibition on unfair discrimination, ensuring equal treatment for all parties involved. Furthermore, it is important to note that a client can be held responsible for any instances of unfair discrimination carried out by the TES, whether explicitly or implicitly instructed by the client. If the client's instructions led to the private employment agency choosing candidates based on prohibited factors like race, then this scenario would apply (Bezuidenhout, 2008).

Nevertheless, no official decision has been made regarding whether it is considered unfair discrimination to treat employees who are assigned to a client by a TES in a less favourable manner compared to employees who are directly recruited by the client to perform work of equal value (Van Daele, 2008). Given the client's status as a non-statutory employer, wage differentiation in this particular workplace does not constitute prohibited discrimination. Trade unions have successfully advocated for the elimination of labour brokers, with both public and private sector employers agreeing to phase them out. This has been achieved through the statutory conciliation system.

Collective agreements in certain industries have limited the number of workers that employers can employ through temporary employment services (Barbier and Tengeh, 2023). Several studies have indeed confirmed the growing demand for temporary employment services (Nzama, 2024). In a study from 2008, which was commissioned by the Department of Labour, a suggestion was made to prohibit TES that function solely as employers of outsourced labour. However, this proposal would not apply to TES operating in the higher end of the labour market, where workers with specialised skills are provided. The call, initially proposed by the Minister of Labour, gained traction as a campaign within the labour movement, notably COSATU. However, the ruling party maintains its official policy that labour consulting and other non-standard forms of work should be regulated to prevent worker exploitation. However, the push for a ban reached its peak with the release of labour law amendments in 2010, which aimed to gradually eliminate temporary employment services (Nzama, 2024).

#### **2.10.2 Article 4 Freedom of association and collective bargaining**

Article 4 requires member countries to guarantee that workers employed using or by private employment agencies have the right to free association and collective bargaining. No legal obligation to participate in collective bargaining is included in the Labour Relations Act, nor does the legislation govern the conduct of collective bargaining by means of a notion such as good-faith negotiations. Instead, it employs a framework of legally mandated rights for organisations to further the acknowledgement and efficient functioning of representative labour unions. This framework, along with a safeguarded entitlement to engage in industrial action after the referral of a dispute to conciliation, is the main legal vehicle for advancing collective bargaining (Oyetunde, Prouska and McKearney, 2024).

Placed employees in SA have the right to become members and actively participate in the operations of trade unions, and they are safeguarded from any kind of harassment for their involvement in such engagements. Trade unions that are officially recognised and adequately represented at a workplace have the right to assert fundamental organisational rights. These rights include the ability to demand that the employer deduct and pay union memberships, as well as provide reasonable access for union officials to visit the employer's premises and carry out union-related activities. Individual trade unions may get these rights either alone or through collective action. If an issue regarding the acquisition of organisational rights cannot be settled via conciliation before the CCMA or a negotiating council, the trade union has the option to request arbitration or initiate a strike (Brändle, 2024).

Labour unions that have a majority representation in a workplace are eligible to have their elected trade union representatives acknowledged by the employer. This recognition allows office-bearers to take time off for union-related matters, training, and to get information for collective bargaining. Furthermore, they may establish a collective agreement with the employer that defines the minimum level at which trade unions may acquire fundamental organisational rights. They may also enter into agency shop agreements that mandate non-members who benefit from collective bargaining to make contributions to the union (Doellgast and Benassi, 2020; Nzama, 2024).

In this way, placed employees possess equal rights as their counterparts (Nzama, 2024). Nevertheless, there are many ways by which individuals are successfully hindered from exercising their rights. These arise from the legal construct that designates the TES as the employer, regardless of whether the employees are now working forever for a TES customer. Individuals assigned to permanent positions using employment agencies are unable to initiate a demand to negotiate with their actual employer since they are not legally employed by them (Brändle, 2024).

Theron, Godfrey and Lewis (2005) indicate that the notion of the workplace serves as a prominent example of this phenomenon, since it is used to ascertain the level of trade union representation in order to secure organisational rights. A workplace is legally defined as the physical location or locations where workers of a business carry out their job activities. Staff employed by labour brokers are not employed in a physical workplace owned by their regular employer and may seldom, if ever, visit their employer's facilities. Hence, a labour union that organises workers of late would qualify for the privilege of accessing the premises of the TES, a right that lacks practical use. What it does necessitate is access to the client's premises, where the employees are employed (Valikandi and Choi, 2024).

## **2.11 Integration of Theory and Managerial Implication**

Agency theory recognises fundamentals of principal and agent relationship with characteristics such as risk aversion, goal conflicts, and information asymmetry. In this study, principal refers to a business using the services of a private employment agency and agent represents a private employment agency outsourcing such services. For practical example, Scribante Labour Consultants (agent) and Toyota Tsusho Africa (principal). This relationship is characterised by temporary employment services and the principal avoid risk of CCMA cases, cutting

recruitment costs while enjoying flexibility of temporary employees on contracts as managed by Scribante Labour. The principal is updated by all recent regulations and trends in the industry specific in HR related information.

A contract is outlined as an essential key aspect of agency theory. In reality, this is significant for employment of contracts, service level agreements and costing agreements setting the terms of the relationship which the parties are getting into. These contracts can be binding to avoid circumstances where managers in key positions engage in self-serving behaviors that often lead to misappropriation of the business funds as a result of appointment to represent the shareholders' interests. However, the theory often ignores the expense of protecting against opportunistic behaviour, which can hinder business initiatives, creativity, and innovation. A perspective brought by the theory, managers are concerned about the short-term financial success of the company and have an incentive to increase accounting return on capital employed, whereas owners / shareholders are looking for long-term return on investment.

The Private Employment Agencies Convention (no. 181) looks into businesses to modify their workforce, the essential rights of workers to experience stable employment, a secure working environment, fair working conditions, and a safety net in the event of incapacity to work while establishing labour market for international standards. This is a challenge with South African government neglecting appropriate establishment and observing all these standards of private employment agency sector into a fully functional labour market. As a result, temporary employment services can hardly define who is the employer leaving a huge gap in the theory of private employment agencies.

Agency theory suggests diverse roles for organizations, behaviour and control. To alleviate problems within agency relationships, suggested strategies encompass ownership structure, managerial equity participation, concentrated ownership, and managerial remuneration. This eliminates the self-serving behaviour by managers and control corruption promoting ownership for shareholders. It is a powerful control system that is solely reliant on the output / service deliverables. The control mechanism is based on the output and information regarding the agent's actions or efforts, and principals measure this output based on service level agreements whether service deliverables are being met.

## **2.12 Chapter Summary**

The review of Agency theory and risk-sharing within the realm of economics has undergone considerable development since the 1960s, underscoring the intricate dynamics between principals and agents, especially in areas such as corporate governance and temporary employment services. Agency theory explores the complexities that emerge from differing interests and risk appetites among involved parties, highlighting the contractual framework that governs their interactions. The existing body of literature suggests that although agency relationships can enhance management efficiency and accountability, they simultaneously introduce ethical dilemmas, especially when agents place the interests of principals above moral imperatives. The rise of TES in South Africa exemplifies the real-world consequences of Agency theory, highlighting the triangular dynamics among employees, employers, and agencies that frequently result in precarious employment situations. In spite of the existence of legislative frameworks designed to govern these relationships, challenges such as job security and equitable compensation continue to persist, corresponding to wider economic difficulties intensified by globalisation and the complexities of the labour market.

Moreover, entities such as the confederation of associations in the private employment sector and the federation of African professional staffing organisations are instrumental in promoting standards and superior procedures within the staffing industry. Trade unions and bargaining councils play a pivotal role in safeguarding employees' rights, underscoring the necessity for fair treatment due to the changing landscape of employment practices. In conclusion, the interaction among Agency theory, labour market regulations, and the function of private employment agencies highlights the persistent necessity for conscientious examination of ethical practices and the safeguarding of employees' rights within modern employment environments.

## **CHAPTER 3**

### **RESEARCH METHODOLOGY**

#### **3.1 Introduction**

Pova, Manley and Wilson (2024) articulate that research represents a distinctive addition to the existing body of available information, playing an essential part in its continued development. Therefore, in the pursuit of truth, this involves diligent research, careful observation, thoughtful comparison, argumentation and thorough experimentation. This chapter outlines the philosophical framework employed for this research project. The study outlines the selected design to achieve the aim and objectives to guarantee the effective gathering of the necessary information to address the issue at hand. This chapter provides a comprehensive overview of the research methodology, along with a detailed description of the selected research method for this study.

Kumar (2018) suggests that research involves a thoughtful approach that incorporates the application of specific expertise. In the discipline of contemplation, a researcher typically engages in questions regarding observations and activities to understand, expresses perceptions and formulates conclusions and inferences to enhance one's practical abilities and knowledge foundation. This chapter provides the selected design methodology and procedures employed for data collection and analysis. The researcher explores the strengths and weaknesses of the data and provides a rationale for the proposed methods of analysis. The discussion encompasses the design technique, sampling methodology, and their associated limitations and consequences. Furthermore, it examines the ethical procedures relevant to this study and the methods employed to address them.

#### **3.2 Research Paradigm and Philosophy**

Bhat, Silllalee and Kandasamy (2023) review the overarching objective of natural sciences in the research that is to better understand the world created by humans, including the structures and institutions they have established and the behaviours that take place within those structures. A research philosophy outlines the foundational beliefs that guide a study, and it establishes a clear vision for all research initiatives by integrating into foundational, theoretical, and procedural guidelines (Madden, 2022).

### **3.2.1 Ontology**

This philosophical discipline is focused on clarifying the essence of the known, the characteristics of existence, and the potential for objective insight of individual objects (Ejnavarzala, 2019).

### **3.2.2 Epistemologist**

An epistemologist investigates the methods by which a researcher acquires knowledge. This leads to an appreciation of reality and the limitations of researchers' expertise (Spivakovsky et al., 2023).

### **3.2.3 Pragmatism**

Ejnavarzala (2019) emphasise the significance of employing instruments that are optimally adapted for the research of phenomena, as opposed to approaching the research from a singular perspective. The objective is to engage with it through ongoing analysis and questions. Furthermore, the pragmatist philosophy considers notions as important only if they facilitate action. However, one point of view cannot provide a whole picture since there are several realities to consider, even with different approaches to study and world interpretation (Allemang, Sitter and Dimitropoulos, 2022). This approach integrates aspects of engagement and the researcher's perspective when summarising the responses and choices of participants (Allemang et al., 2022; Ejnavarzala, 2019).

### **3.2.4 Interpretivism**

The interpretive philosophy focuses on achieving an extensive awareness of a topic while facilitating the investigation and understanding of the participants' actual environment (Alharahsheh and Pius, 2020). Interpretivism employs inductive reasoning, in contrast to deductive reasoning, which demonstrates links within a theory centered on cause and effect. Inductive reasoning emphasises the contextual factors surrounding occurrences (Shimizu and Kobayashi, 2023).

### **3.2.5 Positivism**

Positivism relates to natural science and involves engaging with observable social realities to generate law-like generalisations. The acquired information is meant to be straightforward and precise. This research approach is founded on a post-positivist perspective. This perspective

acknowledges that in the examination of human behaviour and behaviours. The researcher cannot assert definite claims of knowledge (Alharahsheh and Pius, 2020).

### **3.2.6 Selected Research Philosophy**

A researcher adopted a pragmatic paradigm deemed best suitable for the study objectives. The desired main aim of the study is achieved by employing all necessary materials and methodologies to obtain answers to research questions. This study was intended to analyse existing knowledge through literature, but it was heavily dependent on individuals' perspective. The main aim was achieved by employing all necessary materials and methodologies to obtain answers to research questions. Ejnavarzala (2019) suggests that pragmatists may use any resources or methodologies at their disposal to build the necessary structure. By utilising this philosophy, a researcher is flexible to apply a deductive strategy and use the descriptive design methods, and strategies that best accomplish the study's objectives.

### **3.3 Research Methodology**

Several philosophical principles like ontology, epistemology, positivism, and interpretivism have been explored, and the technique selected is contingent on these notions. The research method is a structured approach in research that seeks to explore and draw conclusions about the topic at hand on ways it is perceived (Snyder, 2019). Mixed methods, quantitative methods and qualitative methods are the three primary methodologies of research. No method is superior to the other, but the choice of method selected is dependent on the nature of the research problem and objectives of the study (Creswell, 2017).

#### **3.3.1 Qualitative Method**

This methodology can be described by the generation and application of qualitative data. The methods for data collection encompass interviews, while the analysis is performed through categorisation (Luo and Chan, 2022).

#### **3.3.2 Quantitative Method**

This method can be illustrated by the generation and application of quantitative data. The study employs constructed surveys, with analysis performed through graphs and statistical methods (Dahlqvist, 2021).

### **3.3.3 Mixed Method**

Strijker, Bosworth and Bouter (2020) illustrate this approach, which integrates both quantitative and qualitative methods. This approach is emerging as a prominent strategy in the field of business and management research. The mixed-method approach provides comprehensive insights into several phenomena that cannot be attained using a single technique.

### **3.3.4 Selected Research Method**

A researcher employed the quantitative research methodology to achieve the successful completion of the study. Creswell (2017) perceives quantitative research as fundamentally rooted in studies that leverage massive sample sizes for the purpose of generalisation, with methodologies that provide valuable insights into social phenomena through quantifiable evidence. These research projects generally rely on statistical analysis to produce objective, valid, and reliable findings. A survey questionnaire was used to obtain the relevant information required for this project within the constrained time. The researcher collected data at a point in time. This study adopted a deductive approach, initiating a theory-driven research questions that directed data collection and analysis, while testing the validity of the assumptions. This methodology was predominantly used as the quantitative research. The descriptive research approach enabled the researcher's collection of data that addressed the study's objectives and research questions.

## **3.4 Research Design**

A research design serves as a framework outlining the method the researcher will take to address clearly defined research questions. On the other hand, key elements that influence the selection of a design include the nature of research questions, sample size, and the interaction between the researcher and participants (Ranganathan and Aggarwal, 2018).

### **3.4.1 Qualitative Design Methods**

#### **3.4.1.1 Case study**

Case study design involves thorough examination of a particular topic, including an individual, collective, location, occurrence, entity, or phenomenon (Muurlink and Thomsen, 2024).

### **3.4.1.2 Grounded theory**

This is a method that involves creating a theory derived from data analysis. This is in contrast with conventional research methods that involve formulating hypotheses to be tested for validation or refutation (Ranganathan and Aggarwal, 2018).

### **3.4.1.3 Ethnography**

Brown and White (2023) describe this research design referred to as ethnography, a flexible strategy that allows for a deep understanding of the prevailing culture, standards, and social interactions within a community.

## **3.4.2 Quantitative Design Methods**

### **3.4.2.1 Descriptive Design**

Descriptive research is generally recognised as a type of quantitative research, though qualitative methods can also fulfil descriptive aims. The development of the research design requires careful attention to detail to ensure the outcomes are both valid and reliable. This research serves as a suitable option when the objective is to uncover characteristics, frequencies, trends, and classifications (Miller, Smith and Pugatch, 2020).

### **3.4.2.2 Quasi-experimental Design**

The principles of experimental design are reminiscent of this approach. This design involves the comparison of outcomes among established groups and is conducted in a natural environment. Among the various types of quasi-experimental design, three important ones are non-equivalent groups design, regression discontinuity, and natural experiments (Miller, Smith and Pugatch, 2020).

### **3.4.2.3 Correlational Design**

Lorenz-Spreen, Oswald, Lewandowsky and Hertwig (2023) describe this design as the one that evaluates the relationships among variables, quantifying them without exerting influence. Furthermore, a correlation is a statistical measure that demonstrates the nature and scope of the relationship between two or more variables. The progression of the relationship can be either positive or negative, contingent upon the situation at hand. This type of research typically employs surveys, observations, and secondary data collection methods as the most common approaches for gathering data (Zhuang, Yang and Cordes, 2020).

### **3.4.3 Mixed Methods**

#### **3.4.3.1 Explanatory**

This approach consists of two phases, wherein qualitative data addresses or enhances the preliminary quantitative findings. This design exhibits a robust quantitative focus, as quantitative data serves as the fundamental component to initiate the process. Explanatory design focuses on analysing a situation or problem to elucidate the relationship between variables (Othman, Steen and Fleet, 2020).

#### **3.4.3.2 Exploratory**

In order to provide a suggestion or solution to an issue, Kasirye (2024) discusses the exploratory design technique, which involves gathering, evaluating, and combining qualitative and quantitative data in a cooperative setting. Designers convey their concepts in low-fidelity formats such as sketches, models, maps, and role-playing via rapid prototyping. Dunne (2018) asserts that physical representations of the issue or solution are an element of the exploratory technique. Enquiries strive to get fresh insights into things, evaluate them from a novel perspective, and pose questions.

#### **3.4.3.3 Embedded Design**

This method assumes that using a single data set is insufficient and that using many data kinds is necessary. The embedded design functions as a complementary element to standard qualitative or quantitative designs, enhancing the overall framework. The concept of primary data is established, which can be either qualitative or quantitative, while a secondary role is attributed to other types of data (Aramide, Jaco and Pillay, 2023).

### **3.4.4 Selected Research Design**

To effectively answer the research questions, the researcher employed the descriptive design method. The design allowed the researcher to conduct survey research using closed questionnaires to collect data. The researcher sent survey questionnaires via email, distributed them online, and handed them out in person. Rainforth et al. (2024) suggest that surveys might be an effective and adaptable technique to secure standardised data from a large number of individuals. Therefore, it is crucial to ensure the questions are not biased and capture the correct insights. A researcher adopted deductive method by means of hypotheses, which derived from the propositions of the private employment agency, agency theory and recruitment challenges to draw conclusions on the relationships.

### 3.5 Research Setting

The research was conducted at Scribante Labour Consultants (Pty) Ltd. The company is located in Durban, KwaZulu-Natal, and the research included three business associates that partner with Scribante Labour Consultants for Temporary Employment Services. The three business associates were Toyota Tsusho Africa, Toyoda Gosei South Africa, and AIH Mahindra Logistics. Scribante Labour Consultants was selected based on its current position as one of the leading Temporary Employment Services companies in South Africa. The company provides services including temporary, term, and project staff outsourcing; placements for permanent and temporary employment; industrial and human resources services; learnerships and training; and specialises in payroll outsourcing. A researcher presented the study to Scribante Labour Consultants' executive, and the board approved carrying out the study. The director signed a gatekeeper's letter (see Appendix 3).

### 3.6 Population and Sampling

Draugalis and Plaza (2009) articulate that population involves the complete set of elements related to any subject of study, including objects, events, organisations, or countries, from which conclusions may be constructed. On the other hand, a sample relates to the unique selected group of the population from which data will be gathered, and the sample size must be smaller than the total population (Casteel and Bridier, 2021). The study was targeted at a total population of 72 (see Table 1.3).

Table 3: Target Population

<i>Positions</i>	<i>Number of Participants</i>				<i>Total</i>
	<i>SLC</i>	<i>AIH Mahindra</i>	<i>TGSA</i>	<i>TTAF</i>	
<i>Chief Executive Officer</i>	1	1			2
<i>Director</i>	1				1
<i>HR Manager</i>	1		1	1	3
<i>Operations Coordinator</i>	4				4
<i>Recruiter(s)</i>	5				5
<i>HR Officer</i>	1				1
<i>IR Practitioner</i>	1				1
<i>Supervisor(s)</i>	4	1	1	1	7
<i>Team Leader</i>		1	1		2
<i>General Manager(s)</i>	3	1			4
<i>Administrator(s)</i>	3		1		4
<i>Assemblers</i>		3	3	3	9
<i>Operators</i>		9	10	10	29
<b><i>Total</i></b>	<b>24</b>	<b>16</b>	<b>17</b>	<b>15</b>	<b>72</b>

The target population included Chief Executive Officers, Directors, Human Resource Business Partners, Operations Coordinators, HR and IR, recruitment employees, and Scribante Labour Consultants. The decision to select the targeted population was influenced by the extensive background experience and knowledge possessed by the participants in the population on the business operations and recruitment functions of the private employment agency.

### **3.6.1 Sampling Methods**

Berndt (2020) defines the probability method as the process of random selection, which facilitates strong statistical inferences regarding the entire population. This guarantees that each unit in the research population has an equal probability of being selected. Among the many forms of random sampling are simple random sampling, stratified sampling, cluster sampling, and systematic sampling (Althubaiti, 2023). Non-probability sampling constitutes a selection process that is not random, relying instead on convenience or specific criteria, thereby facilitating the collection of data with relative ease (Rahman, 2023). The application of the results is confined to a specific subsection or organisation, rather than being extended to the public. In non-probability sampling, each unit within the target population does not have an equal opportunity for inclusion. Examples of non-probability methods include snowball sampling, purposive sampling, and quota sampling (Berndt, 2020). Probability sampling was adopted for the success of this study. A researcher was guided by Burns et al. (2008) emphasising the importance of a target population to include all elements that meet certain criteria for inclusion in a study.

