



NEWSFLASH FROM THE CEO

Labour Portfolio Committee deliberations

Alternatives to the proposed section 188B

The provisions relating to senior managerial staff were discussed. Reinstatement in general was limited on certain grounds and additional grounds were inserted in order to accommodate senior managerial employees.

Senior managerial employees would not be reinstated if they earned more than six times the threshold set by the Minister or if they were senior managerial employees.

The committee dealt with the date of dismissal of employees who were working during their notice period. The legal team suggested that the date of dismissal should be the date on which an employee was paid their wages even if this date was after the expiration of the notice period. The Department disagreed with this and explained that the intention of the legislature was to speed up the dispute resolution procedure.

If an employee was paid their wages before the notice expired then the date on which they were paid would serve as the dismissal date and the employee did not have to wait for the notice to expire before challenging the dismissal.

The committee also dealt with temporary employment. They stated that both the temporary employment provider employer and the client will be jointly and severally liable.

Joint and several liability is a legal concept that allowed more than one person to be held liable for damage.

