

Proposed amendments to labour legislation - where are we?

By [Johan Botes and Wandile Sishi](#)

27 May 2013

Over the last few years the minister of labour has tabled numerous amendments to existing labour laws that will significantly adjust the landscape of employment law and the regulation of the employment relationship.



Johan Botes

The long-awaited amendments to the Labour Relations Act, No 66 of 1995 and the Basic Conditions of Employment Act, No 75 of 1997 are perhaps the most anticipated of all the Labour Bills tabled by the Minister. The Basic Conditions of Employment Amendment Bill, which is currently before the National Assembly and scheduled for further debate, seeks to increase the employee's protection in the workplace. Salient amendments include provisions aimed at clarifying the jurisdictional powers of the Labour Court and the Minister's powers to make sectoral determinations. Although it will continue to be debated, the amendments are expected to be passed into law without further changes.

This Basic Conditions of Employment Amendment Bill is expected to become an act of parliament by the end of the year, at which point the focus of employers and employees is expected to shift towards the controversial Labour Relations Amendment Bill.

The most significant changes for employers

The Labour Relations Amendment Bill, which is currently before a portfolio committee of parliament, will arguably introduce the most significant changes for employers and the manner in which they conduct business. This includes the amendment that will place liability on the employer in a temporary employment service relationship and remove protection for employees earning more than R1 million per year. This Bill will continue to be debated in parliament and will probably be enacted, as it stands, by the end of the year.

The Employment Equity Amendment Bill (EEAB) and the Employment Services Bill are yet to be tabled in parliament. The EEAB's amendments will clarify the criteria of discrimination in the workplace and increase the penalty for non-compliance with the affirmative action provisions of the Employment Equity Act, No. 55 Of 1998 (EEA). The Employment Services Bill is an attempt by the government to address the issue of unemployment in the workplace. This bill will allow the Minister to require vacancies to be registered by employers.

The latter bills are at the consultation phase and their provisions will still be the subject of debate and may be altered before they are enacted by parliament.

ABOUT THE AUTHOR

[[<https://www.bizcommunity.com/Profile/JohanBotes> Johan Botes]] is director and [[<https://www.bizcommunity.com/Profile/WandileSish> Wandile Sishi]] candidate attorney, employment of Cliffe Dekker Hofmeyr.

For more, visit: <https://www.bizcommunity.com>