



SOUTH AFRICAN SOCIETY FOR
LABOUR LAW

SASLAW

KWAZULU NATAL CHAPTER

ANNUAL GENERAL MEETING

VIA ZOOM

14 JUNE 2022



**AGENDA OF THE TWENTY FIFTH ANNUAL GENERAL MEETING OF
THE KWAZULU NATAL CHAPTER OF THE SOUTH AFRICAN SOCIETY FOR LABOUR LAW
TO BE HELD VIA ZOOM MEETING
ON TUESDAY 14th JUNE AT 16h00.**

- Confirmation of the Minutes of the General Meeting held on 3 June 2021
- Annual Report of the Society's Affairs and the Income Statement of the Chapter – March 2021 to February 2022
- Election of the Chapter President and Vice President
- Election of Committee members
- General and thanks
- Seminar Presentation – Presented by Prof Tamara Cohen.

MINUTES OF THE TWENTY FOURTH ANNUAL GENERAL MEETING OF THE KZN CHAPTER OF THE SOUTH AFRICAN SOCIETY FOR LABOUR LAW, HELD ON THURSDAY 3rd JUNE AT 16H00 vis MS Teams

There were 30 People In attendance virtually via the teams platform.

1. CONFIRMATION OF MINUTES OF THE TWENTY THIRD AGM

The Minutes of the twenty third Annual General Meeting were confirmed in order by the attendees.

2. ANNUAL REPORT OF THE CHAPTER’S AFFAIRS AND INCOME AND EXPENSES STATEMENT – MARCH 2020 – FEBRUARY 2021

This AGM comes almost 18 months after the commencement of an unprecedented pandemic, impacting not only our country but the world as a whole.

SASLAW, along with the rest of South Africa, has experienced the challenges and difficulties wrought by the COVID-19 pandemic.

However, in the words of the famed Albert Einstein *“in the middle of every difficulty lies opportunity”*, and SASLAW has used the preceding year to find opportunity and growth in the difficulties faced and has (with the support of its stakeholders and members) continued to meet the changing needs of its members and those assisted by the pro-bono office at the Labour Court by implementing worthwhile initiatives, evolving its offerings and processes, and utilising the advantages of technology.

SEMINARS – MAY 2020– APRIL 2021

The format of hosting seminars changed greatly over the past year to ensure compliance with the imperatives of social distancing and limitation of physical contact during the pandemic. However, by responding promptly to the changed environment and moving to the provision of online webinars SASLAW continued to deliver relevant & informative presentations throughout the year. With this change we believe a number of further benefits to our members have arisen. We now host National Webinars, with a wider audience and speakers from all provinces. As can be seen from the number of webinars hosted below (accessible nationally and not limited to province), we are able to continuously bring our members a wider choice of subject matter and access to a greater number of webinars.

26-May	MS Teams Live Event	Adv Riaz Itzkin	COVID-19 - Case law update	60
2-Jun	MS Teams Live Event	KZN AGM & Webinar (Richard Haslop)	Pickets, Polls & Peace Clauses	35

4-Jun	MS Teams Live Event	Mendel Sass	"It can affect your taste and smell, but can COVID-19 also affect your hearing? Avril Elizabeth Home v CCMA revisited."	32
1-Jul	MS Teams	Marius Kotze	CCMA plans during COVID-19 and lockdown	73
14-Jul	MS Teams	Laurie Warwick and Roye Else	The Implications & Details around Virtual Hearings – Technical & Ethical	75
21-Jul	MS Teams	Puke Maserumule	COVID – 19 regulations relating to what would be considered a safe workplace.	70
13-Aug	MS Teams	Juan-Jacques Jordaan	POPIA in practice	116
19-Sep	MS Teams	Suzanna Harvey	National AGM – Seminar on Recent Judgements	200
29-Sep	MS Teams	ESC	Essential Services Committee	45
01-Oct	MS Teams	Various	YSS Student Seminar	101
20-Oct	MS Teams	Craig Bosch	Latest judgments from the Labour and Labour Appeal Courts regarding section 197 "Going Concern" Transfers	72
26-Nov	MS Teams	Probono Fundraiser	Judge Gush & Judge Van Niekerk	120
08-Dec	MS Teams	Judge Whitcher	Breakfast Webinar	77
11-Feb	MS Teams	Prof Alan Rycroft	Case Law Update	275
4-Mar	MS Teams	Adv Riaz Itzkin	"The Intersection between Labour Law and Business Rescue: The SAA Saga"	135
25-Mar	MS Teams	Nadine Mather (Bowmans) Zamani Ngidi (Cyber Specialist – AON)	SPONSOR – CO- PRESENTATION (AON) POPIA – Breach of personal data and importance of Cyber-Security	118
15-Apr	MS Teams	Judge Benita Whitcher, Andrew Prior & Mark Futcher	CONTEMPT OF COURT IN THE LABOUR COURT – A Practical Consideration	75
7-May	MS Teams	Judge Kate Savage (Judge of the High Court)	National Women's Breakfast Webinar	136

		Shabhana Thaver (Head of IT, Investec)		
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The Annual conference will take place as a Hybrid Event this year on 8 & 9 October, giving members (and speakers) the options of attending in person or virtually. Early bird rates now apply until the end of June. Visit the conference page on the SASLAW website for more info.

