



## **IMPLEMENTATION PROTOCOL**

between

**THE MINISTER RESPONSIBLE FOR PUBLIC WORKS**

and

**THE MAYOR OF THE** \_\_\_\_\_ **[insert name of city]**

on

**THE EXPANDED PUBLIC WORKS PROGRAMME (2009-2014)**



## CONTENTS

<b>PREAMBLE .....</b>	<b>3</b>
<b>PART I: INTRODUCTION .....</b>	<b>4</b>
1 Definitions.....	4
2 Parties to Protocol .....	4
3 Purpose of Protocol.....	4
<b>PART II: PRINCIPLES OF COOPERATION.....</b>	<b>5</b>
4 Principles of Cooperation.....	5
<b>PART III: OBLIGATIONS OF PARTIES AND ROLE OF DEPARTMENT.....</b>	<b>5</b>
5 Obligations of Minister .....	5
6 Role of Department.....	6
7 Obligations of Mayor .....	6
<b>PART IV: INSTITUTIONAL ARRANGEMENTS.....</b>	<b>7</b>
8 Institutional arrangements .....	7
<b>PART V: GENERAL.....</b>	<b>8</b>
9 Duration of Protocol.....	8
10 Dispute resolution.....	8
11 Annual review of Protocol.....	8
12 Amendments to Protocol.....	8
13 Whole agreement .....	9
14 Addresses of Parties .....	9
15 Signatures of Parties.....	9

## PREAMBLE

The Expanded Public Works Programme (EPWP) involves creating temporary work opportunities for unemployed persons, so allowing them to participate economically and contribute to the development of their communities and the country as a whole. The implementation of the EPWP is a key policy priority of the Government of South Africa in promoting its objectives of reducing poverty and unemployment.

While the national Department of Public Works is responsible for leading the EPWP, the success of the Programme depends on concerted effort, cooperation and implementation across the national, provincial and local spheres of government.

The first phase of the EPWP was concluded in March 2009. On 25 June 2008, the Cabinet approved the second phase of the EPWP for the period 2009 – 2014 and the Programme's business plan was approved at the Cabinet Legotla held in January 2009. The second phase of the EPWP commenced on 1 April 2009. The key principles of the second phase of the EPWP are:

- The Programme will be four times bigger than phase one, with an overall target of creating 2 million full-time equivalent jobs (4.5 million work opportunities) over the next 5 years (2009 – 2014).
- This overall target for the phase will be distributed across participating public bodies in all spheres of government over the 5 year period with each public body having a clear target for each financial year. Intergovernmental protocols will be concluded with participating public bodies committing them to their targets and enabling better monitoring of implementation progress.
- A wage incentive will be introduced through a grant to eligible public bodies to meet their EPWP targets, maximise employment creation and assist them to off-set costs that may be incurred in making public body projects and programmes more labour intensive. This wage incentive will contribute to funding the wage component of projects and programmes that create employment for unemployed persons. In effect, eligible public bodies will be able to claim R50 (to be reviewed annually in line with inflation) for every person-day of work created above a set minimum employment threshold.

The provincial and local spheres of government are the main delivery arms of the Government of South Africa and are the primary implementing bodies for the EPWP. Provinces and municipalities are required to make a systematic effort to draw significant numbers of unemployed persons into work.

**The Parties recognise that intergovernmental cooperation and coordination are essential to achieve the objectives of the EPWP.**

**To this end, the Parties pledge their cooperation and commitment to the successful implementation of the EPWP and conclude this Implementation Protocol.**

## PART I: INTRODUCTION

### 1 Definitions

In this Protocol, unless the context indicates otherwise -

- 1.1 “**Department**” means the national Department of Public Works;
- 1.2 “**Eligible public bodies**” means those public bodies to whom an indicative incentive grant has been allocated in terms of the Division of Revenue Act, 2009;
- 1.3 “**EPWP**” means the Expanded Public Works Programme (2009 – 2014) as approved by the Cabinet;
- 1.4 “**Full-time equivalent job**” means 230 person days of work created by an EPWP project or programme within a financial year;
- 1.5 “**Minister**” means the Minister responsible for Public Works;
- 1.6 “**Participating public bodies**” means public bodies across provincial and local spheres of government for whom a full-time equivalent job target has been set under the EPWP;
- 1.7 “**Party**” means a signatory to this Protocol;
- 1.8 “**Protocol**” means this Implementation Protocol and includes the Annexure to this Protocol; and

### 2 Parties to Protocol

The parties to this Protocol are:

- 2.1 The Minister responsible for Public Works; and
- 2.2 The Mayor of the City of \_\_\_\_\_ [insert name of city].