### **3.6.2 Sampling Procedure**

With the study being quantitative, the researcher employed a cluster sampling strategy (Rahman, 2023). The researcher created up to four (4) clusters and randomly selected participants from those clusters. The clusters were arranged according to companies included in the target population of the study as indicated below:

- a) First Cluster: Scribante Labour Consultants
- b) Second Cluster: Toyota Tsusho Africa
- c) Third Cluster: AIH Mahindra Logistics
- d) Fourth Cluster: Toyoda Gosei South Africa.

### 3.6.3 Sample Size

Sekaran and Bougie (2010) point out that a suitable sample size is supposed to be within the range of 50 to 500 participants. A researcher implemented a formula established by Yamane (1967) to determine a suitable sample size for this study.

The formula is as follows:

$$n = \frac{N}{1 + N(e)^2}$$

Where:  $n$  = Sample Size

$N$  = Population

$1$  = Constant

$e$  = Sampling Error or Level of Precision

$$n = \frac{72}{1 + 72(0.05)^2}$$

$$n = \frac{72}{1.18}$$

$$n = 61.02$$

$$n = 61 \text{ participants}$$

The sample size of the study was 61 participants.

### 3.7 Inclusion Criteria

The researcher was seeking for information from the participants who met the following criteria:

- a) Age group between 18 to 65.
- b) Permanently employed employees by private employment agency.
- c) Temporary employees outsourced by private employment agency.
- d) Employees directly involved in recruitment.
- e) Individuals directly involved in the business operations of Temporary Employment Services for Recruitment.
- f) Individuals involved in the placements of individuals in permanent or temporary employment.
- g) Clients or business associates working with Scribante Labour Consultants utilising temporary employment services.

### **3.8 Data Collection Methods**

Feng, Duives, Daamen and Hoogendoorn (2021) Data collection is a thoughtful strategy of gathering information or measures. The gathering of data allows for the accumulation of particular information and unique insights into the study topic.

#### **3.8.1 Surveys**

Surveys are a sophisticated approach to data collection, appropriate for many research settings. Survey research involves the systematic collecting of information on a specific population via question design, followed by a thorough analysis of the resulting data. Questionnaires and interviews are the two main types of survey instruments (Marsden and Hollstein, 2023).

#### **3.8.2 Interviews**

An interview constitutes a qualitative research method that involves posing questions for acquiring data. Interviews consist of two or more participants, with one designated as the interviewer who poses the questions. Structured interviews, unstructured interviews, and semi-structured interviews are the three methods of research used to gather data (Feng et al., 2021).

#### **3.8.3 Observations**

An observational study is deemed the most suitable method for addressing a research topic based solely on the researcher's observations. Furthermore, the study lacks control and treatment groups, and participants are not exposed to any interference or manipulation (Collins, Neely and Khan, 2024).

#### **3.8.4 Selected Data Collection Instrument**

A researcher adopted the survey method by using close-ended questionnaires as an instrument for collecting data. The surveys were administered online, by email, and in person. The data was obtained from Scribante Labour Consultants, AIH Mahindra, TGSA, and TTAF. This study was successful in accomplishing its goal since the participants were the source of information that led to the responses to the research questions.

### **3.9 Ethical Considerations**

The success and integrity of a project are determined by the ethical conduct of the researcher, and it is imperative that all ethical principles be observed. The rights of respondents must be maintained by adhering to the principles of informed consent and confidentiality. Anonymity

was employed to preserve confidentiality, and respondents were identified by numerical codes rather than their names. There was no collection or utilisation of personal information. The researcher was the only one who knew the identity of the responders. The researcher stored the questionnaires on encrypted devices that require password access. Surveys were completed online, and a link was sent via email after the acceptance of the signed informed consent. Questionnaires in hard copy format were scanned into an encrypted computer system. The principles of the informed consent form were elucidated to the respondents prior to their agreement and signing to participate in the study. The data for this research project is stored for a duration of five years on an encrypted personal computer, accessible solely by the researcher. A researcher submitted a formal application letter via email to the executive management requesting permission to conduct a study within the company's premises at Scribante Labour Consultants, including specific business associates. The researcher was invited to explain and present to the board about the study in which an approval was granted; a Director signed a Gatekeeper's Letter from Scribante Labour Consultants authorising the researcher to conduct the study (see Appendix 3). Thereafter, a researcher applied for ethics approval to the University of Kwa-Zulu Natal Ethics Committee, which granted an ethical clearance letter (refer to Appendix 4). The respondents were made aware that their participation is completely voluntary, and no incentives (financial gain) was offered. They were also made aware that they are free to withdraw from completing the questionnaire at any time and there would be no consequences at all. Respondents were also made aware that their names would not appear anywhere in the paper, instead fictitious names will be used to represent the answers. Only the researcher would have access to their answers. The informed consent form and its principles was explained to the respondents before signing to ensure confidentiality, anonymity and right of privacy as well as withdraw anytime are well understood. Informed consent by the researcher was obtained before respondents began the questionnaire. Respondents were made aware of the purpose, benefits, and risks of the study before they agreed to complete the questionnaire.

### **3.10 Limitations**

Due to financial limitations, this study was confined to the findings of a single Private Employment Agency, namely Scribante Labour Consultants, which operates on a national scale within South Africa. The researcher gathered information by examining developed theories within published literature and collecting data through surveys from clients working with the services of SLC in recruitment around the Durban, KwaZulu-Natal region.

### **3.11 Reliability and Validity**

Kumar (2018) expresses that validity is linked to the degree of confidence or precision associated with the instruments, findings, and data employed in the research. Reliability relates to the precision and accuracy of an instrument employed for measurement. The degree of accuracy or consistency in an instrument determines its reliability (Kothari, 2004). The questionnaire administered for this study was validated by the researcher's supervisor to determine whether the questions encompass a comprehensive range of activities that constitute the construct being measured by the study. Reliability adopted internal consistency to evaluate the correlation among multiple variables that were intended to be measured.

### **3.12 Data Analysis**

Chapter 4 of the study discusses the findings and makes meaning of the data. The quantitative data from the study was analysed using descriptive and inferential statistics. Descriptive statistics, including frequency distribution and simple percentages, were employed to analyse the first section of demographic data: gender, age, employment status, industry exposure, trade union membership status, length of service, job title, and level of education. Second section: the Statistical Package for the Social Sciences (SPSS v 23) with the adoption of Pearson Moment Product Correlation and Multiple Regression as statistical tools to evaluate the research hypothesis was used.

### **3.12 Chapter Summary**

This chapter outlined that structured research methods examine and draw conclusions about a topic based on its perceived nature. Philosophy like ontology, epistemology, pragmatism, interpretivism and positivism, influences it. Research designs that influence the shape of a study include case study, grounded theory, ethnography, experimental, quasi-experimental, correlational, explanation, exploratory, embedded, population, sample, probability method, and non-probability sampling. Each method has advantages and disadvantages, and the chosen one depends on the philosophical principles addressed. Research is necessary to understand a topic and its perceived characteristics. This study collected data using questionnaires. The study examined Scribante Labour Consultants, a South African private employment agency. The researcher must follow informed consent and confidentiality rules. Content validity verified that the questionnaire questions accurately measured the construct. Pearson Moment Product Correlation and Multiple Regression were used to analyse the data.

## CHAPTER 4

### DATA ANALYSIS AND INTEPRETATION

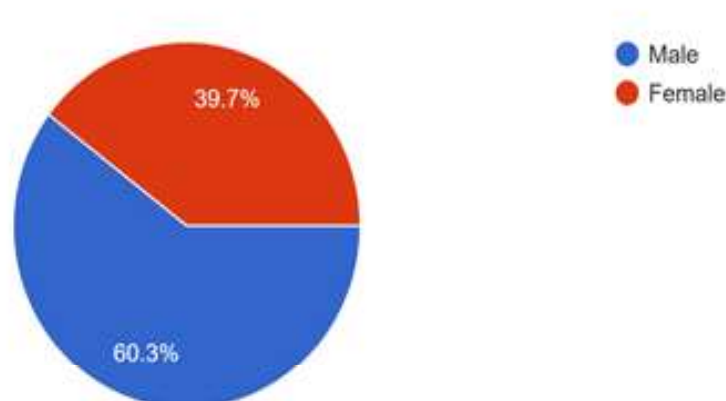
#### 4.1 Introduction

This chapter presents the data analysis for the study, focusing on the recruitment and placement challenges faced by Scribante Labour Consultants (SLC) in the temporary employment services (TES) sector. The data for this analysis was collected through questionnaires, which were distributed to a total of 61 respondents. The collected data was analysed using SPSS software, providing a statistical basis for understanding the various factors influencing the recruitment processes within SLC. The chapter begins with an overview of the biographical information of the respondents, offering context on their backgrounds and providing insight into their views on private employment agencies. It then examines the key bodies representing both employers and employees in the private employment industry, highlighting their influence on the sector. Furthermore, the relevance of SLC, as a private employment agency, to the International Labour Organization's (ILO) Private Employment Agencies Convention No. 181 is discussed, emphasising how SLC aligns with international standards and practices. This analysis is essential for understanding the challenges and opportunities within the private employment industry and the role of SLC in addressing these issues.

#### 4.2 SECTION A: Demographic Details

This section presents demographic details of participants in the study.

**Figure 8:** Gender distribution



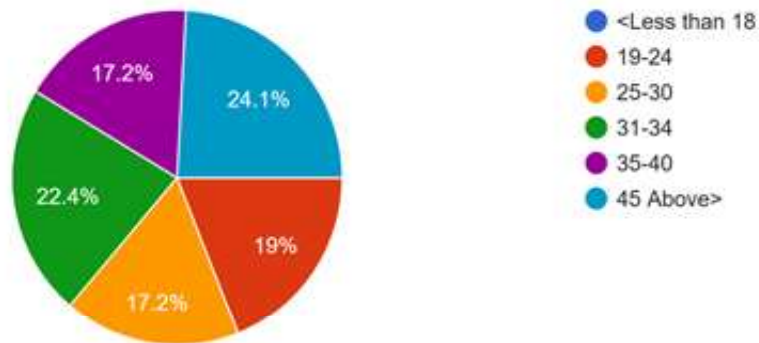
In terms of gender, the distribution of participants was as follows:

- Males: 35 participants (60.3%)

- Females: 23 participants (39.7%)

This distribution indicates that the sample was predominantly male, with females comprising a smaller proportion. The gender composition reflects a potential imbalance in the participant demographics, which may align with the characteristics of the population studied.

**Figure 9:** Age distribution

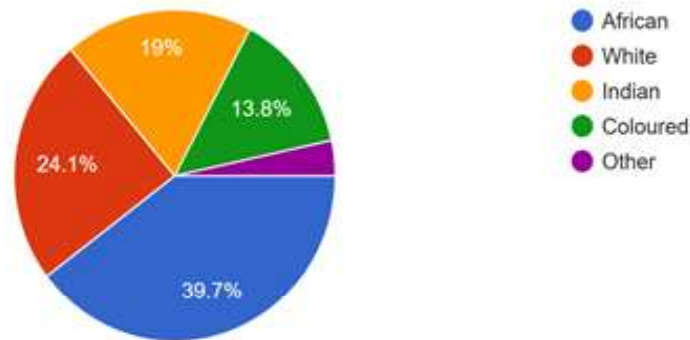


In terms of age, the distribution of participants was as follows:

- Less than 18 years: 0 participants (0%)
- 19–24 years: 14 participants (24.1%)
- 25–30 years: 11 participants (19%)
- 31–34 years: 10 participants (17.2%)
- 35–40 years: 13 participants (22.4%)
- 45 years and above: 10 participants (17.2%)

This distribution shows a fairly balanced representation across most age categories, with the largest proportion of participants falling within the 19–24 years range (24.1%). Notably, there were no participants under the age of 18, which aligns with typical workforce demographics.

**Figure 10: Race distribution**

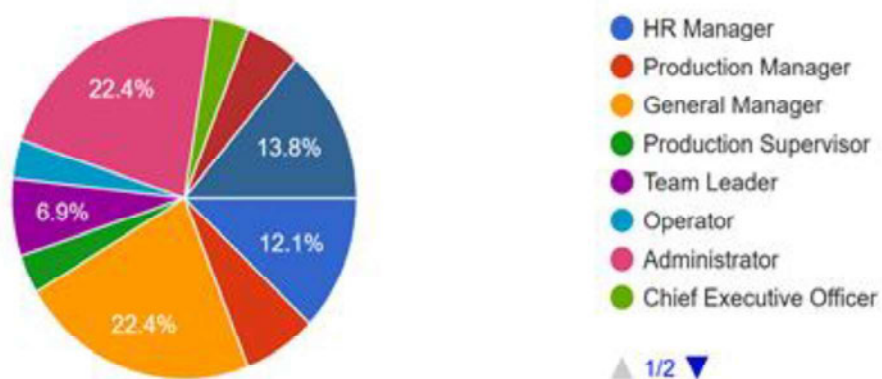


In terms of race, the distribution of participants was as follows:

- African: 23 participants (39.7%)
- White: 14 participants (24.1%)
- Indian: 11 participants (19%)
- Coloured: 8 participants (13.8%)
- Other: 2 participants (3.4%)

The majority of participants were African (39.7%), followed by White participants (24.1%). Indian and Coloured participants made up 19% and 13.8%, respectively, while a small proportion identified as "Other" (3.4%). This diversity highlights a predominance of African participants within the sample, reflecting a representation typical of South African demographics.

**Figure 11: Job titles**

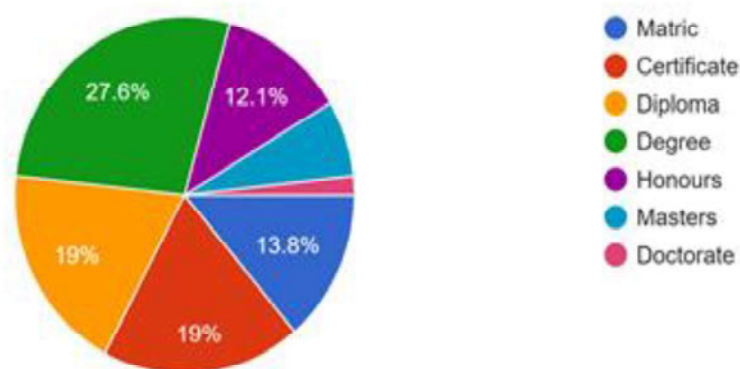


In terms of job titles, the distribution of participants was as follows:

- Director: 3 participants (5.2%)
- HR Manager: 7 participants (12.1%)
- Production Manager: 4 participants (6.9%)
- General Manager: 13 participants (22.4%)
- Production Supervisor: 2 participants (3.4%)
- Team Leader: 4 participants (6.9%)
- Operator: 2 participants (3.4%)
- Administrator: 13 participants (22.4%)
- Chief Executive Officer: 2 participants (3.4%)
- Other: 8 participants (13%)

The sample was primarily composed of General Managers and Administrators, each making up (22.4%) of the participants. HR Managers followed at (12.1%), while the "Other" category accounted for (13%). Other roles, such as Production Managers, Team Leaders, Directors, Production Supervisors, Operators, and CEOs, were represented in smaller proportions, ranging from (3.4%) to (6.9%). This distribution highlights a strong focus on senior and middle management roles, administrative positions, and a notable presence of roles categorised as "Other."

**Figure 12: Qualification levels**



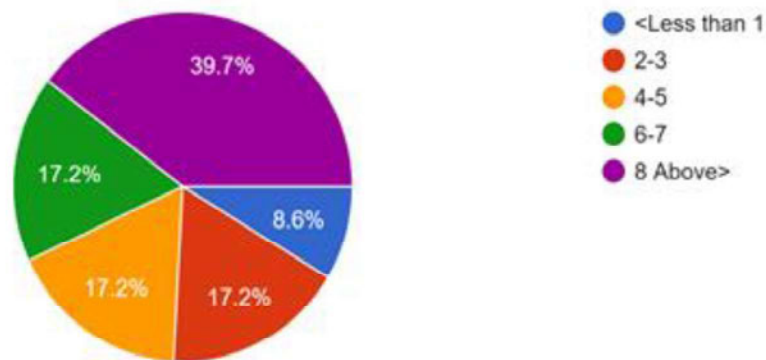
In terms of qualifications, the distribution of participants was as follows:

- Matric: 8 participants (13.8%)
- Certificate: 11 participants (19%)

- Diploma: 11 participants (19%)
- Degree: 16 participants (27.6%)
- Honours: 7 participants (12.1%)
- Masters: 4 participants (6.9%)
- Doctorate: 1 participant (1.7%)

This distribution reveals that the majority of participants held a degree (27.6%), followed by those with certificates and diplomas, each accounting for (19%) of the sample. A significant proportion of participants had matric (13.8%) or honours (12.1%) qualifications, while a smaller number had attained postgraduate qualifications such as masters (6.9%) or doctorates (1.7%). These findings indicate a diverse educational background among the participants, with a strong representation of individuals with higher education qualifications.

**Figure 13:** Years of experience

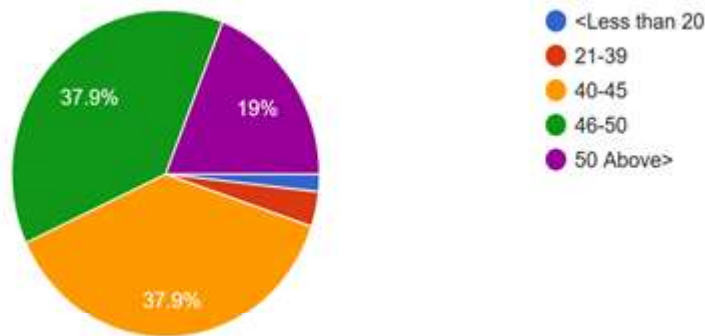


In terms of years of experience, the distribution of participants was as follows:

- Less than 1 year: 5 participants (8.6%)
- 2-3 years: 10 participants (17.2%)
- 4-5 years: 10 participants (17.2%)
- 6-7 years: 10 participants (17.2%)
- 8 years and above: 23 participants (39.7%)

This distribution indicates that the largest proportion of participants (39.7%) had 8 years or more of experience, reflecting a workforce with significant expertise. Participants with 2-7 years of experience were equally represented at (17.2%) each, while a smaller group (8.6%) had less than 1 year of experience. These findings highlight a balanced mix of experienced and relatively newer employees in the sample.

**Figure 14:** Working hours per week

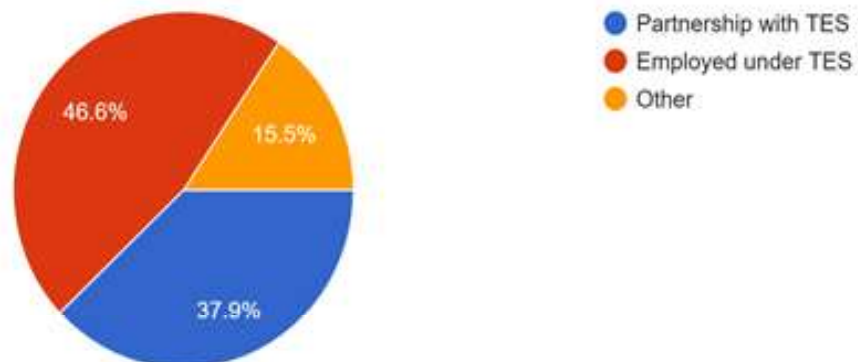


In terms of working hours per week, the distribution of participants was as follows:

- Less than 20 hours: 1 participant (1.7%)
- 21-39 hours: 2 participants (3.4%)
- 40-45 hours: 22 participants (37.9%)
- 46-50 hours: 22 participants (37.9%)
- 50 hours and above: 11 participants (19%)

This distribution indicates that the majority of participants worked either 40-45 hours or 46-50 hours per week, with both categories comprising 37.9% of the sample. A significant portion (19%) worked 50 hours or more, while a smaller minority worked less than 40 hours per week (5.1% combined). These results suggest that most participants had standard or extended workweeks, reflecting the demands of their roles.

**Figure 15:** Relationship working with TES

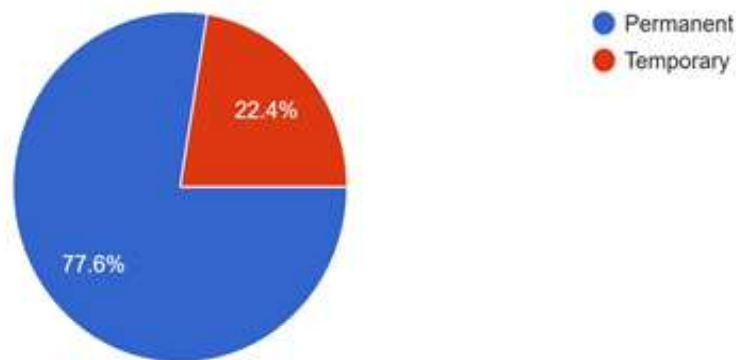


In terms of relationship with the TES (Temporary Employment Services), the distribution of participants was as follows:

- Partnership with TES: 22 participants (37.9%)
- Employed under TES: 27 participants (46.6%)
- Other: 9 participants (15.5%)

This distribution shows that a majority of the participants (46.6%) were employed under TES, while (37.9%) had a partnership with TES, indicating a strong involvement of participants in temporary or contracted employment structures. A smaller percentage (15.5%) reported another relationship with TES, which could reflect varying employment arrangements.

