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ABOUT THE PRESENTERS AND PANEL OF EXPERTS



Adv Cameron Morajane

Advocate Cameron Morajane is the Director of the CCMA and a Professor of Practice at the University of Johannesburg ('UJ'). He is an Advocate of the High Court and is registered as a practising Advocate with the Legal Practice Council ('LPC'). Adv Morajane is an accomplished and seasoned executive leader with extensive experience in corporate law, labour law, dispute resolution, dispute management and prevention, public service and organisational management. Before joining the CCMA, he was in private practice for 10 years and later joined the National Education, Health and Allied Workers Union ('NEHAWU') as the national legal co-ordinator. Adv Morajane is a Thought Leader and a sought-after speaker, both locally and internationally, in labour law matters. At the CCMA, he oversees all disputes that are strategic and of precedent setting nature. He is the recipient of the Leadership Award from the Law Society of South Africa. He holds the degrees BJuris, LLB and LLM as well as various diplomas. He is currently pursuing his doctorate of law degree (LLD) at UJ.



Dr Brian van Zyl

Brian is the co-author of various publications, including the following: *The Final Codes on Broad-Based Black Economic Empowerment: An Analysis*, Part 1 and Part 2; *The Business of Restructuring*, *Guide to the CCMA Rules*, 1st and 2nd editions. Brian has also published the best seller *Changes to Employment Laws*. In 2019, he produced *The CCMA Rules, including Rules of Various Courts*, 4th edition. Brian has been the presenter and chief architect of *The South African Labour Law Reports'* annual seminars since 1990. He is an admitted advocate and regularly appears in the civil and labour courts, as well as the CCMA and various bargaining councils.



Prinoleen Naidoo

Prinoleen obtained her degrees, including an LLM, from the University of KwaZulu-Natal and is currently a director of Cheadle Thompson & Haysom Inc. She has extensive experience in both collective and individual employment law. Prinoleen has been a presenter at numerous conferences dealing with employment law and covered topics such as discrimination in hiring practices, employment equity and misconduct during strikes. She has also published numerous articles dealing with, amongst others, the payment of non-striking employees, the labour broker issue, the carrying of traditional weapons during strike action and suspension without pay.



Adv Feroze Boda SC

Feroze qualified at Wits University with a BCom LLB (cum laude). He also obtained an LLM from such institution. He completed his articles with Hofmeyr Inc (previously Hofmeyr van der Merwe Attorneys) in 1995. Feroze was admitted as an advocate in 1996 and took silk in 2015. He also used to lecture part time at Wits University in income tax law, commercial law and the interpretation of statutes. He has been an acting judge of the labour court on various occasions. Feroze is often invited as a guest speaker at various labour law conferences and seminars.