### 3 Purpose of Protocol

- 3.1 The purpose of this Protocol is -
  - 3.1.1 To establish an agreed framework for cooperation and coordination between the Parties;
  - 3.1.2 To promote the objectives of the EPWP by increasing the number of full-time equivalent jobs through mainstreaming the use of labour-intensive employment in the delivery of public infrastructure, goods and services in the city;
  - 3.1.3 To confirm the City’s agreement and commitment to achieving the targeted number of full-time equivalent jobs by 2014 as specified in the Annexure to this Protocol;
  - 3.1.4 To promote the EPWP incentive grant and to incentivise participating public bodies to increase labour-intensive employment through EPWP projects and programmes that maximise job creation;
  - 3.1.5 To confirm the City’s agreement and commitment to assisting and mobilising municipalities within the city’s region -
    - to achieve the targeted number of full-time equivalent jobs by 2014 as specified in the Annexure to this Protocol;
    - to promote the objectives of the EPWP by increasing the number of full-time equivalent jobs through mainstreaming the use of labour-intensive employment in the delivery of public infrastructure, goods and services; and

- to utilise the EPWP incentive grant to increase labour-intensive employment through EPWP projects and programmes that maximise job creation.
- 3.1.6 To specify the institutional structures that will oversee, monitor and report on progress in implementing the EPWP and achieving the EPWP targets; and
- 3.1.7 To provide for mutual assistance and support in respect of the programmes and initiatives of the EPWP.
- 3.2 This Protocol does not limit any constitutional and statutory powers and functions of the Parties.

## **PART II: PRINCIPLES OF COOPERATION**

### **4 Principles of Cooperation**

In order to achieve the purposes of this Protocol, the Parties have adopted and undertake to comply with the following principles of cooperation:

- 4.1 The Parties will perform their obligations under this Protocol -
- 4.1.1 In accordance with applicable laws;
  - 4.1.2 After taking into account the interests and any constitutional and statutory powers and functions of the other Party; and
  - 4.1.3 In accordance with this Protocol;
- 4.2 The Parties will assist and support one another in the exercise of their powers and the performance of their functions in order to ensure the effective implementation of the EPWP;
- 4.3 The Parties will cooperate with each other in mutual trust and good faith and will take into consideration the impact of their decisions on the other; and
- 4.4 The Parties will adhere to the processes and procedures contained in this Protocol.

## **PART III: OBLIGATIONS OF PARTIES AND ROLE OF DEPARTMENT**

### **5 Obligations of Minister**

The Minister will -

- 5.1 Provide national policy leadership and direction on the design, framework and implementation of the EPWP;
- 5.2 Report to the Cabinet on progress in implementing the EPWP and achieving the EPWP targets;
- 5.3 Mobilise political leadership at national, provincial and local levels to ensure the effective implementation of the EPWP in these spheres;
- 5.4 Convene and chair the Public Works Intergovernmental Forum referred to in clause 8.1 which will oversee the implementation of the EPWP; and
- 5.5 Ensure that the Department receives the resources necessary and sufficient to enable it to provide technical support to participating public bodies, monitor the implementation of the EPWP and evaluate the impact of the EPWP.

## **6 Role of Department**

The Department is responsible for -

- 6.1 Managing the implementation of the EPWP;
- 6.2 Developing the funding frameworks, conditions and mechanisms for the EPWP;
- 6.3 Advising and reporting to the Minister on all aspects of the EPWP;
- 6.4 Providing technical support to participating public bodies nationally;
- 6.5 Concluding agreements with eligible public bodies regarding the terms and conditions governing the allocation and disbursement of the incentive grant;
- 6.6 Monitoring the implementation of the EPWP against its targets and evaluating the impact of the EPWP;
- 6.7 Identifying areas for the further expansion of the EPWP and designing programmes for implementation of the EPWP in these areas;
- 6.8 Designing and implementing a national communication strategy for the EPWP; and
- 6.9 Documenting and publicising best practices in the EPWP.

## **7 Obligations of Mayor**

The Mayor will -

- 7.1 Provide leadership and direction on the implementation of the EPWP in municipalities within the city's region;
- 7.2 Ensure that the municipalities within the city's region meets the targets specified in the Annexure to this Protocol;
- 7.3 Appoint a member of the Provincial Executive Committee to coordinate and lead the EPWP in municipalities within the city's region;
- 7.4 Appoint members of the Provincial Executive Committee to be responsible for promoting the EPWP in the infrastructure, social and environmental sectors;
- 7.5 Ensure the effective coordination of participating public bodies in the City and monitor the implementation of the EPWP in the municipalities within the city's region;
- 7.6 Assist and mobilise municipalities within the city's region to meet the targets specified in the Annexure to this Protocol;
- 7.7 Ensure that the EPWP targets are incorporated in the integrated development plan of the City;
- 7.8 Ensure that EPWP targets are incorporated in the performance agreements of senior officials responsible for implementing the EPWP in the City;
- 7.9 Report on the implementation of the EPWP in the Province to the Presidential Co-ordinating Council;
- 7.10 Ensure that the EPWP is a standing agenda item at meetings of the Extended Provincial Lekgotla; and
- 7.11 Ensure that the Municipal Treasury complies with the conditions of the EPWP incentive grant and in particular, ensures that the city only accesses the EPWP incentive grant from the

municipal primary bank account, in accordance with the terms of a disbursement letter provided by the Department.

