

# MID-YEAR LABOUR LAW UPDATE



## Labour law – at a tipping point?

Tipping point: “a critical point in a situation, process, or system beyond which a significant and often unstoppable effect or change takes place”. (Merriam-Webster)

Labour law and legal precedent is in many respects developing at a rapid rate, and in respect of scope of application, that may well disrupt stakeholders and require uncommon responses in the employment and workforce context. This year we focus on both foundational case law as well as ground-breaking awards and judgements that require a shift in advice to organisations. We will share knowledge with you that assists in bridging the gaps in respect of advice, policy design, practices and procedures. This will include innovative and proactive legal and legislative interpretation to ensure organisational sustainability.

Join us in this one-day flagship session in order to gain all the information and insight you need in respect of the statutory and case law forces that are shaping the labour relations landscape. Armed with this, you will be able to immediately implement the necessary change and refresh existing protocols. Ensure that you are ahead of the pack and that you lead your colleagues into the future of labour law and relations.

Register and win a fully paid weekend for 2 at Mpekwani Beach Resort when we celebrate our 30th Anniversary in November 2023

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#### Pending statutes to be interpreted –

- The **Employment Equity Amendment Act**, along with the amendments to the procedural, substantive, reporting and administrative forms
- The **Compensation for Occupational Injuries and Diseases Act**, including the demarcation of who is responsible to take injured employees to the hospital or medical practitioner, the new employer obligations in respect of rehabilitation and integration after occupational injuries; and mental wellness challenges
- The **Employment Services Amendment Bill** and the impact on platform work and foreign national quotas
- The **Cannabis for Private Purposes Bill** and its impact on substance policies
- The draft regulations on **Skill levy-grant** re-allocations.
- **Tobacco Products** and Electronic Delivery System Control Bill
- Update of **National Labour Migration Policy (NLMP)** including impact on Critical Skills, ZEP and related work permits

#### Statistical analysis for benchmarking –

- The nature and extent of the **displacement of employees** and workers due to the amendments to the EE Act and the Employment Services Amendment Bill
- The state of **harassment at the workplace** based on GBS surveys and risk assessments – considering the prevalence of harassment across 18 fields, race, gender and occupational category
- The **unemployment trends** and the use of alternative forms of work, including hybrid work and the 4 day week
- **Wage and salary update** and trends for 2023 and 2024.

#### Case law review covering the following key questions –

- The legal principles in the employer becoming vicariously liable for harassment of one employee by another employee
- The legal standing of conduct such as bypassing your boss or undermining them
- The position of the Courts in respect of making false allegations of harassment
- Using PEPUDA to address harassment by non-employees
- Emerging forms of discrimination in the workplace (including arbitrary grounds)
- The view of the Court in respect of income differentials and equal pay for work of equal value
- Social media and employee rights, drawing the boundaries
- Refusals to undergo polygraphs, the rights of the employer pre and during employment
- The latest decisions on dismissals relating to COVID-19
- The view of the Court on short-time, lay-offs and no-work-no-pay in disruptive times
- Derivative misconduct and strike action
- Using operational requirements as a basis for the getting staff to re-apply for positions
- Full and final settlements and restraints of trade, what is the deal
- Employee or independent contractor, sub-contracting and outsourcing
- Fixed-term contracts need to be in writing and must cover the essentials of law
- Overtime refusals and the obligation to renew overtime commitments annually
- Condonation and the CCMA rules, where to from here
- Deductions from wages for damages, the BCEA is clear
- Commissioner misconduct and remedies
- The boundaries of confidential information and POPI at the workplace
- Temporary employment services, outsourcing and the applicable legal processes
- Retrospective re-instatement versus re-employment and the obligation on the employer
- Collective agreements, interpretation and application as well as extension
- The legal status of a candidate for employment
- The use of polygraphs in assessments and restructuring
- Dealing with incarcerated employees
- The latest on suspending employees pending the outcome of an enquiry
- Insubordination on the rise and how to deal with the defiant employee
- Ensuring the punishment fits the crime in the circumstances (of the organisation)
- The EQ of labour law, self-regulation
- At what point is an employment relationship “intolerable”
- The impact of employee remorse on the sanction
- Depression and incapacity proceedings, what is the legal obligation of the employer
- What comprises a reasonable alternative to retrenchment
- What are fair selection criteria when retrenching
- Does employer consent to withdraw a resignation amount to full re-employment
- Who is the deemed employer, the TES or the client under the LRA and EEA
- When does a reasonable expectation of permanent employment arise
- What are the employee protections under the Protected Disclosures Act
- The technical strike ultimatum requirements
- Is cancelling commission an unfair labour practice
- The low-down on retirement age and termination of employment
- Grooming standards and unfair discrimination, what are the limits
- Workplace disability claims

**ABOUT THE PRESENTER**



**Jonathan Goldberg**

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

2 June	Gqeberha/Port Elizabeth
6 June	Virtual - Zoom
8 June	East London
15 June	Cape Town
22 June	Virtual - Teams
27 June	Johannesburg
28 June	Durban

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

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

VENUES: TBC

DURATION: 09H00 – 15H30

**REGISTRATION AND BANKING DETAILS**

Complete and email attached registration form to: Priscilla at [labourlawupdate@globalbusiness.co.za](mailto:labourlawupdate@globalbusiness.co.za)



## REGISTRATION FORM

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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>MID-YEAR LABOUR LAW UPDATE</b>				Date:	<b>June 2023</b>		
PE/GQ: 2 June	Zoom: 6 June	EL: 8 June	CT: 15 June	Teams: 22 June	JHB: 27 June	DBN: 28 June			
Company Name :					Tel No:				
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					*Additional costs may be incurred				
Vat no:			Purchase Order:						

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