



Employment and Labour Law Alert

 Lexinfo
Library & Legal Information Consultants

Employment and Labour Law Alert | 05 Aug 2024

Contents

ALCOHOL AND DRUGS	2
CORPORATE LAW	3
CRIMINAL HISTORY	5
DISCRIMINATION	5
DISMISSALS	5
EMPLOYMENT CONTRACTS	7
FOREIGN NATIONALS	7
HARASSMENT	7
HEALTH AND SAFETY	8
JOB CREATION	9
JUDICIARY	9
LABOUR LAW	10
LABOUR STANDARDS	10
LABOUR TENANTS	10
LEAVE/SICK NOTES	10
MISCONDUCT	11
PENSION LAW	11
PRACTICE AND PROCEDURE	11
QUALIFICATIONS	12
RACISM	12
REINSTATEMENT	12
REMUNERATION	13
RESIGNATIONS	13
RETRENCHMENTS	14
SKILLS DEVELOPMENT	14
SOCIAL MEDIA	15
STRIKES/PICKETING/PROTEST ACTIONS	15
SUSPENSIONS	15
TAXATION	16
TRADE UNIONS	16



EVENTS CALENDAR		
Date	Description	More information
Online	Labour Law Short Course Legal Academy	View here .
13–14 September 2024	26th SASLAW Annual National Conference Cape Town	View here .
20 Oct – 7 Nov 2024	Juta's Annual Labour Law Update Seminar	View here .

Highlights

CORPORATE LAW

New Legislation

- Companies Amendment Act 16 of 2024 – [GN5082 GG 50991 p1 30Jul2024](#)

DISMISSALS

Cases

- [Member of the Executive Council: Police, Roads and Transport \(Free State Provincial Government\) v General Public Service Sectoral Bargaining Council and Others \(JR1151/19\) \[2024\] ZALCJHB 278 \(26 July 2024\)](#)
- [Montego Pet Nutrition \(Pty\) Ltd v Commission for Conciliation, Mediation and Arbitration and Others \(PR322/2022\) \[2024\] ZALCPE 28 \(24 July 2024\)](#)
- [Quebar Electrical and Civil Engineering v Fortuin and Others \(C20/2022\) \[2024\] ZALCCT 34 \(12 July 2024\)](#)

HEALTH AND SAFETY

Government Gazettes

- Mine Health and Safety Act 29 of 1996: Guidance Note for the Management of GBVF, Safety and Security Challenges for Women in the South African Mining Industry. – [GN5098 GG 51003 p44 2Aug2024](#)
- Mine Health and Safety Act 29 of 1996: Guideline for a Mandatory Code of Practice for a Quality Assurance Programme for a System of Occupational Hygiene and Ventilation Engineering Measurements. – [GN5099 GG 51003 p68 2Aug2024](#)
- Mine Health and Safety Act 29 of 1996: Guideline for a Mandatory Code for Practice for Minimum Standards on Ground Vibrations, Noise, Air-Blast and Flyrock near Surface Structures and Communities to be protected. – [GN5097 GG 51003 p28 2Aug2024](#)

PRACTICE AND PROCEDURE

Cases

- [Maphoso v South African Broadcasting Corporation and Another \(JS434/22\) \[2024\] ZALCJHB 34 \(5 February 2024\)](#)
- [Mathekga and Others v Bidvest Prestige Cleaning Services and Another \(JS541/19\) \[2024\] ZALCJHB 265 \(9 July 2024\)](#)
- [SANParks v Health and Other Services Personnel Trade Union of South Africa \(HOSPERSA\) obo Nkwinika and Others \(JR812/22\) \[2024\] ZALCJHB 279 \(12 July 2024\)](#)

Practice Directive

- [Labour and Labour Appeal Courts of South Africa. Practice Directive 1 of 2024: Implementation of the Court Online System for Urgent Applications in the Labour Court of South Africa. 31 July 2024](#)

REINSTATEMENT

Law Firm Article

- Crocker, Grace and Loubser, Chloë. Labour Court refuses to reinstate unfairly dismissed SHE manager in the wake of workplace safety incidents. [[Sulzer Pumps \(Pty\) Ltd v Nomxhanya and Others \(JR445/2020\) \[2024\] ZALCJHB 253 \(15 July 2024\)](#)] – [2024 Jul 29 Bowmans](#)

ALCOHOL AND DRUGS

Journal Article

Lentsoe, Thato. Employment law update – Is workplace drug testing subject to a blanket ban? Unpacking *Enever v Barloworld Equipment*.



2024 Aug De Rebus p56

“On the 23 April 2024, the Labour Appeal Court (LAC) in [Enever v Barloworld Equipment South Africa, a division of Barloworld South Africa \(Pty\) Ltd \[2024\] 6 BLLR 562 \(LAC\)](#) (*Enever II*) handed down a landmark judgment, setting aside the decision of the Labour Court, which endorsed the substantive fairness of a dismissal relating to a positive drug test of cannabis. Conversely, the LAC decision found that the dismissal is automatically unfair and discriminatory on arbitrary grounds, labelling drug testing systems as ‘irrational’. Notably, this turnaround precedent has left uncertainties on whether onsite drug screenings are subjected to a blanket ban. *Enever II* placed employers in a precarious position, through closing the door for South African companies from preventing hazardous workplaces.”
<https://www.derebus.org.za/employment-law-update-is-workplace-drug-testing-subject-to-a-blanket-ban-unpacking-enever-v-barloworld-equipment/>

Law Firm Article

Mbambo, Owethu and Seroka, Kedibone. High stakes – Managing cannabis use and discipline in the workplace.

2024 Aug 1 Fasken

“In [Minister of Justice and Constitutional Development v Prince \(Clarke and Others Intervening\); NDPP v Rubin; NDPP v Acton 2018 \(10\) BCLR 1220 \(CC\)](#), the Constitutional Court decriminalised the cultivation, possession and use of cannabis by adults in the privacy of their homes. The effect of the *Prince* judgment on maintaining workplace safety and discipline, recently came before the Labour Appeal Court in the case of [Enever v Barloworld Equipment South Africa, A Division of Barloworld South Africa \(Pty\) Ltd \(2024\) 45 ILJ 1554 \(LAC\)](#) where the Labour Appeal Court considered whether the dismissal of Barloworld employee, Ms Enever, was discriminatory and automatically unfair in terms of section 187(1)(f) of the Labour Relations Act, 1995.”

<https://www.fasken.com/en/knowledge/2024/08/high-stakes-managing-cannabis-use-and-discipline-in-the-workplace>

[Back to Contents](#)

CORPORATE LAW

Law Firm Articles

Dahms-Jansen, Lenja and Mazibuko, Norma. Companies Act changes – Impact on remuneration and financial disclosure.

