

# MID-YEAR LABOUR LAW UPDATE

Humans, Robots and Rights:  
Mastering South Africa's New Labour  
Rules, based on judgements and  
awards, in a 4IR Economy



GLOBAL BUSINESS SOLUTIONS

FUTURE THINKING, NOW

- All the recent precedent setting “big-ticket” Labour Court, Labour Appeal Court, and Constitutional Court judgements
- AI in the workplace, digital Transformation and Employment Law
- NEDLAC Proposed amendments to the LRA, BCEA, EE and NMW Acts
- The Code of Good Practice on Dismissals
- Risk Management and Compliance
- Policy impact
- Innovation and best practices in LR's
- All the latest on foreign nationals, employment equity, COIDA and skills development
- The labour law pipeline for 2026



#MLLU2026

## Why Attend the Mid-Year Labour Law Update?

### 1. Labour Law Review – major changes coming out of NEDLAC unpacked

The significant amendments to labour laws that arise from the NEDLAC social partner negotiations over the past 3 years as well as those that are in the pipeline will be addressed in the context of current and predicted case law. The resulting impact on policies, employment relations and costs, and workforce strategies will be addressed. The scope includes the amendments to the NMW Act, BCEA, LRA and the EEA, which will probably be promulgated in Q4 of 2026. These are out for public comment. In addition, the all-important matter of digital/AI violations at the workplace as well as how to deal with foreign nationals is front-of-mind, given the amendments to the Employment Services Amendment Bill, the National Labour Migration Policy and the EE Ministerial Targets.

A special section will be committed to the actual reviewing of disciplinary policies, procedures and codes given the promulgation of the Code of Good Practice on Dismissals.

### 2. The Power of being Ahead of the Evolution Curve

Delve into the latest case law emanating primarily from the Labour Appeal Court, the Labour Court, and various topical arbitration awards that provide insight into current and imminent employment relations imperatives. These legal decisions cover the entire employment lifecycle regulated by labour law, from recruitment and selection, employment contracting and succession planning, remuneration and terms of employment, through dismissals, retirement and abscondments, and discrimination, as well as :

- **Revolutionary workplace harassment boundaries** - managers calling employees profane names during salary disputes face upheld protection orders even with two-year delays in seeking relief
- **Game-changing supervisory negligence standards** - supervisors failing to notice six unauthorized trucks stealing R173,400 coal during their shift face dismissal despite "can't be everywhere" defences
- **Critical procedural fairness breakthroughs** - courts must adjudicate guilt challenges before sanction challenges when both raised, preventing corruption findings from standing without proper review
- **Pivotal retirement age discrimination rulings** - employees attending retirement policy consultations without objection lose discrimination claims when retired at new lower age instead of previous practice
- **Landmark theft collusion evidence standards** - video footage showing proximity to thieves proves insufficient without material evidence, with courts requiring proven primary facts before drawing misconduct inferences
- **Cutting-edge strike demand lawfulness** - unions can lawfully strike demanding manager discipline for vulgar language, with burden on employers to prove such demands violate rights
- **Fresh perspectives on sexual harassment sanctions** - courts substitute shockingly lenient 10-day suspensions with dismissal for persistent physical molestation without requiring zero-tolerance policy evidence
- **Groundbreaking retaliation dismissal protections** - retrenchments one day after CCMA referrals trigger automatic unfair dismissal findings despite manufactured operational requirement justifications
- **Essential incapacity versus misconduct distinctions** - employees dismissed for alcoholism-related absenteeism win reinstatement when employers use misconduct route instead of providing required rehabilitation
- **Must-know pregnancy discrimination standards** - employers excluding pregnant employees from chemical workplaces without mandatory occupational health assessments face substantial compensation awards

### 3. Plus a dedicated section covering all the latest statutory amendments, including:

- Comprehensive Labour Law Review (LRA, EEA, BCEA, NMW Act)
- New Code of Good Practice on Dismissal
- Employment Equity Amendment Act and Ministerial Targets
- National labour Migration Policy and the Employment Services Amendment Bill
- COID Amendment Act

This update brings together the most significant developments that will impact your workplace policies and procedures in 2026 and beyond.

### 4. In-Depth Learning Materials

Participants who register for and attend the Mid-Year Labour Law Update will be provided with a comprehensive set of presentation slides. These slides contain essential learning points for each case discussed during the seminar. You will also receive a meticulously curated compilation of over 200 Labour Law Cases. We will unpack approximately 40 of these most important cases.

South Africa's labour law landscape continues to evolve at a rapid pace, presenting both challenges and opportunities for employers and employees alike. As Court interpretations refine existing statutes and new regulations emerge, organizations must stay vigilant to ensure compliance and foster positive workplace relations. The Mid-Year Labour Law Update (MLLU) is your essential guide to navigating this complex terrain.

Led by Jonathan Goldberg, Chairman of Global Business Solutions and one of South Africa's foremost authorities on labour law, MLLU provides unparalleled insights into the latest legal developments. With his experience as Labour Market Chamber Convenor at NEDLAC and Ministerial appointment to the National Minimum Wage Commission, Jonathan offers a unique perspective on the forces shaping South African labour policy.

Don't get caught off guard by shifting regulations or precedent-setting rulings. Join over 1000 of your peers at MLLU to get ahead of the curve and equip your organization with the knowledge needed to thrive in today's dynamic labour environment.

