

Alert: Intention to deem performers in the performance of advertising, artistic, and cultural activities as employees

On 23 January 2026, the Minister of Employment and Labour issued a notice of her intention to deem performers in the performance of advertising, artistic, and cultural activities in South Africa as employees.

Performers traditionally have been treated as independent contractors and not as employees. The Minister's intention arises from representations by various stakeholders in the industry that performers are vulnerable workers and are entitled to the basic protections of labour law.

If the deeming provision is enacted, then certain provisions of the Basic Conditions of Employment will be extended to performers. These include the provisions regulating:

- ordinary hours of work, overtime and rest periods;
- work on Sundays and public holidays;
- leave (including sick, annual and maternity leave);
- notice of termination of employment; and
- severance pay.

Performers would also be deemed employees for the purposes of the National Minimum Wage Act, the Compensation for Occupational Injuries and Diseases Act, and the Labour Relations Act (specifically the provisions related to fixed term contracts exceeding 24 months).

The Minister has invited interested parties to submit written representations regarding her proposal within 30 days of publication of the notice (before 23 February 2026). Given the unique needs of the sector, the deeming provision will have a profound effect on businesses which make use of performers.

Written representations should be addressed to:

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

A copy of the notice can be found [here](#).

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