2024 Aug 2 Bowmans

“Amendments in the Companies (First) Amendment Act introduce groundbreaking changes to corporate pay gap disclosure practices in South Africa. Both listed and state-owned employers will need to prepare to comply with these. Strategic and considered approaches to remuneration and financial disclosure will be crucial to achieving practical compliance that provides a meaningful outcome for all stakeholders.”

<https://bowmanslaw.com/insights/south-africa-companies-act-changes-impact-on-remuneration-and-financial-disclosure/>

De Lange, André and Melnick, Matthew. The Companies Act amendments are enacted but not yet in operation: What you need to know.

2024 Jul 29 Cliffe Dekker Hofmeyr

“On Friday 26 July 2024, both the Companies Amendment Bill and the Companies Second Amendment Bill were signed into law. However, these amendments are not yet in operation and will only come into operation on a date or dates fixed by the President by notice in the Government Gazette.”

<https://www.cliffedekkerhofmeyr.com/news/publications/2024/Practice/Corporate/corporate-and-commercial-alert-29-july-The-Companies-Act-amendments-are-enacted-but-not-yet-in-operation-What-you-need-to-know>

Kaufmann, Derrick. President assents to laws advancing ease of doing business and corporate transparency.

2024 Jul Andersen

“In a significant move to enhance business operations and corporate governance, President Cyril Ramaphosa has signed into law several key amendments to the Companies Act of 2008. These changes, encapsulated in the Companies Amendment Bill and the Companies Second Amendment Bill, are set to reshape the landscape of corporate conduct in South Africa, aligning with both domestic economic goals and international standards of transparency.”

<https://za.andersen.com/news/legal-updates/2024/07/president-assents-to-laws-advancing-ease-of-doing-business-and-corporate-transparency>

Truter, Cathy; Yuill, David and Hopkins, Martin. The Companies Amendment Bills have been signed into law.

2024 Jul 27 Bowmans

“According to an announcement made last night (26 July 2024), the South African President has signed the long-awaited First and Second Companies Amendment Bills into law. The most material changes introduced by the Bills relate to remuneration disclosures and, from a transaction perspective, the new thresholds that trigger the need for



private companies to comply with the Takeover Regulations and the scrutiny of the Takeover Regulation Panel. This article provides a brief summary of the most noteworthy provisions.”

<https://bowmanslaw.com/insights/south-africa-the-companies-amendment-bills-have-been-signed-into-law/>

Van der Walt, Madelein; Kharsany, Nasrin and Kalbskopf, Serena. On the cusp of important company law changes: Companies Amendment Acts gazetted.

2024 Jul 31 Webber Wentzel

“The long-awaited amendments in the Companies Amendment Bills, 2023 have been signed into law and published in the Government Gazette as Acts of Parliament. The Companies Amendment Act, 2024 includes provisions to enhance transparency and provide for more disclosure by companies. The Companies Second Amendment Act, 2024 extends the time bars applicable to applications for director delinquency and proceedings to recover loss due to director liability.”

<https://www.webberwentzel.com/News/Pages/on-the-cusp-of-important-company-law-changes-companies-amendment-acts-gazetted.aspx>

Media Comment

Goba, Nompilo. Amended Companies Act a double-edged sword.

2024 Aug 5 BusinessDay

“The recent amendments to SA’s Companies Act, signed into law by President Cyril Ramaphosa, are poised to transform corporate governance through increased transparency and accountability, though not without potential challenges. Experts have warned that these changes may not fully address salary equity issues and could lead to unintended consequences for the workforce...”

<https://www.businesslive.co.za/bd/national/2024-08-05-news-analysis-amended-companies-act-a-double-edged-sword/> (Subscription needed)

New Legislation

Companies Amendment Act 16 of 2024

“To amend the Companies Act, 2008, so as to insert certain definitions and amend the definition of “securities”; to clarify when a Notice of Amendment of a Memorandum of Incorporation takes effect; to provide for the Commission to publish, as prescribed, the notice of the location of a company’s records; to differentiate where the right to gain access to companies’ records may be limited; to provide for the preparation, presentation and voting on companies’ remuneration policy and directors’ remuneration report; to provide for the filing of a copy of the annual financial statement; to empower the court to validate the irregular creation, allotment or issue of shares; to clarify that shares which are not fully paid are to be transferred to a stakeholder and dealt with in terms of a stakeholder agreement; to exclude the subsidiary company from the requirements relating to financial assistance; to provide for instances where a special resolution is required for the acquisition by a company of its own shares; to provide for a social and ethics committee report and remuneration report to also be presented at an annual general meeting of a public company; to provide for the circumstances under which a private company will be a regulated company; to provide for the publication of the application for exemption from the requirement to appoint a social and ethics committee; to deal with the composition of the social and ethics committee; to provide for the preparation by the social and ethics committee of a social and ethics committee report, as prescribed, to be presented at the annual general meeting or shareholders meeting, as the case may be; to provide, in respect of a private company, personal liability company or non-profit company, for the appointment of an auditor at a shareholders meeting if such appointment is a requirement in terms of the Act; to extend the definition of an employee share scheme to include situations where there are purchases of shares of a company; to provide for the determination by the Minister, in consultation with the Panel, of financial thresholds, for purposes of identifying the private companies to which Parts B and C of Chapter 5 of the Act apply; to provide for post-commencement finance for unpaid amounts that are due to the landlord during business rescue proceedings; to provide for the Commission to substitute a contested name of a company under certain circumstances; to provide for mediation, conciliation and arbitration by the Companies Tribunal only in respect of relief or complaints in terms of the Act; to further provide for the operation and governance of the Companies Tribunal; to provide for pronouncements that may be issued by the Financial Reporting Standards Council; and to provide for matters connected therewith.”

Commencement date: To be proclaimed.

GN5082 GG 50991 p1 30Jul2024

https://www.gov.za/sites/default/files/gcis_document/202407/50991-30-7-companiesamendmentact162024.pdf

Video

CNBC Africa: Martin Hopkins comments on President Ramaphosa signing into law amendments to the Companies Act.

2024 Jul 31 Bowmans



“President Cyril Ramaphosa has signed into law amendments to the Companies Act of 2008 that promote the ease of doing business and impose greater corporate transparency on the earnings gap between the highest and lowest paid persons in a company. Our head of Reward Advisory Services, Martin Hopkins, joins CNBC Africa to discuss.”

<https://www.youtube.com/watch?v=Kh2qbsSKgDo>

[Back to Contents](#)

CRIMINAL HISTORY

Video

Madisa, Biron. Is a clear criminal history an inherent requirement of the job?