**Figure 16:** Employment status

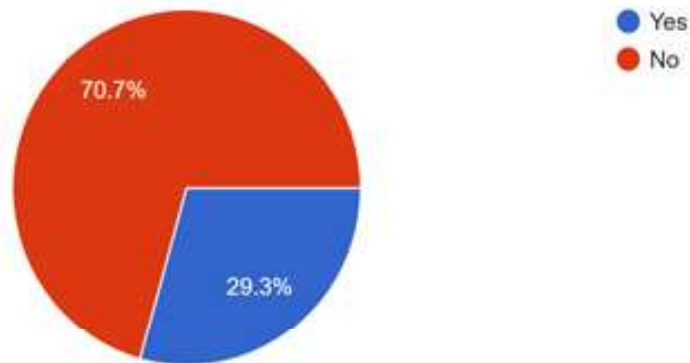


In terms of employment status, the distribution of participants was as follows:

- Permanent: 45 participants (77.6%)
- Temporary: 13 participants (22.4%)

This indicates that a significant majority of the participants (77.6%), were employed on a permanent basis, while (22.4%) were employed on a temporary basis. The data suggests a predominance of stable, long-term employment among the sample.

**Figure 17:** Affiliation with a union

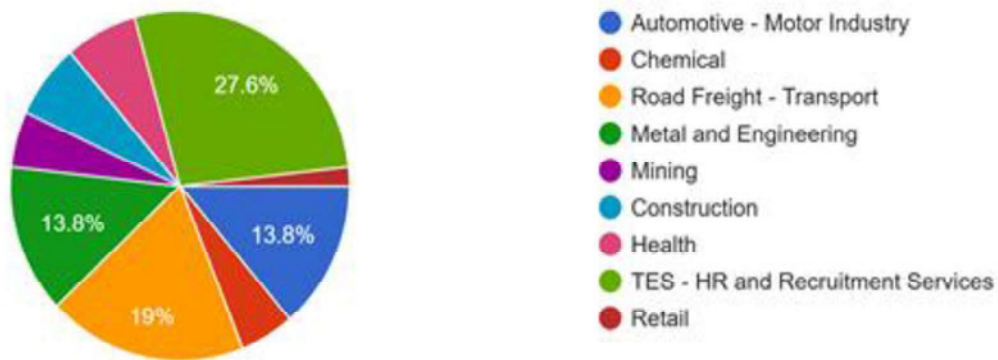


In terms of affiliation with a union, the distribution of participants was as follows:

- Yes: 17 participants (29.3%)
- No: 41 participants (70.7%)

This indicates that a smaller proportion of the sample, (29.3%), were affiliated with a union, while the majority, (70.7%), were not. This suggests that union membership was not widespread among the participants in the study.

**Figure 18:** Industries worked for



In terms of industries worked for, the distribution of participants was as follows:

- Automotive: 8 participants (13.8%)
- Chemical: 3 participants (5.3%)
- Road Freight-Transport: 11 participants (19%)
- Metal and Engineering: 8 participants (13.8%)
- Mining: 3 participants (5.2%)

- Construction: 4 participants (6.9%)
- Health: 4 participants (6.9%)
- TES: 16 participants (27.6%)
- Retail: 1 participant (1.7%)

The results show that the largest proportion of participants worked in the TES industry (27.6%), followed by Road Freight-Transport and Automotive (both at 13.8%). Other industries such as Chemical, Mining, Retail, and Health had a smaller representation. This suggests that the sample was predominantly drawn from industries with substantial operations in the TES and transportation sectors.

### 4.3 SECTION B: Challenges of Recruitment on Agency Work and The Relevance of Scribante Labour Consultants to International Labour Organizational Convention

#### 4.3.1 SECTION B1.1: Key bodies representing employers in the private employment industry

This subsection presents key bodies representing employers in the private employment industry and will present 15 key bodies.

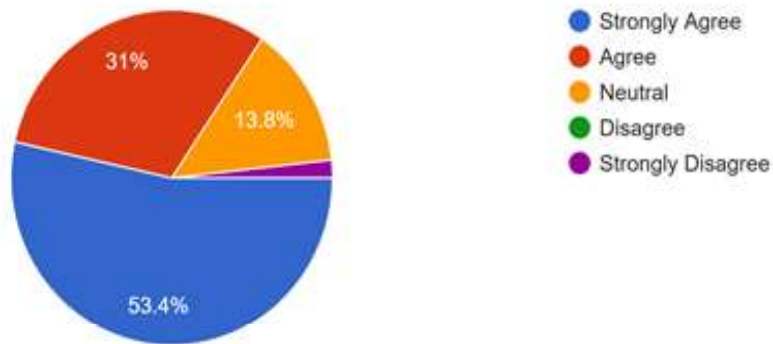
**Figure 19:** Confederation of Associations in the Private Employment Sector (CAPES)



CAPES emerged as one of the most highly regarded bodies, with (84.5%) of respondents expressing confidence in its role, with (46.6%) strongly agreeing and (37.9%) agreeing. This overwhelming support underscores its perceived effectiveness in advocating for employer interests in the private employment sector. A relatively low neutrality rate of (10.3%) suggests that most stakeholders have a defined opinion about its performance.

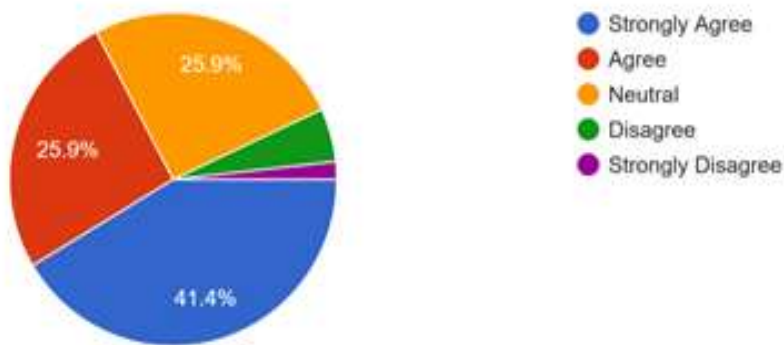
Furthermore, only (5.2%) disagreed with its effectiveness, and no respondents strongly disagreed. This minimal disagreement indicates CAPES is well-positioned as a trusted entity in its domain, but there is always room to sustain and possibly enhance this positive perception through continued engagement and advocacy.

**Figure 20:** Federation of African Professional Staffing Organizations (APSO)



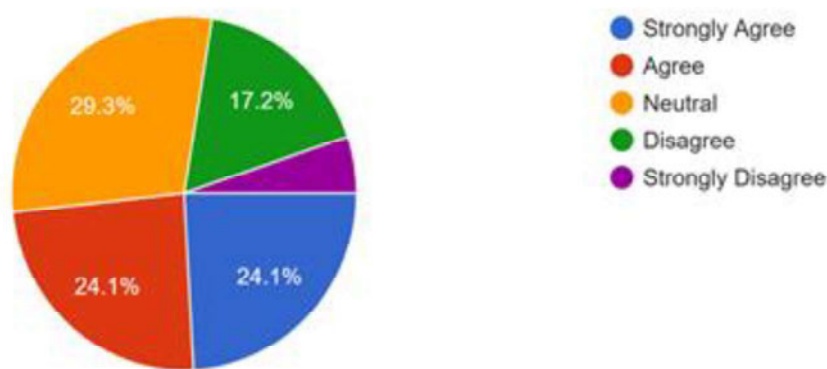
APSO demonstrated exceptional support, with (84.4%) of respondents affirming its relevance and impact (53.4% strongly agreeing and 31% agreeing). Its strong agreement percentage was the highest among all organisations, highlighting its leadership in staffing-related advocacy. Neutral responses were moderate at (13.8%), suggesting that while APSO has made significant strides in reaching stakeholders, there is a small portion of individuals who may not be entirely familiar with its contributions. Minimal disagreement (0.1% disagreeing and (1.7% strongly disagreeing) further reinforces its reputation as a highly effective and well-respected organisation within its sector.

**Figure 21:** Constructional Engineering Association (CEA)



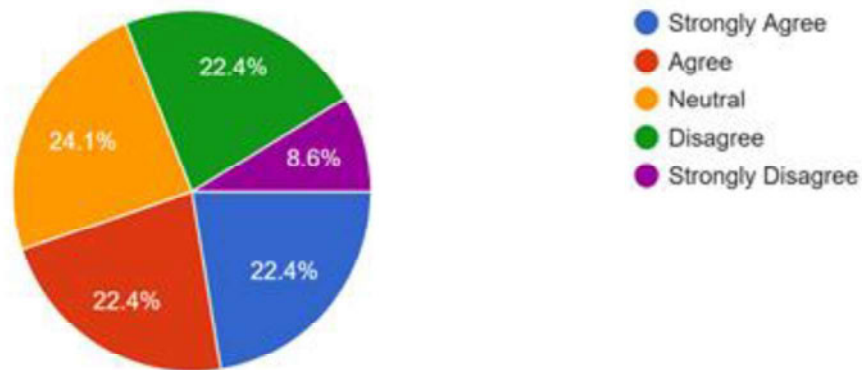
CEA received notable support, with (67.3%) agreement (41.4% strongly agreeing and (25.9%) agreeing). However, neutrality was relatively high at (25.9%), indicating a significant number of stakeholders were either unsure about its effectiveness or did not engage deeply with its activities. Disagreement was minimal; with only (5.2%) expressing dissatisfaction and (1.7%) strongly disagreeing. These figures suggest that while CEA is effective for many, it might benefit from more active outreach efforts to clarify its objectives and ensure it remains relevant to a broader base of stakeholders.

**Figure 22:** Information Technology Association of South Africa (ITA)



ITA presented a mixed perception, with only (48.2%) of respondents agreeing (24.1% strongly agreeing and 24.1% agreeing). The neutrality rate was high at 29.3%, signalling that a considerable portion of stakeholders either lacks awareness of ITA's initiatives or holds an indifferent opinion of its role. Notably, disagreement levels were significant, with (22.4%) expressing dissatisfaction (17.2%) disagreeing and (5.2%) strongly disagreeing. These results reveal a need for ITA to address the concerns of its critics and better communicate its contributions to stakeholders in the IT sector.

**Figure 23:** Allied Nursing Association of South Africa (ANASA)



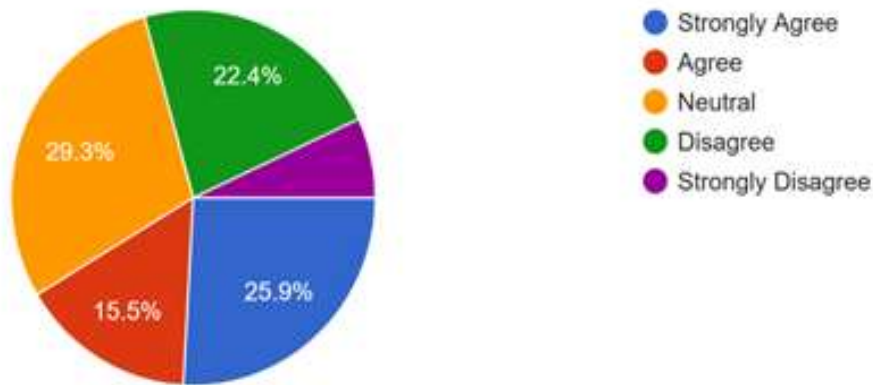
ANASA showed a polarised response, with only (44.8%) agreement (22.4% strongly agreeing and 22.4% agreeing). Neutrality was at 24.1%, while disagreement was high at 31% (22.4% disagreeing and 8.6% strongly disagreeing). These figures indicate that ANASA is facing challenges in meeting stakeholder expectations. To regain confidence, it may need to review its strategies, strengthen its representation, and increase its advocacy for nursing professionals.

**Figure 24:** Department of Employment and Labour (DEL)



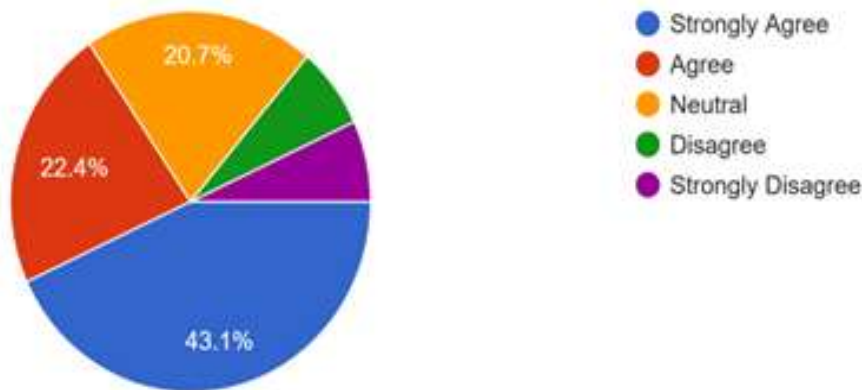
DEL received one of the strongest endorsements, with 81% of respondents agreeing (63.8% strongly agreeing and 17.2% agreeing). Neutrality was notably low at (6.9%), reflecting widespread stakeholder confidence in DEL's capacity to regulate and oversee employment-related matters. However, disagreement stood at (12.1%), indicating that while DEL is widely trusted, there is room for further refinement in its operations to address specific stakeholder concerns and improve satisfaction.

**Figure 25:** International Labour Organization Convention (ILO)



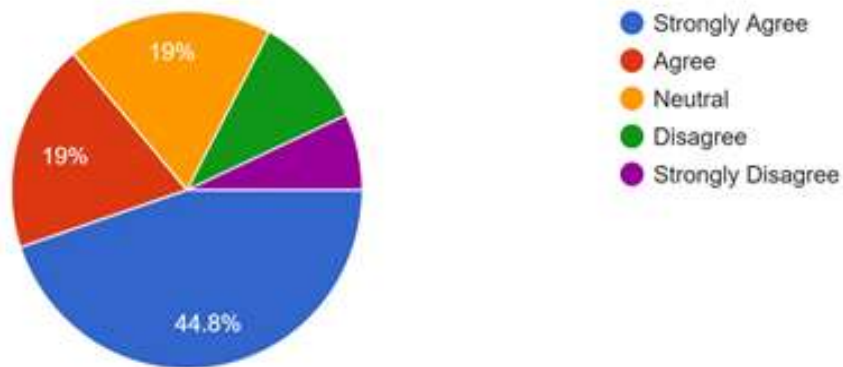
The ILO received a mixed reception, with only (41.4%) agreement (e.g. 25.9% strongly agreeing and 15.5% agreeing). Neutrality was substantial at (29.3%), reflecting a significant proportion of respondents who were either unaware of or indifferent to its contributions. Moreover, 29.3% of respondents disagreed (22.4% disagreeing and 6.9% strongly disagreeing), suggesting that the ILO needs to enhance its local relevance and engagement with South African stakeholders to address their concerns effectively.

**Figure 26:** Bargaining Council: Motor Industry Bargaining Council (MIBCO)



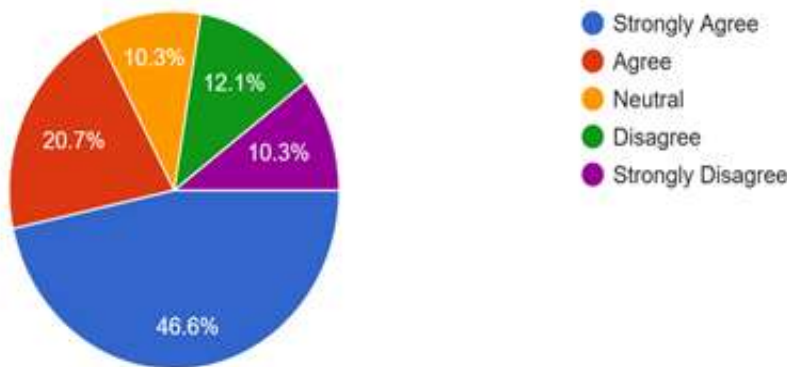
MIBCO enjoyed solid support, with (65.5%) agreement (43.1% strongly agreeing and 22.4% agreeing). Neutral responses were moderate at 20.7%, while disagreement was low at (13.8%). These figures indicate that MIBCO plays an important role in the motor industry and is well regarded by stakeholders. However, the moderate neutrality rate suggests that MIBCO could expand its reach and engagement to ensure broader stakeholder satisfaction.

**Figure 27:** Bargaining Council: Metal and Engineering Industries Bargaining Council (MIEBC)



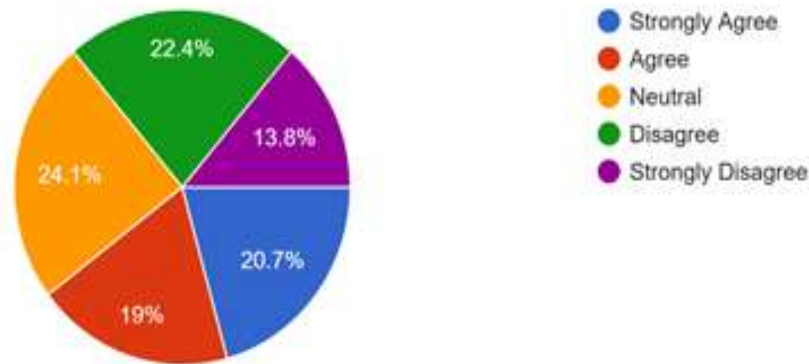
MIEBC received a high level of support, with (63.8%) agreement (44.8% strongly agreeing and 19% agreeing). Neutrality stood at 19%, and disagreement was low at (17.2%). These results suggest that MIEBC is perceived as effective in addressing the needs of stakeholders within the metal and engineering industries. To further strengthen its standing, MIEBC could focus on addressing the concerns of the minority who expressed disagreement.

**Figure 28:** Bargaining Council: National Bargaining Council for the Road Freight and Logistics Industry (NBCRFLI)



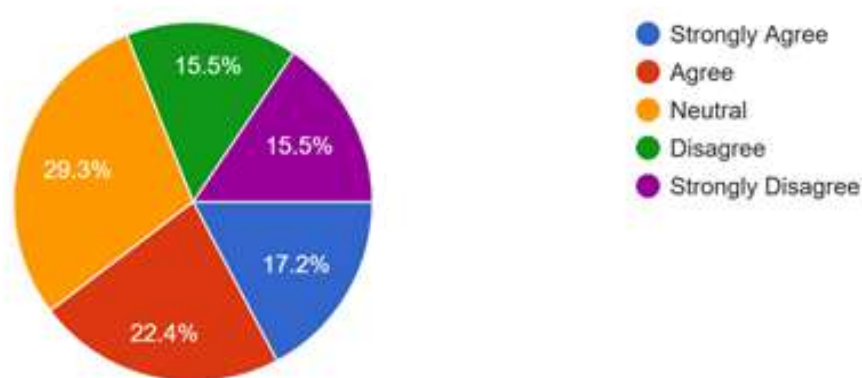
NBCRFLI received substantial agreement at (67.3%) (46.6% strongly agreeing and 20.7% agreeing). Neutrality was low at (10.3%), but disagreement levels were relatively high at (22.4%). These figures suggest that while NBCRFLI is seen as an important body in the logistics sector, it needs to address the concerns of a minority who are dissatisfied with its performance.

**Figure 29:** Bargaining Council: Bargaining Council for the Contract Cleaning Industry (BCCI)



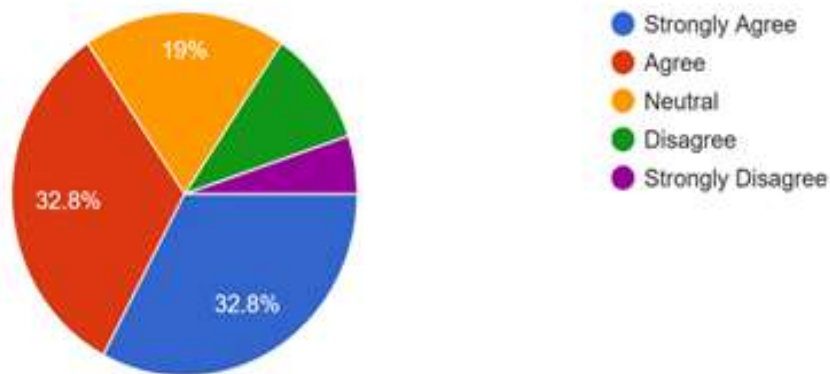
BCCI had a mixed response, with only (39.7%) agreement (20.7% strongly agreeing and 19% agreeing). Neutrality was at (24.1%), and disagreement was significant at (36.2%). These results reflect challenges in meeting stakeholder expectations, highlighting a need for strategic reforms to rebuild trust and increase its perceived value.