## **PART IV: INSTITUTIONAL ARRANGEMENTS**

### **8 Institutional arrangements**

To facilitate intergovernmental relations and to promote cooperation and coordination between the Parties in attaining the objectives of the EPWP, the Parties agree to utilise already existing intergovernmental institutions or to establish new institutions, which will include the following:

#### **8.1 Public Works Intergovernmental Forum**

8.1.1 The Minister will convene the Public Works Intergovernmental Forum.

8.1.2 The Public Works Intergovernmental Forum will consist of:

- the Minister;
- the provincial MECs responsible for the EPWP;
- a representative of the SALGA; and
- any other person whom the Minister may from time to time invite, including City Mayors.

8.1.3 The Public Works Intergovernmental Forum will -

- coordinate and align the implementation of the EPWP;
- consider the progress towards achieving the EPWP targets, assess performance, detect failures and initiate preventative or corrective measures where necessary;
- consider any policy challenges or programme design issues emanating from the national or sector coordinating committees;
- conduct an annual review of intergovernmental protocols concluded by the Minister, provincial Premiers and SALGA on the implementation of the EPWP; and
- perform such other functions as the Minister may determine.

#### **8.2 National EPWP Coordinating Committee**

8.2.1 The Deputy Director-General responsible for the EPWP in the national Department of Public Works will convene the National EPWP Coordinating Committee.

8.2.2 The National EPWP Coordinating Committee will consist of the Deputy Director-General, the national EPWP Unit, the EPWP national sector co-ordinators, the EPWP provincial co-ordinators, a SALGA representative and any other person whom the Deputy Director-General may from time to time invite.

8.2.3 The National EPWP Coordinating Committee will -

- monitor and evaluate the progress of the EPWP across all spheres and sectors of government;
- identify constraints to the implementation of the EPWP and consider possible solutions;

- identify EPWP best practice examples;
- report to the Minister on the implementation of the EPWP and progress on meeting EPWP targets; and
- any planning, design, implementation and technical support issues raised by a sector or Province.

### 8.3 District EPWP Co-ordinating Forum

8.3.1 The mayor of each district municipality will convene a District EPWP Co-ordinating Forum.

8.3.2 The District EPWP Co-ordinating Forum will consist of:

- The mayor of the district municipality;
- The mayors of local municipalities in the district; and
- any other person whom the Mayor of the district may from time to time invite.

8.3.3 The District EPWP Co-ordinating Forum will:

- monitor and evaluate the progress of the EPWP across municipalities in its district;
- identify constraints to the implementation of the EPWP and consider possible solutions;
- identify EPWP best practice examples; and
- report to the Department and SALGA on the implementation of the EPWP and progress on meeting EPWP targets.

## PART V: GENERAL

### 9 Duration of Protocol

This Protocol commences on the date of last signature of the Parties and remains in effect until 31 March 2014, unless extended or terminated by written agreement of the Parties before that date.

### 10 Dispute resolution

The Parties agree that any disagreement or dispute arising between the Parties with regard to the implementation, application, interpretation or breach of this Protocol will be dealt with in terms of Chapter 4 of the Intergovernmental Relations Framework Act, 2005.

### 11 Annual review of Protocol

The Protocol will be reviewed annually by the Public Works Intergovernmental Forum and by the Parties. The Parties may agree in writing to amend the Protocol to address the conclusions of an annual review, changes in budget allocations, under or over performance by the Province in relation to its EPWP targets and policy changes regarding the EPWP.

### 12 Amendments to Protocol

No amendment, alteration, addition or variation of this Protocol is of any force or effect unless reduced to writing and signed by the Parties.



**13 Whole agreement**

13.1 This Protocol, including the Annexures to the Protocol, constitutes the whole agreement between the Parties relating to the subject matter of this Protocol.

13.2 There are no other conditions, representations, whether oral or written and whether expressed or implied, applicable to this Protocol, save for those contained in this Protocol.

**14 Addresses of Parties**

14.1 The Parties choose the following as their respective addresses for the purpose of any notices contemplated by this Protocol –

14.1.1 The Minister responsible for Public Works: \_\_\_\_\_

14.1.2 SALGA: \_\_\_\_\_

14.2 Notice of change of address must be given in writing by the Party concerned and delivered by registered mail, hand or telefax to the other Party.

**15 Signatures of Parties**

Signed at ..... on the.....day of..... 2009.

\_\_\_\_\_  
**Minister responsible for Public Works**

Signed at ..... on the.....day of..... 2009.

\_\_\_\_\_  
**South African Local Government Association**

**ANNEXURE**

**MUNICIPAL TARGETS (2009 – 2010)**

**[insert applicable targets]**

TEMPLATE