

# MID-YEAR LABOUR LAW UPDATE



## Discover the Future of Labour Law:

Are you ready to navigate the ever-evolving landscape of labour law, with a tsunami of statutes and case law bearing down on us?

As the tides shift and new challenges emerge, it's time to equip yourself with the knowledge and confidence needed to thrive. **Global Business Solutions**, a leading national labour law firm, invites you to embark on a transformative journey at our **#MYLLU** seminar.

Don't miss this opportunity to fortify your legal acumen, network with industry peers, and gain actionable takeaways. **Register now** link and be part of the conversation that shapes the future of labour relations.

## Why Attend MYLLU?

### 1. Challenge Your Assumptions

In the dynamic realms of human resources, labour law, transformation, and leadership, complacency is not an option. MYLLU dares you to question: Are you truly prepared for the myriad challenges that lie ahead? Don't settle for mediocrity—challenge the status quo and elevate your expertise.

### 2. Unleash the Power of Knowledge

Our one-day workshop delves into the latest case law emanating primarily from the Labour Appeal Court, the Labour Court, and various topical arbitration awards that provide insight into everyday employment relations matters. These legal decisions cover the entire employment lifecycle regulated by labour law, including:

- **Employment Contracts and Policies**
- **Terms and Conditions of Employment**
- **Polygraphs**
- **Abuse of Sick Leave**
- **Medical Certificates, Clinics and Traditional Healers**
- **Unfair Discrimination**
- **Unfair Labour Practices**
- **Strikes**
- **Inequitable Remuneration**
- **Breaches of Governance**
- **Misuse of Digital Platforms and Social Media**
- **Harassment and Hate Speech**
- **Protected Disclosure Protections**
- **Cybercrimes and much more.**

### 3. Spotlight on Pending Labour Laws

Stay ahead of the curve with insights into critical pending legislation:

- **The Two-Pot Retirement System and Employer Obligations** (1 September 2024)
- **The Employment Services Amendment Bill** and its impact on platform workers and foreign nationals
- **The Cybercrimes Act** and its implications for employment policies
- **Employment Equity Ministerial Targets:** Learn how to calculate and justify them.

### 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 100 Labour Law Cases, thoughtfully organized into various topics and presented in book form.

## SCOPE OF CONTENT

- Polygraph tests – are they here to stay?
- Medical certificates - should they be taken at face value & what about clinics and nurses?
- Not holding full disciplinary enquiries – is there another way?
- Misconduct – are medical certificates hearsay evidence?
- Derivative misconduct - what activities comprise derivative misconduct?
- Insubordination – when is insubordination “gross”?
- Failing to carry out a reasonable instruction – is written confirmation required?
- Insubordination and fraud – can grievances lead to a disciplinary hearing?
- Dismissal of a visually impaired employee – is it automatically unfair and discriminatory?
- Notice pay deductions from final salary – when would it be an unfair labour practice?
- Employed to work, not study – is it a constructive dismissal.
- Reasonable accommodation needs for employees with disabilities – when does a failure amount to constructive dismissal?
- Disciplinary proceedings in the absence of the employee – when can you go ahead?
- Equal treatment in the Department of Employment and Labour – what is the way forward?
- The high court – when can it get involved in labour matters and award damages?
- Agency shop agreements - are they still relevant?
- Retirement age and then a fixed-term contract – what is the deal?
- Termination of employment and notice period payment – when do you need to pay (summary vs notice)?
- Avoiding severance pay legally – when and how?
- Calculation of ‘wage’ for the purpose of the national minimum wage act – what comprises the NMW now?
- Failure to follow policy and breach of contractual obligations of the employer – how much weight do policies really hold in the face of law?
- The obligation to keep comprehensive and safe records – how far does it extend?
- Arbitrator’s misconduct – what are the consequences of fake or false qualifications?
- Commissioner frustration – when does it cloud judgement?
- Misconduct of a commissioner: failure to consult the relevant statutes before making a decision.
- Organisational rights – what is the legally required procedure?
- Transfer of contract – when does it become a problem?
- Automatically unfair dismissals and reinstatement – what happens under the Protected Disclosure Act?
- Dishonesty in making representation – how can this attract a R234 000 award?
- Threats and contemptuous remarks towards the employer and its management – when does it go too far?
- Refusal to obey instructions – what is the role of consistency?
- Repayment for monies overpaid – can the employer recover the full amount without written agreement?
- Conversion of fixed-term contracts to permanent contracts – is this a legal right?
- Fixed-term contracts & moving between different projects – when does a reasonable expectation arise?
- Constructive dismissal – what compensation award can you expect if reinstatement is not an option?
- Reinstatement must take place in substantively unfair dismissals – is this always the case?
- Confessions - are they admissible?
- Allegations of misconduct – can the courts interfere with the process?
- Early retirement age, specifically in the context of settlement agreements – when does it amount to unfair discrimination?
- The first transgender case – what must employers be aware of?
- CCMA commissioner oversteps the boundaries – is jurisdiction always the first issue to decide?
- Temporary employment service or facilities management company – what determines the difference?
- Mutual separation and UIF claims – when is it fraudulent?
- Moonlighting and good faith – not just moonshine and roses?
- Harassment – when is the employer vicariously liable?
- Cybercrimes and the imprisonment of employees – how to deal with this?
- Social media – when are employees, “employees”?
- AI, AI it’s off to work we go – what is the impact of AI on labour law and employment relations?

**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

4 June	Virtual - Zoom
7 June	Pretoria
12 June	Cape Town
13 June	PE/Gqeberha
19 June	Johannesburg
20 June	Durban
25 June	East London
26 June	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 AND BANKING DETAILS**

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



## REGISTRATION FORM

To secure your place at this webinar – please complete and sign the following and email the booking form to Priscilla: [labourlawupdate@globalbusiness.co.za](mailto:labourlawupdate@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>MID-YEAR LABOUR LAW UPDATE</b>				Date:	<b>JUNE 2024</b>			
Zoom: 4 June	PTA: 7 June	CT: 12 June	PE/GQ: 13 June	JHB: 19 June	DBN: 20 June	EL: 25 June	Teams: 26 June			
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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Job Title (specific):		
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FEE EXCLUDING VAT PER DELEGATE (Please select an option)		<b>COST/ DELEGATE</b>
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Course Name: MID-YEAR LABOUR LAW UPDATE – VIRTUAL EVENT (ZOOM OR TEAMS)		R2 950 (excl. VAT)
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