**Figure 30:** Contact Centre Management Group – Employer Association (CCMG)



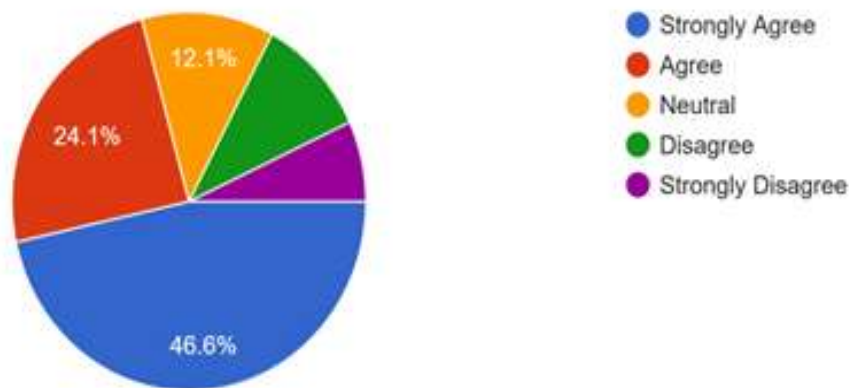
CCMG, as reflected above, had a polarised response, with 39.6% agreement (17.2% strongly agreeing and 22.4% agreeing) and high neutrality at (29.3%). Disagreement was also substantial, with (31%) expressing dissatisfaction (15.5% disagreeing and 15.5% strongly disagreeing). These figures highlight a need for CCMG to redefine its role and enhance its relevance to stakeholders.

**Figure 31:** National Economic and Development Council (NEDLAC)



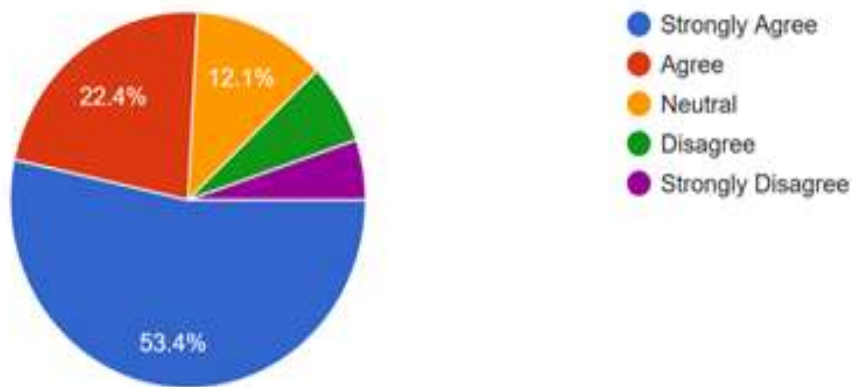
NEDLAC received strong support, with (65.6%) agreement (32.8% strongly agreeing and 32.8% agreeing). Neutrality was moderate at (19%), while disagreement was relatively low at (15.5%). These results indicate that NEDLAC is viewed positively overall, but there is still room for further engagement to strengthen its perceived value.

**Figure 32:** Skills Development Act (SDA)



The SDA received strong approval, with (70.7%) agreement (46.6% strongly agreeing and 24.1% agreeing). Neutrality was low at (12.1%), and disagreement was minimal at (17.2%). These findings reflect widespread satisfaction with the implementation of the SDA, showcasing its relevance in promoting skill development.

**Figure 33:** Services Sector Education and Training Agency (SETA)



SETA achieved the highest agreement levels, with (75.9%) majority agreement (53.4% strongly agreeing and 22.4% agreeing). Neutrality was low at (12.1%), and disagreement was minimal at (12.1%). These figures underscore SETA's effectiveness and its strong position as a key entity in the education and training sector.

#### 4.3.2 Analysis of the Findings

This section reveals varying perceptions of key bodies representing employers in the employment industry, ranging from highly favourable to critical. Organisations like the Confederation of Associations in the Private Employment Sector (CAPES), Federation of African Professional Staffing Organisations (APSO), and the Department of Employment and Labour (DEL) received overwhelmingly positive feedback. CAPES and APSO, with (84.5%) and (84.4%) agreement levels respectively, reflect stakeholders' confidence in their ability to address employment-related issues effectively. Similarly, the DEL, which received (81%) agreement, is seen as a critical entity for employer representation and regulation. The high levels of agreement indicate these bodies are perceived as reliable and capable of fulfilling their mandates.

On the other hand, several organisations faced more mixed reviews, as reflected in high neutrality ratings. For instance, the Information Technology Association of South Africa (ITA) and the Contact Centre Management Group (CCMG) had neutrality rates of (29.3%), indicating a significant portion of respondents are either unaware of their contributions or hold ambivalent views. This suggests a gap in stakeholder engagement or communication, which these organisations may need to address to enhance their visibility and perceived impact.

The International Labour Organisation (ILO) and National Economic and Development Council (NEDLAC) also had relatively high neutrality ratings, reflecting either limited engagement with stakeholders or a lack of clarity regarding their roles.

Certain organisations received notably high disagreement ratings, which signals dissatisfaction among stakeholders. For example, the Bargaining Council for the Contract Cleaning Industry (BCCI) and CCMG had disagreement levels exceeding (30%), indicating significant criticism of their effectiveness. The Allied Nursing Association of South Africa (ANASA) also faced considerable disagreement, with (31%) of respondents expressing dissatisfaction. These results suggest the need for these organisations to critically evaluate their strategies, address stakeholder concerns, and implement measures to regain trust.

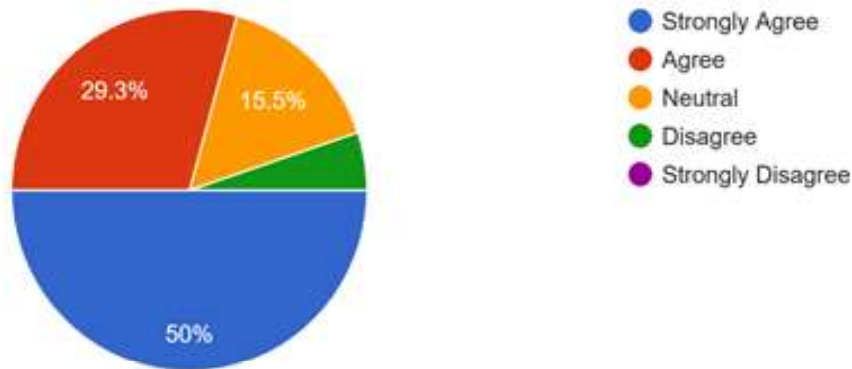
When comparing organisations, there is a clear distinction between highly rated bodies and those perceived less favourably. Entities like CAPES, APSO and DEL stand out for their strong stakeholder support, likely due to their targeted advocacy and effective communication. Conversely, BCCI, CCMG, and ANASA may need to improve their stakeholder engagement and operational effectiveness to enhance their reputation. Bodies such as the Metal and Engineering Industries Bargaining Council (MIEBC) and the Motor Industry Bargaining Council (MIBCO) maintain relatively balanced perceptions, indicating moderate confidence but leaving room for improvement.

From the analysis, SETA, APSO, CAPES, DEL, and SDA emerge as the most highly favoured bodies, consistently receiving high agreement percentages exceeding (70%). Among these, SETA had the highest strong agreement level (53.4%), followed closely by APSO and DEL, which also displayed significant trust and alignment with stakeholder needs. In contrast, ITA, ANASA, BCCI, and CCMG were the least favoured, with agreement levels below (50%) and substantial disagreement. BCCI and CCMG, in particular, faced challenges in their perceived effectiveness, as reflected by higher rates of dissatisfaction compared to their peers.

Overall, this comparison highlights a clear divide between highly trusted bodies such as SETA and APSO and those needing significant improvements like BCCI and CCMG, emphasising the importance of effective representation and stakeholder engagement in strengthening the reputation of employer bodies in the sector.

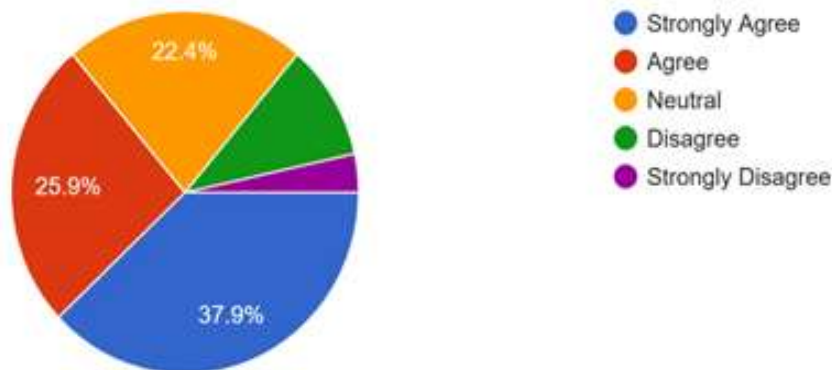
### 4.3.3 SECTION B 1.2. Key Bodies Representing Employees in the Private Employment Industry

**Figure 34:** Trade Union: National Union of Metalworkers of South Africa (NUMSA)



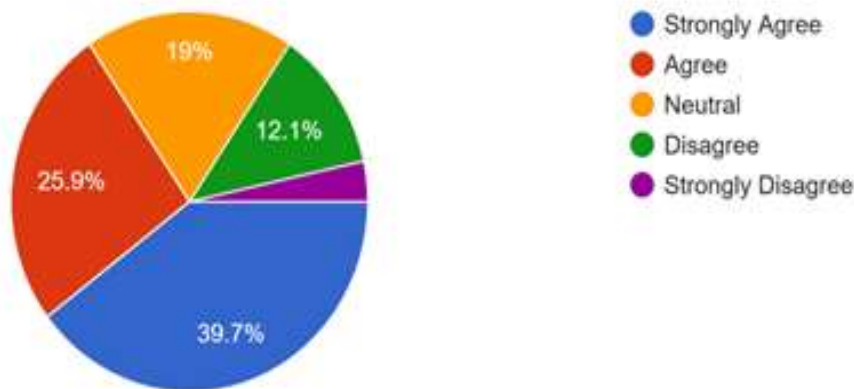
NUMSA is a highly endorsed trade union, with (50%) of respondents strongly agreeing and (29.3%) agreeing with its effectiveness in representing employees in the private employment industry. Neutrality accounted for (15.5%), while only (5.2%) disagreed. Notably, there were no respondents who strongly disagreed. This shows NUMSA's reputation as a key representative body, with strong support and minimal criticism.

**Figure 35:** Trade Union: Congress of South African Trade Unions (COSATU)



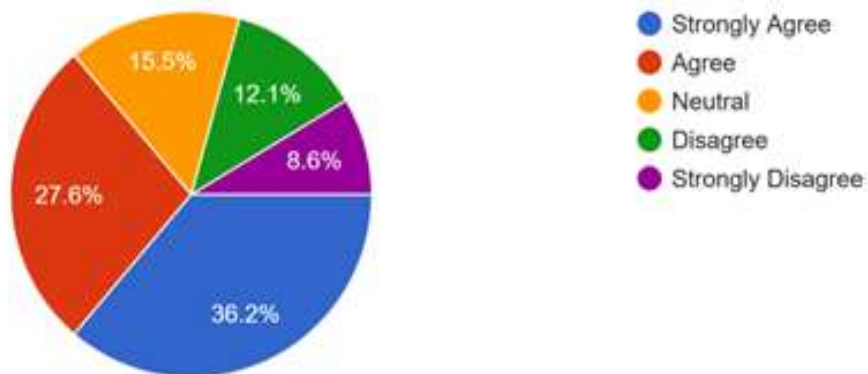
COSATU saw a favourable response, with (37.9%) strongly agreeing and (25.9%) agreeing. However, (22.4%) were neutral, and (10.3%) disagreed, with (3.4%) strongly disagreeing. Although COSATU has significant support, the higher proportion of neutral and disagreement responses compared to NUMSA suggests a slightly more mixed perception of its effectiveness.

**Figure 36:** Trade Union: Federation of Unions of South Africa (FEDUSA)



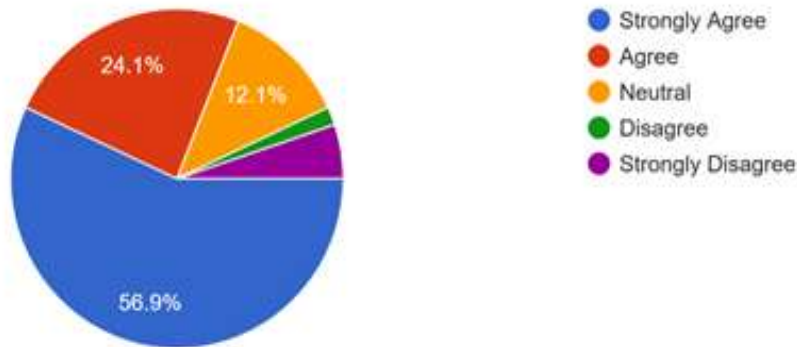
FEDUSA recorded (39.7%) strong agreement and (25.9%) agreement, totalling (65.6%) approval. However, neutrality was higher at (19%), with disagreement (12.1%) and strong disagreement (3.4%) accounting for a total of (15.5%) disagreement. While FEDUSA maintains a positive standing, it does not match NUMSA’s dominance in terms of employee representation credibility.

**Figure 37:** Trade Union: Motor Industry Staff Association (MISA)



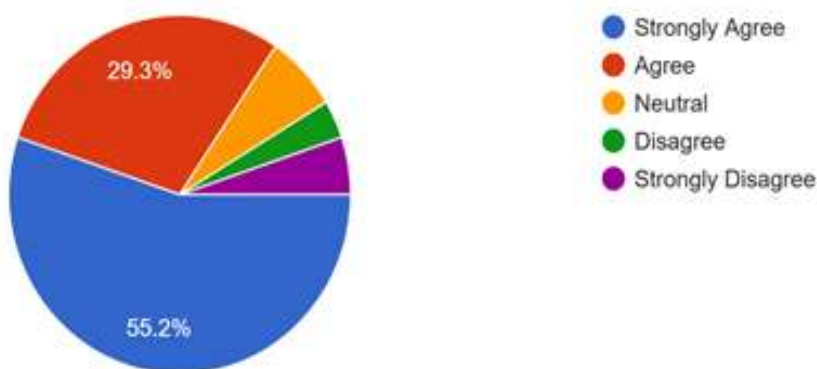
MISA’s results highlight a mixed perception, with (36.2%) strongly agreeing and (27.6%) agreeing, while (15.5%) were neutral. Disagreement rates were higher than other unions, with (12.1%) disagreeing and (8.6%) strongly disagreeing. This indicates a significant segment of respondents questioning MISA’s effectiveness, suggesting that its impact may be limited or uneven across different groups in the private employment sector.

**Figure 38:** Bargaining Council: Metal and Engineering Industries Bargaining Council (MIEBC)



MIEBC stands out as one of the most trusted bodies, with (56.9%) strongly agreeing and (24.1%) agreeing, yielding an impressive 81% total approval. Neutral responses were low (12.1%), and disagreement minimal (1.7%), though a small fraction (5.2%) strongly disagreed. This overwhelming endorsement places MIEBC as a leading player in providing representation and resolving disputes in the metal and engineering sector.

**Figure 39:** Bargaining Council: Motor Industry Bargaining Council (MIBCO)



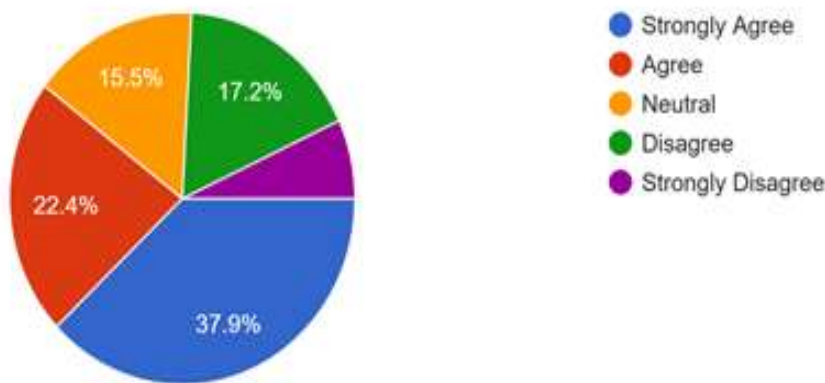
MIBCO similarly received high support, with (55.2%) strongly agreeing and (29.3%) agreeing, resulting in (84.5%) approval. Neutrality was particularly low (6.9%), with disagreement (3.4%) and strong disagreement (5.2%) marginal. MIBCO's consistent high approval indicates its perceived efficiency and effectiveness in representing employee interests in the motor industry.

**Figure 40:** Bargaining Council: National Bargaining Council for the Road Freight and Logistics Industry (NBCRFLI)



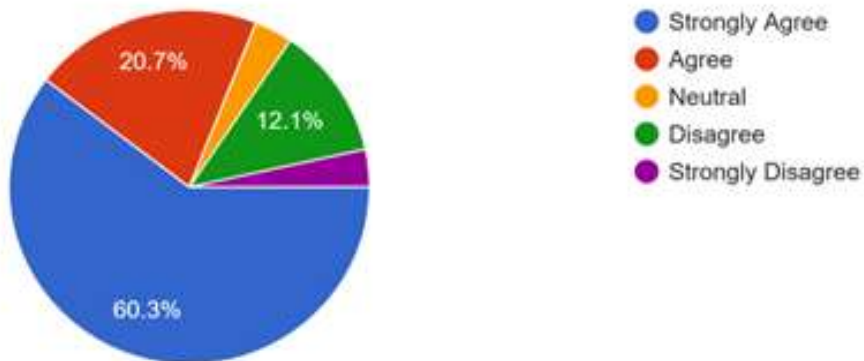
NBCRFLI achieved the highest approval among the bargaining councils, with (56.9%) strongly agreeing and (31%) agreeing, amounting to (87.9%) endorsement. Neutrality was very low (5.2%), and disagreement was minimal (6.9%) with no strong disagreement recorded. This overwhelming support highlights NBCRFLI’s critical role in addressing the unique challenges of employees in the road freight and logistics sector.

**Figure 41:** Bargaining Council: Bargaining Council for the Contract Cleaning Industry (BCCI)



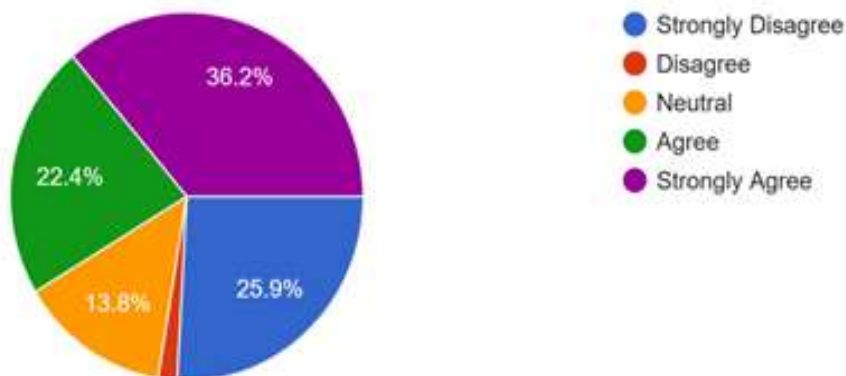
BCCI had mixed reviews, with (37.9%) strongly agreeing and (22.4%) agreeing, but (15.5%) neutral and a relatively high (17.2%) disagreeing. Strong disagreement accounted for (6.9%). These results show a divide in perceptions of BCCI, likely reflecting challenges in meeting the diverse needs of the contract cleaning industry.

**Figure 42:** Commission for Conciliation, Mediation and Arbitration (CCMA)



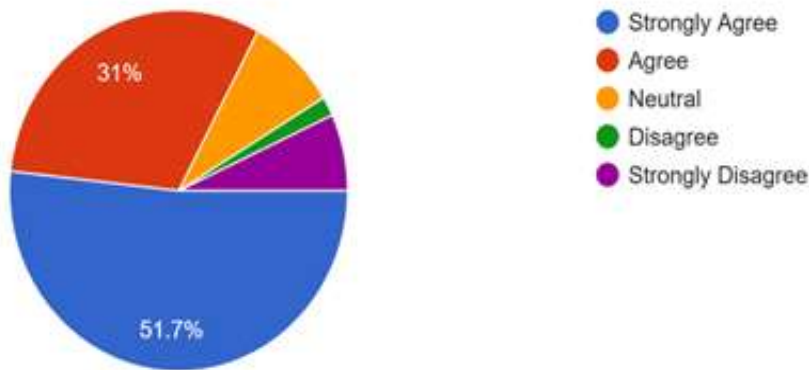
The CCMA emerged as the most strongly endorsed body overall, with (60.3%) strongly agreeing and (20.7%) agreeing, yielding (81%) approval. Neutrality was exceptionally low (3.4%), though (12.1%) disagreed and (3.4%) strongly disagreed. Despite minor dissent, the CCMA is widely recognised for its impartial and impactful role in dispute resolution.

