

Dismissals & Labour Practices

(A schedule prepared by Graham Giles)

Common Law [Still applicable but modified by <i>inter alia</i> LRA 66 of 1995 & BCEA 75 of 1997]						
“Unfair Labour Practice” Concept developed by Industrial Court & LAC from 1979 – until 11.11.1996 [when LRA 66 of 1995 came into operation]						
LRA 66 of 1995 Unfair Dismissals LRA sections 185(a) & 186(1)				LRA 66 of 1995 Unfair Labour Practices LRA sections 185(b) & 186(2)		
Automatically Unfair Dismissals LRA s187	Other Unfair Dismissals LRA section 188			LRA s186(2) [previously sched 7]	EEA 1998 [previously sched 7]	
LRA Sections 5 & Section 187: Strike or protest action Refusal to do work of strikers Compel acceptance of demand Exercise of rights Pregnancy Unfair discrimination Transfers Protected Disclosures	Fair Reason LRA s188(1)(a)		Fair Procedure LRA s188(1)(b)		Unfair Conduct relating to specific issues	Unfair Discrimination & Affirmative Action
	Individual Employee Loss of “good faith” [trust & confidence]	Operational requirements Unrelated to employee	Individual Employee no formal “hearing” required	Operational requirements [LRA s189 & 189A]	Promotion Demotion Probation Training Provision of benefits Suspension/discipline Reinstate/re-employ – if agreement Occupational detriment	See in particular: <u>Chapt II</u> Prohibition of Unfair Discrimination <u>Chapt III</u> Affirmative Action
	<u>Related to:</u> Conduct [trust] Capacity [confidence]	<u>Based on:</u> ETSOS [s213 definition]	Code: Schedule 8	LRA sections 189 & 189A		