

Newsflash

Publication Of New Bills Which Impact Employment

By Alex Davies

INTRODUCTION:

On 17 November 2017 the Minister of Labour published three Bills in the Government Gazette^[1] each of which will have an impact on employment in South Africa. The following Bills were published:

1. The National Minimum Wage Bill;
2. The Labour Relations Amendment Bill; and
3. The Basic Conditions of Employment Amendment Bill.

The Bills are all accessible on the Department of Labour's website or through the following direct link: <http://www.labour.gov.za/DOL/legislation/bills/proposed-amendment-bills>. Comments on the Bills may be submitted until 10 January 2018.

The Bills each include a variety of important additions and alterations to the present legislation.

A summary of the most important aspects of the Bills is set out hereunder, however please note that it is a brief summary of certain aspects as contained in the Bills.

THE NATIONAL MINIMUM WAGE BILL:

- Introduces the imposition of a national legislated minimum wage payable to employees in South Africa;
- Provides for the establishment of the National Minimum Wage Commission;
- Provides for the drafting of regulations, including regulations relating to applications for exemption;
- Sets a national minimum wage as well as a minimum wage applicable to farm workers, domestic workers, workers employed on an expanded public works programme and learnerships.

THE LABOUR RELATIONS AMENDMENT BILL:

- Imposes stricter regulation of picketing, strikes and lock outs;
- Provides for secret ballots to be utilised in strikes and lock outs;
- Provides for advisory arbitrations;
- Provides for the independence of the Registrar of Labour Relations;
- Provides for discretion of the Minister in the extension of collective agreements.

THE BASIC CONDITIONS OF EMPLOYMENT AMENDMENT BILL:

- Aligns the provisions of the Basic Conditions of Employment Act and the National Minimum Wage Bill;
- Provides for a minimum remuneration of four hours per day for employees earning under the prescribed threshold, irrespective of less hours worked;
- Provides for enforcement procedures in the event of non-compliance with the payment of minimum wages;
- Provides for interest payable on payable amounts in terms with the minimum wage;
- Prescribes the applicable fines for non-compliance with the minimum wage.

[1] Gazette number 41257