2024 Jul 30 Cliffe Dekker Hofmeyr

“Biron states that while a clear criminal record can be related to the inherent requirement of a job, the Labour Court noted that this is not always the case. He notes that in certain situations, where a clear criminal record is an inherent requirement of the job, it may be justified to deny employment opportunities based on a criminal record. Biron adds that the necessity of a clear criminal record depends on the nature of the job. For example, positions such as police officers or roles in the heavily regulated financial sector might be hindered by a criminal record. Individuals with convictions for fraud, theft, or defeating the ends of justice might be disqualified from occupying such roles. Each case of an employer requiring a clear criminal record will be evaluated based on its specific facts and the nature of the job.”

<https://www.cliffedekkerhofmeyr.com/news/media/2024/Employment/Is-a-clear-criminal-history-an-inherent-requirement-of-the-job>

[Back to Contents](#)

DISCRIMINATION

Law Firm Article

Bhagattjee, Preeta and Workman-Davies, Bradley. Do androids dream of unfair dismissal?

2024 Aug 1 Werksmans Attorneys

“A federal judge in California recently considered an employment discrimination claim that involved AI. Even though it considered specific circumstances which are fairly unique and groundbreaking, this is likely to become more common practice in workplace disputes and to find application to the South African workplace in the future. The California court considered a proposed class action lawsuit, filed by a job applicant (Derek Mobley) against Workday Inc., an American on-demand financial management, human capital management and student information system software vendor, where the lawsuit claimed that Workday’s AI-powered hiring software perpetuates existing biases against job applicants, on race, age and disability. Mobley claimed that he was overlooked for over a hundred jobs due to these biases.”

<https://www.werksmans.com/legal-updates-and-opinions/do-androids-dream-of-unfair-dismissal/>

Media Comment

Theunissen, Garth. 'Malicious and sensational': Absa slams report that claims its CEO is in peril.

2024 July 29 News24

“Absa says a Sunday Times report about a gathering of the bank's senior leaders was a "malicious and sensational distortion". The newspaper claims that CEO Arrie Rautenbach was told the leaders have lost confidence in him and it's time for a "black African CEO". Accusations were raised over a senior employee's remuneration, which may have resulted in a violation of US tax law.”

<https://www.news24.com/fin24/companies/malicious-and-sensational-absa-slams-report-that-claims-its-ceo-is-in-peril-20240729> (Subscription needed)

[Back to Contents](#)

DISMISSALS

Cases

Member of the Executive Council: Police, Roads and Transport (Free State Provincial Government) v General Public Service Sectoral Bargaining Council and Others (JR1151/19) [2024] ZALCJHB 278 (26 July 2024)

Review application – Arbitration award finding that employees had been procedurally and substantively unfairly dismissed at internal disciplinary hearing – Charges of gross dishonesty based on allegations that employees had



made fraudulent misrepresentations to various superiors in two joint submissions – Evidence showing that submissions did not emanate from employees – Application dismissed.

<https://www.saflii.org/za/cases/ZALCJHB/2024/278.pdf>

Montego Pet Nutrition (Pty) Ltd v Commission for Conciliation, Mediation and Arbitration and Others (PR322/2022) [2024] ZALCPE 28 (24 July 2024)

Review application – Arbitration award finding dismissal substantively unfair – Gross dereliction of duty – Mandatory personal and physical client engagement – Alleged breach due to client complaint – Failure to adhere to six-week client call system – Award finding failure did not amount to gross dereliction – Failure to consider mandatory call-cycle – No material regard to evidence – Legal meaning applied to gross dereliction of duty incorrect – Misdirection – Led to unreasonable conclusion – Award reviewed and set aside.

<https://www.saflii.org/za/cases/ZALCPE/2024/28.pdf>

Quebar Electrical and Civil Engineering v Fortuin and Others (C20/2022) [2024] ZALCCT 34 (12 July 2024)

Review application – Arbitration award finding that employees were dismissed and that their dismissals were substantively and procedurally unfair – Non-renewal of fixed term contracts of employment – Arbitrator's finding that employees had reasonable expectation that their contracts would be renewed not supported by evidence – Employees discharged onus to prove that they were dismissed – Dismissals substantively and procedurally unfair.

<https://www.saflii.org/za/cases/ZALCCT/2024/34.pdf>

Journal Article

Mather, Nadine. Employment law update – The feasibility of ‘bumping’; Inaccurately pleading the review test – Reasonableness or correctness?

2024 Aug De Rebus p55

“In [*SACTWU obo Members v Fyvie G N.O and Others*](#)... The LC held that the respondent's actions in retrenching only the vegetable farm workers was reasonable and economically sensible. While bumping is a valid practice to reward long standing employees, it cannot be applied in circumstances in which those employees do not have the skills of others, and where it would be unduly burdensome on the employer to upskill the employees. In the present case, SACTWU did not make out a compelling case for LIFO or bumping – far from it. The court found SACTWU's arguments unconvincing, and it had failed to persuade the court that the selection criteria was unfair... In [*Cape Peninsula University of Technology v Kabengele and Others \[2024\] 6 BLLR 553 \(LAC\)*](#)... the LAC held that there was no merit in the LC's finding that the employee held a reasonable expectation of permanent employment. On his own version, the employee had always been employed on a contract basis. As the employee held a reasonable expectation that his contract would be extended for a further year, and given the time that had elapsed, the appropriate remedy would be an award of compensation equivalent to 12 months' remuneration.”

<https://www.derebus.org.za/employment-law-update-the-feasibility-of-bumping/>

Law Firm Article

Barrable, Gael and Gumede, Almaz. From disrespect to dismissal – When is insolence dismissible?

2024 Aug 2 Cowan-Harper-Madikizela Attorneys

“In employment law, disputes over dismissals highlight power dynamics between employers and employees. A recent case in the Labour Court of South Africa, Johannesburg, [*Jewellery Council of South Africa v Maharaj and Others \(JR2527/21\) \[2024\] ZALCJHB 236 \(30 May 2024\)*](#), illustrates these complexities.”

<https://www.chmlegal.co.za/disrespect-dismissal-when-insolence-dismissible>

Media Comments

Ferreira, Emsie. Former NPA director in Mpumalanga fired for bringing institution into disrepute.

2024 Aug 2 Mail & Guardian

“Matric Luphondo, the former acting director of public prosecutions in Mpumalanga, has been fired following a labour arbitration process as his criminal trial for corruption continues, the National Prosecuting Authority (NPA) said on Friday.”