**Figure 43:** Basic Conditions of Employment Act (BCEA)



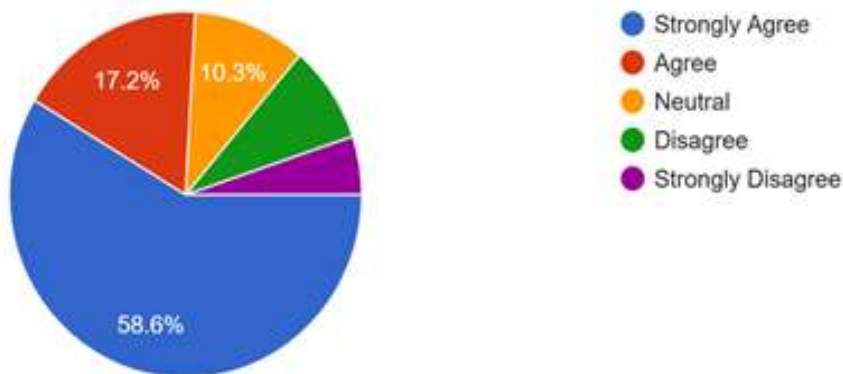
BCEA had slightly mixed responses, with (36.2%) strongly agreeing and (22.4%) agreeing, yet a high (25.9%) strongly disagreed. Neutrality was moderate (13.8%), and only (1.7%) disagreed. These results suggest that while BCEA is appreciated by some, a significant portion questions its adequacy in addressing employee concerns in the private sector.

**Figure 44:** Employment Equity Act (EEA)



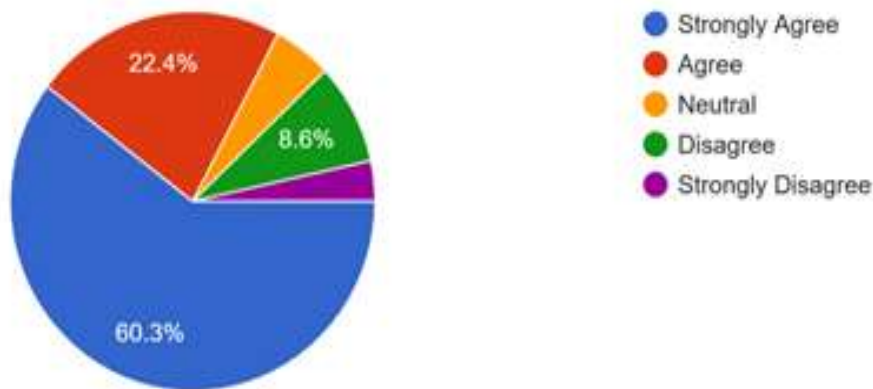
The EEA received strong support, with (51.7%) strongly agreeing and (31%) agreeing, resulting in 82.7% approval. Neutrality was (8.6%), and disagreement minimal (1.7% disagreeing and 6.9% strongly disagreeing). This positive reception highlights its critical role in promoting equity and fairness in the workplace.

**Figure 45:** Labour Relations Act (LRA)



The LRA had strong approval, with (58.6%) strongly agreeing and (17.2%) agreeing, for a total approval rate of (75.8%). Neutral responses were moderate at (10.3%), while disagreement (10%) and strong disagreement (3.9%) were relatively low. These results affirm the LRA's importance in maintaining fair labour practices, although its neutrality rate suggests room for improvement in ensuring universal acceptance.

**Figure 46: Unemployment Insurance Fund (UIF)**



UIF also achieved high endorsement, with (60.3%) strongly agreeing and (22.4%) agreeing (82.7% approval). Neutrality was low (5.2%), with disagreement (8.6%) and strong disagreement (3.4%) being minor. UIF’s positive reception underscores its importance as a safety net for employees during unemployment.

#### **4.3.4 Analysis of the Findings**

This section reveals varied perceptions of the key bodies representing employees, ranging from highly favourable to more critical evaluations. Certain organisations, like the Metal and Engineering Industries Bargaining Council (MIEBC), Motor Industry Bargaining Council (MIBCO), and the National Bargaining Council for the Road Freight and Logistics Industry (NBCRFLI), received overwhelmingly positive feedback, indicating strong stakeholder confidence in their ability to effectively represent employees' interests. The MIEBC and MIBCO received approval rates of (81%) and (84.5%), respectively, with high levels of strong agreement (56.9% and 55.2%), which points to their successful role in negotiating fair terms for workers in their respective industries. Similarly, NBCRFLI achieved the highest approval at (87.9%), with a very low neutral response and minimal disagreement, showcasing its high effectiveness in resolving disputes and advocating for employee rights.

Conversely, some bodies garnered more mixed reviews, reflected in their relatively high neutrality rates. For example, the Motor Industry Staff Association (MISA) and Bargaining Council for the Contract Cleaning Industry (BCCI) had significant neutrality ratings (15.5% and 17.2%), suggesting that many respondents are either unaware of their functions or hold ambiguous views. This could be indicative of gaps in stakeholder engagement or insufficient communication, areas that these organisations should address in order to enhance their

visibility and perceived impact. Similarly, NUMSA and COSATU, while receiving relatively favourable ratings (79.3% and 63.8% approval), had notable neutral responses (15.5% and 22.4%) that may point to some respondents' uncertainty about their roles or effectiveness in addressing diverse employee concerns.

A further challenge arises with the bodies that received significant levels of disagreement, signalling dissatisfaction among stakeholders. The Bargaining Council for the Contract Cleaning Industry (BCCI) faced the highest disagreement at 30.9% (17.2% disagree and 6.9% strongly disagree), followed by MISA (20.7% disagreement) and BCEA (25.9% strongly disagree). These high levels of criticism suggest a gap in the effectiveness or relevance of these organisations in meeting the needs of employees within their respective sectors. Such bodies may need to reconsider their strategies, improve their engagement practices, and take proactive steps to address the concerns of stakeholders in order to regain trust and improve their image. When comparing organisations, a clear distinction emerges between those with strong stakeholder support and those facing criticism. MIEBC, MIBCO, and NBCRFLI stand out for their robust support, likely due to their transparent communication, effective bargaining strategies, and successful dispute resolution mechanisms. Conversely, BCCI, MISA, and BCEA represent bodies with less favourable perceptions, which may require urgent attention to their internal operations and engagement strategies to improve stakeholder confidence.

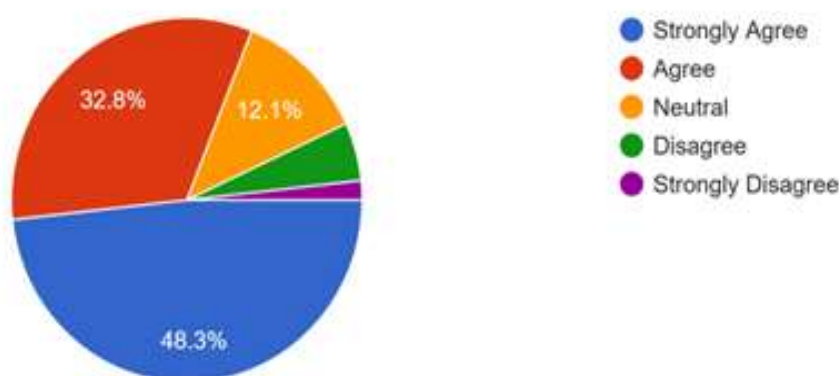
Bargaining councils like NBCRFLI, MIEBC, and MIBCO, along with the CCMA, are highly favoured for representing employees due to their structured approaches and focus on dispute resolution. In contrast, trade unions like NUMSA and COSATU play significant roles but are perceived as less effective compared to bargaining councils. Legislative frameworks such as the EEA and UIF also garner strong approval, while the BCEA requires attention to address its mixed perception.

#### 4.4 SECTION B2: Relevance of SLC A Private Employment Agency to the ILO Private Employment Agencies Convention

The International Labour Organisation (ILO) Private Employment Agencies Convention No. 181, adopted in 1997, sets international standards for the operation of private employment agencies (PEAs) and aims to ensure that these agencies respect the rights and well-being of workers while facilitating the functioning of the labour market. The convention calls for the regulation of PEAs to prevent exploitation, ensure fair treatment of workers, and guarantee access to social security, training, and health and safety protections. It also emphasises the importance of protecting workers' rights to freedom of association, collective bargaining, and non-discrimination, while ensuring that temporary workers enjoy similar protections as permanent employees. The convention advocates for transparency in the operation of PEAs and aims to foster cooperation between governments, employers, and workers to ensure decent work and job security for all.

The survey results suggest that Scribante Labour Consultants (SLC), as a Private Employment Agency (PEA), demonstrates a strong alignment with the principles outlined in the International Labour Organisation (ILO) Private Employment Agencies Convention No. 181. The findings reveal that SLC is perceived as positively contributing to key employment practices that are central to the convention's framework.

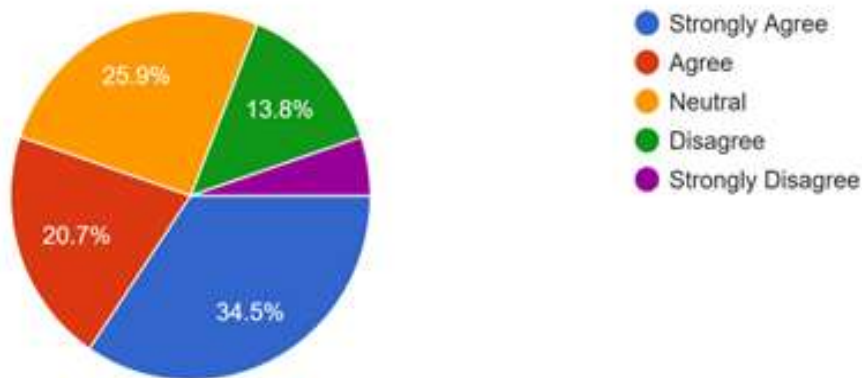
**Figure 47:** Align Minimum Wages



Scribante Labour Consultants (SLC) is perceived to largely align with the principle of minimum wages, as outlined in the ILO Private Employment Agencies Convention No. 181. (48.3%) of respondents strongly agree, while (32.8%) agree that the agency ensures workers are paid according to the legal minimum wage standards.

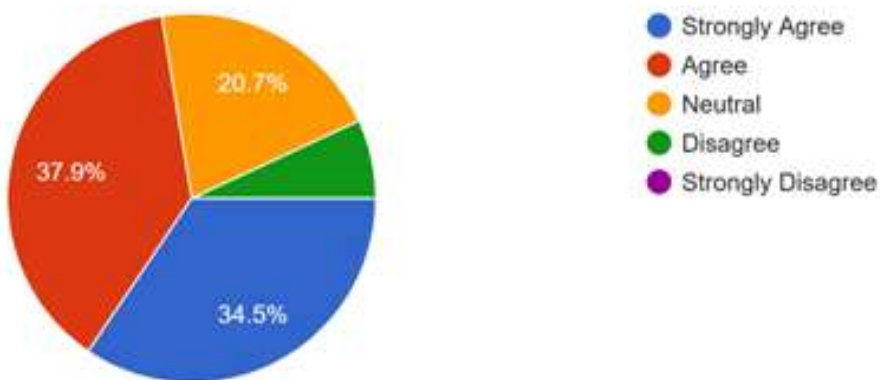
However, (12.1%) remain neutral, and (5.2%) disagree, suggesting there may be areas of inconsistency in the implementation of these wages. This feedback indicates that SLC could benefit from a closer evaluation of wage structures across its various sectors to ensure greater consistency and adherence to wage laws.

**Figure 48:** Ensure the Freedom of Association



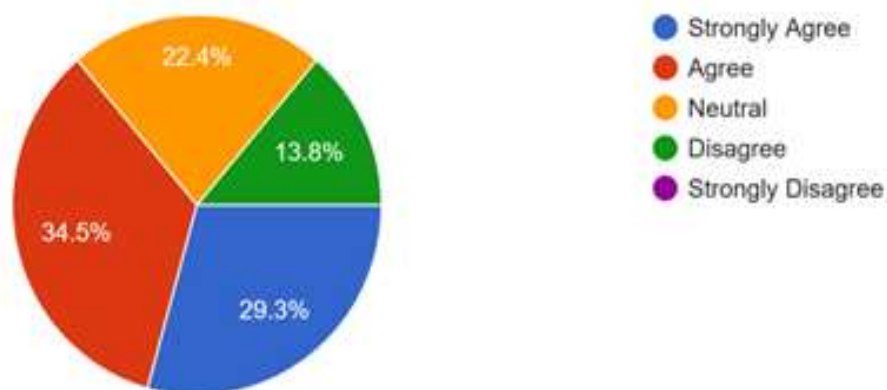
The ability to ensure the freedom of association is another key area where SLC's alignment with the ILO Convention is questioned. 34.5% of respondents strongly agree that SLC supports workers' right to freely associate, while (20.7%) agree. However, a significant portion of respondents are neutral (25.9%) or disagree (13.8%), suggesting that SLC may not be fully effective in encouraging unionisation or ensuring workers' rights to freely associate. Creating a more supportive environment for union participation and raising awareness about these rights could improve this area of compliance.

**Figure 49:** Collective Bargaining



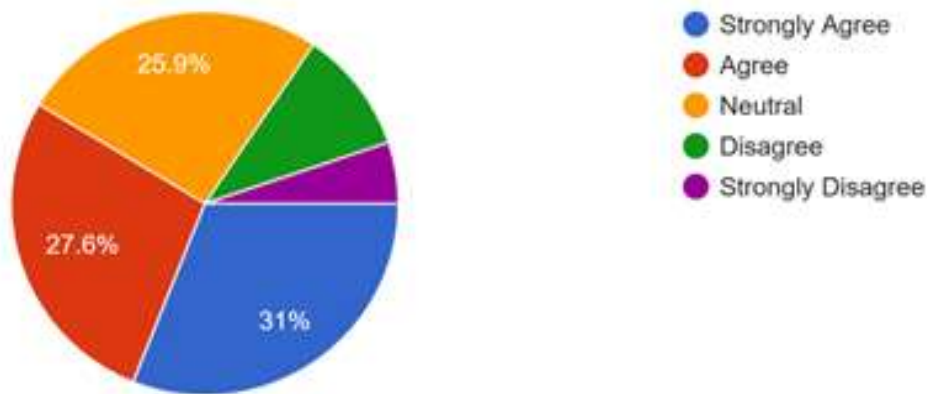
Regarding collective bargaining, (34.5%) of respondents strongly agree that SLC facilitates collective bargaining processes, and (37.9%) agree. This shows that a majority feel that the agency supports workers' ability to negotiate for better working conditions and wages. However, (20.7%) of respondents remain neutral, and (6.9%) disagree. The absence of any strong disagreement may suggest that collective bargaining is seen as generally effective, but there is room for improvement in terms of ensuring its full implementation and accessibility across all sectors where SLC operates.

**Figure 50:** Regulate working time and other working conditions



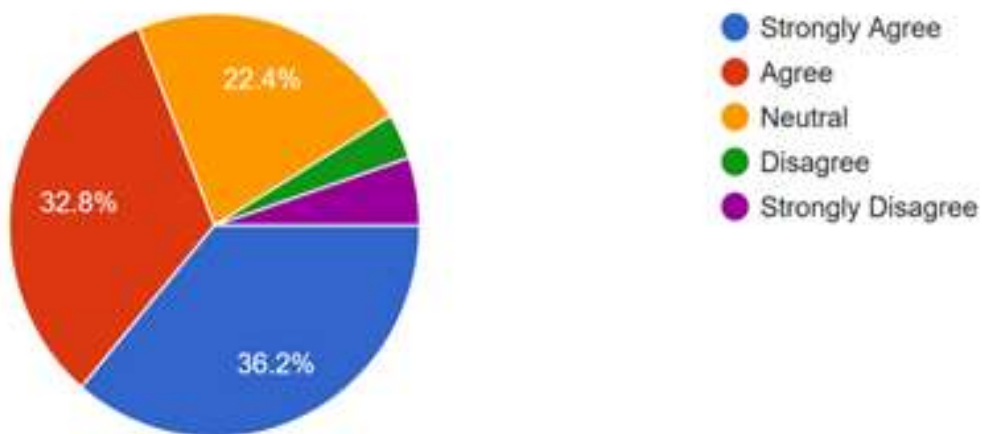
SLC's ability to regulate working time and other working conditions is also positively perceived by the respondents, with (29.3%) strongly agreeing and (34.5%) agreeing. However, (22.4%) are neutral, and (13.8%) disagree. This indicates that while the agency seems to meet basic expectations regarding working hours and conditions, there is still room for improvement in areas such as overtime policies, worker breaks, or the overall quality of work environments. Addressing these concerns could help enhance worker satisfaction and compliance with international labour standards.

**Figure 51: Statutory Social Security benefits**



SLC is generally viewed as offering statutory social security benefits, with (31%) strongly agreeing and (27.6%) agreeing. However, there remains a sizable portion of respondents who are neutral (25.9%), and smaller groups who disagree (10.3%) or strongly disagree (5.2%). This suggests that while SLC does provide social security benefits, there may be variations in the coverage or adequacy of the benefits provided. The agency could benefit from reviewing its social security offerings to ensure that all workers have access to sufficient protection in cases of illness, disability, and retirement.

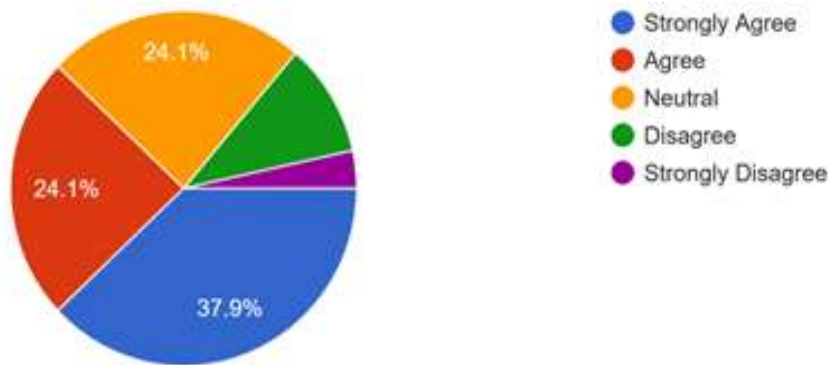
**Figure 52: Access to Training**



In terms of providing access to training, (36.2%) of respondents strongly agree that SLC offers adequate training opportunities, and (32.8%) agree. However, a smaller portion remains neutral (22.4%), and a few respondents disagree (8.6%). The feedback suggests that while most workers feel that they have access to training, there could be some areas where training is either

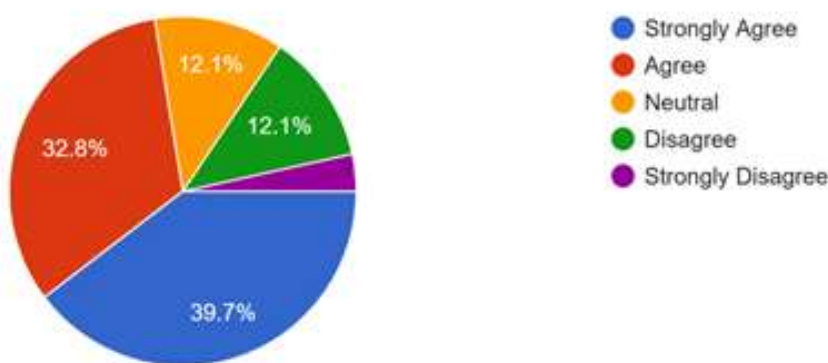
not widely available or not aligned with workers' needs. SLC could explore expanding its training programmes to cover a broader range of skills or career advancement opportunities.

**Figure 53:** Occupational Health and Safety



SLC's commitment to occupational health and safety is well-regarded, with (37.9%) of respondents strongly agreeing and (24.1%) agreeing. However, a significant percentage remains neutral (24.1%), and (10.3%) disagree. This suggests that while health and safety are generally prioritised, there may be concerns about specific risks or incidents not being adequately addressed in all areas of operation. Strengthening health and safety protocols and conducting regular safety training sessions could help to ensure that all employees work in a safe environment.

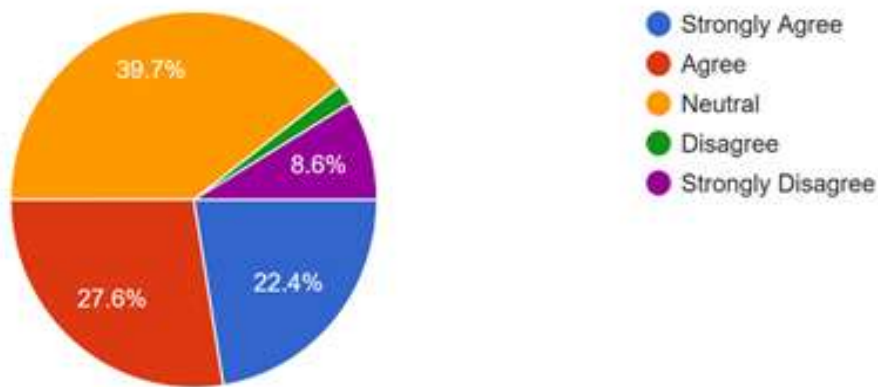
**Figure 54:** Compensation in case of Occupational Accidents or Diseases



Regarding compensation in case of occupational accidents or diseases, (39.7%) strongly agree that SLC provides appropriate compensation, and (32.8%) agree. However, (12.1%) remain neutral, and (12.1%) disagree. This indicates that most workers feel they are protected in case of workplace accidents or health issues, though there is a segment of respondents who may not be fully satisfied with the compensation provided.

