

3 NOVEMBER 2017

# EMPLOYMENT ALERT

## LET OUR STRIKE GUIDELINES BE THE STARTING POINT FOR YOUR STRIKE STRATEGY

At Cliffe Dekker Hofmeyr we pride ourselves in providing our clients with practical solution driven information in line with the current challenges faced by our clients.

Due to the increase in strikes and strike violence in South Africa, our employment practice developed useful strike guidelines for our clients' benefit. These guidelines will provide clients with practical information about strikes, lock-outs and picketing and answer some of the more complex questions around these topics. The guidelines are definitely the starting point when considering a strike strategy and when preparing for industrial action. Our strike guidelines can be accessed on our website.

## IN THIS ISSUE

### A STEP CLOSER TO MINIMUM WAGE IN MAY 2018

Cabinet has approved the National Minimum Wage Bill, Basic Conditions of Employment Amendment Bill and Labour Relations Amendment Bill.

# A STEP CLOSER TO MINIMUM WAGE IN MAY 2018

*The NMW Bill provides for an introduction of a minimum wage to come into effect on 1 May 2018. The minimum wage will be R20 per hour but not for all workers.*

*“Amendments to the Labour Relations Act aim to strengthen collective bargaining and to introduce an advisory arbitration measure to resolve strikes that are intractable, violent or may cause a local or national crisis.”*



## **Cabinet has approved the National Minimum Wage Bill (NMW Bill), Basic Conditions of Employment Amendment Bill and Labour Relations Amendment Bill.**

The NMW Bill provides for an introduction of a minimum wage to come into effect on 1 May 2018. The minimum wage will be R20 per hour but not for all workers. Initially, for farm workers the minimum wage will be R18 per hour, for domestic workers it will be R15 per hour and for workers on an expanded public works programme it will be R11 per hour.

In a media statement issued by the Department of Labour it was stated that:

“The Basic Conditions of Employment Bill, 2017 seeks to introduce amendments to the Basic Conditions of Employment Act, 1997 in line with the enactment of the National Minimum Wage Act, 2017. The primary amendments to be introduced relate to the repeal of sections of the [Basic Conditions of Employment Act] that relate to the making of sectoral determinations and the powers and functions of the Employment Conditions Commission.

Amendments are also made that affect monitoring and enforcement by the labour inspectorate to apply to compliance with the national minimum wage and unemployment insurance and the jurisdiction

of the CCMA is extended to include enforcement procedures and claims for underpayment in terms of the [Basic Conditions of Employment Act], the national minimum wage, unemployment insurance legislation, and claims arising from contracts or collective agreements.

Amendments to the Labour Relations Act [LRA] aim to strengthen collective bargaining and to introduce an advisory arbitration measure to resolve strikes that are intractable, violent or may cause a local or national crisis. The LRA amendments will be accompanied by a Code of Good Practice on Collective Bargaining, Industrial Action and Picketing. The Code is intended to provide practical guidance on collective bargaining, the resolution of disputes of mutual interest and the resort to industrial action.”

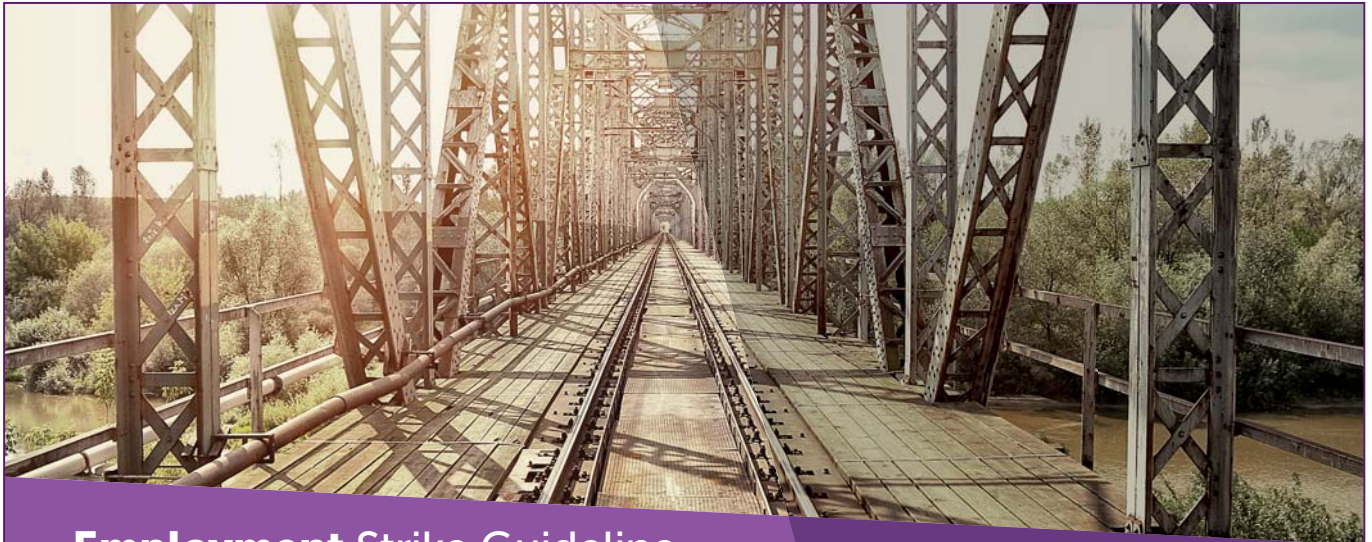
According to the media statement, the bills “may now be submitted to the National Assembly and the National Council of Provinces for concurrence and enactment”.