<https://mg.co.za/news/2024-08-02-former-npa-director-in-mpumalanga-fired-for-bringing-institution-into-disrepute/>

Govender, Prega. Deputy principal of Springs school fired for sexually harassing two female teachers.

2024 Aug 1 News24

“The deputy principal of Kenneth Masekela Secondary School in Springs, allegedly told one teacher that “if he had the opportunity to have sex with her, he would have a sleepless night” and referred to another as the “Black Beauty” of the school. Steve Masombuka was fired after being found guilty of sexually harassing the two female teachers, and his



dismissal was confirmed by the Education Labour Relations Council on 24 July. He is planning to challenge his dismissal in the Labour Court.”

<https://www.news24.com/news24/southafrica/news/deputy-principal-of-springs-school-fired-for-sexually-harassing-two-female-teachers-20240801>
(Subscription needed)

Mitchley, Alex. Former acting Mpumalanga Director of Public Prosecutions Matric Luphondo has been axed.
2024 Aug 2 News24

“Matric Luphondo was axed after being found guilty of offering a bribe. Luphondo is accused of offering a bribe to a senior prosecutor to drop a fraud case against Kebone Masange. Luphondo and Masange are also facing corruption charges relating to the same matter.”

<https://www.news24.com/news24/southafrica/news/former-acting-mpumalanga-director-of-public-prosecutions-matric-luphondo-has-been-axed-20240802> (Subscription needed)

Mocke, Tiekie et al. MISA comment – Justice more than 5 years after unfair dismissal.

2024 Jul 29 AutoForum

“A dealership was ordered to pay 24 months in compensation to an employee and MISA’s legal fees after the Union was forced to “fight a protracted and unnecessary legal battle” in the Labour Court. Judge Reynaud Neil Daniels described Eastvaal Motors’ (EVM) conduct in response to MISA, the Motor Industry Staff Association, and Helena Stoffberg’s application, as “vexatious”. “The points raised regarding jurisdiction and joinder, were so void of merit that I can only infer that they were raised to frustrate and delay the process,” the Judge found.”

<https://www.autoforum.co.za/View-News-Article.aspx?News=misa-comment-justice-more-than-5-years-after-unfair-dismissal-24-00-31>

[Back to Contents](#)

EMPLOYMENT CONTRACTS

Case

Quebar Electrical and Civil Engineering v Fortuin and Others (C20/2022) [2024] ZALCCT 34 (12 July 2024) See [DISMISSALS](#)

[Back to Contents](#)

FOREIGN NATIONALS

Media Comment

Nemakonde, Vhahangwele. Gauteng restaurant inspections: Three foreigners arrested, business closed due to non-compliance.

2024 Aug The Citizen

“Police in Gauteng have arrested three undocumented foreigners who were illegally employed at a restaurant in Midrand... Seven employers were inspected, and all were found to be in breach of at least one of the labour regulations.”

<https://www.citizen.co.za/news/gauteng-restaurant-inspections-three-foreigners-arrested/>

[Back to Contents](#)

HARASSMENT

Internet Article

Subsequent to [FA v University of Witwatersrand \(2023\) 44 ILJ 929 \(CCMA\)](#), [Standard Bank of South Africa v Zimbini Makuleni \(JR2261/18\)](#), [Makuleni v Standard Bank of SA Ltd \(2023\) 34 SALLR 71 \(LAC\)](#), [Centre for Autism Research and Education CC v CCMA and Others \(2020\) 41 ILJ 2623 \(LC\)](#) and [Gaga v Anglo Platinum Ltd and Others \(2012\) 33 ILJ 329 \(LAC\)](#), it is possible to identify various types of workplace bullying. What are some of the important principles applicable when considering workplace bullying?

2024 Aug 1 South African Labour Law Reports: 27 of 2024

“In the *Standard Bank judgment (LC)*, Boda AJ indicated that workplace bullying is linked to a feeling of incompetence in handling a job, a sense of alienation from colleagues, anxiety that there will be no promotional recognition, a challenge to job security, feelings of inadequacy and the knock-on tensions in personal relationships – not even to mention depression. With reference to the work done by Professor Alan Rycroft, Boda AJ provided the suggested



definition of workplace bullying to include any unfavourable or offensive conduct on the part of a person or persons which has the effect of creating a hostile working environment...”

<https://www.sallr.co.za/labouredge/article-27-2024/>

Journal Article

Moshoana, Graham Nasious. Listed or arbitrary harassment: Determining the nature of workplace harassment.

2024 Aug De Rebus p38

“The Constitution advances that only unfair discrimination is prohibited. Absent from the listed grounds is harassment. A *prima facie* view may be held that harassment is not prohibited. The *Cambridge Dictionary* defines ‘harassment’ as ‘behaviour that annoys or upsets someone’. The focal point here is harassment at the workplace. An analysis is required to establish the extent to which the South African workforce is protected from harassment. National legislation prohibiting discrimination at workplace shall be considered.”

<https://www.derebus.org.za/listed-or-arbitrary-harassment-determining-the-nature-of-workplace-harassment/>

Law Firm Article

Dube, Sibusiso. The burden of dealing with bullying in the workplace.

2024 Jul 31 Bowmans

“The Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace took effect over two years ago. It sought to flesh out the positive duty on employers to prevent and eliminate harassment in the workplace if it is based on one or more of the listed grounds of unfair discrimination in section 6 of the Employment Equity Act (EEA). One of the forms of harassment is bullying. Proving bullying in the workplace is challenging. This article provides guidance on the issue for both employers and employees.”

<https://bowmanslaw.com/insights/africa-the-burden-of-dealing-with-bullying-in-the-workplace/>

Media Comment

Govender, Prega. Deputy principal of Springs school fired for sexually harassing two female teachers. See

[DISMISSALS](#)

Thorne, Seth. Bullying in the workplace – What employees and employers need to know.

2024 Aug 4 Business Tech

“Employers must investigate harassment/bullying claims and act decisively if they are serious, striving to maintain a psychologically safe workplace. Inadequate action could result in liability under section 60 of the Employment Equity Act (EEA)... Although the definition is broad, bullying encompasses a range of behaviours where individuals or groups misuse their power in a workplace, leading to repeated aggression towards others.”

<https://businesstech.co.za/news/business/785341/bullying-in-the-workplace-what-employees-and-employers-need-to-know/>

[Back to Contents](#)

HEALTH AND SAFETY

Government Gazettes

Mine Health and Safety Act 29 of 1996

- Guidance Note for the Management of GBVF, Safety and Security Challenges for Women in the South African Mining Industry.
GN5098 GG 51003 p44 2Aug2024
View [here](#).
- Guideline for a Mandatory Code of Practice for a Quality Assurance Programme for a System of Occupational Hygiene and Ventilation Engineering Measurements.
GN5099 GG 51003 p68 2Aug2024
View [here](#).
- Guideline for a Mandatory Code for Practice for Minimum Standards on Ground Vibrations, Noise, Air-Blast and Flyrock near Surface Structures and Communities to be protected.
GN5097 GG 51003 p28 2Aug2024
View [here](#).