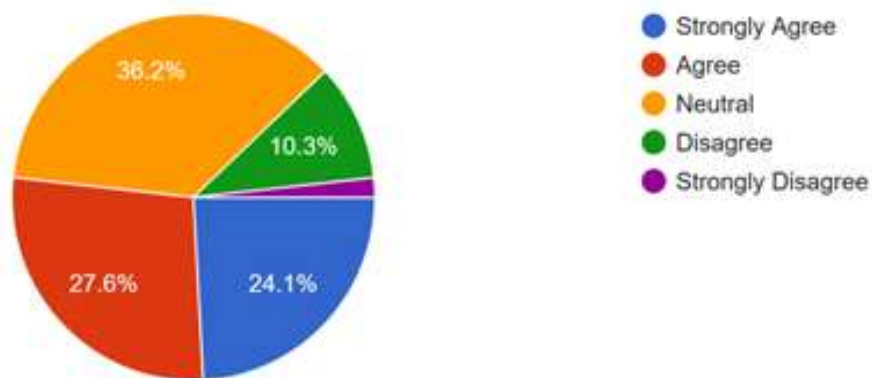
SLC might consider improving its accident and health-related insurance coverage or ensuring that the process for claiming compensation is clear and straightforward.

**Figure 55:** Compensation in case of Insolvency and Protection of worker’s claims



SLC’s performance in terms of compensation in case of insolvency and protection of worker’s claims is mixed. While (22.4%) strongly agree and (27.6%) agree, the majority of respondents remain neutral (39.7%), with a small percentage disagreeing (10.3%). This feedback indicates that workers may not fully trust the agency’s ability to protect their claims in the event of insolvency. SLC could focus on enhancing the transparency and reliability of its procedures in the event of financial difficulties to ensure that workers’ rights are safeguarded.

**Figure 56:** Maternity Protection, Parental Protection benefits



SLC's approach to maternity protection and parental benefits is viewed somewhat positively, with (24.1%) strongly agreeing and (27.6%) agreeing. However, a large portion of respondents remains neutral (36.2%), with (10.3%) disagreeing. This suggests that while SLC provides some level of maternity and parental protection, it may not be sufficient or fully aligned with workers’ expectations.

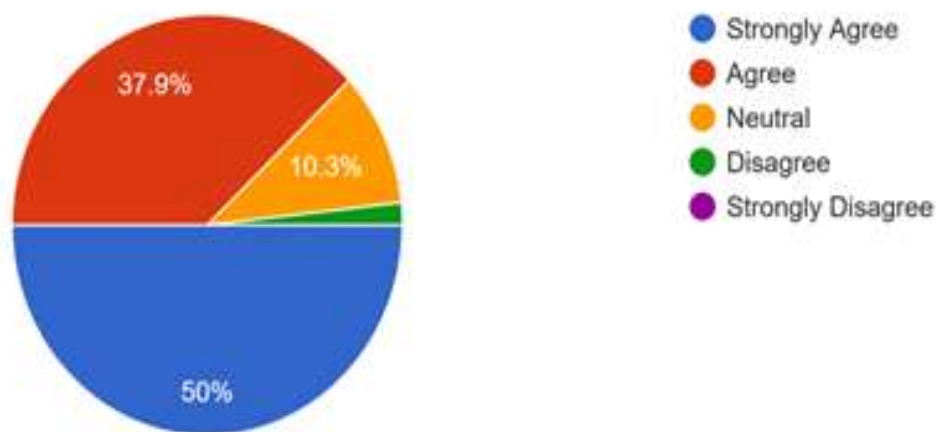
To better support workers, SLC could enhance its parental leave policies and ensure that all employees are aware of the benefits they are entitled to during parental leave.

#### 4.4.1 Analysis of the Findings

Overall, Scribante Labour Consultants (SLC) appears to align well with many of the key provisions outlined in the ILO Private Employment Agencies Convention No. 181. While the agency receives strong support for areas such as minimum wages, collective bargaining, and compensation for occupational risks, there are areas, such as freedom of association, compensation during insolvency, and maternity/parental, protection that may require further attention to enhance compliance and stakeholder satisfaction. By addressing these areas and ensuring greater transparency and communication, SLC can further solidify its position as a key player in the South African private employment industry while upholding international labour standards.

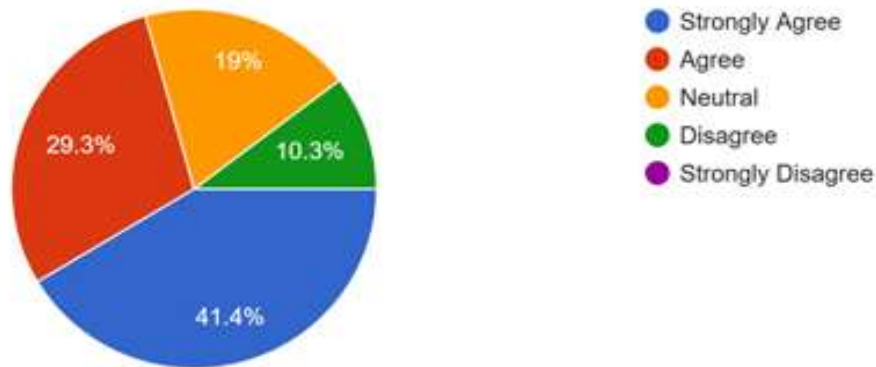
#### 4.5 SECTION B 3.1: TES Recruitment and Placements Challenges of Individuals in Temporary Employment

**Figure 57:** Geographical location limitations



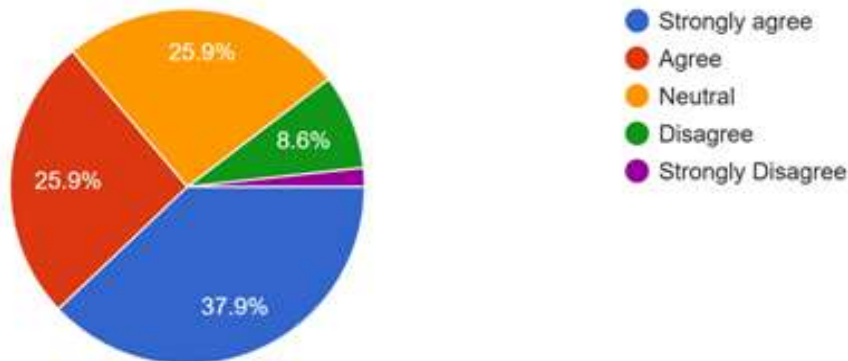
A significant portion of respondents, (50%), strongly agree that geographical location limitations are a challenge in recruitment and placement, with an additional (37.9%) agreeing. Only (10.3%) of respondents have a neutral, while (1.8%) disagreeing stance, indicating that location is a major factor in the recruitment process, limiting access to employment opportunities for candidates in certain regions.

**Figure 58:** Skills demand for Artisans and Technicians



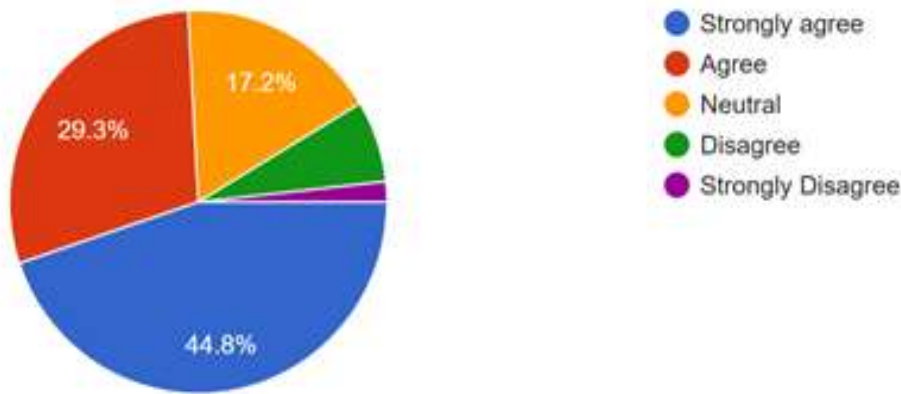
Above figure indicates that (41.4%) of respondents strongly agree and (29.3%) agree that the demand for skilled artisans and technicians is a challenge in recruitment. A smaller portion, (19%), are neutral, while (10%) disagree. This indicates that there is a significant recognition of the high demand for these skilled roles, suggesting a shortage of qualified candidates in the labour market.

**Figure 59:** Technological influence on industry changes



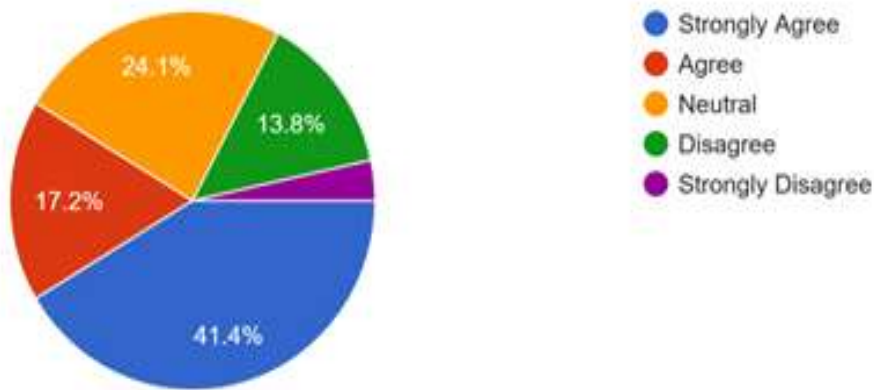
Above figure indicates that (37.9%) strongly agree and (25.9%) agree that technological changes impact recruitment. A notable (25.9%) remain neutral, while (8.6%) disagree and (1.7%) strongly disagree, suggesting that while technology plays a role in shaping recruitment needs, its impact may not be felt uniformly across all sectors or positions.

**Figure 60:** Top candidates are passive for employment offer without full company benefits



Above figure indicates that (44.8%) of respondents strongly agree and (29.3%) agree that top candidates are passive in accepting employment offers, especially without full company benefits. This points to a considerable challenge in attracting high-quality candidates who may be hesitant to make a career change unless the offer meets specific criteria. A smaller proportion, (17.2%), are neutral, and only (8.6%) disagree, highlighting that this is a common concern in the recruitment process.

**Figure 61:** Highly Paced Recruitment Processes



The above figure indicates that (41.4%) strongly agree and (17.2%) agree that the recruitment process is highly paced, which may lead to challenges in thorough vetting and proper candidate matching. Meanwhile, (24.1%) are neutral, and (13.8%) disagree and (3.5%) strongly disagree, indicating that while a fast-paced process is recognised as an issue by a majority, there are differing opinions on how impactful it is.

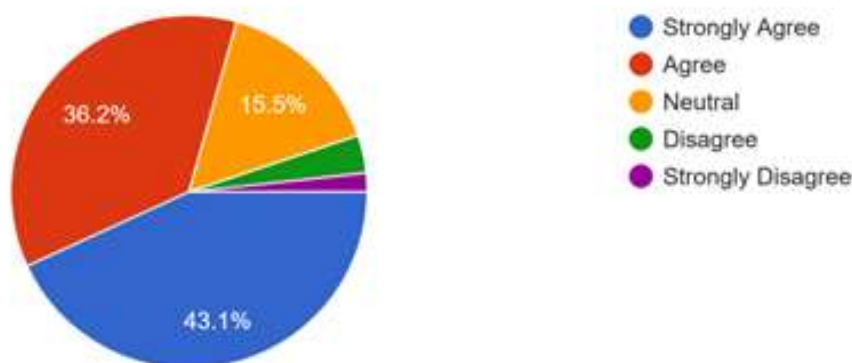
#### 4.5.1 Analysis of the Findings

In light of the above, the challenges in recruitment and placement through Temporary Employment Services (TES) as experienced by Scribante Labour Consultants (SLC) are multifaceted. Geographical location limitations stand out as a major issue, with the majority of respondents acknowledging its impact on candidate availability. Additionally, the demand for skilled artisans and technicians is recognised as a significant challenge, with many indicating a shortage of qualified candidates. The influence of technological changes on recruitment is also acknowledged, although its impact is seen as less universal. Furthermore, the passive nature of top candidates in accepting job offers, particularly without full benefits, highlights a key obstacle in attracting high-quality talent. Lastly, the highly paced recruitment process is viewed as a challenge, with many respondents concerned about the potential trade-offs in speed versus thoroughness.

In conclusion, these challenges reflect the complex nature of recruitment in a dynamic labour market, requiring SLC to address geographical limitations, focus on attracting skilled candidates, and ensure that recruitment processes are both efficient and comprehensive. Additionally, offering competitive benefits and adapting to technological advancements in recruitment.

#### 4.6 SECTION B 3.2: TES Recruitment and Placements Challenges of Individuals in Permanent Employment

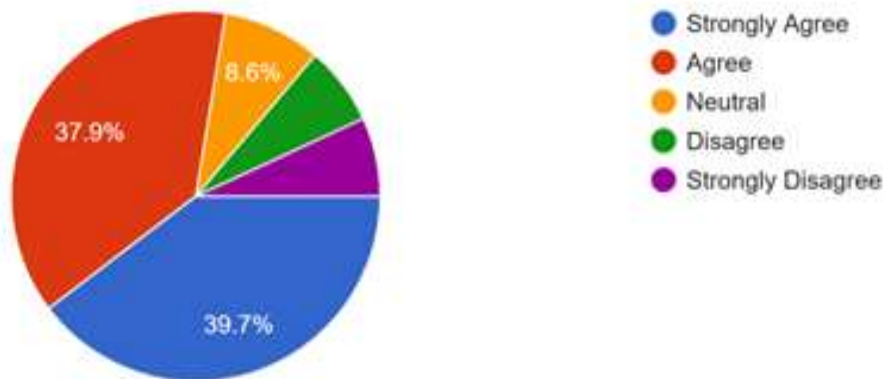
**Figure 62:** Unmatched Salary expectations



Unmatched salary expectations pose a significant challenge in the recruitment process for Scribante Labour Consultants (SLC). On the other hand, (43.1%) of respondents strongly agree, and (36.2%) agree that candidates often expect salaries higher than what SLC can offer.

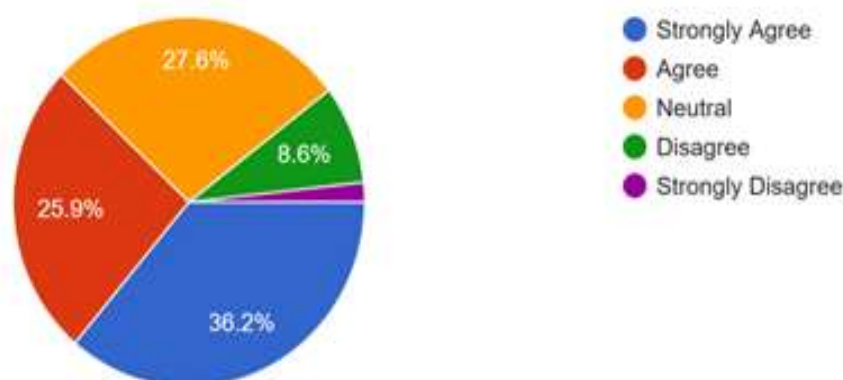
This creates a considerable gap between the expectations of potential candidates and the compensation packages available. While (15.5%) of respondents remain neutral, only (5.1%) disagree or (0.1%) strongly disagree, further confirming that salary mismatches are a prominent concern in the recruitment process.

**Figure 63:** Mismatch for demand between Qualification and Experience



A significant challenge in recruitment is the mismatch between the demand for qualifications and the experience of candidates. For example, (39.7%) of respondents strongly agree, and (37.9%) agree that there is often a discrepancy between the skills and qualifications required for roles and the experience that candidates possess. Meanwhile, 8.6% of respondents are neutral, while (6.9%) disagree and another (6.9%) strongly disagree, highlighting that the qualifications and experience mismatch remains a major recruitment hurdle for SLC, making it difficult to find candidates who are fully qualified for the job.

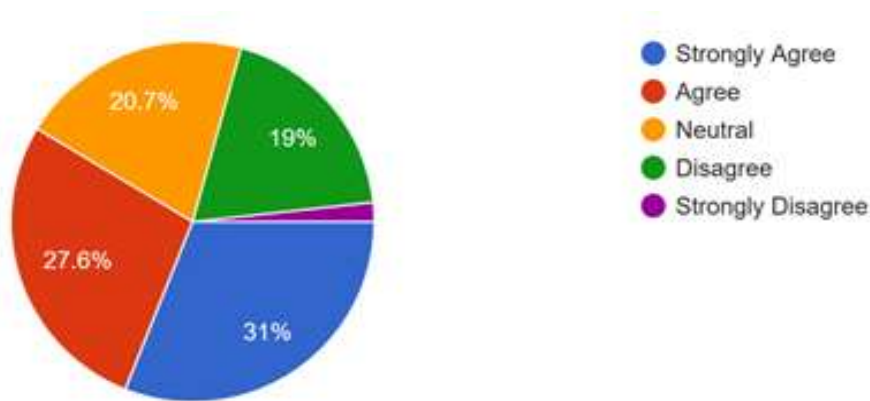
**Figure 64:** Unclear defined new job roles by the company



The lack of clear definitions of new job roles is another challenge for SLC in permanent placements. 36.2% of respondents strongly agree, and (25.9%) agree that job roles are not

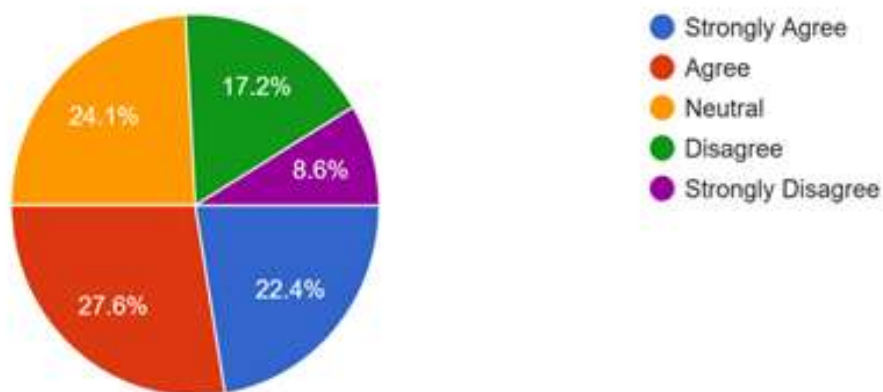
always clearly defined by the company. A significant portion, (27.6%), remains neutral, indicating some variability in role clarity across different positions. Additionally, (8.6%) of respondents disagree while (1.7%) strongly disagree, suggesting that while role ambiguity is a concern, it may not be as widespread across all job roles. This lack of clarity can lead to confusion during recruitment, complicating the alignment of candidates' skills with the job requirements.

**Figure 65:** Miscommunicated expectations during interviews between client and candidate



Miscommunication regarding expectations during interviews between clients and candidates is another challenge. The diagram show that (31%) of respondents strongly agree, and (27.6%) agree that expectations for job roles are often miscommunicated during interviews. 20.7% of respondents are neutral, while (19%) disagree, and (1.7%) strongly disagree. This indicates that while miscommunication is a notable issue, it may not always be pervasive, but it remains an important factor in the recruitment process, potentially leading to misunderstandings about job roles and candidate suitability.

**Figure 66:** Remote placements in the national and global level



The challenge of remote placements, both nationally and globally, is highlighted by (22.4%) of respondents who strongly agree and (27.6%) who agree that such placements can be problematic. On the other hand, (24.1%) of respondents are neutral, and (17.2%) disagree, while (8.6%) strongly disagree. This suggests that while remote placements are not universally seen as a challenge, they still present a significant difficulty in recruitment, especially when dealing with candidates located far from the company's operations. The need for effective communication and management of remote placements is a key consideration for SLC.

#### **4.6.2 Analysis of the Findings**

In light of the above, Scribante Labour Consultants (SLC) faces several challenges in recruiting and placing individuals in permanent employment through Temporary Employment Services (TES). These challenges stem from a variety of factors, as outlined by the survey responses. The most significant issue is the mismatch between candidates' salary expectations and the compensation packages offered by SLC, as highlighted by over (79%) of respondents who either strongly agree or agree that salary expectations are often too high. Another major challenge is the discrepancy between candidates' qualifications and the experience required for roles, with (77.6%) of respondents indicating a mismatch.

Further challenges include a lack of clarity in new job roles, with (62.1%) of respondents agreeing that roles are not always clearly defined by the company, leading to potential mismatches in candidate selection. Miscommunication during interviews also emerges as an issue, with (58.6%) of respondents acknowledging that expectations are often miscommunicated between clients and candidates. Lastly, remote placements at the national and global level are seen as a challenge, with (50%) of respondents indicating that such placements present difficulties.

In essence, the challenges identified in the recruitment and placement process for permanent employment roles at SLC underscore the need for improved alignment between candidate expectations and company offerings. Addressing salary expectations, clarifying job roles, and reducing miscommunication during interviews should be prioritised to improve the overall effectiveness of the recruitment process. Additionally, better management of remote placements and addressing the mismatch between qualifications and experience will be crucial in overcoming the current recruitment challenges.