***Aadil Patel and Samantha Coetzer***



**CLICK HERE  
FOR THE LATEST SOCIAL  
MEDIA AND THE WORKPLACE  
GUIDELINE**





## Employment Strike Guideline

**Find out what steps an employer can take when striking employees ignore court orders.**

 [Click here to find out more](#)

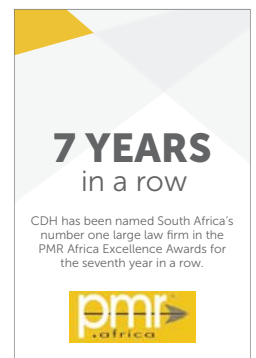
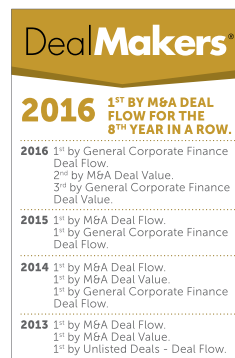
CHAMBERS GLOBAL 2014 - 2017 ranks our Employment practice in Band 2: Employment.

Aadil Patel ranked by CHAMBERS GLOBAL 2015 - 2017 in Band 2: Employment.

Hugo Pienaar ranked by CHAMBERS GLOBAL 2014 - 2017 in Band 2: Employment.

Fiona Leppan ranked by CHAMBERS GLOBAL 2017 in Band 3: Employment.

Gillian Lumb ranked by CHAMBERS GLOBAL 2017 in Band 4: Employment.



Michael Yeates named winner in the **2015 and 2016 ILO Client Choice International Awards** in the category 'Employment and Benefits, South Africa'.



## OUR TEAM

For more information about our Employment practice and services, please contact:



**Aadil Patel**  
National Practice Head  
Director  
T +27 (0)11 562 1107  
E aadil.patel@cdhlegal.com



**Gillian Lumb**  
Regional Practice Head  
Director  
T +27 (0)21 481 6315  
E gillian.lumb@cdhlegal.com



**Kirsten Caddy**  
Director  
T +27 (0)11 562 1412  
E kirsten.caddy@cdhlegal.com



**Jose Jorge**  
Director  
T +27 (0)21 481 6319  
E jose.jorge@cdhlegal.com



**Fiona Leppan**  
Director  
T +27 (0)11 562 1152  
E fiona.leppan@cdhlegal.com



**Hugo Pienaar**  
Director  
T +27 (0)11 562 1350  
E hugo.pienaar@cdhlegal.com



**Nicholas Preston**  
Director  
T +27 (0)11 562 1788  
E nicholas.preston@cdhlegal.com



**Thabang Rapuleng**  
Director  
T +27 (0)11 562 1759  
E thabang.rapuleng@cdhlegal.com



**Samiksha Singh**  
Director  
T +27 (0)21 481 6314  
E samiksha.singh@cdhlegal.com



**Gavin Stansfield**  
Director  
T +27 (0)21 481 6313  
E gavin.stansfield@cdhlegal.com



**Michael Yeates**  
Director  
T +27 (0)11 562 1184  
E michael.yeates@cdhlegal.com



**Ndumiso Zwane**  
Director  
T +27 (0)11 562 1231  
E ndumiso.zwane@cdhlegal.com



**Anli Bezuidenhout**  
Senior Associate  
T +27 (0)21 481 6351  
E anli.bezuidenhout@cdhlegal.com



**Steven Adams**  
Associate  
T +27 (0) 21 481 6341  
E steven.adams@cdhlegal.com



**Samantha Bonato**  
Associate  
T +27 (0)11 562 1134  
E samantha.bonato@cdhlegal.com



**Sean Jamieson**  
Associate  
T +27 (0)11 562 1296  
E sean.jamieson@cdhlegal.com



**Devon Jenkins**  
Associate  
T +27 (0)11 562 1326  
E devon.jenkins@cdhlegal.com



**Zola Mcaciso**  
Associate  
T +27 (0)21 481 6316  
E zola.mcaciso@cdhlegal.com



**Anelisa Mkeme**  
Associate  
T +27 (0)11 562 1039  
E anelisa.mkeme@cdhlegal.com



**Prinoleen Naidoo**  
Associate  
T +27 (0)11 562 1829  
E prinoleen.naidoo@cdhlegal.com



**Bheki Nhlapho**  
Associate  
T +27 (0)11 562 1568  
E bheki.nhlapho@cdhlegal.com

### BBBEE STATUS: LEVEL THREE CONTRIBUTOR

Cliffe Dekker Hofmeyr is very pleased to have achieved a Level 3 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.

This information is published for general information purposes and is not intended to constitute legal advice. Specialist legal advice should always be sought in relation to any particular situation. Cliffe Dekker Hofmeyr will accept no responsibility for any actions taken or not taken on the basis of this publication.

### JOHANNESBURG

1 Protea Place, Sandton, Johannesburg, 2196. Private Bag X40, Benmore, 2010, South Africa. Dx 154 Randburg and Dx 42 Johannesburg.  
T +27 (0)11 562 1000 F +27 (0)11 562 1111 E jhb@cdhlegal.com

### CAPE TOWN

11 Buitengracht Street, Cape Town, 8001. PO Box 695, Cape Town, 8000, South Africa. Dx 5 Cape Town.  
T +27 (0)21 481 6300 F +27 (0)21 481 6388 E ctn@cdhlegal.com

©2017 1969/NOV