Media Comment

Maine, Zebilon. North West Health Dept called to temporarily close Brits Mortuary.

2024 Aug 4 SABC News

“Trade union Nehawu in the North West is calling on the provincial Health Department to temporarily close the Brits Forensic Pathology Mortuary in the Madibeng Local Municipality. The union says the mortuary’s hygiene standards are not up to scratch. Workers at the mortuary embarked on a protest last week. They are demanding that the department ensure that there is the Occupational Health and Safety Act and provide adequate personal protective equipment (PPE).”

<https://www.sabcnews.com/sabcnews/north-west-health-dept-called-to-temporarily-close-brits-mortuary/>

[Back to Contents](#)

JOB CREATION

Media Comments

Webster, Jacob. SA can create up to 275,000 green jobs by 2030, report shows.

2024 Aug 4 BusinessDay

“SA has the potential to create up to 275,000 green jobs by 2030, with the bulk of these jobs likely to come from the solar sector, a new study by Boston Consulting Group (BCG) shows. The study, published by FSD Africa and Shortlist, with analysis from BCG, says SA is set to create 85,000-275,000 new green jobs in the next five years — mainly in energy and power production, and agriculture...”

<https://www.businesslive.co.za/bd/economy/2024-08-04-sa-can-create-up-to-275000-green-jobs-by-2030-report-shows/>

Zweni, Ziyanda. Thousands of jobs in cannabis pipeline — Mabuyane.

2024 Aug 2 DispatchLIVE

“Premier says ‘green gold’ will help put Eastern Cape on path to prosperity but Mpondoland growers say they have been sidelined. Cannabis is key to job creation in the province, Eastern Cape premier Oscar Mabuyane said in his speech at the opening of the provincial legislature in Ntabankulu on Thursday...”

<https://www.dispatchlive.co.za/politics/2024-08-02-thousands-of-jobs-in-cannabis-pipeline--mabuyane/> (Subscription needed)

[Back to Contents](#)

JUDICIARY

Media Comments

Judicial Service Commission to grill candidates in October.

2024 Aug 4 eNCA

“It’s going to be busy time for the Judicial Service Commission. It has to fill several empty judges benches. There are vacancies at the Constitutional Court, Supreme Court of Appeal, Land Court, Labour Court, Labour Appeal Court and several High Courts. The shortlisted candidates will be grilled by the commission from the 7th to the 15th of October. As things stand, impeached Judge John Hlophe will be on that panel.”

<https://www.enca.com/videos/judicial-service-commission-grill-candidates-october>

Venter, Zelda. Appoint acting judges, judicial watchdog urges High Courts.

2024 Aug 2 Pretoria News

“In response to the critical position in especially the Gauteng Division of the High Court, a suggestion has been made to second judges from other provinces and temporarily appointing acting judges beyond the judicial establishment. These were among the recommendations made by the online judicial watchdog group Judges Matter, which focuses on the appointments process of judges and provides insight into the Judicial Service Commission’s (JSC’s) structure and processes.”

<https://www.iol.co.za/pretoria-news/news/appoint-acting-judges-judicial-watchdog-urges-high-courts-6c1fbe28-ef6a-4972-bc4e-3843aee4dfe3>

[Back to Contents](#)



LABOUR LAW

Law Firm Article

Labour Law by the Book: Volume 1: A collection of articles related to South African employment and labour law and regulations.

2024 Jul 24 Norton Rose Fulbright

“There is no shortage to labour and employment rulings and judgments. It is admittedly difficult to keep track of all the changes and to stay up to date with recent developments. This volume includes articles on recent developments relating to parental rights, cannabis use by employees, employees’ rights to challenge procedurally unfair retrenchments, police liability in failing to assist employers during strike action and practical guides on how to handle sick leave, business and human rights and strikes.”

<https://www.nortonrosefulbright.com/-/media/files/nrf/nrfweb/knowledge-pdfs/labour-law-by-the-book-volume-1--a-collection-of-articles-related-to-south-african-employment-and-la.pdf>

[Back to Contents](#)

LABOUR STANDARDS

Media Comment

Manyane, Manyane. Unions gear up against GNU’s neoliberal privatisation and anti-trade union law plans.

2024 Aug 4 Sunday Independent

“The General Industries Workers Union of South Africa (Giwusa) and the South African Federation of Trade Unions (Safu) are gearing up for resistance against the government of national unity’s (GNU) neoliberal privatisation and anti-trade union law plans, as well as falling wages and worsening working conditions. This follows Giwusa’s recent national conference held in Germiston.”

<https://www.iol.co.za/sundayindependent/news/unions-gear-up-against-gnus-neoliberal-privatisation-and-anti-trade-union-law-plans-0a6b0d6e-561a-4fe9-8e0c-2d3cef24650a>

[Back to Contents](#)

LABOUR TENANTS

Media Comment

Xulu, Khethukuthula. Land restoration claim unresolved after 26 years.

2024 Jul 30 The Witness

“Land restoration claims made in 1998 by the Gcumisa community in Swayimane, near Wartburg in the Midlands, remain unresolved, as no consensus has been reached through the Land Claims Commission... Land Claims Court Judge Shehnaz Meer, in a final hearing before her retirement, last week slammed the repeated non-compliance with court orders by the Department of Agriculture, Land Reform and Rural Development. The programme, mandated by the Constitutional Court, requires the department to implement the Labour Tenants Act and process outstanding labour tenant land acquisition claims.”

<https://witness.co.za/news/kzn/2024/07/30/land-restoration-claim-unresolved-after-26-years/>

[Back to Contents](#)

LEAVE/SICK NOTES

Opinion

Brown, Richard. Take your annual leave or lose it.

2024 Aug 1 Mail & Guardian

“Due for annual leave? Don’t even think about storing it up for a rainy day. A new judgment from the labour court stresses that taking a break every year is one of an employee’s fundamental rights. While employers who want employees not to take leave are in breach of the law, there’s an even more serious consideration for staffers: leave not taken within six months of the relevant leave cycle will be lost. Gone. No later payout. Nothing.”

<https://mg.co.za/thought-leader/opinion/2024-08-01-take-your-annual-leave-or-lose-it/>

[Back to Contents](#)



MISCONDUCT

Media Comment

Mitchley, Alex. Suspended Mpumalanga police commissioner loses court bid, paving way for misconduct inquiry.