MEMBERSHIP

Relative stability in our membership was a focus over the past year, in light of COVID-19, which was achieved, and we look forward to driving new membership in the 2021/2022 year.

SASLAW KZN MEMBERSHIP REPORT	
Detail	
Total Members as at 31 May 2020	164
Total Members as at 31 May 2021	141

PRO BONO PROJECT - LABOUR COURT

The following table shows the statistics from the advice office at the KZN Labour Court. Thank you to the participating attorneys for your time and support of this project.

Year	Total Clients	Referred to Legal Aid	No prospects	Taken up Attorneys	Hours spent in the Advice office
2015	587	52	77	58	279
2016	562	48	75	72	263
2017	323	14	112	78	346
2018	277	9	145	65	268
2019	264	1	104	51	265
2020	71	0	38	16	61
2021 to Current	34	0	9	7	38
TOTAL	2066	124	535	337	1482

The KZN Pro Bono advice office has been open and running 'in-person' (i.e., allowing clients to physically attend the advice office) since March 2021. Prior to this, SASLAW took steps to try to ensure that the needs of those seeking advice and assistance were still met during lockdown and prospective clients were able to contact our administrator via telephone or email, and the in-take of matters and allocation of matters to attorneys was undertaken virtually. The 'in-person functioning' has been going well and our attorneys are given the choice of attending physically or consulting on the day via teams. The number of clients being seen is now steadily increasing again.

In addition, the 2020/2021 year saw the implementation of both the 'KZN SASLAW/ Durban Labour Court Virtual Hearing Initiative' and the 'KZN SASLAW/ UKZN Street Law Initiative'.

The Virtual Hearing Initiative, made possible by the sponsorship and volunteer members, provides litigants who do not otherwise have access to virtual platforms for the hearing of their matters, access to facilities such as Wi-Fi, computers, and virtual platforms. Volunteer members offer their own facilities on their premises for this purpose. By way of sponsorship and donations, the Pro Bono advice office offers access to Wi-Fi and a laptop computer, with strict COVID-19 protocols such as screens, social distance marked seating and tables, and hand sanitiser. The generous sponsorship of our members should allow for the running of the initiative for at least the next 12 to 18 months.

The Street Law Initiative has seen UKZN Street Law students placed on a rotation at the advice office, providing in-take, translations, and related assistance. The students will also create easily understandable educational material (translated into different languages) for the benefit of those seeking advice from the office. Not only is this initiative to the benefit of the clients of the advice office, but also allows for law students to be exposed to the practicalities of litigation and labour law.

FINANCIALS

The Chapter's financial position remains stable despite the COVID pandemic having a noticeable effect on membership and payments thereof. Membership invoices were sent out in March 2021. Thank you to those members who have paid timeously. We ask that any members who have not yet settled their invoices to please do so as soon as possible.

SASLAW KZN Chapter March 2020 - February 2021 (draft and not audited)

Income	
Membership fees	R134 493,00
Total	R134 493,00
Expenses	
Consulting Fees	R120 000,00
Stationery	R599,00
Gifts	R1 389,90
Telephone	R5 130,00
Travel	R1 030,00
Total	R128 148,90

3. ELECTION OF PRESIDENT AND VICE PRESIDENT AND COMMITTEE MEMBERS – 2021/2022

The following members were nominated for the committee and were confirmed.

PRESIDENT

Tarryn Poppesqu	Futcher & Poppesqu
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VICE PRESIDENT

Hlengiwe Skosana	Garlicke & Bousfield
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COMMITTEE MEMBERS

Cameron Wilson	Shepstone & Wylie
Mike Willmore	Farrell Inc
Mandisa Duma	Norton Rose Fulbright
Hlengiwe Skosana	Garlicke & Bousfield
Kara Barnard	ENSAfrica
Kershia Govender	Labournet
Hilda Grobler	Aequitate

CONCLUSION

Thank you to our members who continue to support SASLAW, we look forward to another successful year ahead and look forward to 'seeing' you at upcoming events. We will continue to strive to meet the needs of our members and our various stakeholders, and to meet any challenges that the new year may bring.

I would also like to thank the Committee for their work over the past year. We welcome the new committee for the 2021/2022 year and thank those that are leaving for their support over the past year.