By focusing on these areas, SLC can streamline its recruitment efforts and ensure a better fit between candidates and job roles, ultimately enhancing its efficiency in permanent placements.

## **4.7 DISCUSSION OF THE FINDINGS**

This section discusses the findings in line with the existing literature.

### **4.7.1 Key bodies representing employers in the private employment industry**

The findings from the study on key bodies representing employers in the private employment industry reveal a complex landscape of stakeholder perceptions, highlighting both commendable and critical evaluations of various organisations. Notably, organisations such as the Confederation of Associations in the Private Employment Sector (CAPES), the Federation of African Professional Staffing Organisations (APSO), and the Department of Employment and Labour (DEL) received significant positive feedback, with agreement levels of (84.5%), (84.4%), and (81%) respectively. This suggests a strong stakeholder confidence in their ability to effectively address employment-related issues, which aligns with existing literature that emphasises the importance of effective advocacy and communication in enhancing organisational reputation within the labour market (Benmarker et al., 2013; Autor et al., 2020).

Conversely, organisations like the Information Technology Association of South Africa (ITA) and the Contact Centre Management Group (CCMG) exhibited high neutrality ratings (29.3%), indicating a lack of awareness or ambivalence among stakeholders regarding their contributions. This finding resonates with studies that highlight the critical role of stakeholder engagement and communication in shaping perceptions of organisational effectiveness (Wahba and Assaad, 2016; Autor et al., 2015). The mixed reviews for these organisations suggest that they may need to enhance their visibility and clarify their roles to foster a more favourable perception among stakeholders.

Moreover, the study identified certain organisations, including the Bargaining Council for the Contract Cleaning Industry (BCCI) and the Allied Nursing Association of South Africa (ANASA), that faced notable dissatisfaction, with disagreement levels exceeding (30%). This dissatisfaction underscores the necessity for these organisations to critically evaluate their strategies and address stakeholder concerns, a sentiment echoed in the literature which posits that organisations must adapt to stakeholder feedback to maintain trust and credibility

(Meiselbach et al., 2021; Baensch et al., 2019). The contrasting perceptions between highly rated bodies and those perceived less favourably highlight the critical importance of effective representation and stakeholder engagement in the employment sector.

The analysis further reveals that bodies such as the Sector Education and Training Authority (SETA), APSO, CAPES, and DEL are perceived positively, consistently receiving high agreement percentages exceeding of (70%). This reflects a broader trend in the literature that suggests organisations with targeted advocacy and effective communication strategies tend to garner higher levels of stakeholder trust (Acemoğlu and Restrepo, 2018; Acemoğlu and Restrepo, 2020). In contrast, organisations like ITA, ANASA, BCCI and CCMG, which received lower agreement levels, may benefit from implementing measures to enhance their operational effectiveness and stakeholder engagement strategies.

#### **4.7.2 Key bodies representing employees in the private employment industry**

The findings regarding key bodies representing employees in the private employment industry reveal a spectrum of perceptions, underscoring the importance of effective representation and stakeholder engagement. Organisations such as the Metal and Engineering Industries Bargaining Council (MIEBC), Motor Industry Bargaining Council (MIBCO), and the National Bargaining Council for the Road Freight and Logistics Industry (NBCRFLI) received notably high approval ratings, with MIBCO and NBCRFLI achieving (84.5%) and (87.9%) respectively. These figures reflect strong stakeholder confidence in their ability to advocate for employee rights and negotiate fair terms, aligning with existing literature that emphasises the critical role of bargaining councils in labour relations (Pekkala et al., 2022; Berkelaar, 2017).

The high levels of strong agreement (56.9% for MIEBC and 55.2% for MIBCO) further indicate that these organisations are perceived as effective in their roles, which is consistent with findings that highlight the importance of transparent communication and successful dispute resolution mechanisms in fostering trust among stakeholders (Hines, 2019; Thompson et al., 2019). Conversely, organisations like the Motor Industry Staff Association (MISA) and the Bargaining Council for the Contract Cleaning Industry (BCCI) exhibited mixed reviews, with significant neutrality ratings (15.5% and 17.2%). This suggests that many respondents may be unaware of their functions or hold ambiguous views about their effectiveness.

Such findings resonate with research indicating that gaps in stakeholder engagement and communication can lead to uncertainty regarding an organisation's role and impact (Wendelborg et al., 2022; Barnay et al., 2018). The relatively favourable ratings for trade unions like NUMSA (79.3%) and COSATU (63.8%) are tempered by notable neutral responses (15.5% and 22.4%), indicating that even well-regarded organisations may face challenges in clearly communicating their objectives and achievements to stakeholders (Vaničková and Bílek, 2021; Hurrell et al., 2017).

The study also highlights significant dissatisfaction with certain organisations, particularly the BCCI, which faced the highest disagreement rate at (30.9%). This level of dissatisfaction suggests a disconnect between the organisation's actions and stakeholder expectations, underscoring the need for these bodies to reassess their strategies and enhance their engagement practices (Schubert and Willems, 2020; McDonald et al., 2016). The high disagreement levels for MISA (20.7%) and BCEA (25.9%) further illustrate the challenges faced by these organisations in meeting the needs of employees, a sentiment echoed in the literature that emphasises the necessity for organisations to adapt to stakeholder feedback to maintain credibility and trust (Al, 2023; Pfeifer, 2011).

When comparing organisations, a clear distinction emerges between those with strong stakeholder support, such as MIEBC, MIBCO and NBCRFLI, and those facing criticism, like BCCI and MISA. The former group is likely benefiting from effective communication and operational strategies that resonate with employee expectations, while the latter may need to urgently address internal operations and engagement strategies to rebuild stakeholder confidence (Dedeoğlu and Demirer, 2015). The findings also suggest that while trade unions like NUMSA and COSATU play significant roles in employee representation, they are perceived as less effective compared to bargaining councils, which may reflect a broader trend in labour relations where formal bargaining structures are increasingly favoured for their structured approaches to dispute resolution (McDonald and Thompson, 2015; Choi, 2016).

#### **4.7.3 Relevance of SLC a private employment agency to the ILO private employment agencies convention**

The findings regarding Scribante Labour Consultants (SLC) and its alignment with the International Labour Organisation (ILO) Private Employment Agencies Convention No. 181 highlight both strengths and areas for improvement in the agency's practices. The survey results indicate that SLC is perceived positively in several key areas, such as minimum wage

compliance, collective bargaining support, and occupational health and safety, which are central tenets of the ILO Convention. However, there are notable concerns regarding freedom of association, social security benefits, and maternity protection that warrant further attention.

Firstly, SLC's alignment with the principle of minimum wages is notable, with (48.3%) of respondents strongly agreeing that the agency adheres to legal minimum wage standards. This finding is consistent with the ILO Convention's emphasis on ensuring fair compensation for workers, which is crucial for promoting decent work conditions (Bellace, 2013). However, the presence of neutral and disagreement responses suggests that SLC should conduct a thorough evaluation of its wage structures to ensure consistent compliance across all sectors. This aligns with literature emphasising the importance of transparent wage policies in fostering trust and satisfaction among workers (Lopes et al., 2019).

The agency's commitment to supporting freedom of association is less clear, with only (34.5%) of respondents strongly agreeing that SLC encourages workers' rights to unionise. The significant neutral and disagreement responses indicate a potential gap in SLC's efforts to promote union participation, which is a fundamental aspect of the ILO Convention (Bellace, 2013). Existing literature highlights the necessity for employment agencies to actively foster an environment conducive to collective action, as this can significantly enhance workers' rights and bargaining power (Håkansson and Isidorsson, 2015).

Regarding collective bargaining, the majority of respondents (72.4%) acknowledge that SLC facilitates these processes, which aligns with the ILO's advocacy for collective negotiation as a means to improve working conditions (Bellace, 2013). However, the presence of neutral responses suggests that while collective bargaining is generally perceived as effective, there may be inconsistencies in its implementation. Literature suggests that effective collective bargaining requires not only the establishment of processes but also the active engagement of all stakeholders involved (Cappelli and Keller, 2013). SLC's performance in regulating working time and conditions is also viewed positively, with (63.8%) of respondents agreeing that the agency meets basic expectations. However, the neutral and disagreement responses indicate that there may be specific areas, such as overtime policies and worker breaks, that require further attention (Egdell and Graham, 2016). Research indicates that well-defined working conditions are essential for maintaining employee satisfaction and compliance with labour standards (Baumann et al., 2011).

In terms of social security benefits, while (58.6%) of respondents agree that SLC provides adequate coverage, the presence of neutral and disagreement responses suggests variability in the benefits offered (Vos and Heijden, 2017). This aligns with findings in the literature that emphasise the importance of comprehensive social security systems in protecting workers' rights and well-being (Egdell and McQuaid, 2014). SLC should consider reviewing its social security offerings to ensure that all workers have access to sufficient protection.

The agency's commitment to training and development is also noteworthy, with (69%) of respondents feeling that adequate training opportunities are provided. However, the neutral responses indicate that there may be gaps in training alignment with workers' needs (Underhill and Quinlan, 2011). Literature emphasises the importance of continuous skill development, particularly in temporary employment contexts, to enhance job security and employability (Woldman et al., 2018).

SLC's approach to occupational health and safety is generally well regarded, with (62%) of respondents acknowledging the agency's commitment. However, the neutral and disagreement responses suggest that specific health and safety risks may not be adequately addressed (Inter-American Development Bank, 2016). Strengthening health and safety protocols and conducting regular training could help ensure a safer work environment, aligning with the ILO's focus on occupational safety (Spreitzer et al., 2017).

#### **4.7.4 Temporary employment services recruitment and placements challenges of individuals in temporary employment**

The findings regarding the recruitment and placement challenges faced by individuals in temporary employment services (TES) highlight several critical issues that align with existing literature on labour market dynamics. The survey results indicate that geographical location limitations, demand for skilled artisans and technicians, technological changes, candidate passivity, and the pace of the recruitment process are significant challenges that impact the effectiveness of recruitment strategies employed by agencies like Scribante Labour Consultants (SLC).

Firstly, the overwhelming acknowledgment (87.9% agreement) of geographical location limitations as a challenge in recruitment underscores a well-documented issue in labour market studies. Geographic constraints can significantly restrict access to employment opportunities, particularly for candidates in rural or underserved areas (Cadena and Kovak, 2016).

Research has shown that geographical barriers can lead to labour market segmentation, where certain regions experience higher unemployment rates due to a lack of accessible job opportunities (McCreesh et al., 2011). This aligns with findings that suggest improving transportation and communication infrastructure can mitigate these challenges and enhance labour mobility (Panikkar et al., 2015).

The recognition of a high demand for skilled artisans and technicians (70.7% agreement) reflects a broader trend in labour markets where there is a persistent skills gap, particularly in technical fields. Studies indicate that many industries are struggling to find qualified candidates to fill skilled positions, which can hinder economic growth and productivity (Roca-Puig et al., 2013; Komuro, 2023). The shortage of skilled labour is often exacerbated by educational systems that do not adequately prepare individuals for the demands of the labour market, leading to a mismatch between available jobs and the skills of the workforce (Asadourian et al., 2021). This highlights the need for targeted training programmes and partnerships between educational institutions and industry to bridge the skills gap (Ferrocino et al., 2015).

The impact of technological changes on recruitment (63.8% agreement) is another critical area of concern. While technology can streamline recruitment processes and improve efficiency, it can also create challenges in terms of adapting to new tools and platforms (Chen et al., 2019). The literature suggests that technological advancements can lead to a polarisation of job opportunities, where high-skilled workers benefit from new technologies while low-skilled workers face increased competition and job displacement (Svalund et al., 2018). This dual effect necessitates that recruitment agencies not only adopt new technologies but also ensure that candidates are equipped with the necessary skills to thrive in a technology-driven labour market (Pedulla, 2016).

The finding that (74.1%) of respondents believe that top candidates are passive in accepting job offers highlights a significant challenge in attracting high-quality talent. This passivity can be attributed to various factors, including job satisfaction, perceived job security, and the attractiveness of compensation packages (Wright et al., 2019). Research indicates that candidates are increasingly selective about job offers, often prioritising benefits and work-life balance over salary alone (Orynassarova et al., 2019). This trend emphasises the importance of offering competitive benefits and creating a compelling employer brand to attract top talent (Viollaz, 2018).

Finally, the recognition of a fast-paced recruitment process (58.6% agreement) as a challenge suggests that while speed is essential in competitive labour markets, it can compromise the thoroughness of candidate vetting and matching (Burt et al., 2010). Existing literature supports this notion, indicating that rushed recruitment processes can lead to poor hiring decisions, which ultimately affect employee retention and organisational performance (Iacovone and Pereira-López, 2018). Therefore, recruitment agencies must strike a balance between efficiency and comprehensive candidate evaluation to ensure successful placements.

Therefore, the challenges identified in the recruitment and placement processes of temporary employment services reflect the complexities of a dynamic labour market. Addressing geographical limitations, focusing on attracting skilled candidates, adapting to technological changes, enhancing candidate engagement, and ensuring thorough recruitment processes are essential strategies for agencies like SLC to improve their effectiveness. By aligning their practices with these insights from existing literature, SLC can better navigate the challenges of temporary employment services and enhance their role in the labour market.

#### **4.7.5 Temporary recruitment services recruitment and placements challenges of individuals in permanent employment**

The findings regarding the recruitment and placement challenges faced by individuals in permanent employment through Temporary Employment Services (TES) highlight several significant issues that resonate with existing literature on labour market dynamics. The survey results indicate that challenges such as the mismatch between qualifications and experience, unclear job role definitions, miscommunication during interviews, and difficulties with remote placements are prevalent in the recruitment process.

Firstly, the reported mismatch between the demand for qualifications and the experience of candidates (77.6% agreement) is a well-documented challenge in labour markets. This phenomenon, often referred to as "qualification mismatch," occurs when candidates possess qualifications that do not align with the requirements of available positions (Neycheva, 2021). Research indicates that such mismatches can lead to underemployment, where individuals are unable to find roles that fully utilise their skills, resulting in job dissatisfaction and decreased productivity (Kaharudin, 2023). The implications of qualification mismatch extend beyond individual workers, affecting overall economic performance as organisations struggle to find adequately skilled employees (Quang and Tran-Nam, 2019).

The lack of clear definitions for new job roles, with (62.1%) of respondents agreeing that this is a challenge, further complicates the recruitment landscape. Ambiguity in job descriptions can lead to confusion among candidates regarding the expectations and responsibilities associated with a position, making it difficult for recruiters to align candidates' skills with job requirements (Kulkarni et al., 2015). Existing literature emphasises the importance of clear and precise job descriptions in attracting suitable candidates and facilitating effective recruitment processes (Rohrbach-Schmidt and Tiemann, 2016). When roles are poorly defined, it can result in a misalignment between candidate expectations and organisational needs, ultimately leading to higher turnover rates and recruitment costs (Budría and Moro-Egido, 2018).

Miscommunication regarding expectations during interviews, acknowledged by (58.6%) of respondents, is another critical challenge. Effective communication is essential in the recruitment process, as it helps to ensure that both candidates and employers have a mutual understanding of job roles and expectations (Roche et al., 2021). Studies have shown that miscommunication can lead to misunderstandings about job responsibilities, which may result in candidates accepting positions that do not meet their expectations or qualifications (Roche et al., 2018). This misalignment can adversely affect employee satisfaction and retention, highlighting the need for improved communication strategies during the recruitment process (Sadasivan et al., 2021).

The challenge of remote placements, with (50%) of respondents indicating difficulties, reflects a growing trend in the labour market as organisations increasingly adopt remote work arrangements. While remote placements can offer flexibility and access to a broader talent pool, they also present unique challenges in terms of communication, management, and candidate engagement (Barrett, 2014). Research suggests that effective management of remote placements requires clear communication, robust on-boarding processes, and ongoing support to ensure that remote employees feel integrated and valued within the organisation (Frei & Sousa-Poza, 2012). The complexities of remote work arrangements necessitate that recruitment agencies develop strategies to effectively manage these placements and address any potential challenges that may arise.

#### **4.7.6 Chapter Summary**

This chapter has provided a detailed data analysis, interpretation and discussion of the findings in relation to the challenges and key factors influencing the operations of Scribante Labour

Consultants (SLC) within the private employment industry. Using data collected through questionnaires and analysed with SPSS software, the study provided valuable insights into the biographical characteristics of the respondents, the key bodies shaping the industry, and the alignment of SLC with international labour standards. By discussing the challenges faced by SLC in recruitment and placement, as well as the impact of employer and employee representative bodies, this chapter offered a deeper understanding of the factors that affect the efficiency and effectiveness of private employment agencies. The findings highlight the importance of aligning local practices with the ILO's guidelines and provide recommendations for improving recruitment and placement strategies within SLC. Overall, this chapter serves as a foundation for exploring the complexities of the private employment services sector and suggests pathways for overcoming the challenges identified.

## **CHAPTER 5**

### **CONCLUSION AND RECOMMENDATIONS**

#### **5.1 Introduction**

This concluding chapter presents an overview of the research undertaken to investigate the recruitment challenges encountered by Scribante Labour Consultants, a South African private employment agency. Recommendations are based on the research findings, and finally, recommendations are derived from the current literature evaluation.

#### **5.2 Conclusions**

To evaluate recruitment challenges associated with agency employment services and examine the relevance of SLC to the ILO Convention (No. 181). This study addressed the following objectives:

1. To identify the key bodies representing employers and employees in the employment industry.
2. To evaluate the relevance of SLC private employment agency in South Africa to the ILO private employment agencies Convention (No. 181).
3. To investigate challenges in recruitment and placements of individuals in permanent or temporary employment through Temporary Employment Services (TES) in which SLC provides services.

First objective results from the study on key bodies representing employers in the private employment industry reveal a complex landscape of stakeholder perceptions, highlighting both commendable and critical evaluations of various organisations. Notably, organisations such as the Confederation of Associations in the Private Employment Sector, the Federation of African Professional Staffing Organisations, and the Department of Employment and Labour received significant positive feedback. On the other hand, the key bodies representing employees in the private employment industry reveal a spectrum of perceptions, underscoring the importance of effective representation and stakeholder engagement. Organisations such as the Metal and Engineering Industries Bargaining Council (MIEBC), Motor Industry Bargaining Council (MIBCO), and the National Bargaining Council for the Road Freight and Logistics Industry (NBCRFLI) received notably high approval ratings, with MIBCO and NBCRFLI.

Second objective results from the Scribante Labour Consultants (SLC) and its alignment with the International Labour Organisation (ILO) Private Employment Agencies Convention No. 181, highlighting both strengths and areas for improvement in the agency's practices. The survey indicates that SLC is perceived positively in several key areas, such as minimum wage compliance, collective bargaining support, and occupational health and safety, which are central tenets of the ILO Convention. However, there are notable concerns regarding freedom of association, social security benefits, and maternity protection that warrant further attention.

The third objective focused on the recruitment and placement challenges faced by individuals in temporary employment services (TES), with findings highlighting several critical issues that align with existing literature on labour market dynamics. The survey results indicate that geographical location limitations, demand for skilled artisans and technicians, technological changes, candidate passivity, and the pace of the recruitment process are significant challenges that impact the effectiveness of the recruitment strategies employed by agencies like Scribante Labour Consultants. Moreover, the recruitment and placement challenges faced by individuals in permanent employment through Temporary Employment Services (TES) highlight several significant issues that resonate with existing literature on labour market dynamics. The survey indicates that challenges such as the mismatch between qualifications and experience, unclear job role definitions, miscommunication during interviews, and difficulties with remote placements are prevalent in the recruitment process.

### **5.3 Recommendations**

The following recommendations are provided to assist with recruitment challenges at Scribante Labour Consultants a Private Employment Agency.

#### **5.3.1 Enhance Stakeholder Engagements**

The results indicate a clear division between organisations that are perceived as effective and trustworthy, such as SETA and APSO, and those that require significant improvements, like BCCI, NEDLAC and CCMG. This underscores the necessity for companies such as Scribante Labour Consultants within the private employment sector to prioritise stakeholder engagement and communication to enhance their reputations and effectiveness in representing employer interests.

In light of the above, the results indicate that while several organisations demonstrate strong alignment with employee expectations and trust, others face considerable challenges that must be addressed to improve their standing. Organisations with high neutrality or disagreement rates, such as BCCI, CCMG, ILO and BCEA, should focus on enhancing communication, transparency, and operational effectiveness to rebuild stakeholder trust. Conversely, bodies with high approval ratings, such as MIEBC, MIBCO and NBCRFLI, should continue to refine their best practices to sustain their positive reputation and strengthen their role in employee representation.

### **5.3.2 Reinforce Alignment with ILO Convention (No. 181)**

While Scribante Labour Consultants demonstrates a strong alignment with many principles outlined in the ILO Private Employment Agencies Convention No. 181, there are areas requiring improvement. By addressing concerns related to freedom of association, social security benefits, and maternity protection, SLC can enhance compliance with international labour standards and solidify its position as a key player in the South African private employment industry. Regarding compensation for occupational accidents and diseases, majorities of respondents feel protected, yet there remains a segment expressing dissatisfaction. This indicates that SLC could improve its compensation processes to enhance clarity and accessibility for workers. Similarly, the agency's performance in protecting workers' claims during insolvency received mixed feedback, highlighting the need for greater transparency in procedures.

