

## SOUTH AFRICA 南非

## PROPOSED INDICATORS 建议指标

## DECENT WORK FOR PARENTS AND YOUNG WORKERS 为父母和青年工作者提供体面的工作

## Child labour

- **Minimum age:** Under the Basic Conditions of Employment Act (BCEA), the minimum age of full-time employment is 15, or the minimum school leave age, whichever is higher. School is compulsory until the age of 15 (completion of grade 9).
- **Hazardous work:** Children under 18 years of age may not be employed in hazardous work. Hazardous work includes e.g., night work, underground mining, in confined spaces, in elevated positions, lifting heavy weights, or cold, hot and noisy environments, among other conditions. Children aged 15-18 may not be employed for more than 8 hours per day, and 40 hours per week (if not enrolled in school).
- **Light work:** Employment of children under 15 may be allowed in the performance of advertising, sports, artistic or cultural activities. If enrolled in school, children may not be employed for more than 20 hours per week.

## 童工

- **最低工作年龄:** 根据《就业基本条件法》(Basic Conditions of Employment Act), 全职工作的最低工作年龄为 15 岁, 或最低离校年龄, 两者以较高者为准。15 岁以前(9 年级毕业)必须上学。
- **危险工作:** 18 岁以下儿童不得从事危险工作, 包括夜班、地下采矿、密闭空间、高处作业、起重作业或寒冷、炎热和嘈杂的环境等。15—18 岁儿童每天工作时间不得超过 8 小时, 每周不得超过 40 小时(若未入学)。
- **轻量工作:** 15 岁以下儿童可允许从事广告、体育、艺术或文化活动。若雇用仍在上学的儿童, 每周时间不得超过 20 小时。

## Maternity and paternity protections

- **Parental leave:** Women are entitled to 4 months (17 weeks) of maternity leave. Fathers are entitled to 10 days of paternity leave.
- **Pay and benefits:** Maternity leave is paid at 66% of previous earnings, subject to a maximum threshold, for workers who pay into the Unemployment Insurance Fund. However, employers are not obliged to provide paid leave for women who are not paying into the fund. Paternity leave is also paid through the Fund.
- **Job protection:** It is automatically considered an unfair dismissal to dismiss a worker due to pregnancy, intended pregnancy, or other reasons related to pregnancy. Under the Labour Relations Act, female workers have the right to return to the same or similar position on the same terms and conditions after returning from maternity leave. The Act considers it an unfair dismissal if an employer does not allow a worker to resume work after maternity leave.

## 产假和陪产假

- **育儿假:** 女性享有 4 个月(17 周)的产假。父亲享有 10 天陪产假。
- **工资和福利:** 对于缴纳失业保险基金(Unemployment Insurance Fund)的工作者, 产假工资按之前收入的 66% 支付, 但有最高限额。雇主没有义务为不缴纳失业保险基金的女性提供带薪产假。陪产假工资也通过失业保险基金支付。
- **工作保护:** 因怀孕、计划怀孕或其他与怀孕相关的理由解雇工作者, 自动被视为不公平解雇。根据《劳动关系法》(Labour Relations Act), 女性员工产假后有权以相同的条款和条件重返相同或类似的职位。《劳动关系法》明确, 雇主不允许工作者产假后复工是不公平的解雇。

## Decent work for parents:

- **Health and safety:** The BCEA prohibits employment of pregnant and nursing workers in work that is hazardous to their health or the health of their children. During pregnancy and for the six months after childbirth, an employer must offer suitable alternative employment on terms and conditions that are not less favourable than original terms and conditions, when it is practicable for the employer to provide reasonable accommodation.
- **Working hours:** Maximum working hours are 45 per week – 8 hours per day over a maximum of 6 days per week, or 9 hours for those working 5 days per week. There are no provisions supporting flexible working hours for parents with family responsibilities.

- **Breastfeeding:** The Code of Good Practice on the Protection of Employees During Pregnancy and after the Birth of a Child, issued in pursuance of section 26 of BCEA, requires workers who are breastfeeding to have breaks of 30 minutes twice per day for breastfeeding or expressing milk each working day for the first six months of the child's life.

#### 父母体面的工作:

- **健康和安全:** 《就业基本条件法》禁止怀孕和哺乳期工作者从事危害她本人或其子女健康的工作。怀孕期间和分娩后六个月内,雇主需在切实可行范围内提供合理的住宿条件,并按照先前工作的条款和条件提供其他合适的替代工作。
- **工作时间:** 最多工作时间为每周 45 小时或每周最多 6 天,每天 8 小时;或每周 5 天,每天 9 小时。对于有家庭责任的工作者,尚无弹性工作规定。
- **母乳喂养:** 根据《就业基本条件法》第 26 条“孕期和出生后保护雇员的良好实践守则”(The Code of Good Practice on the Protection of Employees During Pregnancy and after the Birth of a Child)要求,哺乳期的工作者在儿童出生六个月内享有哺乳假进行母乳喂养或挤奶,每天 30 分钟,每日两次。

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## MARKETPLACE 市场

### Marketing and advertising

- **Marketing to children:** National laws limit children's exposure to harmful marketing and advertising. There is a self-regulatory code, the Advertising Code of Practice, which is mandatory for members of the Advertising Standards Authority of South Africa. The Code requires companies not to advertise to children in a way that might be harmful to them, including food advertising.
- **HFSS foods:** National laws also prohibit false or misleading claims in food advertising. However, there are not yet regulations protecting children from being targeted with marketing of high fat, salt and sugar (HFSS) foods.
- **Breastmilk substitutes:** South Africa has adopted the full provisions of the International Code of Marketing of Breast-Milk Substitutes into national law.