TARRYN POPPESQOU

KZN Chapter President
2020/2021

The AGM was concluded at 16h15.



KZN CHAPTER OF SASLAW – AGM REPORT – JUNE 2022

INTRODUCTION

The past twelve months have brought uniquely challenging times to our beautiful province of KwaZulu – Natal. Our thoughts have been with all of those who have been affected by the recent flooding in the province.

Throughout these challenges, we have been reminded of the principle of *ubuntu*, “*I am because we are*”.

An explanation attributed to Nelson Mandela is that *ubuntu* is “*the profound sense that we are human only through the humanity of others; that if we are to accomplish anything in this world it will in equal measure be due to the work and achievement of others.*”

We have seen, and have been inspired by, the acts of kindness and support within our communities during these trying times.

As SASLAW we have striven to continue helping our community through, amongst other things, consistent assistance to those persons who could not otherwise afford legal advice at our Pro Bono Office based at the Durban Labour Court.

We have also focused on the provision of practical advice and guidance to our members through our series of webinars.

We will continue to strive to advance the interests of our members and all those within the labour law industry.

SEMINARS – MAY 2021 – May 2022

SASLAW continued to deliver relevant and informative presentations throughout the year, relying on the webinar-based format utilised since the inception of the COVID-19 lockdown in 2020. This webinar-based format has allowed SASLAW to offer a wider range of presentations to our members, where members have access to webinars on a national basis.



We have also focused on the provision of webinars which provide our members with practical guidance in respect of ‘real world’ issues experienced in the industry. These have included our recent webinar series on CCMA Processes and Procedures.

Further, we have taken into account feedback received from our members with respect to the times of the webinars (holding the CCMA series in the morning) and have continued to be inclusive of all categories of members, providing topics which are relevant to each category (whether advocate, attorney, in-house counsel, HR etc.)

NATIONAL WEBINAR UPDATE & STATS

DATE	TOPIC	PRESENTER	HOSTING CHAPTER	REGISTERED DELEGATES
01 June 2021	Topic: THE CONSEQUENCES THAT FLOW FROM AN UNSUCCESSFUL REVIEW CHALLENGE IN THE LABOUR COURT WHERE THE EMPLOYEE HAS BEEN REINSATED IN TERMS OF AN ARBITRATION AWARD, WITH SPECIFIC REFERENCE TO WHAT IS DUE UNDER THE AWARD, UNDER THE EMPLOYMENT CONTRACT AND FOR INTEREST, AND HOW THIS IS TO BE CLAIMED.	Sean Snyman	Gauteng AGM	123
17 June 2021	WC AGM Webinar - “Affirmative action as a defence against unfair discrimination claims: evaluating the (practical) approach in eThekweni Municipality v Nadesan [2021] 6 BLLR 598 (LC)”	Advocate Craig Bosch	Western Cape AGM	36
24 June 2021	EC AGM - THROUGH COVID-19 AND BEYOND: WHAT THE CCMA HAS LEARNT FROM THE LAST YEAR AND WHAT USERS SHOULD EXPECT IN FUTURE	Marius Cotze	EC AGM	63
06 July 12 July 20 July 27 July	National Webinar Series Workshop – 1. Preparing for Trial & Discovering a Narrative – Tuesday 6th July - 08h00 to 09h00 2. Examination in Chief - Monday 12th July – 08h00 to 09h00 3. Cross Examination - Tuesday 20th July - 08h00 to 09h00 4. Argument Prep & Delivery –	Advocate Warren Shapiro S.C.	KZN	136
13 July 2021	COVID-19 VACCINES AND THE WORKPLACE – WHAT EMPLOYERS CAN AND CANNOT DO	Dr. Hilda Grobler	KZN	123
29 July 2021	CCMA Case Law Update	Commissioner Laurie Warwick	WC	107
19 August 2021	“The recent unrest in the country and its consequences in the workplace.”	Zanele Chauke, from POWSA Inc.	Gauteng	89



