

More proposed amendments to our labour laws, one slower than the other!

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Employment Newsletter

We have now become accustomed to our statutory employment laws changing every couple of years. By the end of 2017, you will know that these were two Amendment Bills and the introduction of the National Minimum Wage Bill.

The Amendment Bills being the:

- Basic Conditions of Employment Amendment Bill, 2017
- Labour Relations Amendment Bill, 2007

In this short note, I only look at the National Minimum Wage Bill, 2017.

The Department of Labour has had to backtrack on the National Minimum Wage Bill, we know, as the implementation date was pushed out beyond 1 May. At this point, the draft Bill has been sent back to the Portfolio Committee for further processing. When the Bill will come into effect is anyone's guess in light of the resistance from SAFTU at the very least.

In any event, what is clear is that an online system will be the only way to apply for exemption as the Regulations, we are informed, are not intended to make provision for manual submissions.

Exemptions can only be granted if every representative trade union has been meaningfully consulted and all the required information by the system has been provided.

The application will be influenced by the affordability analysis based on the assessment of the elements of the company's profitability, liquidity and solvency

positions. Also, the granting of exemptions will be conditional on fulfilling a set of requirements imposed by the Department. Of course, in the case of a withdrawal of an exemption, the Department will be obliged under existing law to grant the employer an opportunity to be heard.

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