

Tackling
The **HARD** issues
Labour Law



GEO
GUARDIAN EMPLOYERS ORGANISATION
Reg. No: LR2/6/3/316
Assisting Employers in Labour Law

NEWSLETTER

REDUCE YOUR EMPLOYMENT RELATIONS RISK PROFILE



Almost every South African employer has been faced with some or other labour problem. Many employers have had to deal with unfair dismissal/labour practice disputes in the CCMA or Bargaining Councils.

The CCMA Annual report 2014/2015 provides the following statistics on cases referred and the number of conciliations and arbitrations heard in the CCMA:

	Annually	Per day
Total cases referred	171 972*	688
Conciliations	127 997	512
Arbitrations	43 975	176

* These figures are approximate due to jurisdictional issues, withdrawals, pre-conciliation settlements, etc.

It is important to note that these statistics don't even take into account the number of cases referred to the different bargaining councils. For example the National Bargaining Council for the Road Freight and Logistics Industry (NBCRFLI) received approximately 8900 referrals during the 2014/2015 period of which 5200 were conciliation matters and 3700 were arbitrations. The Metal and Engineering Industry Bargaining Council (MEIBC) and Motor Industry Bargaining Council (MIBCO – DRC) are examples of other equally busy dispute resolution bodies.

There were approximately 260 Labour Court Judgements handed down in 2014 alone.

It goes without saying then that employers spend a considerable amount of time involved in handling labour disputes in the various dispute resolution institutions.

There is no doubt that managing a business in South Africa is tough. Managing your employment relations risk profile should not be.

Use the advice of a GEO labour law specialist before taking any drastic action against an employee or group of employees.



Although there are no guarantees against litigation, an employer can take certain steps to reduce the risk:

- Ensure contracts of employment are correctly drafted and that they comply with the provisions of applicable legislation and/or main agreements;
- **Understand and comply with applicable legislation, sectoral determinations and main agreements;**
- Understand the different types of employees and the manner in which the law regulates the different types of employment (labour broker staff, fixed term contractors, temporary workers, permanent workers);
- **Implement up to date disciplinary codes and practices, grievance procedures;**
- Ensure employment policies and procedures are available and regularly updated;
- **Ensure these policies and procedures are communicated to all staff through induction and training;**
- Train all managers/supervisors on the correct procedures for taking disciplinary action, handling grievances and dealing with poor performance and incapacity;
- **Hold regular workshops to keep line managers informed on employment relations trends;**
- Establish communication forums with staff to encourage dealing with workplace issues at source;
- **Remember, trade unions are a business reality. They can either be a destructive force in a business or a mild irritation. Keep the lines of communication open and try and foster a positive relationship. This goes a long way in creating an environment where problems are solved in-house rather than in the CCMA/Bargaining councils and Labour Court.**
- Lastly, use the advice of a GEO labour law specialist before taking any drastic action against an employee or group of employees.

Implement these basic steps and you will reduce your employment relations risk profile.

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- A List of steps an employer can take to reduce the risk

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Stats from the CCMA

Cases referred and the number of conciliations and arbitrations heard



There is no doubt that managing a business in South Africa is tough. Managing your employment relations risk profile should not be.

Numerous bargaining councils with arbitrations and conciliation matters.

National Bargaining Council for the Road Freight and Logistics Industry (NBCRFLI) received approximately 8900 referrals during the 2014/2015 period

Steps to reduce the employment relations risk profile

E.g. Understand and comply with applicable legislation, sectoral determinations and main agreements.

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