



LABOUR LAW

**#ALLU2025**

# **ANNUAL LABOUR LAW UPDATE**

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## **LABOUR LAW AT THE CROSSROADS**

Adapting to Change in an Uncertain Economy and with Massive Labour Law Reform impacting Case Law

The workshop will cover the following themes that are emerging in case law and statutory amendments and which can not be ignored –

1. All the recent precedent setting “big-ticket” Labour Court, Labour Appeal Court, and Constitutional Court judgements
2. AI in the workplace, digital Transformation and Employment Law
3. NEDLAC Proposed amendments to the LRA, BCEA, EE and NMW Acts
4. The Code of Good Practice on dismissals
5. Risk Management and Compliance
6. Innovation in LR Practices
7. Foreign nationals and labour migration case law

## Why Attend ALLU?

### 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 2 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 Q1 of 2026. In addition, the all-important matter of digital 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** - when personal relationships turn toxic and protection orders are violated at work, the dismissal consequences are reshaping employer liability forever
- **Game-changing safety negligence standards** - discover how a single supervisor's safety breach in hazardous industries can now trigger instant dismissal, setting unprecedented accountability benchmarks
- **Groundbreaking cultural practice protections** - courts are redefining absence policies as spiritual and cultural obligations clash with workplace attendance, creating explosive discrimination precedents
- **Critical procedural fairness breakthroughs** - the devastating legal consequences when employees are denied representation at arbitration are forcing employers to completely rethink disciplinary procedures
- **Pivotal constructive dismissal rulings** - how new company policies are being weaponized against long-standing employment contracts, especially in retirement age disputes that are splitting the courts
- **Must-know benefit withdrawal limitations** - employers are losing the power to unilaterally strip away years-old benefits, with shocking implications when collective agreements expire
- **Essential supervisor instruction liability shifts** - junior employees following unlawful orders are finding unexpected protection as courts dramatically shift accountability upward through the chain of command
- **Landmark strike misconduct ruling** - how video evidence and individual accountability are revolutionizing mass dismissal outcomes, separating collective guilt from personal responsibility in unprecedented ways
- **Cutting-edge union recognition standards** - innovative, non-hierarchical worker organizations are challenging traditional structures and gaining legal recognition through groundbreaking pathways
- **Fresh perspectives on zero-tolerance policy limits** - courts are weighing instant dismissal harshness against long service records and genuine remorse, creating new precedents that employers can't ignore

### 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

This update brings together the most significant developments that will impact your workplace policies and procedures in 2025 and beyond.

### 4. In-Depth Learning Materials

Participants who register for and attend the Annual 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, thoughtfully organized into various topics and presented in an electronic book form. 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 Annual Law Update (ALLU) 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, ALLU 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 ALLU 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 of a Colleague**  
What happens when a personal relationship turns sour and a protection order is ignored in the workplace?
- **Dismissal for Gross Negligence**  
When can a single safety breach by a supervisor or frontline worker cost them their job in hazardous industries?
- **Dismissal for Incapacity Due to Ill Health or Cultural Practice**  
Can absence for cultural or spiritual obligations be a valid excuse for missing work—and how do courts balance fairness and discrimination?
- **Dismissal for Procedural Unfairness**  
What are the consequences when an employee is denied legal representation at arbitration?
- **Constructive Dismissal Due to Sexual Harassment or Policy Changes**  
Does a new company policy override a long-standing employment contract, especially in disputes over retirement age or benefits?
- **Withdrawal of Long-standing Benefits**  
Can employers lawfully end benefits enjoyed for years, and what rights do employees have after collective agreements lapse?
- **Dismissal for Following Supervisor's Unlawful Instruction**  
Should junior employees be held responsible for obeying orders, or does accountability lie higher up?
- **Dismissal for Breach of Picketing Rules During Strike Action**  
How do courts distinguish between collective and individual guilt in mass dismissals during strikes?
- **Union Registration and Non-traditional Worker Forums**  
Can innovative, non-hierarchical worker organisations gain legal recognition as unions?
- **Dismissal for Assault or Inappropriate Conduct**  
When is instant dismissal too harsh, and how do courts weigh zero-tolerance policies against long service and remorse?
- **Dismissal for Harshness of Sanction**  
Is dismissal always justified for negligence, or must employers show progressive discipline and procedural fairness first?
- **Disciplinary Hearings and the Right to Cross-examine**  
What happens when an employee is denied the chance to challenge evidence in a disciplinary hearing?



