



23rd ANNUAL HYBRID CONFERENCE

5-6 NOVEMBER 2020

FOCUS ROOMS • LINBRO PARK • JOHANNESBURG & VIA MYPLANNER VIRTUAL PLATFORM

CONFERENCE PROGRAMME

THURSDAY, 5th NOVEMBER 2020



COSMOS AND GALACTIC

09h00

Welcome & Opening Address

Ludwig Frahm-Arp, Past National President and Partner, Fasken and Judge Basheer Waglay, Judge President of the Labour and Labour Appeal Courts

09h30

Plenary - Discussion

Aadil Patel, Cliffe Dekker Hofmeyr Inc; Anastasia Vatalidis, Werksmans; Brian Patterson, ENSafrica; Lusanda Raphulu, Bowmans; Paul Fouche, Fasken; Shamima Gaibie, Cheadle Thompson Haysom; Chair – Johan Olivier, Webber Wentzel

Learnings from the First Wave of the Corona Virus.

10h30

Tea

11h00

Panel Discussion

Mr Imraan Mohammed, Cliffe Dekker Hofmeyr Inc; Mr Irshaad Savant, Baker McKenzie and Adv Victor Mndebele, Johannesburg Bar

Lawfulness - Legality vs Fairness and Where to Draw the Line?

BREAKAWAY WORKSHOPS

COSMOS

GALACTIC

JUPITER ROOM

12h05

Mr Osborne Molatudi,
Molatudi Advisory Services

Good or Bad, There has to be a Consistent Approach in Dealing with "Misfits" Employees in the Workplace

Ms Melissa Cogger, Bowmans

Catch Me if You Can, I've Blown the Whistle": The Abuse of the Protected Disclosures Act to Escape the Consequences of Employee Misconduct

Dr Malebogo Mogotsi,
DPSA

The Role of Trade Unions in Enhancing, Work Engagement, Work Commitment, Job Satisfaction and Job Performance in a Government Institution

12h35

Lunch



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13h35	Mr Zwelinzima Vavi, SAFTU <i>The Impact of the Current Economy on Workers</i>	Prof Denine Smit and Mr Grey Stopforth, University of the Free State <i>Structural Vulnerability of On-Demand Workers in a New “Work” Dispensation.</i>	Mr Dion Masher, ENSafrica <i>Collective Bargaining in the Public Sector</i>
14h10	Mr Bongani Luthuli, Bongani Khanyile Ka Luthuli Attorneys Inc <i>The Doctrine of Inconsistent Application of Discipline: Are Boundaries Stretched Beyond Breaking Point?</i>	Ms Tarryn Poppesqu, Futchter & Poppesqu Incorporated <i>NUMSA v Intervale (Pty) Ltd & Others [2014] ZACC 35: The Requirement to Cite Employers on Conciliation Referral Forms and the Practical Implications and Effect on Access to Justice in Labour Relations</i>	Mr Dumisani Ndiweni & Mr Ken Coster, Webber Wentzel <i>Pitfalls and practicalities in building labour relations in the context of community grievances</i>
14h45	Keynote Address Ms Sharon Block, Harvard University, USA <i>Learning from South African Labor Law: The Clean Slate for Worker Power Project at Harvard Law School.</i>		
15h45	Tea		
16h15	Mr Johan Botha, Aon South Africa <i>Employee Benefits: Managing Employees’ Rights and Expectations Under Sec 197 LRA</i>	Mr John Botha, Global Business Solutions <i>Labour law amendments over the past 4 years and the pending amendments in 2020 – human resource policy and employment contracts impact</i>	Ms Kirsten Eiser and Ms Nivaani Moodley, Webber Wentzel <i>The Extension of the Doctrine of Vicarious Liability</i>
16h45	Cocktail Party – Focus Rooms		



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FRIDAY, 6th NOVEMBER 2020



COSMOS AND GALACTIC

09h00

Panel Discussion

Moderator: Thuli Madonsela, former Public Protector and Law Trust Chair in Social Justice, University of Stellenbosch

