



27th SASLAW

ANNUAL NATIONAL CONFERENCE

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

CONFERENCE PROGRAMME

WEDNESDAY, 11th SEPTEMBER 2024

08h00

ARRIVAL AND REGISTRATION

09h00

Welcome – Venolan Naidoo (SASLAW President/Fasken)

Opening Address – Former 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 of 30 years of constitutional democracy and labour law in South Africa

Former Chief Justice Raymond Zondo, Judge Andre van Niekerk & Sean Snyman, SASLAW Vice President/LabourNet

10h00

PLENARY – PANEL DISCUSSION

Comparison between US, Canadian and South African Labour Law, labour law case/scenario study

Venolan Naidoo SASLAW President/Fasken (Chair), Christopher Albertyn National Academy of Arbitrators (Canada), Barry Winograd (USA)

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

CONFERENCE PROGRAMME

BREAKAWAY STREAMS

	AFRICAN FIRE 1	AFRICAN FIRE 2&3	AFRICAN FIRE 4
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>Jaundre 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	COMFORT BREAK AND NETWORKING		
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 & 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	WELCOME COCKTAIL National Academy of Arbitrators (NAA) - Alan Symonette		



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THURSDAY, 12th SEPTEMBER 2024

09h00

WELCOME TO DAY 2

Venolan Naidoo - SASLAW President/Fasken

09h10

PANEL DISCUSSION

The Intersection between Competition Law & Labour Law: a discussion of the recent Constitutional Court Judgment of Coca-Cola Beverages Africa (Pty) Ltd/Competition Commission & Another

Candice Slump, Competition Commission, Ludwig Frahm-Arp, Fasken & Venolan Naidoo, SASLAW President/Fasken (Chair)

09h50

PLENARY

A Small Claims Court for the CCMA?

Advocate Chris Orr SC & Rutendo Mandimutsira

10h25

Q&A

10h35

COMFORT BREAK AND NETWORKING TEA

BREAKAWAY STREAMS

11h05

AFRICAN FIRE 1

None of your business: cannabis use and the limits of an employer's prerogative to police behaviour

Adv Riaz Itzkin

AFRICAN FIRE 2&3

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

Bonga Sibiyi

AFRICAN FIRE 4

Menstrual health matters, period! – case for menstrual leave in the workplace

Daphney Willem & Owethu Mbambo

11h40

Mandatory Retirement: The Constitutional Court Weighs In

Ruben Orton

ESOPs - mergers and acquisitions in an era of worker ownership

Dhevarsha Ramjettan

The Role of Communication Skills for Trade Unions in Resolving Labour Disputes in the Workplace: A South African Perspective

Mahlatse Innocent Maake-Malatji, Dineo Machedi and Dr. Motlatjo Ntatamala



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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 of South Africa and Others v Onica Martha Ngoye and Others (case no. JA78/21)

Sandile July

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/SASLAW President*; Sean Snyman – *Labournet/SASLAW Vice President*;
Moses Baloyi – *MM Baloyi Attorneys*; Amandla Makhongwana – *Bowmans*;
Romy Homveld – *Norton Rose Fulbright/SASLAW KZN President*; Jules Bloch – *Canadian delegation representative*

16h00

NETWORKING TEA AND DEPARTURE