07 September 2021	EXTENDING MATERNITY AND PARENTAL PROTECTIONS TO SELF-EMPLOYED WORKERS	Mr Linda Mngoma, State Law Advisor (SALRC) Ms Janine Hicks, School of Law (UKZN) Dr Meryl du Plessis, School of Law (WITS)	KZN	40
7-8 October 2021	24th National Conference		Gauteng	375
25 Nov 2021	COVID Related Misconduct in the Workplace Reviewing CCMA Arbitration Awards	Dr Hilda Grobler	KZN	82
10 February 2022	Dismissals following the implementation of a Mandatory Vaccination Policy	Dunstan Farrell Dr Hilda Grobler	KZN	193
10 March 2022	Automatic Unfair Dismissals Based On Protected Disclosures	Sean Snyman	Gauteng	127
24 March 2022	Case Law Update	Prof Alan Rycroft	Western Cape	183
21 April 2022	STRIKING CHANGES	Craig Kirschmann	EC	88
04 May 2022	CCMA Series - A Practical Guide to Practice and Procedures	Barry Gordon Davis Tanusha Moodley Dr Hilda Grobler Kurshivan Ruma Moonsamy	KZN	88
01 June 2022	GAUTENG CHAPTER AGM "Revisiting the principles relating to proper consultation in mass retrenchment"	Sean Snyman & Puke Maserumule	Gauteng	77
09 June 2022	WESTERN CAPE CHAPTER AGM ""Aspects of Labour Court practice"	Andre Van Heerden Judge Lagrange	WC	49
14 June 2022	KZN CHAPTER AGM Recent decisions on practice and procedure in the Labour Court	Prof Tamara Cohen	KZN	TBC
TBC	EC CHAPTER AGM	TBC	EC	TBC
TOTAL DELEGATES				1979



The Annual conference will take place as a Hybrid Event again this year on 6 & 7 October 2022, giving members (and speakers) the option of attending in person or virtually. Early bird rates now apply until mid-July. We are pleased to note a number of local members who will be speaking at the conference this year. We encourage all members to attend this exciting and informative event!

MEMBERSHIP

Our membership has remained stable since 2021 with slight growth. Over the past year we have focused on identifying and building value for our members by way of new, topical and informative webinars; distribution of judgements as they are handed down; as well as the implementation of the GlueUp app. The App has increased our efficiency as SASLAW and allows members to be notified immediately of events and relevant information. The GlueUp app is a further opportunity for our members to interact, network and share information.

SASLAW KZN MEMBERSHIP REPORT	
Detail	
Total Members as at 31 May 2021	141
Total Members as at 31 May 2022	145

PRO BONO PROJECT - LABOUR COURT

The following table shows the statistics from the advice office at the KZN Labour Court. Thank you to the participating attorneys for your time and support of this project.

Year	Total Clients	Referred to Legal Aid	No prospects	Taken up Attorneys	Hours spent in the Advice office
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2016	562	48	75	72	263
2017	323	14	112	78	346
2018	277	9	145	65	268
2019	264	1	104	51	265
2020	71	0	38	16	61
2021	145	0	12	17	138
2022 to current	101	0	40	8	87
TOTAL	2330	124	603	365	1707

Our office at the Labour Court continues to run smoothly. We thank those members who give their time to this worthy cause.



Our Virtual Hearings Initiative remains available to those litigants who do not have access to virtual platforms for hearings, as well as for use by the Pro Bono Office, allowing attorneys to assist virtually and/or 'in person'. We thank those members who have generously donated to this Initiative.

We have a steady stream of clients weekly and are currently in discussion with Legal Aid in Durban regarding increased involvement and assistance. Not only will this benefit the Pro Bono office, but it will strengthen the relationship with this important stakeholder.

We have identified that a new law clinic has opened under the auspices of Varsity College and that there appears to be room for a mutually beneficial relationship to develop between our Pro Bono office and the law clinic. We look forward to building that relationship.

In terms of a partnership with the University of Toronto & Western University, SASLAW Probono NPC is hosting a number of students from Canada, allowing for exposure to the South African Labour Law systems. The Canadian students have been in KwaZulu-Natal this past week and they have been hosted by a few local volunteer firms and attended the Durban Labour Court and the Pro Bono Office.

FINANCIALS

The Chapter's financial position remains stable despite the past year's challenges in KZN. Membership invoices were sent out in March 2021. Thank you to those members who have paid timeously. We ask that any members who have not yet settled their invoices to please do so as soon as possible.

SASLAW KZN Chapter March 2021 - February 2022

(draft and not audited)

Income	
Membership fees	R154 037,00
Webinar Income	R32 000,00
Total	R186 037,00
Expenses	
Consulting Fees	R168 000,00
Printing	R0,00
Marketing	R0,00
Stationery	R500,00
Gifts	R1 389,90
Telephone	R4 794,00
Travel	R900,00
Total	R175 583,90



CONCLUSION

Thank you to our members who continue to support SASLAW, we look forward to another successful year ahead and look forward to 'seeing' you at upcoming events.

We will continue to strive to meet the needs of our members and our various stakeholders, and to meet any challenges that the new year may bring. We encourage our members to remain involved in the Pro Bono Office.

We welcome feedback from members on any issues relevant to SASLAW. It is only on receipt of feedback from our members that SASLAW can ensure that it meets the changing needs of its members.

I would also like to thank the Committee for their work over the past year. We welcome the new President, Vice- President and committee for the 2022/2023 year.

TARRYN POPPESQOU

KZN Chapter President

2021/2022