2024 Aug 2 News24

“In April, the High Court dismissed suspended Mpumalanga police commissioner Lieutenant-General Daphney Manamela's review application of national police commissioner General Fannie Masemola's decision to institute a board of inquiry into her conduct. Manamela then applied for leave to appeal the judgment. Now, the High Court has dismissed Manamela's application for leave to appeal, paving the way for the board of inquiry to continue.”

<https://www.news24.com/news24/southafrica/news/suspended-mpumalanga-police-commissioner-loses-court-bid-paving-way-for-misconduct-inquiry-20240802> (Subscription needed)

[Back to Contents](#)

PENSION LAW

Media Comment

Moodley, Neesa. A high court tale of cattle, a cattle manager and his pension fund. [*Hillhouse v Pidelta (Pty) Ltd and Another (1237/2024P) [2024] ZAKZPHC 57 (29 July 2024)*]

2024 Jul 31 Daily Maverick

“A recent court ruling in KwaZulu-Natal involving a herd of cattle, kidney failure and a pension fund serves to reinforce the rules around when employers can make deductions from an employee's pension fund. Neil Hillhouse's urgent application to the KwaZulu-Natal Division of the High Court in Pietermaritzburg for his pension benefit to be paid to him in full was dismissed. Hillhouse was employed by Pidelta in October 2015 as a livestock manager and later promoted to manager of a crop farm.”

<https://www.dailymaverick.co.za/article/2024-07-31-a-high-court-tale-of-cattle-a-cattle-manager-and-his-pension-fund/>

See also:

- **Broughton, Tania. Crime does not pay... your pension, an employee has found.** – 2024 July 29 Sunday Times

<https://www.timeslive.co.za/sunday-times-daily/news/2024-07-29-crime-does-not-pay-your-pension-an-employee-has-found/> (Subscription needed)

Opinion

Bagraim, Michael. The two-pot system will come as a relief to workers drowning in debt.

2024 Aug 1 Cape Argus

“A lot has been written about the new two-pot system. Much of this has been commentary from economists, especially from a financial perspective. I want to look at this from a simpler labour perspective. It is common wisdom for employees who don't have a compulsory pension or provident fund at work to start putting money into this savings fund as soon as possible. The earlier, the better...”

<https://www.iol.co.za/capeargus/opinion/the-two-pot-system-will-come-as-a-relief-to-workers-drowning-in-debt-7b3f4dc6-dbef-4fa0-ad81-f43c8ff3f231>

[Back to Contents](#)

PRACTICE AND PROCEDURE

Cases

Maphoso v South African Broadcasting Corporation and Another (JS434/22) [2024] ZALCJHB 34 (5 February 2024)

Dispute – Applicant's decision to institute proceedings in both Commission for Conciliation, Mediation and Arbitration (CCMA) and Labour Court (LC) demonstrates that he was aware that matter was required to be referred to arbitration prior to being instituted in LC – Forum shopping – LC lacks jurisdiction to adjudicate applicant's unfair labour practice dispute.

<https://www.saflii.org/za/cases/ZALCJHB/2024/34.pdf>



Mathekgga and Others v Bidvest Prestige Cleaning Services and Another (JS541/19) [2024] ZALCJHB 265 (9 July 2024)

Application for condonation of late service and filing of amended statement of claim – Claims for: declarator that s 197 transfer of applicants from first to second respondent was unfair; finding that dismissal of applicants was automatically unfair in terms of Labour Relations Act 66 of 1995, s 187(1)(g); and relief for substantively and procedurally unfair retrenchment of applicants – Legal principles on exercise of judicial discretion on condonation considered – Delay in service and filing of amended statement of claim egregious and continuous – Explanation proffered amounting to no explanation and, therefore, unreasonable – Poor prospects of success – Prejudice – Other interests of justice requirements – No basis for exercise of jurisdiction established – Claim excipiable – Condonation refused.

<https://www.saflii.org/za/cases/ZALCJHB/2024/265.pdf>

SANParks v Health and Other Services Personnel Trade Union of South Africa (HOSPERSA) obo Nkwinika and Others (JR812/22) [2024] ZALCJHB 279 (12 July 2024)

Review application – Arbitration award finding dismissal substantively unfair – Condonation for late filing of review application and supplementary founding affidavit – Review application launched inordinately late – Explanation not substantiated or reasonable – Certain periods unexplained – Low prospects of success – Condonation not granted.

<https://www.saflii.org/za/cases/ZALCJHB/2024/279.pdf>

Practice Directive

Labour and Labour Appeal Courts of South Africa. Practice Directive 1 of 2024: Implementation of the Court Online System for Urgent Applications in the Labour Court of South Africa. 31 July 2024.

This directive comes into effect from 12 August 2024

<https://www.judiciary.org.za/images/Directives/Directives - April 2020/Labour and Labour Appeal Court/2024/Practice Directive 1 of 2024 - Implementation of the Court Online System for Urgent Applications in the Labour Court of South Africa.pdf>

[Back to Contents](#)

QUALIFICATIONS

Media Comment

Dentlinger, Lindsay. EFF to table motion requiring Ministers, Premiers, MECs to have tertiary qualifications.

2024 Aug 2 EWN

“The Economic Freedom Fighters (EFF) in the Western Cape said that its leadership will table a motion in Parliament requiring ministers, premiers and MECs to possess a tertiary qualification. EFF Member of Provincial Legislature (MPL) Aishah Cassiem made the announcement in the provincial legislature on Thursday, during a debate on Premier Alan Winde’s Opening of Parliament Address.”

<https://www.ewn.co.za/2024/08/02/wc-eff-to-table-motion-requiring-ministers-premiers-mecs-to-have-tertiary-qualifications>

[Back to Contents](#)

RACISM

See: [SUSPENSIONS](#)

[Back to Contents](#)

REINSTATEMENT

Law Firm Article

Crocker, Grace and Loubser, Chloë. Labour Court refuses to reinstate unfairly dismissed SHE manager in the wake of workplace safety incidents. [[Sulzer Pumps \(Pty\) Ltd v Nomxhanya and Others \(JR445/2020\) \[2024\] ZALCJHB 253 \(15 July 2024\)](#)]

2024 Jul 29 Bowmans

“A recent Labour Court case provides a good example of when reinstatement, which is the primary remedy for a substantively unfair dismissal, is not appropriate. It also illustrates the importance of maintaining workplace safety. In *Sulzer Pumps (Pty) Ltd v Nomxhanya*, the Labour Court noted that when considering reinstatement, an employee’s behaviour, whether before or after dismissal, can be taken into account in determining whether a continued employment relationship would be intolerable.”



