

# EMPLOYMENT ALERT

**BREAKING NEWS**

*CDH will publish a detailed alert regarding the judgment this afternoon.*

## DEATH OF THE TES?

*The Constitutional Court today handed down its eagerly anticipated judgment in Assign Services matter.*

The focus of the case was whether the deeming provision in s198A(3)(b) of the LRA resulted in a "sole employment" relationship between a placed worker and a client of a TES or a "dual employment" relationship between the placed worker, client and a TES.

The Constitutional Court, held that section 198A must be contextualised within the right to fair labour practices in s23 of the Constitution and the purposes of the LRA as a whole. It found that for the first three months the TES is the employer and then thereafter the client becomes the sole employer.

The impact of this decision is far reaching.

*Hugo Pienaar, Jose Jorge and Steven Adams*

Michael Yeates was named the exclusive South African winner of the ILO Client Choice Awards 2015 – 2016 in the category Employment and Benefits as well as in 2018 in the Immigration category.



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### BBBEE STATUS: LEVEL TWO CONTRIBUTOR

Cliffe Dekker Hofmeyr is very pleased to have achieved a Level 2 BBBEE verification under the new BBBEE Codes of Good Practice. Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

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