## South African Labour Law Update: Key Developments

- **Dismissal for Harassment – Workplace Verbal Abuse**
  - Can profanity during salary disputes constitute actionable harassment even with delays in seeking relief?
- **Dismissal for Negligence – Supervisory Accountability in High-Risk Environments**
  - When does a supervisor's failure to notice security breaches constitute gross dereliction justifying dismissal?
- **Procedural Fairness – Cross-Review and Access to Courts**
  - What are the consequences when courts fail to adjudicate an employee's challenge to the finding of guilt itself?
- **Discrimination – Age Discrimination and Retirement Policies**
  - Can employers introduce new retirement ages without discriminating against employees who expected to work longer?
- **Dismissal for Theft and Collusion – Circumstantial Evidence Standards**
  - Can video footage showing proximity to co-workers committing theft justify dismissal for collusion?
- **Industrial Action – Lawfulness of Strike Demands**
  - Can employees lawfully strike demanding that their employer discipline a manager for misconduct?
- **Dismissal for Sexual Harassment – Sanction Appropriateness**
  - Can lenient sanctions for serious sexual harassment be reviewed and substituted with dismissal?
- **Dismissal – Automatically Unfair Dismissal for Retaliation**
  - Can retrenchment immediately after lodging a CCMA dispute constitute automatically unfair dismissal?
- **Dismissal for Incapacity – Alcoholism as Disease**
  - Must employers treat alcoholism as incapacity requiring rehabilitation rather than misconduct justifying dismissal?
- **Discrimination – Pregnancy and Workplace Safety**
  - Can employers immediately exclude pregnant employees from hazardous workplaces without conducting proper occupational health assessments?
- **Dismissal – Dishonesty in Professional Roles**
  - Do professional standards require dismissal for dishonesty even where employees have clean records and show remorse?
- **Dismissal – Lack of Remorse and Trust Breakdown**
  - Can employees avoid dismissal consequences by merely offering to apologize without actually doing so?
- **Retrenchment – Consultation Requirements and Material Changes**
  - Can employers resume retrenchments months after suspension without reassessing changed circumstances?
- **Fixed-Term Contracts – Termination on Notice**
  - Can fixed-term contracts include provisions permitting early termination on notice?
- **Constructive Dismissal – Denial of Benefits During Illness**
  - Does failing to advise sick employees of available benefits constitute constructive dismissal?
- **Unfair Labour Practice – Grading and Benefits**
  - Must employers upgrade employees who perform higher-graded duties for years regardless of job titles?
- **Dismissal – Double Jeopardy Employment Protections**
  - Can employers re-prosecute identical misconduct already sanctioned by binding arbitration awards?
- **Dismissal – Insolence versus Insubordination**
  - Does workplace culture and tolerance of behaviour affect whether dismissal for disrespectful conduct is fair?
- **Dismissal – Contempt and Award Enforcement**
  - Can CEOs be held personally liable for organizational non-compliance with certified arbitration awards?
- **Unfair Labour Practice – Inconsistent Discipline**
  - Can employers make an example of one employee without prior notice that harsher sanctions will apply?

MLLU is your comprehensive resource for understanding the current labour law landscape, equipping you with the knowledge to navigate and adapt to ongoing changes effectively. Don't miss this opportunity to stay ahead in South Africa's dynamic labour environment.



**Jonathan Goldberg** is the Chairman of Global Business Solutions and has been a business leader in the changing labour law landscape over the past thirty years, heading negotiations at plant, industry and NEDLAC levels and assisting clients to navigate the dynamic regulatory environment. Jonathan is a sought-after advisor and speaker, leading from the front in social partner negotiations as well as in respect of business strategy. Several of the key roles he fulfils include being a Commissioner on the National Minimum Wage Commission, the Labour Market Convenor at NEDLAC for business as well as a representative on the Employment Services Board. He is a Chartered Director of the Institute of Directors South Africa. He also recently lead the business delegation at NEDLAC on amendments to labour legislation.



**Thembi Chagonda** is the Joint CEO of Global Business Solutions and a leading Human Resources consultant on BBBEE and Employment Equity. She holds a Degree in Social Science, as well as a Post Graduate Diploma in Labour Law. Thembi is also an accredited Assessor and Moderator. Thembi is a key advisor to several national and multi-national organisations on their employment equity strategies, policy development and compliance. She currently a Commissioner representing business in the Employment Equity Commission. Thembi is involved in a number of initiatives to promote transformation in the workplace and education. She has served as board member of various entities and served in sub-committees for Remuneration, Social and Ethics and Nomination committees.



**John Botha** is the Joint CEO of Global Business Solutions, a national labour law, business strategy, and human resources consulting firm. His previous record includes serving as the Group Executive HR Director for the largest JSE-listed workforce solutions business in South Africa. He has also been appointed by the Minister to the Employment Equity Commission and the Essential Services Commission. Additionally, John has been the lead negotiator for BUSA at NEDLAC's labour market committee on non-standard employment and served as a BUSA delegate to the International Labour Organization in Geneva for three years.

25 May 2026	Virtual - Zoom
29 May 2026	PE/Gqeberha
1 June 2026	Cape Town
3 June 2026	Johannesburg
4 June 2026	Durban
9 June 2026	East London
11 June 2026	Virtual – MS Teams

R3 990 (excl. VAT) per delegate (live seminar)  
R2 990 (excl. VAT) per delegate (virtual seminar)

VENUES: TBC

DURATION: 09H00 – 15H30

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Complete and email attached registration form to:

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6 CPD Points



6 CPD Points

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Course Name:		<b>MID-YEAR LABOUR LAW UPDATE</b>				Date:	<b>May/June 2026</b>			
<b>Zoom: 25 May</b>	<b>PE/GQ: 29 May</b>	<b>CT: 1 June</b>	<b>JHB: 3 June</b>	<b>DBN: 4 June</b>	<b>EL: 9 June</b>	<b>TEAMS: 11 June</b>				
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