

ISSUE

APRIL 2025



LABOUR LAWS: THE SHAKE-UP DECODED

GOLDEN PARACHUTES CLIPPED

High earners (R1.8m+ p.a.) lose reinstatement rights unless it's an auto-unfair boot (like whistleblowing).

👉 All other dismissals? Just capped compensation. No going back.

SAY YOUR PIECE – NO DRAMA NEEDED

Dismissal = fair if you had a real, reasonable chance to respond.

🗑️ Goodbye to courtroom-style pre-dismissal hearings. Hello to simpler, fairer chats.

3-MONTH NO-FAULT ZONE

Newbies can be let go (fairly) within the first 3 months — or longer if reasonable probation applies.

🛡️ Still protected from the ugly stuff (like discrimination or union-busting).

RETRENCHMENT REWIRED

CCMA takes over rule-setting. Minister steps aside.

🕒 No more urgent court stops mid-retrenchment — fairness can be challenged after the pink slips land.

🎯 Facilitated processes can now jump straight to Labour Court. No detours.


ULP TRIMMED — CLEAN CUT

No more promotion gripes (except for certain public employers — one-year grace).

ULPs now =

- ✓ Unfair suspension
- ✓ Unfair discipline (short of firing)
- ✓ Protected disclosures (hello, whistleblowers)

SEVERANCE PAY UPGRADED

 From 1 week  2 weeks per completed year — but only for future service post-amendment.


 Aimed at cushioning long-serving staff facing operational cuts.


GIG WORKERS JOIN THE TABLE

Schedule 11 brings in a wider “employee” net:

- ✓ Platform workers
- ✓ Freelancers (in non-client/customer setups)

They gain:


 Freedom of association


 Bargaining rights

 Sectoral conditions (via BCEA tweaks)

ALWAYS ON? LET'S TALK TERMS

For ‘on-call’/casual crew — employers must spell out:

 17 How much notice before you work

 How long before they cancel

 All must be written + reasonable

START-UP FREE ZONE

Small newbies (<2 yrs, <50 staff) can skip some big-league bargaining council terms.

⚠️ But no faking it — spin-offs and takeovers don't count.

WHERE TO FROM HERE?

The 4 Bills (LRA, BCEA, NMWA, EEA) now head to Parliament.

🤖 They've been sent to the Minister + State Law Advisor

🗣️ Public comments coming soon

👉 Social partners not fully aligned — debates ahead!

📌 TL;DR — It's Getting Real:

✅ Easier hiring, less risky firing (esp. for new/junior staff)

✅ Retrenchments get clearer timelines

✅ Gig workers step into the legal spotlight

✅ Start-ups get some leeway

✅ Big earners = fewer lifelines

Stay sharp. Labour laws are moving. Be ready.



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