



# 27<sup>th</sup> SASLAW

## ANNUAL NATIONAL CONFERENCE

COASTLANDS HOTEL, UMHLANGA • DURBAN • 11-12 SEPTEMBER 2024

### CONFERENCE PROGRAMME

WEDNESDAY, 11<sup>th</sup> SEPTEMBER 2024

08h00

**ARRIVAL AND REGISTRATION**

09h00

**WELCOME & OPENING ADDRESS**

*Constitutional Court  
Chief Justice Raymond Zondo*

09h20

**KEYNOTE ADDRESS / PANEL DISCUSSION**

*30 years of jurisprudence, including from a labour law perspective, and going forward into the future: a commemoration 30 years of constitutional democracy and labour law in South Africa*  
Chief Justice Raymond Zondo & Judge Andre van Niekerk & Sean Snyman

10h00

**PLENARY – PANEL DISCUSSION**

*Comparison between US, Canadian and South African Labour Law, labour law case/scenario study*  
Venolan Naidoo (chair) - / Janice Johnston (Canada) / Barry Winograd (US)

10h40

**COMFORT BREAK AND NETWORKING**

11h15

**PLENARY**

*LC/LAC New Rules*  
Judge Andre van Niekerk & Judge Connie Prinsloo

11h55

**Q&A**

12h05

**UNION SPEAKER PRESENTATION**

*The role of Unions in job creation and prevention of job losses in the current economic climate.*  
Nontembeko Luzipo – SAFTU Deputy General Secretary

12h35

**Q&A**

12h45

**LUNCH BREAK AND NETWORKING**

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#### BREAKAWAY STREAMS

	BREAKAWAY 1	BREAKAWAY 2	BREAKAWAY 3
13h45	<p><i>Section 197 of the LRA: what remains of concern?</i></p> <p>Adv Craig Bosch</p>	<p><i>Justice during a harassment based workplace investigation</i></p> <p>Yousuf Boda</p>	<p><i>Remuneration, Equal Treatment and Equal Pay in Labour Dispute Resolution</i></p> <p>John Botha</p>
14h20	<p><i>The Right to Disconnect</i></p> <p>Osborne Molatudi</p>	<p><i>Radical Reforms on the Way: Long overdue Protection for Seafarers</i></p> <p>Deirdre Venter</p>	<p><i>The (under)representation of women with disabilities in the workplace</i></p> <p>Yvette Basson</p>
14h55	<p><i>Reimagining Justice: Challenging the Status Quo in South African Labour Law</i></p> <p>Juandre Kruger</p>	<p><i>Back to Basics, a discussion of the ADR processes in the LRA</i></p> <p>Bongani Mgaga</p>	<p><i>A challenge to the fairness of traditional criminal justice style disciplinary processes</i></p> <p>Sian Gaffney</p>
15h30	<b>COMFORT BREAK AND NETWORKING</b>		
16h00	<p><i>Equal work for equal pay – discrimination based on an arbitrary ground: have we thrown the baby out with the bath water in our application of discrimination on an arbitrary/ analogous ground?</i></p> <p>Tarryn Poppesqu</p>	<p><i>A Long Walk to Gender Equality in South African Employment Law -Van Wyk and Others v Minister of Employment and Labour (2023) ZAGPJHC 1213 (25 October 2023)</i></p> <p>S'celo Walter</p>	<p><i>Contempt of Court in the Labour Court: Is the criminal comeuppance constitutional?</i></p> <p>Bongani Luthuli</p>
16h35	<p><i>An Analysis of Legislative Protection of Whistleblowers – Have we failed Whistleblowers?</i></p> <p>Chantelle de Sousa &amp; Cynthia Stimpel</p>	<p><i>Employee representation in the workplace: is the LRA fit for purpose</i></p> <p>Neil Coetzer and Courtney Wingfield</p>	<p><i>Violent strikes and their effects on fundamental rights in South Africa</i></p> <p>Phakisho Jerry Mello</p>
17h10 - 20h00	<b>WELCOME COCKTAIL –</b> NAA President to give a vote of thanks.		



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THURSDAY, 12<sup>th</sup> SEPTEMBER 2024

09h00	<b>WELCOME DAY 2 ADDRESS</b> Mr. Venolan Naidoo - FASKEN		
09h10	<b>PANEL DISCUSSION</b>  <i>The intersection between Competition Law and Labour Law &amp; Constitutional Court Judgement on Coca Cola beverages Africa PTY LTD vs Competition Commission/ Food Allied commission</i> Candice Slump & Ludwig Frahm-Arp		
09h50	<b>PLENARY</b>  <i>A Small Claims Court for CCMA discussion</i> Adv Chris Orr SC		
10h25	<b>Q&amp;A</b>		
10h35	<b>COMFORT BREAK AND NETWORKING TEA</b>		
	<b>BREAKAWAY STREAMS</b>		
	<b>BREAKAWAY 1</b>	<b>BREAKAWAY 2</b>	<b>BREAKAWAY 3</b>
11h05	<i>None of your business: cannabis use and the limits of an employer's prerogative to police behaviour.</i>  Adv Riaz Itzkin	<i>Declaring a protected strike unprotected and derivative misconduct in the context of a violent strike – a African Meat Industry and Allied Trade Union (AMITU) and Others v Shave and Gibson Packaging (Pty) Ltd discussion.</i>  Bonga Sibiya	<i>Menstrual health matters, period! – A case for menstrual leave in the workplace</i>  Daphney Willem & Owethu Mbambo
11h40	<i>Mandatory Retirement: The Constitutional Court Weighs In</i>  Ruben Orton	<i>ESOPs - mergers and acquisitions in an era of worker ownership</i>  Dhevarsha Ramjettan	<i>The Role of Communication Skills for Trade Unions in Resolving Labour Disputes in the Workplace: A South African Perspective</i>  Mahlatse Innocent Maake-Malatji (Dineo Machedi and Ditshego Masete)



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12h15

*The role of labour lawyers: torch bearers for Lady Justice or purveyors of the stalingrad 'principle'?*

Ajay Makka

*Mining into the future: digging into the impact of labour law in the mining sector of South Africa*

Unathi Dlamini

*Is there a dual system of law: breach of contract vs unfairness? A critical analysis of *The Passenger Rail Agency of South Africa and Others v Onica Martha Ngoye and Others* (case no. JA78/21)*

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12h50

**LUNCH BREAK & NETWORKING**

**RETURN TO PLENARY**

13h50

**BACK FROM LUNCH MOMENT**

*An enlightened look at SASLAW and its journey: from early beginnings, to where it is today and its impact*

Richard Haslop

14h05

**PANEL DISCUSSION**

*Multi-tiered dispute resolution as the only impactful way to pursue the ideal of justice from a labour law context.*  
Saiuri Seetal & Michelle Posemann & Hlengiwe Skosana

14h40

**Q&A**

14h50

**PLENARY - THOUGHT PIECE IN CONVERSATION**

*Covid-19 has come and gone – to the Labour Court*  
Dr. Hilda Grobler

15h30

**Q&A**

15h40

**LOOKING AHEAD – KEY TAKEAWAYS AND CLOSING**

Venolan Naidoo – *FASKEN*; Sean Snyman – *Labournet*; Moses Baloyi – *MM Baloyi Attorneys*; Amandla Makhongwana – *Bowmans* – Romy Homveld – *Norton Rose Fulbright*; Jules Bloch – *Canadian delegation rep*

16h00

**NETWORKING TEA AND DEPARTURE**