- **Dismissal for Failure to Follow Truck Driver Procedures**  
Can an employer fire a worker for breaking rules if there's no proof they were ever trained or informed?
- **Dismissal for Desertion Due to Incarceration**  
Does prolonged absence alone—without intent—justify dismissal, especially when employees are unable to notify their employer?
- **Discrimination and Racial Harassment—Vicarious Liability**  
How costly is an employer's failure to act on racial slurs or harassment complaints?
- **Dismissal for Gross Insubordination (Remote Work Disputes)**  
What happens when a return-to-office order is seen as retaliation against an employee who has worked remotely for years?
- **Dismissal for Payroll Fraud and System Abuse**  
How do courts view repeated misuse of credentials in payroll fraud, even without direct evidence of personal gain?
- **Dismissal for Incitement of Dangerous Conduct**  
Can a phone call urging a colleague to take a reckless action lead to instant dismissal—and what evidence is needed?
- **Dismissal for Fraudulent Transactions and Regulatory Breaches**  
How strictly are managers held to account for compliance failures during extraordinary circumstances like a pandemic?
- **Dismissal for Absenteeism Without Permission (COVID-19 Context)**  
When does health vulnerability outweigh workplace attendance rules, especially during a pandemic?
- **Dismissal for Operational Requirements and Retrenchment**  
What safeguards exist to prevent employers from disguising unfair dismissals as retrenchments during economic downturns?
- **Jurisdiction in Extra-Territorial and Foreign Mission Employment**  
Do South African labour laws protect employees working abroad for local entities, and how is jurisdiction determined?
- **Review and Cross-Review in Dismissal Disputes**  
What are the consequences when courts overlook an employee's challenge to the very finding of guilt in a dismissal case?
- **Dismissal for Retrenchment Misuse & Restraint of Trade**  
Can retrenchment be used to coerce employees into signing new restraint of trade agreements, and what are the legal limits?
- **Dismissal for Strike Misconduct & Interdict Violation**  
How do video evidence and individual accountability shape the outcome of mass dismissals after strike-related misconduct?
- **Prescription and Delays in Disciplinary Proceedings**  
Is there a time limit for employers to take disciplinary action, or can historic misconduct always come back to haunt employees?
- **Dismissal for Retirement Age Disputes**  
Are different retirement ages for job categories discriminatory, or can they be justified by operational needs and industry norms?
- **Fixed-Term Contracts and Claims for Permanent Employment**  
Does continued service after a fixed-term contract expires create a right to permanent employment, or do clear contract terms always win?

**ALLU 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.

14 October 2025	East London
22 October 2025	Cape Town
24 October 2025	Virtual - Zoom
11 November 2025	PE/Gqeberha
12 November 2025	Durban
19 November 2025	Johannesburg
25 November 2025	Virtual – MS Teams

R3 950 (excl. VAT) per delegate (live seminar)  
R2 950 (excl. VAT) per delegate (virtual seminar)

VENUES: TBC

DURATION: 09H00 – 15H30

## REGISTRATION FORM

To secure your place at this webinar – please complete and sign the following and email the booking form to: [info@globalbusiness.co.za](mailto:info@globalbusiness.co.za)

Our standard procedure is to acknowledge receipt of registration in writing.

If you have not received same, please contact us to confirm we have received your registration before incurring any additional expenses

Course Name:		<b>ANNUAL LABOUR LAW UPDATE</b>				Date:	<b>October/November 2025</b>					
EL: 14 Oct		CT: 22 Oct		Zoom: 24 Oct		PE: 11 Nov		DBN: 12 Nov		JHB: 19 Nov		TEAMS: 25 Nov
Company Name :						Tel No:						
						Fax No:						
Postal Address:						Disability assistance needed:						
Physical Address:						Dietary requirements/ allergies:						
						*Additional costs may be incurred						
Vat no:						Purchase Order:						

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**I acknowledge that I have read, understood and accept the Terms and Conditions (including Payment Terms) and hereby apply for registration on behalf of myself (if a single delegate) or on behalf of the undermentioned organisation which I am duly authorised to represent.**

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Name of person responsible for Payment:		Email:	
Job Title (specific):			
Signature:			
FEE EXCLUDING VAT PER DELEGATE (Please select an option)		COST/ DELEGATE	TOTAL
Course Name: MID-YEAR LABOUR LAW UPDATE – LIVE EVENT (EL, PE, CT, JHB & DBN)		R3 950 (excl. VAT)	
Course Name: MID-YEAR LABOUR LAW UPDATE – VIRTUAL EVENT (ZOOM OR TEAMS)		R2 950 (excl. VAT)	
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