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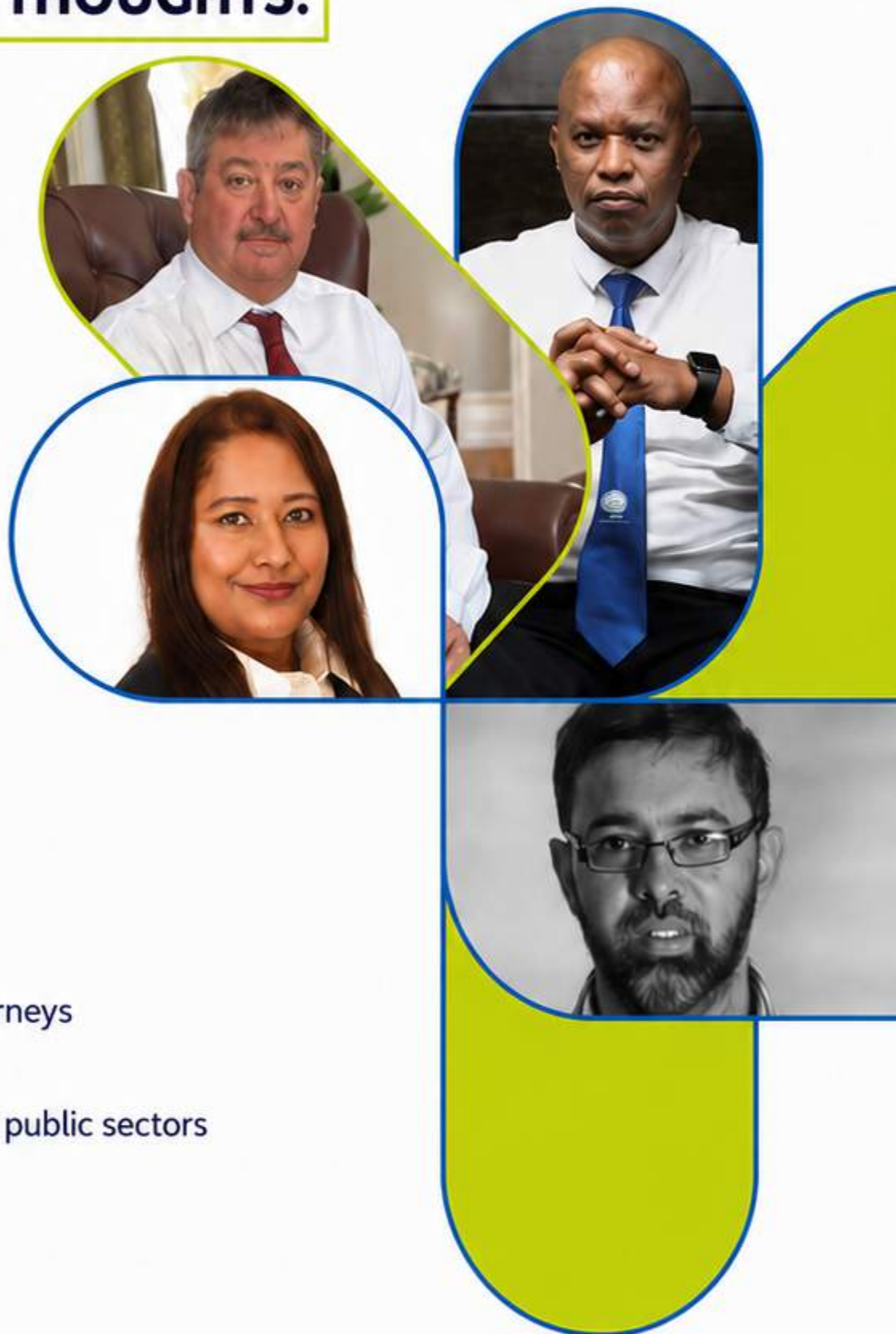
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WHO SHOULD ATTEND?

- employee relations practitioners
- human resources practitioners
- bargaining council commissioners
- conciliators and arbitrators
- advocates, attorneys and candidate attorneys
- local government officials
- practitioners operating in the private and public sectors
- trade unions
- employers' organisations
- academics
- students



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SOUTH AFRICAN LABOUR LAW REPORTS' 42ND ANNUAL SEMINAR PROGRAMME

- 07h00 – 08h00: Registration
- Tea, coffee and welcoming snacks
- 08h00 – 08h05: Opening address
- 08h05 – 08h10:
 - SALLR published judgments, awards and rulings during the past 12 months
 - SALLR seminar source material
- 08h10 – 08h30:
 - SALLR earnings guidelines: corporate, formal, informal and non-corporate sectors
 - Stats SA earnings by level of education and career stage
- 08h30 – 09h15: SALLR delegates requested topics
- The conversion from a contractually obligatory adversarial disciplinary hearing to a so-called paper hearing
 - The latest developments regarding an employee's duty to obey a lawful and reasonable instruction
 - Employees making false statements during a disciplinary investigation
 - The different types of trade union constitutions catering for membership
 - The failure to appoint an applicant for a job
- 09h15 – 10h00: First special feature topic: plant level and sectoral level collective agreements developments
- The limited jurisdiction of the CCMA and bargaining councils to only deal with interpretation and application disputes regarding such collective agreements
 - The time period within which such disputes must be referred, as well as the condonation complexities relating to same
 - Factors to be taken into account to determine whether a party to a collective agreement operated within its mandate and the consequences of the failure in this regard
 - The absence of a rational connection between a collective agreement and its stated objectives trigger a legality review
 - The role to be played by the majoritarian principle when determining whether or not an extension of a collective agreement concluded at bargaining council is legally permitted