Lastly, SLC's maternity protection and parental benefits are viewed positively by some, but the significant neutral responses indicate that enhancements may be necessary to meet workers' expectations fully (McKay and Markova, 2010). Literature suggests that robust maternity and parental leave policies are essential for supporting workers and promoting gender equality in the workplace (Underhill, 2010).

### **5.3.3 Integrate Online and Traditional Recruitment**

The challenges identified at Scribante Labour Consultants in the recruitment and placement processes of temporary employment services reflect the complexities of a dynamic labour market. Addressing geographical limitations, focusing on attracting skilled candidates, adapting to technological changes, enhancing candidate engagement, and ensuring thorough

recruitment processes are essential strategies for labour consultants like SLC to improve their effectiveness.

By aligning their practices with these insights from existing literature, SLC can better navigate the challenges of temporary employment services and enhance their role in the labour market.

Moreover, the recruitment and placement processes for permanent employment roles at Scribante Labour Consultants (SLC) underscore the need for improved alignment between candidate expectations and company offerings. Addressing the mismatch between qualifications and experience, clarifying job roles, enhancing communication during interviews, and effectively managing remote placements should be prioritised to improve the overall effectiveness of the recruitment process. By focusing on these areas, SLC can streamline its recruitment efforts and ensure a better fit between candidates and job roles, ultimately enhancing its efficiency in permanent placements.

#### **5.4 Chapter Summary**

In conclusion, the study of Scribante Labour Consultants, a private employment agency in South Africa, reveals the complex dynamics of Temporary Employment Services (TES) and the challenges faced within the private employment sector. The research emphasises the importance of Agency theory in understanding the relationships between employees, employers, and agencies, particularly in light of ethical dilemmas and job security issues exacerbated by globalisation. The methodology employed, included data collection through questionnaires and analysis via SPSS, provided valuable insights into the operational challenges and key influencing factors for Scribante Labour Consultants. The findings underscore the necessity for alignment with international labour standards and highlight the role of regulatory bodies in promoting fair treatment and ethical practices within the staffing industry. Overall, the study lays the groundwork for further exploration of the private employment services sector and suggests actionable recommendations for enhancing recruitment and placement strategies.

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## APPENDICES

### Appendix 1: Introduction Form

**UNIVERSITY OF KWAZULU-NATAL  
GRADUATE SCHOOL OF BUSINESS AND LEADERSHIP**

Dear Respondent,

**MBA Research Project**

**Researcher:** Mr Lwandile B Nonyongo [REDACTED]

**Supervisor:** Prof Bibi Z Chummun 031-2609111

**HSSREC Research Office:** Tel: 031-260 8350/4557/3587, Email: [hssrec@ukzn.ac.za](mailto:hssrec@ukzn.ac.za)

I, Lwandile Banele Nonyongo, an MBA student at the Graduate School of Business and Leadership at the University of KwaZulu-Natal (UKZN). You are invited to participate in a research project entitled ‘Investigating the Challenges of Recruitment at Scribante Labour Consultants Private Employment Agency in South Africa.’ The aim of this study is to investigate challenges of recruitment on agency work and review the relevance of a private employment agency in South Africa to International Labour Organization Convention (No. 181).

Through your participation, I hope to understand key bodies representing employers and employees in the employment industry, the relevance of private employment agencies in South Africa to the International Labour Organisation of Private Employment Agencies Convention, and challenges in recruitment and placements of individuals in permanent or temporary employment by using Temporary Employment Services. The results of the focus group are intended to contribute to the literature, practical knowledge, and industry information to determine new trends, skills, and alignment required in the private employment agency industry to enhance the functioning of labour consultants and temporary employment services.

Your participation in this project is voluntary. You may refuse to participate or withdraw from the project at any time with no negative consequence. There will be no monetary gain from participating in this survey/focus group. Confidentiality and anonymity of records identifying you as a participant will be maintained by the Graduate School of Business and Leadership, UKZN. Your name as a participant will not be disclosed to third parties; instead, fictitious names will be used.

If you agree to participate, a researcher would appreciate your email address being written in the consent form where findings of the study will be disseminated once the study is complete.

If you have any questions or concerns about completing the questionnaire or about participating in this study, you may contact me or my supervisor at the numbers listed above. The survey should take you about 15-20 minutes to complete. I hope you will take the time to complete this survey.

Sincerely

Lwandile B Nonyongo

School of Business and Leadership

Investigator's signature \_\_\_\_\_ Date \_\_\_\_\_

**Appendix 2: Participant Consent Form**

**UNIVERSITY OF KWAZULU-NATAL  
GRADUATE SCHOOL OF BUSINESS AND LEADERSHIP**

**MBA Research Project**

**Researcher:** Mr Lwandile B Nonyongo [REDACTED]

**Supervisor:** Prof Bibi Z Chummun 031-2609111

**HSSREC Research Office:** Tel: 031-260 8350/4557/3587, Email: [hssrec@ukzn.ac.za](mailto:hssrec@ukzn.ac.za)

**CONSENT**

I..... (full names of participant) hereby confirm that I understand the contents of this document and the nature of the research project, and I consent to participating in the research project.

I confirm that this is the email address ..... (full email address of participant) where I can receive findings of the study once the study is complete.

I understand that I am at liberty to withdraw from the project at any time, should I so desire.

Signature of Participant \_\_\_\_\_ Date \_\_\_\_\_

.....

### Appendix 3: Gatekeeper Permission Letter



Scribante Labour Consultants (PTY) LTD

Suite 10, Village Office Park  
2 Inkanta Road, Kloof  
P.O.Box 15030,  
Westmead, 3400

Tel: (031) 764 0782/5  
Fax: (031) 764 0821

email: info@scribantelabour.co.za  
website: www.scribantelabour.co.za

07 May 2024

Mr Lwandile Nonyongo  
Graduate School of Business and Leadership  
College of Law and Management Studies  
Westville Campus  
University of KwaZulu-Natal  
Email: [221121135@stu.ukzn.ac.za](mailto:221121135@stu.ukzn.ac.za)

Dear Mr Nonyongo

#### RE: PERMISSION TO CONDUCT RESEARCH

A Gatekeeper's permission is hereby granted for you to conduct research at Scribante Labour Consultants (SLC) and Business associates (Clients) being Toyota Tsusho Africa (TTAF), AIH Logistics (AIH) and Toyoda Gosei South Africa (TGSA), provided that Ethical Clearance has been obtained.

We note your research project title is:

- "Investigating The Challenges of Recruitment at Scribante Labour Consultants Private Employment Agency in South Africa".

It is noted that you will be constituting your sample by handing out questionnaires as well as emails on all SLC, AIH, TTAF and TGSA staff included in the sample size.

Please ensure that the following appears on your questionnaire:

1. Ethical clearance number.
2. Research details - Title of the research, the Researcher, and the Supervisor.
3. Consent form is attached to the questionnaire and signed by the user before he/she fills in questionnaire.
4. Gatekeepers approval by the Registrar.

All SLC information therein is strictly confidential.

Business Associates / Clients will need to be informed and their consent obtained.

Yours Sincerely

  
\_\_\_\_\_  
DAVID OPE... DIRECTOR  
+27 (31) 764 0782

## Appendix 4: Ethical Clearance Approval Letter



02 September 2024

Lwandile Banele Nonyongo (221121135)  
Grad School of Bus & Leadership  
Westville Campus

Dear LB Nonyongo,

Protocol reference number: HSSREC/00007117/2024

Project title: Investigating the challenges of recruitment at Scribante Labour Consultants private employment agency in South Africa.

Degree: Masters

### Approval Notification – Expedited Application

This letter serves to notify you that your application received on 28 May 2024 in connection with the above, was reviewed by the Humanities and Social Sciences Research Ethics Committee (HSSREC) and the protocol has been granted FULL APPROVAL.

Any alteration/s to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach and Methods must be reviewed and approved through the amendment/modification prior to its implementation. In case you have further queries, please quote the above reference number.

PLEASE NOTE: Research data should be securely stored in the discipline/department for a period of 5 years.

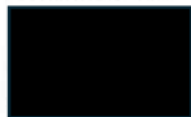
Incidents of adverse events and serious adverse events (AEs and SAEs) should be reported in writing to HSSREC, the study sponsors, and any regulatory authority (where appropriate), within 7 working days of the occurrence for local sites and 14 days for all other South African sites.

This approval is valid until 02 September 2025.

To ensure uninterrupted approval of this study beyond the approval expiry date, a progress report must be submitted to the Research Office on the appropriate form 2 - 3 months before the expiry date. A close-out report to be submitted when study is finished.

HSSREC is registered with the South African National Health Research Ethics Council (REC-040414-040).

Yours sincerely,



Professor Dipane Hlalele (Chair) /nng

### Humanities and Social Sciences Research Ethics Committee

Postal Address: Private Bag X54001, Durban, 4000, South Africa

Telephone: +27 (0)31 260 8350/4557/3587 Email: [hssrec@ukzn.ac.za](mailto:hssrec@ukzn.ac.za) Website: <http://research.ukzn.ac.za/Research-Ethics>

Founding Campuses:  Edgewood  Howard College  Medical School  Pietermaritzburg  Westville

INSPIRING GREATNESS

## Appendix 5: Survey Questionnaires

### Strictly Confidential

### Survey Questionnaire

### For

1. Scribante Labour Consultants internal employees:
  - Chief Executive Officer
  - Director
  - HR Business Partner
  - Managers
  - Operations Coordinators
  - Recruiters
  - HR Officer
  - Industrial Relations Specialist
  - Supervisors
  - Regional Managers
2. Scribante Labour Consultants user enterprise (clients) of Outsourced Temporary Employment Services and Permanent Placements:
  - HR Managers
  - Production Managers and Supervisors
  - Team Leaders
  - Site Supervisors
  - Temporary Employees
  - Team Member
  - Quality Control
  - Logistics Coordinator

### Project Title:

Investigating the challenges of recruitment at Scribante Labour Consultants private employment agency in South Africa

Instructions required to follow to complete the Questionnaire:

- a) Your name should not appear on the questionnaire.
- b) You are requested to read carefully and answer all the questions honestly.
- c) Your responses will be treated with utmost confidentiality and will be valuable to the study.
- d) You will be requested to complete both Section A and Section B.
- e) Section A: You are requested to indicate your choice of response by applying the (✓) or (X) on the applicable box that best represents your view.
- f) Section B: You are requested to indicate your choice of response framed in line with the 5-point Likert scaling measurement ranging from (5) Strongly Agree, (4) Agree, (3) Maybe, (2) Disagree, and (1) Strongly Disagree.

You are recommended to leave additional comments whenever you wish to do so (at the end of each Section).

**SECTION A**  
**Demographic Details**

Instructions: Please tick (✓) or cross (X) each applicable box to indicate your answer

1. Gender	a) Male b) Female	<table border="1" style="width: 100%; height: 100%; border-collapse: collapse;"> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> </table>																		
2. Age (Years)	a) <Less than 18 b) 19 – 24 c) 25 – 30 d) 31 – 34 e) 35 – 40 f) 45 Above >	<table border="1" style="width: 100%; height: 100%; border-collapse: collapse;"> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> </table>																		
3. Race	a) African b) White c) Indian d) Coloured e) Other (Specify):	<table border="1" style="width: 100%; height: 100%; border-collapse: collapse;"> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> </table>																		
4. Job Title	a) HR Manager b) Production Manager c) General Manager d) Production Supervisor e) Team Leader f) Operator g) Administrator h) Other (Specify):	<table border="1" style="width: 100%; height: 100%; border-collapse: collapse;"> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> </table>																		
5. Qualification Level	a) Matric b) Certificate c) Diploma d) Degree e) Honours f) Masters g) Doctorate	<table border="1" style="width: 100%; height: 100%; border-collapse: collapse;"> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> </table>																		
6. Years of Experience	a) <Less than 1 b) 2 – 3 c) 4 – 5 d) 6 – 7 e) 8 Above>	<table border="1" style="width: 100%; height: 100%; border-collapse: collapse;"> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> <tr><td style="width: 50%; height: 15px;"></td><td style="width: 50%; height: 15px;"></td></tr> </table>																		

7. Working Hours Per Week
- a) <Less than 20
  - b) 21 – 39
  - c) 40 – 45
  - d) 46 – 50
  - e) 50 Above>
8. Years Working with TES
- a) Years in Partnership with TES
  - b) Employed under TES
  - c) (Other) Specify:
9. Permanent / Temporary
- a) Permanent
  - b) Temporary
10. Do you belong to a Union
- a) Yes
  - b) No
11. Industries / Sectors you have worked for
- a) Automotive – Motor Industry
  - b) Chemical
  - c) Road Freight – Transport
  - d) Metal and Engineering
  - e) Retail
  - f) Manufacturing
  - g) HR and Recruitment Services
  - h) Construction
  - i) (Other) Specify:

**SECTION B**

**Challenges of recruitment on agency work and the relevance of Scribante Labour Consultants to International Labour Organizational Convention**

Instructions: Please rate each choice on the Likert Scale  
**(5) Strongly Agree / (4) Agree / (3) Maybe / (2) Disagree / (1) Strongly Disagree**

**B1: What key bodies are representing employers and employees in the employment industry?**

<b>B1.1 Key Bodies Representing Employers in the Private Employment Industry</b>					
<b>Employers in the Private Employment Industry are represented by:</b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Maybe</b>	<b>Disagree</b>	<b>Strongly Disagree</b>
1. Confederation of Associations in the Private Employment Sector (CAPES)					
2. Federation of African Professional Staffing Organizations (APSO)					
3. Constructional Engineering Association (CEA)					

4. Information Technology Association of South Africa (ITA)					
5. Allied Nursing Association of South Africa (ANASA)					
6. Department of Employment and Labour (DEL)					
7. International Labour Organization Convention (ILO)					
8. Bargaining Council: Motor Industry Bargaining Council (MIBCO)					
9. Bargaining Council: Metal and Engineering Industries Bargaining Council (MIEBC)					
10. Bargaining Council: National Bargaining Council for the Road Freight and Logistics Industry (NBCRFLI)					
11. Bargaining Council: Bargaining Council for the Contract Cleaning Industry (BCCI)					
12. Contact Centre Management Group - Employer Association (CCMG)					
13. National Economic and Development Council (NEDLAC)					
14. Skills Development Act (SDA)					
15. Services Sector Education and Training Agency (SETA)					

You can leave comments in this section:

.....  
.....

**B1.2 Key Bodies Representing Employees in the Private Employment Industry**

<b>Employees in the Private Employment Industry are represented by:</b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Maybe</b>	<b>Disagree</b>	<b>Strongly Disagree</b>
1. Trade Union: National Union of Metalworkers of South Africa (NUMSA)					
2. Trade Union: Congress of South African Trade Unions (COSATU)					
3. Trade Union: South African Federation of Trade Unions (SAFTU)					
4. Trade Union: Motor Industry Staff Association (MISA)					
5. Bargaining Council: Metal and Engineering Industries Bargaining Council (MIEBC)					
6. Bargaining Council: Motor Industry Bargaining Council (MIBCO)					
7. Bargaining Council: National Bargaining Council for the Road Freight and Logistics Industry (NBCRFLI)					

8. Bargaining Council: Bargaining Council for the Contract Cleaning Industry (BCCI)					
9. Commission for Conciliation, Mediation and Arbitration (CCMA)					
10. Labour Relations Act (LRA)					
11. Basic Conditions of Employment Act (BCEA)					
12. Employment Equity Act (EEA)					
13. Unemployment Insurance Fund (UIF)					
You can leave comments in this section: ..... .....					

**B2:** What is the Relevance of Scribante Labour Consultants private employment agency in SA to the International Labour Organization of private employment agencies convention no 181?

<b>B2.1 Relevance of SLC A Private Employment Agency to the ILO Private Employment Agencies Convention</b>					
<b>SLC as a PEA have the ability to:</b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Maybe</b>	<b>Disagree</b>	<b>Strongly Disagree</b>
1. Align Minimum Wages					
2. Ensure the Freedom of Association					
3. Collective Bargaining					
4. Regulate working time and other working conditions					
5. Statutory Social Security benefits					
6. Access to Training					
7. Occupational Health and Safety					
8. Compensation in case of Occupational Accidents or Diseases					
9. Compensation in case of Insolvency and Protection of worker's claims					
10. Maternity Protection, Parental Protection benefits					
You can leave comments in this section: ..... .....					

**B3:** What are the Recruitment and Placements Challenges of Individuals in Permanent or Temporary Employment Through Temporary Employment Services?

<b>B3.1 TES Recruitment and Placements Challenges of Individuals in Temporary Employment</b>					
<b>TES recruitment and placements challenges in temporary employment are:</b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Maybe</b>	<b>Disagree</b>	<b>Strongly Disagree</b>
1. Geographical location limitations					
2. Skills demand for Artisans and Technicians					
3. Technological influence on industry changes					
4. Top candidates are passive for employment offer without full company benefits					
5. Highly paced recruitment processes					
You can leave comments in this section: .....					
.....					

<b>B3.2 Recruitment and Placements Challenges of Individuals in Permanent Employment</b>					
<b>TES recruitment and placements challenges in permanent employment are:</b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Maybe</b>	<b>Disagree</b>	<b>Strongly Disagree</b>
1. Unmatched Salary expectations					
2. Mismatch for demand between Qualification and Experience					
3. Unclear defined new job roles by the company					
4. Miscommunicated expectations during interviews between client and candidate					
5. Remote placements in the national and global level					
You can leave comments in this section: .....					
.....					

## **Appendix 6: Application for Permission to Conduct a Study**

30 Hurst Grove Road  
Musgrave  
Durban  
4001  
24 April 2024

The Human Resources and Operations Director  
Scribante Labour Consultants  
Durban Head Office  
02 Inkonka Road  
Kloof  
Durban  
3610

Dear Sir

### **APPLICATION FOR PERMISSION TO CONDUCT RESEARCH**

I hereby request for permission to conduct research at Scribante Labour Consultants premises and with three (3) clients namely 'AIH Logistics, Toyoda Gosei South Africa and Toyota Tsusho Africa' as participants when collecting data. The research is essential in the completion of Master of Business Administration Degree with the University of KwaZulu-Natal (UKZN).

The research topic of my study is "Investigating the Challenges of Recruitment at Scribante Labour Consultants Private Employment Agency in South Africa".

The research will be conducted through survey, an arranged set of questionnaires directed for clients of Scribante Labour Consultants based in Durban and selected internal employees of Scribante Labour Consultants. I will ensure the information acquired from the research is treated with utmost confidentiality. I am willing to provide the company with the copy of the research findings once I have completed the study.

Your assistance in granting permission to access the Scribante Labour Consultants premises and clients of interest highlighted for the purposes of this research will be most highly appreciated.

If permission is granted, University of KwaZulu-Natal will require this to be in writing with a Company Letterhead and signed by a relevant authority.

Thank you for your consideration and assistance in this regard, it is significantly appreciated.

Yours sincerely

Lwandile Nonyongo  
University of KwaZulu-Natal  
Graduate School of Business and Leadership

## Appendix 8: Editing Certificate

### ACADEMICA EDITORS

#### CERTIFICATE OF EDITING

**TO** L NONYONGO

<b>FROM</b>	<b>DR PHUTI MAKWEYA</b> <b>FREELANCE LANGUAGE EDITOR / RESEARCHER / SPECIALIST WELLNESS COUNSELLOR</b>
<b>QUALIFICATION</b>	
<b>BACHELOR OF ARTS</b>	<b>UNIVERSITY OF LIMPOPO</b>
<b>HONOURS DEGREE (PSYCH)</b>	<b>UNIVERSITY OF VENDA</b>
<b>MASTER OF ARTS (PSYCH)</b>	<b>UNIVERSITY OF LIMPOPO</b>
<b>DOCTOR OF PSYCHOLOGY</b>	<b>UNIVERSITY OF SOUTH AFRICA</b>
<b>COPY-EDITING AND PROOFREADING</b>	<b>SOUTH AFRICAN WRITERS COLLEGE</b>

**RE: Confirmation of services rendered: Copy-editing and proofreading – MA Thesis**

The manuscript authored by L Nonyongo titled "Investigating The Challenges of Recruitment at Scribante Labour Consultants Private Employment Agency in South Africa," underwent a comprehensive editing process. This included the following:

**Grammar and style correction:**

- Checked and corrected grammatical issues such as sentence structure, punctuation and word choice to ensure the phrasing was smooth and professional.

**Accuracy check:**

- Verified that the information presented was precise and aligned with the context or purpose of the statement.

**Clarity and consistency:**

- Enhanced the wording for better clarity and coherence, ensuring that the meaning was consistent throughout. Any ambiguous or unclear terms were rephrased.

**Fact checking:**

- Ensured that any facts or specific details mentioned were accurate.

**Citation and reference check:**

- Involved ensuring that any source cited in the document are properly formatted according to the specified referencing style, and that in-text citations match entries in the reference list, and vice versa.

**Formatting compliance:**

- Checked that the document followed proper formatting guidelines, ensuring it complied with academic or professional standards in structure and presentation.

11/12/2024

THANK YOU