

Basic Labour Relations

1 Day Course

Module 1: The Code of Good Practice on Dismissal

- Schedule 8: The Code of Good Practice on Dismissal in terms of the Labour Relations Act, No. 66 of 19956
- Fair reasons for dismissal
- Automatic unfair dismissals8
- Standard of conduct
- Progressive discipline
- Dismissals for misconduct
- Fair procedure
- Disciplinary records
- Dismissals and industrial action
- Probation
- Incapacity: poor work performance
- Incapacity: ill health or injury

Module 2: Misconduct and the Disciplinary Code

- The importance of investigating allegations of misconduct in the workplace, or outside the workplace
- Offences and the disciplinary code
- Insubordination
- Insubordination v insolence
- Insubordination, negligence or refusal to adhere?
- How do we deal with insubordination?
- Disciplinary code
- Disciplinary sanctions – warnings
- Disciplinary procedures
- Distinguishing misconduct from poor work performance
- Automatically unfair dismissals
- Employee representation
- Resignation before disciplinary action
- Grievance procedure
- Unfair labour practices

Module 3: The Disciplinary Hearing

- Suspending an employee
- Notice to attend a disciplinary hearing
- Chairperson's guide / format and procedures at a disciplinary enquiry

Module 4: The Contract of Employment

- The importance of the employment contract
- The contract of permanent employment
- The fixed term contract of employment
- Automatic permanent employment on a fixed term contract (s189 of the LRA)
- Termination of fixed-term contracts
- The contract of probationary employment
- Unsigned employment contracts, what to do
- The earnings threshold in contracts
- Dismissal of an applicant before first working day
- Clauses relating to random and specific alcohol and drugs screening procedures / searches and polygraph examinations

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Module 5: Trade Unions

- Trade unions background
- Organizational rights background
- The role of the shop steward
- Reasonable paid time off work
- Disciplinary action against a shop steward

Module 6: CCMA Overview

- What is the CCMA?
- Dispute referral
- Representation
- Con/Arb
- Conciliation
- Arbitration

Module 7: Basic Conditions of Employment – Q&A session and self-study

- Threshold earnings and the BCEA
- Hours of work and overtime
- Meal intervals
- Remuneration for Sunday and public holiday work
- The earnings threshold
- Annual leave
- Annual leave and termination of employment
- Sick leave
- Proof of incapacity
- Sections 25A, 25B and 25C: Parental, Adoption and Commissioning Parental Leave
- Family responsibility leave
- Study leave for examination or study purposes
- Written particulars of employment
- Information about remuneration
- Termination of employment

CCMA information sheets

- Constructive dismissal
- Desertion
- Disciplinary procedures
- Drunkenness on duty
- Employee v independent contractor
- Harassment
- Ill health or injury
- Misconduct
- Poor work performance
- Polygraph testing
- Retrenchment
- Sectoral determinations
- Unfair dismissals and unfair labour practices
- Unilateral changes

Purpose of the course:

To provide an overview of labour relations and labour legislation in South Africa, focusing primarily on the Labour Relations Act.



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Upon completion of the course delegates will be able to:

- Better understand the Basic Conditions of Employment Act and the Labour Relations Act, including relevant regulations and codes of good practice.
- Be able to effectively deal with disciplinary and poor work performance related matters in the workplace and have an understanding of the dispute resolution process from dismissal to the CCMA and / or Labour Court.

The course will be useful for:

- Business owners
- Employees dealing with discipline and the day-to-day management of personnel
- HR officers
- Supervisors
- Shop stewards

Important:

Please note that this is a general course and is therefore be presented in a manner to make it understandable for all delegates. This is not an advanced course in Labour Relations.

For further information contact:

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