- In an attempt to have a collective agreement set aside, the extent to which reliance may be placed on both PAJA and a legality review
- Public powers can be exercised not only by the state and public authorities but also by private actors, such as employers operating in the private sector – the implication of this approach when determining whether or not a collective agreement should be set aside on review
- The approach that the conclusion of a plant level agreement, in terms of s23(1)(d) of the LRA (binding on employees not being members of a registered trade union), is reviewable but limited to the principle of legality
- The application of the approach adopted by the labour appeal court that a plant level collective bargaining agreement, or a sectoral level collective bargaining agreement, is not a contract, but rather a piece of legislation

10h00 – 10h30: Tea, coffee and refreshments break

- Delegates posting questions on the SALLR WhatsApp group

10h30 – 11h00: Second special feature topic: statutory amendments

- The implementation of the Code of Good Practice on Dismissal, effective 4 September 2025
- LRA Amendment Bill 2025 (published on 26 February 2026)
- Labour Law Amendment Bill 2025 (also published on 26 February 2026) and dealing with the following:
 - BCEA proposed amendments (especially dealing with paternity leave)
 - EEA proposed amendments
 - UIA proposed amendments

11h00 – 11h20: Third special feature topic: powers and functions of arbitrating commissioners again under the spotlight

Users of the CCMA and bargaining councils are entitled to the right to a fair hearing guaranteed in s34 of the Constitution. Arbitrators, on the other hand, execute their duties subject to s138(1) and s138(7) of the LRA. They must deal with the substantial merits of a dispute with the minimum of legal formalities, determine the dispute fairly and quickly and issue awards with brief reasons within 14 days of the conclusion of the arbitration proceedings.

The check and balance approach in respect of arbitrators entails, *inter alia*, the following:

- a review of the arbitration award to s145 of the LRA (i.e. Ngcobo J's gross irregularity approach in the *Sidumo* minority judgment)

- a review based on the majority judgment in *Sidumo* (i.e. the grounds of review as contained in s145 of the LRA are suffused with the constitutional requirement of fairness)
- a challenge directly based on s34 of the Constitution (e.g. the *Gaylard* (CC) approach)

The gross irregularity review approach is indeed a process-related approach – this led to a body of judgments where awards were set aside on the sole ground that commissioners failed to apply their minds to the material facts or issues without the reasonableness of the outcome of the award being assessed.

Recently, in *Vodacom*, the CC held that an integral component of the s34 right to a fair hearing is the duty of proper consideration. Commissioning arbitrators could, in future, be subject to this test which entails, essentially, a resurrection of the process-related review approach but at a higher threshold.

11h20 – 11h30: Contractual rights and obligations

- Unilateral, premature termination of a fixed-term contract by an employer entitles the employee to accept such repudiation and claim damages

11h30 – 11h40: Individual misconduct

- Unauthorised, irregular or fruitless and wasteful expenditure into Local Government: Municipal Finance Management Act 56 of 2003
- Application of the aforesaid approach to the private sector
- The requirement of destruction of the relevant trust relationship and the interrelationship of this requirement with the requirement of a sensible operational response to risk management
- Polygraph test results still being regarded as not valid and reliable
- The employer's entitlement to request a pension fund to withhold an employee's benefits on the basis of the dishonest conduct of the employee having caused the employer losses

11h40 – 11h55: Collective misconduct developments

- Derivative misconduct
- Common purpose

11h55 – 12h05: Section 186(2)(a) of the LRA: benefits dispute

- The rejection of the approach that an unfair labour practice can be continuous and, therefore, condonation is not required outside the 90-day period of referral

15h45 – 15h50: Labour legislation and policy considerations – 1 August 2025 to 31 May 2026

15h50 – 16h00: • Closing remarks



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☐ Registration fee amount to be paid in three equal instalments, interest free: first instalment due before 1 July 2026, second instalment due before 3 September 2026 and third instalment due before 31 October 2026. Note: In the event of non-payment, the delegate will be personally responsible for payment of the outstanding amount and legal costs incurred.

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Kopano Nokeng Hotel

MONDAY, 06 JULY 2026

DETAILS OF DELEGATE(S)

1. Full name of delegate:
Email address:
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2. Full name of delegate:
Email address:
Cell no:

3. Full name of delegate:
Email address:
Cell no:

DETAILS OF DELEGATE(S)

4. Full name of delegate:
Email address:
Cell no:

5. Full name of delegate:
Email address:
Cell no:

6. Full name of delegate:
Email address:
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KINDLY INSERT YOUR VAT NUMBER IN RESPECT OF INVOICING:

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