

EMPLOYMENT

Intention to deem all performers in advertising, artistic and cultural activities as employees

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by Andre van Heerden, Director, Jacques van Wyk, Director, Hannah Fowler, Candidate Attorney and Mikayla Ehrenreich, Candidate Attorney

On 23 January 2026, the Minister of Employment and Labour, Mrs Nomakhosazana Meth, announced, in a Government Gazette published on the same day ("**Notice**"), the intention to deem all performers in the performance of advertising, artistic and cultural activities as employees.

The Government Notice states that, in recognising performers in the advertising, artistic and cultural spheres as employees, they will enjoy the protection of specific provisions under employment legislation. In particular,

- (a) insofar as the Basic Conditions of Employment Act 75 of 1997 is concerned, the following sections: the regulating of working time (section 7); ordinary hours of work, overtime, rest periods, meal intervals, work on Sundays and public holidays (sections 9 – 19); leave entitlements, including annual, sick and maternity leave, and application to occupational accidents or diseases (sections 20 – 25); written particulars of employment (section 29); record keeping, payment of remuneration, payslips and deductions (sections 37 – 39); and severance pay (section 41),
- (b) the Compensation for Occupational Injuries and Diseases Act 130 of 1993,
- (c) the National Minimum Wage Act 9 of 2018; and
- (d) and the Labour Relations Act 66 of 1995, in particular, the provisions dealing with fixed term contracts which exceed 24 months (section 198B(10)(a)).

The Notice provides, further, that interested persons may submit written representations regarding the abovementioned proposals **within 30 days of publication of the Notice (i.e., by no later than 22 February 2026).**

Any such written representations are to be made to the Director General of the Department of Employment and Labour at the following address:

The Director-General: Department of Employment and Labour
Attention: Acting Deputy Director General: Labour Policy and Industrial Relations
Private Bag X117, Pretoria, 0001
Email: SDinvestigations@LABOUR.gov.za



Jacques van Wyk

Director

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Andre van Heerden

Director

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