

# JANUARY 2025 NEWSLETTER

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**LABCO**  
EMPLOYERS ORGANISATION

## Top News

**The Rulebook Revealed:  
Understanding the BCEA**

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

**Labour Lens:  
Focus of the Month**  
What services are covered  
under your LABCO  
membership?

‘An organization’s ability to learn,  
and translate that learning into  
action rapidly, is the ultimate  
competitive advantage.’ - Jack  
Welch

‘Everyone has an invisible sign  
hanging from their neck saying,  
‘Make me feel important.’ Never  
forget this message when working  
with people.’ - Mary Kay Ash



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**01/07**



# The rulebook revealed: Understanding the BCEA

Let's kick 2025 off with the aim, as employers, to be compliant with the necessary regulations in the labour field, to be more thorough with our employees' information and policies and procedures, to conduct proper investigations into misconducts before rushing to have warnings issued or requesting hearings and finally, let's focus on the employees' wellness. A companies labour force can ultimately be its biggest asset if managed correctly within legislative parameters.

## WORKING HOURS

1. An employer may not require or permit an employee to work more than-
  - a) 45 hours in any week: and
  - b) nine hours in any day if the employee works for five days or fewer in a week; or
  - c) eight hours in any day if the employee works on more than than five days a week.
2. An agreement in writing may require or permit an employee to work up to twelve hours in a day, inclusive of meal intervals, without receiving overtime pay.  
Example: 3 days on / 2 days off = 36 hours p/week which is less than the maximum 45 hours prescribed and therefor no overtime is due.
3. Overtime: Once the 45 hours per week (195 hours per month) mark is reached, then overtime is payable to the employee at a rate of one and one-half times the employee's wage for every hour overtime worked.

*Refer to the Act for guidance on overtime rates for Sunday work and Public Holiday work as well as meal intervals and daily rest periods.*

Source:  
Basic Conditions of Employment  
Act, 75 of 1997

**02/07**



# The 16-Step Roadmap: Your Hearing Guide

The Labour Relations Act, Schedule 8, Code of Good Practice: Dismissal- requires employers to take disciplinary measures short of dismissal. This includes:

1. All employers should adopt disciplinary rules that establish the standard of conduct required of their employees. An employer's rules must create certainty and consistency in the application of discipline. This requires that the standards of conduct are clear and made available to employees in a manner that is easily understood.
2. The courts, including CCMA and Bargaining Councils, have endorsed the concept of corrective or progressive discipline. This approach regards the purpose of discipline as a means for employees to know and understand what standards are required of them. Efforts should be made to correct employees' behaviour through a system of graduated disciplinary measures such as counselling and warnings.
3. Formal procedures do not have to be invoked every time a rule is broken or a standard is not met. Informal advice and correction is the best and most effective way for an employer to deal with minor violations or work discipline. Repeated misconduct will warrant warnings, which themselves may be graded according to degrees of severity. More serious infringements or repeated misconduct may call for a final warning, or other action short of dismissal. **Dismissal should be reserved for cases of serious misconduct or repeated offences.**

LABCO together with HR Bot has developed  
**THE 16-STEP ROADMAP: YOUR HEARING GUIDE.**

Lets explore this roadmap further.



**01. Understand the allegations**



**02. Investigation team**



**03. Incident details**



**04. Preserve evidence**



**05. Define scope**



**06. Gather documentation**



**07. Review policies and procedures**



**08. Analyse the evidence**



**09. Maintain confidentiality**



**10. Draft a report**



**11. Seek legal counsel  
(if necessary)**



**12. Schedule the hearing with LABCO**



**13. Attend the hearing**



**14. Follow due process**



**15. Document everything**



**16. Communicate the outcome**

For the next four months we will break down the steps in more detail

For January we will break down 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.



## 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.

Hearing  
**INVESTIGATION**



# LABOUR LENS:

## What services are covered under your LABCO membership?

Let's remove any confusion and start with what services are **NOT** covered under your LABCO membership. These include:

1. Human Resource (HR inhouse) - not covered
  2. Payroll - not covered
  3. Health & Safety - not covered
  4. Employment Equity - not covered
  5. B-BBEE - not covered
  6. Company benefits such as medical aid or pension/provident funds
- If you require any of the above services, we will happily put you in contact with our preferred service partners in these specific fields.

LABCO has 7 focus areas that we concentrate on and we offer the facility to conduct a Labour Law Gap Analysis for our members.



For the next four months we will break down the focus areas in more detail

For January we will break down Areas 1 - 2

# 1 HR HELPDESK

Per telephone: 010 493 4655  
Per WhatsApp: 066 289 4345  
Per Email: admin@leolaw.co.za

# 2 NOTICES

- Draft & supply warnings
- Draft & supply suspension notices
- Draft & supply hearing notices
- Draft agreements
- Draft general legal correspondence

# 3 HEARINGS

# 4 CCMA/COUNCILS

# 5 STRIKES

# 6 WAGE NEGOTIATIONS

# 7 LABOUR COURT