### 营销和广告

- **儿童营销:** 国家法律限制儿童接触有害的营销和广告。南非的自律监管守则——广告业务守则(Advertising Code of Practice)——是南非广告标准局(Advertising Standards Authority of South Africa)成员的强制性守则,广告业务守则要求企业不得以可能危害儿童的方式向儿童推销广告,包括食品广告。
- **高脂肪、高糖和高盐食品:** 国家法律还禁止食品广告中的虚假或误导性声明。然而,目前尚无对高脂肪、高糖和高盐食品的营销法规。
- **母乳代用品:** 南非已将《国际母乳代用品销售守则》的所有规定纳入国家法律。

### Product safety

- **Consumer protection:** Product safety is regulated by the Consumer Protection Act, which guarantees the right to safe and good quality goods. The National Consumer Commission is tasked with promoting fair business practices and consumer protection from unsafe goods and services.

### 产品安全

- **消费者保护:** 《消费者保护法》(Consumer Protection Act)规定了产品安全,保障了获得安全和优质产品的权利。国家消费者委员会(National Consumer Commission)的任务是促进公平商业,保护消费者免受不安全商品和服务的影响。

### Child online safety

- **Child sexual abuse material (CSAM):** National laws prohibit child sexual abuse material (CSAM) and establish a special investigation team to identify and prosecute perpetrators of online CSAM. The government has also introduced new legislation requiring internet service providers (ISP) to report suspected child pornography to law enforcement agencies.
- **Access to pornography:** There are no known restrictions on access to adult content in South Africa.

### 儿童网络安全

- **儿童性虐待材料:** 国家法律禁止儿童性虐待材料,并成立了特别调查小组查处和起诉网络犯罪者。政府还颁布了新的立法,要求互联网服务提供商向执法机构举报可疑的儿童色情制品。
- **获取色情内容:** 尚无限制。

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## COMMUNITY AND ENVIRONMENT 社区和环境

### Environment

- **Impact assessment:** To ensure that projects minimise harmful impacts on the environment, national laws require environmental impact assessments.

- **Climate change:** South Africa has submitted an NDC (nationally determined contribution) to the UNFCCC committing to a reduction in greenhouse gas emissions by 2025, targeting a range between 398 and 614 MtCO<sub>2</sub>eq.

## 环境

- **影响评估:** 为确保项目尽量减少对环境的有害影响，国家法律要求进行环境影响评估。
- **气候变化:** 南非向联合国气候变化框架公约提交了国家自主减排贡献，承诺到 2025 年减少温室气体排放，目标是 398—614 百万吨二氧化碳当量。

## Land rights

- **Land tenure:** National laws make significant progress towards addressing indigenous and community land tenure. Laws governing land acquisition in South Africa are designed to address the discriminatory land distribution system under apartheid, under which most of the population including indigenous groups suffered from insecure land tenure. Despite a number of commitments to ensure more equitable distribution of land, South Africa continues to go through land reform debates and parliamentary processes on how to ensure that historically disadvantaged people, including indigenous people, have access to land and secure tenure.
- **Free, prior and informed consent (FPIC):** A number of laws recognise the right to free, prior and informed consent (FPIC) for projects that may affect indigenous and local communities and their lands. For instance, the Mineral and Petroleum Resources Development Act regulates displacement due to extractives projects requires companies to consult with interested and affected parties. However, poor implementation of the act can result in disputes and lack of meaningful consultation.

## 土地权

- **土地所有制:** 国家法律在解决土著和社区土地所有制方面取得了重大进展。南非有关土地征用的法律旨在解决种族隔离制度下歧视性的土地分配制度。在这种制度下，包括土著居民在内的大多数人都面临不安全的土地所有权问题。尽管南非承诺确保更公平地分配土地，但仍在开展土地改革辩论和议会程序商讨如何确保一直以来处于不利地位的人民，如土著居民获得土地和有保障的土地所有权。
- **自由、事先和知情同意:** 一些法律承认对可能影响土著和当地社区及其土地的项目，他们享有自由、事先和知情同意的权利。例如，《矿产资源和石油开发法》(Mineral and Petroleum Resources Development Act) 规定采掘项目引发的重新安置需要企业与相关和受影响的各方协商。然而该法执行不力可能导致争端和无意义的协商。

## Security arrangements

- **Private military and/or security companies:** The government does not participate in the Voluntary Principles on Security and Human Rights, although it has enacted a number of laws to regulate the activities of private military and/or security companies domestically and internationally.

## 安保措施

- **私营军事和（或）保安公司:** 政府不参加《安全与人权自愿原则》(Voluntary Principles on Security and Human Rights)，但颁布了一系列法律，规范国内和国际私营军事和（或）保安公司的活动。

## Child rights

- **Education:** Education is compulsory until the age of 15; however, it is not always free, which limits poor children's ability to access education.
- **Healthcare:** The Constitution recognises the right to health. The government maintains a public healthcare system that offers free healthcare.

## 儿童权利

- **教育:** 15 岁之前是义务教育，但并不都是免费教育，因此限制了贫困儿童接受教育。
- **医疗保健:** 宪法承认健康权。政府维持着公共医疗体系，提供一些免费医疗。