

Ref: IDoW update

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## IDENTIFICATION OF WORK (IDoW)

**UPDATE: 30 September 2019**

### 1. Background

The last update (29 March 2019) identified the following next steps in the process:

*“The CBE will continue to, in terms of section 20 (2) (a) of the CBE Act, seek consultation with the CC on the scope of work identified for each category of registration, and thereafter conclude the process in consultation with the CBEP. This is to be followed by the introduction of a framework of IDoW implementation”.*

### 2. Purpose

The purpose of this update is to keep stakeholders informed of the process followed, the progress made since the previous update (29 March 2019) and the next steps in the process. )

### 3. The approach being followed with the IDoW process moving forward

The CBE is following its statutory mandate to, after consultation with the CC and in consultation with the councils for the professions, ***identify the scope of work for each category of registered persons*** [section 20(2) of the Council for the Built Environment Act 43 of 2000 (the CBE Act)]. This follows recommendations made by the six councils for the built environment professions (CBEP). The CBE, as per the professions acts (the six acts establishing the CBEP) and the Council for the Built Environment Act, 43 of 2000 (the CBE Act), has the statutory mandate to identify work. The CBE has identified the scope of work for each category of registration and is interpreting the scope of work as ***“the range of work performed by a registered person in terms of a specific piece of legislation other than the legislation that created the councils for the professions, or the statutory duties which may be performed by a registered person.”***

#### **4. Engagement with the Competition Commission (the CC)**

The CBE met with the Advocacy Unit of the CC on the 19 August 2019 and again on the 11 September 2019. The last meeting was in support of the BBCBE and the CC emphasised its statutory mandate to promote transformation. This is on par with the CBE's continuous recognition of the CC's role in transformation. Engagement with the CC will continue, seeking contribution from them on the CBE identification of Work Framework and the Identification of Work Policies of the councils for the built environment (the CBEP).

The CBE invited the CC to consult on the scope of work identified for the categories of registration regulated by SACQSP, SACPCMP, SACAP, SACLAP and SACPVP. No response has yet been received from the CC. The expectation though is that the CC will input on the draft Framework and policies of the CBEP from a competition point of view

#### **5. Regulating the built environment professions**

It is submitted that the need to identify the scope of work for each category of registration is the cornerstone of regulating the built environment professions. Alternative regulatory approaches should be considered and where applicable, combined to ensure that regulation is inclusive and enabling instead of unjustifiably restrictive.

The CBE is committed to develop a framework within which IDoW should be applied. This is the Identification of Work Framework, (the Framework) referred to in 4 above. A second draft of the Framework is currently in circulation for further input. The Framework contains the principles on which work should be demarcated, and measures to mitigate any negative effects of such demarcation. The latter refers to mechanisms to ensure fair entrance into the built environment professions. It should therefore be a blue print for the implementation of identification of work, in a manner that is fair, non-restrictive yet protective of the public.

#### **6. The next steps**

The CBE is striving towards to finalization of the Framework and to oversee the finalisation of policies by the CBE to facilitate the implementation of identification of work.

## 7. Input invited

The above information is intended to inform stakeholders and relevant parties on the current approach and progress made thereon. Stakeholders are invited to submit their input on this matter. Without limiting input, comments on the following will be specifically appreciated:

1. Proposed alternative regulatory approaches that can ensure persons undertaking built environment work are competent and accountable without unfairly restricting competition
2. With regard to the above, the possibility of self-regulation in the professions, or a combination of self- and government -regulation through an agency
3. The protection of titles as the only regulatory method or in combination with other measures
4. The above as components of a Framework for IDoW Implementation.
5. Mechanisms to ensure entrance into the built environment professions, and for unregistered practitioners to obtain professional registration.

Input must be submitted to [pieter@cbe.org.za](mailto:pieter@cbe.org.za) or [sihle@cbe.org.za](mailto:sihle@cbe.org.za).