<https://bowmanslaw.com/insights/south-africa-labour-court-refuses-to-reinstate-unfairly-dismissed-she-manager-in-the-wake-of-workplace-safety-incidents/>

[Back to Contents](#)

REMUNERATION

See also: [CORPORATE LAW](#); [STRIKES/PICKETING/PROTEST ACTIONS](#)

Law Firm Article

Smith, Samantha. What is the impact of the increase to the earnings threshold on employees?

2024 Jul 31 STBB

“On 1st April 2024, the earnings threshold officially increased from R241 110.59 per annum to R254 371.67 per annum pursuant to section 6(3) of the Basic Conditions of Employment Act. The threshold is designed to safeguard vulnerable, lower-earning employees from exploitation and is central to the application of various provisions under labour legislation.”

<https://stbb.co.za/pulse-impact-of-increase-to-earnings-threshold-on-employees/>

Media Comments

Mafisa, Itumeleng. Outrage over salary increase for Joburg city managers amid financial woes.

2024 Aug 2 The Citizen

“While the City of Johannesburg is struggling with service delivery and financial problems, it has now granted its City Manager Floyd Brink and other senior managers a 3.3% salary increase. Currently, Brink is one of the highest-earning city managers in the country. Brink earns around R3.5 million while other senior managers earn between R2.2 million and R3.4 million per annum, these top salaries come with car allowance, medical aid, pension, and cell phone allowance.”

<https://www.citizen.co.za/news/outrage-over-salary-increase-for-joburg-city-managers-amid-financial-woes/>

Marvin, Charles. Western Cape will fight for fair budget, even if it means taking national govt to court – Winde.

2024 Jul 31 News24

“The Western Cape will not back down from its fight for a fair share of the national budget, even if it means going to court, says Premier Alan Winde... The province said the effect of the wage increases meant a hike in the Western Cape's wage bill of R2.9 billion, which it simply cannot afford. The budget cuts left the Western Cape with a R1.1 billion shortfall. Winde said on Wednesday they had no choice but to declare an intergovernmental dispute with national government.”

<https://www.news24.com/news24/southafrica/news/western-cape-will-fight-for-fair-budget-even-if-it-means-taking-nationalgovt-tocourt-winde-20240731> (Subscription needed)

[Back to Contents](#)

RESIGNATIONS

Media Comment

Immediate resignation following bonus no reason for debarment, Tribunal rules.

2024 July 29 Moonstone

“Resigning immediately after receiving a retention bonus is not sufficient grounds for debarment. In a recent ruling, the Financial Services Tribunal (FST) determined that using an application for reconsideration of debarment – a serious sanction intended to protect the public from unfit representatives – to resolve an employment contractual dispute is a potential misuse of this regulatory tool. In its ruling delivered on July 19, the Tribunal found that the debarment order issued against the representative, “NL”, was not justified under the FAIS Act and should be set aside.”

<https://www.moonstone.co.za/immediate-resignation-following-bonus-no-reason-for-debarment-tribunal-rules/>

[Back to Contents](#)



RETRENCHMENTS

Law Firm Article

Norval, Jan. Retrenchment without a Section 189(3) Notice found to be fair. [[Padayachee v Serero and Others \(JR1162/21\) \[2024\] ZALCJHB 254 \(20 June 2024\)](#)]

2024 Jul 30 ENS

“Section 189(1) of the Labour Relations Act (LRA) requires that if an employer contemplates dismissing one or more employees due to operational requirements, they must consult with the relevant parties as outlined in the section. Section 189(3) then requires that the “*employer must issue a written notice inviting the other consulting party to consult with it and disclose in writing all relevant information...*” In the case of *Padayachee v Serero & Others*, the Joburg Property Company (JPC) dismissed Ms Padayachee for operational requirements without issuing a written section 189(3) notice. Ms Padayachee contended that the failure to issue her with a written notice made her dismissal procedurally unfair because section 189(3) mandates the issuing of a written notice.”

<https://www.ensafrica.com/news/detail/8915/retrenchment-without-a-section-1893-notice-fo>

Media Comments

Hadebe, Fikile. Premier Cross Border announces retrenchments amidst sharp decline in workload.

2024 Jul 30 SA Trucker

“Premier Cross Border has announced plans to retrench a significant number of employees, citing a “catastrophic reduction in work.” The company attributes this decision to stiff competition and a market flooded with cheaper labour alternatives, which they say has severely impacted their operations.”

<https://satrucker.co.za/premier-cross-border-announces-retrenchments-amidst-sharp-decline-in-workload/>

Malatji, Ngwako and Stone, Setumo. Motsepe’s company shows the CCMA the middle finger.

2024 Aug 4 Sunday World

“CAF president Patrice Motsepe’s mining company has shown the CCMA the middle finger when it failed to appear before the labour dispute resolution centre for a case of unfair medical retrenchment after it laid off its bodyguard, who sustained injuries in a nightclub brawl while protecting the billionaire’s son.”

<https://sundayworld.co.za/news/motsepes-company-shows-the-ccma-the-middle-finger/>

Maliti, Soyiso. eThekweni metro blames budget cuts for 2 800 jobs bloodbath, but minister says it's City's fault.

2024 Jul 31 News24

“Almost 3 000 EPWP workers have been told that they have lost their jobs in the eThekweni metro, at short notice. The shedding of jobs in eThekweni, due to the national government’s implementation of budget cuts, will top the items in a council meeting on Thursday. The budget cuts have been affecting several departments’ programmes at the coalface of service delivery.”

<https://www.news24.com/news24/politics/ethekweni-blames-budget-cuts-for-2-800-jobs-bloodbath-but-minister-says-its-citys-fault-20240731>

(Subscription needed)

[Back to Contents](#)

SKILLS DEVELOPMENT

Internet Article

Benson, Kelly. The impact of learnerships in the South African economic environment.

2024 Jul 31 SEESA

“Learnerships are a crucial part of South Africa’s development, as they help develop skills, knowledge, and competencies that are essential for creating a competitive workforce. Learnerships are important in South Africa, where the economy is transitioning, and the need for skilled workers is increasing. Learnerships increase the level of productivity in the economy because workers who have been trained are more likely to be even more productive than those who have not had the same level of training. This, in turn, can help to increase economic growth and create more jobs.”

<https://blog.seesa.co.za/index.php/2024/07/31/the-impact-of-learnerships-in-the-south-african-economic-environment/>

[Back to Contents](#)



SOCIAL MEDIA

Podcast

Bezuidenhout, Anli and Maruapula, Thato. The dangers of social media use in the workplace.

