



Navigating Recent Labor Law Amendments in South Africa: A Comprehensive Overview for Employers

Introduction: As business owners and senior managers, staying informed about legislative changes is crucial to ensuring compliance and mitigating risks. This article highlights key amendments in South African labour laws that demand attention and proactive measures from employers.

1. Harassment Legislation:

The scope of sexual harassment legislation has expanded to include psychological abuse and cyberbullying in the workplace. This comprehensive definition necessitates an update of company sexual harassment policies to address offences such as offensive conduct, hostile teasing, and discriminatory language.

2. Employment Equity Legislation:

The Employment Equity Amendment Act requires designated employers with over 50 employees to develop an Employment Equity Company Policy and Plan. This involves appointing a senior employee and forming an Equity Committee to address under-representation, with a minimum to maximum plan approval period of one to five years.

3. POPI Act/PAIA Act:

The Protection of Personal Information Act (POPIA) mandates proper collection, use, storage, and protection of personal information. Compliance is crucial, with severe consequences for non-compliance, including fines of up to R10 million and/or imprisonment for up to 10 years. Ongoing compliance efforts are essential, and decision-makers must be aware of the changed legal landscape.

4. Parental Leave, Adoption Leave, Commissioning Parental Leave:

Employees, including adoptive parents and those involved in surrogacy agreements, are entitled to at least 10 consecutive days of unpaid parental leave. Employers must include these provisions in employment contracts and company policies.

5. Adjusted Earnings Threshold:

Employees earning above the earnings threshold are excluded from certain sections of the Basic Conditions of Employment Act. This includes ordinary hours of work, overtime, compressed working weeks, and more. Employers need to negotiate these conditions individually during contract negotiations.

6. Work Hours and Overtime Agreements:

Agreements related to overtime lapse after twelve months, and employers must renew them. Weekly resting periods and standby duty terms need to be agreed upon between employers and employees, as specified by the relevant legislation.

7. Appeal Procedure:

Employers must remind employees of the appeal process after disciplinary procedures. Appeals must be based on valid reasons, such as new evidence, overly harsh sanctions, or procedural errors. The appeal process may involve a rehearing or a review, depending on the grounds for appeal.

8. Amended Unemployment Insurance Fund Benefits:

The Unemployment Insurance Fund (UIF) now extends to public servants, contributors receiving state pensions, and those benefiting from compensation funds or employment schemes. Eligibility is contingent on being registered as a work-seeker and being available for work. There are various benefits provided, including unemployment benefits, illness benefits, maternity benefits, and more, with calculations based on a sliding scale.

9. New National Minimum Wage

The Employment and Labour Minister TW Nxesi has declared an increase in the National Minimum Wage (NMW) to R27.58 per ordinary hour, effective from 01 March 2024.

Conclusion:

Staying abreast of these labour law amendments is imperative for employers in South Africa. Ensuring compliance not only safeguards against legal repercussions but also fosters a fair and supportive work environment. Companies are advised to review and update their policies, educate employees on changes, and seek legal advice when necessary to navigate the complexities of these amendments effectively.

Feel free to reach out to our business partners for guidance on any legislative changes that may necessitate updates, amendments, or implementation adjustments in your existing policies and procedures. If you seek a more in-depth understanding of specific legislative amendments, we welcome you to contact us. Our team is ready to provide assessments and advice tailored to your unique needs and circumstances.