Presenters: Sandra Fredman, Professor of the Laws of the British Commonwealth and the USA, University of Oxford; Darcy du Toit, Emeritus Professor and coordinator of "Labour Law 4.0" Niche Area, University of the Western Cape

Discussants: Mothunye Mothiba, CEO, Productivity South Africa; Roger Ronnie, former General Secretary, SA Municipal Workers Union; Researcher and Training Coordinator, Social Law Project, University of the Western Cape

"Thinking out of the Box: Regulating Fairwork for Platform Workers in Law and Practice"

10h00

Plenary

Ms Fiona Leppan, Cliffe Dekker Hofmeyr and Adv Ajay Makka, Johannesburg Bar

The interface between conditions of employment flowing from the contract of employment and those conditions that may be located in an employment policy : is there room for changes at the behest of the employer?

11h00

Tea

11h30

Panel Discussion

Adv Riaz Itzkin and Adv Feroze Boda SC, Johannesburg Bar

Majoritarianism, the Royal Bafokeng Judgment

12h30

Lunch – Restaurant

BREAKAWAY WORKSHOPS

COSMOS

13h30

Prof Paul Benjamin, Cheadle Thompson Haysom and University of the Western Cape

Post-pandemic labour law

GALACTIC

Adv Johria van den Bergh, Counsel

Mental Health: Incapacity dismissals: What is expected of the employer and how far must the employer go to ensure that they stay within the law and the code of good conduct.

JUPITER ROOM

Ms Natasha Moni, Moni Attorneys

WorkPlace Bullying - a Legal Opinion



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14h05	<p>Mr Chris Albertyn, CA Arbitrators, Canada Mr Ron Le Clair, Le Clair & Associates, Canada</p> <p><i>Dismissals in Canada</i></p>	<p>Mr Sandile Mabaso, S Mabaso Inc Attorneys</p> <p><i>Contempt Of Court Applications: Emanating From Arbitration Awards/Rulings of The CCMA and/or Bargaining Councils</i></p>	<p>Mr Dunstan Farrell, Farrell Inc</p> <p><i>The Law's Baby Steps Towards Equality</i></p>
14h40	<p>Mr Larry Dave and Ms Nicole Musiker, LDA Attorneys Inc</p> <p><i>The law regarding fixed term contracts and automatic termination clauses</i></p>	<p>Mr Mothusi TT Modisane, Finger Phukubje Inc and Mr Keorapetse Matlala, Fairbridges Wertheim Becker Attorneys</p> <p><i>The AARTO Amendment Act of 2019, and its possible impact on labour law and employment in South Africa : an analysis</i></p>	<p>Mr Jaco Nel, BDO</p> <p><i>Engaging Unionised Employees: Presenting a Model Designed to Increase the Employee Engagement Levels of Employees in a Unionised Environment</i></p>
15h10	Tea		
15h40	<p>Adv Kelsey Allen, KZN Society of Advocates</p> <p><i>What's The Difference? Distinguishing the various 'types' of dismissal, and identifying the appropriate forum and remedy in respect of each type</i></p>	<p>Ms Ingrid Lewin</p> <p><i>What's The Case? Seminal Cases from the Labour Court, Labour Appeal Court and the Constitutional Court September 2019 to August 2020</i></p>	<p>Mrs Janine West, Data Privacy Manager at Investec</p> <p><i>Why is data privacy important?</i></p>
16h15	<p>Mr Luway Mongie, Ms Nadine Mather and Ms Yonela Sicam, Bowmans</p> <p><i>Millennials in the Workplace: Adapting the workplace for millennials and the modernised workforce in general</i></p>	<p>Ms Michelle Jacobs, Jacobs & Associates</p> <p><i>COVID-19 Comeback: Best practices for adapting your workplace to our strange new world</i></p>	<p>Ms Gugulethu Mthlale, Solomon Holmes</p> <p><i>Reinstatement and backpay-how far does it stretch?</i></p>
16h45			