2024 Jul 29 Cliffe Dekker Hofmeyr

“Advancements in technological gadgets such as smart phones and laptops, as well as the recent breakthroughs made in artificial intelligence, have undoubtedly made our lives easier by enabling us to access information seemingly at the speed of light... In today’s podcast, we discuss the dangers of social media use in the workplace, the steps that the legislature has taken to address the growing trend of abusive information being shared online and the measures that employers can put in place to mitigate the risks associated with social media in the workplace.”

<https://www.cliffedekkerhofmeyr.com/news/podcasts/2024/Employment/The-dangers-of-social-media-use-in-the-workplace>

[Back to Contents](#)

STRIKES/PICKETING/PROTEST ACTIONS

Media Comment

Sidimba, Loyiso. Union threatens nationwide municipal strike action over pay hike.

2024 Aug 4 DFA

“A strike by municipal workers could be on the cards as negotiations over salary increases continue to falter. The SA Municipal Workers Union (Samwu) expressed outrage after the South African Local Government Association (Salga), the employer body representing the country’s 257 municipalities, revised its wage increase offer to the Independent Municipal and Allied Trade Union (Imatu) and SA Municipal Workers Union (Samwu) from 3.5% to 3.75%.”

<https://www.dfa.co.za/south-african-news/union-threatens-nationwide-municipal-strike-action-over-pay-hike-6c195dfe-ca8b-4a49-bebe-c26932108285/>

Opinion

Ntshingila, Omhle and Quibe, Felix. The right to protest is being blocked by administrative barriers.

2024 Jul 26 GroundUp

“The recent High Court judgement involving the City of Johannesburg highlights this challenge. Despite a court order from the Johannesburg High Court on 10 June 2022 mandating the City to stop charging fees for protests, the municipality has continued to impose fees ranging from R5,000 to R20,000 on protesters. This is in violation of the order and undermines the right to peaceful assembly.”

<https://groundup.org.za/article/protest-is-being-stifled-by-administrative-barriers/>

[Back to Contents](#)

SUSPENSIONS

Media Comments

Booyesen, Chevon. More suspensions on the cards within Restitution Commission.

2024 Aug 1 Cape Times

“While no arrests have been made in connection with the suspended officials implicated in alleged financial irregularities within the Commission on Restitution of Land Rights (CRLR), the Hawks have confirmed their investigation is at an advanced stage. On Wednesday, the Minister of Land Reform and Rural Development, Mzwanele Nyhontso, approved the immediate suspension of the officials who worked at the Regional Land Claims office in the Eastern Cape.”

<https://www.iol.co.za/capetimes/news/more-suspensions-on-the-cards-within-restitution-commission-f134f339-0b85-4b65-8d5f-05263a9c4df7>

Masungwini, Norman. Bosasa liquidation mired in dodgy dealings, leads to officials being suspended and fired.

2024 Aug 3 News24

“The department of justice and constitutional development’s ongoing clean-up campaign in the Master’s Office, which was started in 2020 after a proclamation, continues to expose deep-rooted corruption involving some of its suspended senior officials. In the latest development, City Press can reveal how the department suspended and fired some officials who were found to have played a role in the liquidation of African Global Operations (AGO), formerly Bosasa Operations.”

<https://www.news24.com/citypress/news/bosasa-liquidation-mired-in-dodgy-dealings-leads-to-officials-being-suspended-and-fired-20240803>



(Subscription needed)

Seeletsa, Molefe. Pretoria Girls High principal suspended amid racism probe.

2024 Jul 30 The Citizen

“The principal of Pretoria High School for Girls has been suspended for three months while the Gauteng Education Department investigates racism allegations. The school has been rocked by fresh allegations of racism that have led to 12 pupils facing disciplinary processes.”

<https://www.citizen.co.za/news/south-africa/education/pretoria-high-school-for-girls-principal-suspended/>

Steyn, Daniel et al. Suspended Gauteng Department of Social Development officials return to work.

2024 Jul 31 GroundUp

“Ten officials from the Gauteng Department of Social Development, suspended in December and January during a “crackdown on corruption”, have returned to work because no disciplinary hearing has been held. Three officials, suspended in September, are in arbitration with the department. The officials say they have not received a copy of the forensic audit that supposedly implicated them in wrongdoing.”

<https://groundup.org.za/article/suspended-gauteng-department-social-development-officials-return-to-work/>

[Back to Contents](#)

TAXATION

Media Comment

Visser, Amanda. Some good and some not-so-good tax changes on the horizon.

2024 Aug 5 Moneyweb

“It has also proposed several anti-avoidance measures to curb abusive behaviour by certain taxpayers in continued efforts to avoid further tax leakage. A notable proposed amendment relates to a clampdown on “aggressive tax schemes” under the Employment Tax Incentive (ETI). Treasury is proposing punitive measures to address the “abusive behaviour” of certain taxpayers. Government introduced the incentive in 2013 to encourage employers to hire young work seekers. The incentive will expire in 2029.”

<https://www.moneyweb.co.za/mymoney/moneyweb-tax/some-good-and-some-not-so-good-tax-changes-on-the-horizon/>

[Back to Contents](#)

TRADE UNIONS

Internet Article

Jacobs, Arlene. The limits of trade union representation.

2024 Jul 29 Consolidated Employers Organisation (CEO SA)

“The recent Constitutional Court judgment of [AFGRI Animal Feeds v. NUMSA & Others \(CCT 188/22\)](#) has pivotal implications for employers. This landmark ruling, alongside the established precedents in the [Lufil Packaging \(Isithebe\) \(A division of Bidvest Paperplus \(Pty\) Ltd\) v Commission for Conciliation Mediation and Arbitration and Others No. DA8/2018](#) case reaffirms the principle that trade unions cannot operate outside their defined constitutional scope. This article explores the judgment and its practical implications, providing employers with a strategic understanding of navigating and challenging the *locus standi* (legal standing) of trade unions.

<https://ceosa.org.za/the-limits-of-trade-union-representation/>

[Back to Contents](#)

THE INFORMATION CONTAINED HEREIN IS RESEARCHED AND PROVIDED IN GOOD FAITH. WHILST EVERY CARE IS TAKEN IN THE COMPILATION OF THE **EMPLOYMENT AND LABOUR LAW ALERT**, LEXINFO CC CANNOT BE HELD RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED, NOR FOR THE OMISSION OF ANY INFORMATION, NOR FOR ANY DAMAGES RESULTING FROM THE USE IN ANY WAY OF SUCH INFORMATION.

For Subscription Information | Tel 082 690 8890 | Email: alert@lexinfo.co.za | Fax: 086-589 3696 | PostNet Suite 114, Private Bag X3, Glosderry 7702 | Copyright 2024