

APRIL 2025 NEWSLETTER

WWW.LEOLAW.CO.ZA



The 1st quarter of the year is nearly done and
dusted.

What happened in the 1st four months of this
year?



LABCO
EMPLOYERS ORGANISATION

Top News

**The Rulebook Revealed:
Understanding the BCEA**

**The 16-Step Roadmap:
Your Hearing Guide**

**Labour Lens:
Employment Equity
Compliance on the Horizon**

**(TERS): Relief for Distressed
Employers**

**Focus of the Month
Mr. Lodewyk Pienaar**

EE Reporting closed

Receive your letter of good standing for COIDA

New National Minimum Wage

R 28-79 PER HOUR

**INCREASE IN
EARNINGS
THRESHOLD**

R 261 748 - 45 PER YEAR

Tel: 010 493 4655
admin@leolaw.co.za
www.leolaw.co.za

01/08



The rulebook revealed: Understanding the BCEA

UNDERSTANDING MEAL BREAKS AND REST PERIODS: WHAT THE BCEA SAYS

The Basic Conditions of Employment Act (BCEA) ensures that employees receive adequate breaks and rest, contributing to their health, safety, and overall productivity.

Meal Intervals:

Employees must receive a meal break of at least one continuous hour after working for five hours. This break may be reduced to 30 minutes by mutual agreement. Importantly, this time is generally unpaid unless the employee is required to work or remain on duty during the break.

Rest Periods (Daily and Weekly):

Daily Rest: Employees are entitled to a minimum of 12 consecutive hours of rest between ending work on one day and starting again the next.

Weekly Rest: Every employee must have at least 36 consecutive hours of rest each week, which should include a Sunday, unless otherwise agreed.

These provisions apply to most employees, but exceptions can be made through agreements, particularly in sectors with non-standard hours. Employers should ensure these breaks are honoured to maintain legal compliance and support staff well-being.

The 16-Step Roadmap: Your Hearing Guide



STEPS 1 - 4

01. Understand the allegations



- Begin by thoroughly understanding the allegations against the employee. Clarify the specific misconduct, including the date(s), time, and circumstances of the alleged incident.
- Determine the severity of the allegation and whether it falls under any established company policies (e.g., misconduct, performance issues).



02. Investigation team

- Assemble a team, consisting of key personnel. This should include:
 - o The employee's direct supervisor /manager.
 - o A representative from HR.
 - o Relevant senior staff members.
- Ensure that team members are impartial and have the expertise to conduct a fair investigation.

Hearing
INVESTIGATION

03. Incident details

- Confirm the specific employee involved, their department and the date(s) of the incident.
- Determine if there are eyewitnesses or credible individuals who can corroborate the facts. Avoid using hearsay or biased witnesses.
- Speak directly to any potential witnesses and collect statements that detail their observations of the incident.



04. Preserve evidence

- Identify all relevant evidence that could support or refute the allegations. This may include:
 - o Documents, emails, records.
 - o CCTV footage or other video evidence.
 - o Physical evidence (e.g., equipment involved in the incident).
- Ensure all evidence is securely stored to maintain its integrity throughout the investigation.



👁️ Looking Ahead: Employment Equity Compliance on the Horizon

In the coming months, employers should prepare for increased scrutiny under the amended Employment Equity Act, expected to come into effect mid-2025. These amendments will:

- Introduce **sector-specific EE targets**.
- Grant the **Minister of Labour** authority to set targets and issue compliance certificates.
- Make **EE compliance a condition** for doing business with the state.

Now is the time to:

- **Audit your workforce demographics,**
- **Update your EE plan, and**
- **Ensure you've submitted your EE reports on time.**



Employer/Employee Relief Scheme (TERS): Relief for Distressed Employers

The Temporary Employer/Employee Relief Scheme (TERS) is a Department of Employment and Labour initiative designed to help companies in financial distress avoid retrenchments by providing temporary financial relief.



Who Can Apply?

Employers who:

- Are financially distressed,
- Are considering retrenchments, but
- Are willing to implement turnaround plans to preserve jobs.

This includes businesses affected by operational, economic, or structural challenges—not just those impacted by national emergencies (like COVID-19).



What Support Is Offered?

- The scheme offers wage subsidies for up to 12 months, paid directly to the employees.
- The subsidy can be used to cover a portion of salaries while the company implements a Productivity SA-approved turnaround strategy.
- In some cases, support can include training interventions to upskill workers during downtime.



(TERS): Relief for Distressed Employers - Continued



Key Requirements:

- A formal application to the CCMA or Department of Labour.
- A detailed turnaround or productivity improvement plan, developed with support from Productivity SA.
- Proof of financial distress (e.g. financial statements, bank statements, retrenchment notices).
- Commitment not to retrench affected employees during the relief period.



Why It Matters:

TERS helps businesses retain critical skills, recover operational stability, and avoid job losses—a win-win for both employers and employees



LODEWYK PIENAAR

06/01/1973 – 21/03/2025

We wish to take a moment to express our deepest gratitude for your support and understanding during this time of transition following the passing of our Director and General Secretary, Lodewyk Pienaar, on 21 March 2025.

Lodewyk had a clear vision for the future of his businesses, and in January 2024, he began implementing a structured transition plan to ensure that HR Bot, Legallab, and Labco could operate with individual autonomy. His approach was rooted in The Infinite Game philosophy, emphasizing:

1. Advancing a Just Cause
2. Building Trusting Teams
3. Studying Worthy Rivals
4. Preparing for Existential Flexibility

By the time of his diagnosis, the groundwork for this transition was firmly in place, allowing him to focus on his health while ensuring the businesses continued to thrive.

During this period, his wife, Mia Pienaar, who has long been involved in the businesses and has served as a Director and Chairperson, stepped in to manage operations alongside him. As a familiar and trusted leader within the companies, Mia Pienaar will now formally assume the roles of Managing Director of HR Bot, Legallab, and General Secretary of Labco.

We assure you that the day-to-day operations will continue as usual under the leadership of our dedicated teams. Our Administration, Finance, and Chairperson/Organisers teams remain unchanged, ensuring the same high standard of service you have come to expect. Additionally, we will continue to work with two esteemed Advocates and the legal team of our trusted and preferred Attorney partners, as was the case before Lodewyk's passing.

Thank you for your continued trust and support. We remain committed to serving you with excellence.