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SA ENGINEERS AND
FOUNDERS ASSOCIATION

The Turbulent Labour Law Landscape:

Considering the recent amendments made to South African Labour Legislation and offering guidance on the applicability of the Main Agreement and/or Basic Conditions of Employment Act to your employees.

The National Council of Province's Select Committee on Economic and Business Development deliberated and finalised four labour bills, namely, the National Minimum Wage Bill; the Labour Relations Amendment Bill; the Labour Laws Amendment Bill and the Basic Conditions of Employment Amendment Bill. These bills were adopted without any amendments by the NCOP and, thereafter, assented to by President Cyril Ramaphosa and most of them came into effect on 01 January 2019.

These laws have brought about a number of changes to South African Labour Legislation and will have a significant effect on both employers and employees. Some of the most far reaching amendments include the introduction of a National Minimum Wage and the requisite mechanisms for enforcement thereof; provisions relating to the extension of collective agreements and the introduction of leave for all parents, including fathers, same-sex couples, adoptive and surrogate parents.

While the amendments to the South African Labour Legislation are binding on all employers, the 2017 – 2020 Settlement Agreement (the "Main Agreement"), entered into by some employers and the industry trade unions, also looms in the background of employment conditions applicable to the Metal and Engineering Industry. In many instances the Main Agreement and the BCEA contain provisions which overlap and some which differ. However, as the Main Agreement has not yet been extended by the Minister of Labour to non-party



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employers in terms of the Labour Relations Act, the applicability of this Agreement versus the Basic Conditions of Employment Act (BCEA) requires interrogation.

The SA Engineers and Founders Association, in conjunction with Gordon Angus and Associates, offers a one-day workshop divided into two parts:

- 1) The morning session aims to provide employers with a thorough explanation of the recent amendments made to South African Labour Legislation so as to enable proper implementation and compliance with the new provisions in the work place.
- 2) The afternoon session then offers clarification on the applicability of the Main Agreement versus the Basic Conditions of Employment Act to employees of non-party employers in the Metal and Engineering Industry.

Delegates may register for the morning session only or for the full day session.

Topics covered

1) Morning Session

The National Minimum Wage Act 9 of 2018

- The national minimum wage.
- The function and powers of the National Minimum Wage Commission.
- The review and annual adjustment procedures regarding the national minimum wage.
- Possibility for exemption from paying the national minimum wage.



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Basic Conditions of Employment Amendment Act 7 of 2018

- The inclusion of the National Minimum Wage in response to the National Minimum Wage Act 9 of 2018.
- The new provisions relating to daily wage payments applicable to employees who earn less than the earnings threshold.
- The annual adjustments to be applied to sectoral determinations which prescribe a higher wage than the National Minimum Wage.
- The enforcement mechanisms provided for to ensure compliance with the provisions of the National Minimum Wage Act, the Unemployment Insurance Act 63 of 2001 and the Unemployment Insurance Contributions Act 4 of 2002.

The Labour Relations Amendment Act 8 of 2018

- The time period the Minister has to extend a collective agreement to non-parties.
- The criteria to be considered by the Minister before he/she is compelled to extend a collective agreement.
- The renewal and extension of funding agreements.
- Picketing.
- The determined minimum service in specific essential services.
- The advisory arbitration panel established to consider long and violent strike action.

Labour Laws Amendment Act 10 of 2018

- Access to leave for all parents, including fathers, same-sex couples, adoptive and surrogate parents.
- Amendments to the Basic Conditions of Employment Act 75 of 1997 to make provision for parental, adoption and commissioning parent leave.



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- Amendments to the Unemployment Insurance Act 63 of 2001 to allow claims for parental and commissioning parental benefits from the Unemployment Insurance Fund.

2) Afternoon Session

The Basic Conditions of Employment Act (BCEA)

- The purpose of the BCEA.
- Who does the BCEA apply to?
- Overview of the provisions of the BCEA.

The Settlement Agreement for the Metal Industry

- The role of Collective Agreements.
- The lead up to the Main Agreement.
- Who does the Settlement Agreement apply to?
- Overview of the provisions of the BCEA and the Settlement Agreement which overlap.
- Overview of the provisions of the BCEA and the Settlement Agreement which differ.
- How may the Settlement Agreement apply to non-party employer Associations?
- Possible future developments.



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Presenter

The course will be facilitated by Gordon Angus, Executive Director of the SA Engineers and Founders Association. Gordon has 16 years' experience in industrial relations and has trained and guided many organisations on the effective implementation and compliance with Labour Legislation.

Date and Venue

Wednesday, 06 February 2019, Birchwood Hotel & OR Tambo Conference Centre, Viewpoint Street, Boksburg.

Times

08h00	Registration, tea and coffee
08h30	Start
10h30	Tea break
12h30	Lunch
15h00	Afternoon tea break
16h30	Finish

Fee per delegate (Ex VAT)

	Morning Session:	Full Day Session:
Members:	R1 900	R2 900
Non-members:	R2 600	R3 600

For more information or to book, please contact Gordon at gordon@saefa.co.za or Charlene at charlene@saefa.co.za

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Wednesday, 06 February 2019

To make a booking, please complete the table below and email to charlene@saefa.co.za or gordon@saefa.co.za

Name:	Company:	Contact Number	Email Address:
Company Addresses (Postal and physical):			
1.			
2.			
VAT Number:			
Special dietary requirements			
Names of Delegates:			
1.		2.	
3.		4.	
5.		6.	
Are you a SAEFA Member?	Yes	No	