

Coming to grips with a turbulent and complex labour environment

Next year will bring with it even more change and upheaval in South Africa's labour environment as organisations struggle to come to grips with the nuances of new and amended laws and regulations around equal work for equal pay and fixed-term contracts.



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That's the word from labour economist Andrew Levy and presenter of the Sage Annual Labour Law Seminar that will be held in November. He warns businesses that 2015 is likely to be every bit as challenging for employers as 2014 was as they seek to come to grips with a changing legislative environment as well as with deteriorating labour relations.

Levy's seminar will take a close look at the impact of recent changes and amendments to the Labour Relations Act, the Basic Conditions of Employment Act (BCEA) and the Employment Equity Act. Some of the topical issues that will come under the spotlight include the following.

Equal pay for equal work

New South African laws state that employees on fixed-term contracts or employees from labour brokers should be remunerated with equal pay and benefits to permanent employees. But, in practice, pay equality in South Africa is complex and the guidelines for good practice are inadequate because they are so open to interpretation, said Levy.

The statistical methodologies companies can use to determine fair-and-equal pay structures, as well as how they can put themselves on track to meet pay equality targets in the years to come, will be covered in the seminar.

Fixed-term contracts

Companies that rely heavily on outsourcing arrangements or contractors will need to pay attention to labour law amendments that, in most cases, prohibit employers from entering into a fixed-term contract with employees for longer than three months.

The amendments aim to make it more difficult for employers to create some leeway to downsize or fire people who effectively work full time for them on a long-term basis, legally. A 'deeming provision' in the law means that fixed-term contracts are permissible only when employers can properly justify them. "The question is how employers can comply with the specifics of this law. This is therefore a key area of discussion in the seminar," said Levy.

Employment equity

Levy will also spend some time looking at the Constitutional Court ruling in favour of the South African Police Service (SAPS) and against former policewoman Renate Barnard. This case found that Barnard was not unfairly discriminated against when the SAPS declined to promote her because of its employment equity planning. Levy said this case should be considered the last word on the matter and employers should be asking themselves what this means for their organisation.

Labour relations

South Africa has endured a fraught two years on the labour relations front. Levy will discuss how the protracted and sometimes violent strikes of 2013 and 2014 will impact on wage negotiations in 2015.

*At the Sage Annual Labour Law Seminar in November, Levy will discuss with attendees in detail how to manage the recent changes and will also refer to important case law and practical developments. The seminar will help employers to regain balance and control, as well as improve their outcomes at the CCMA. It will provide practical insights and 'how to' solutions.

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