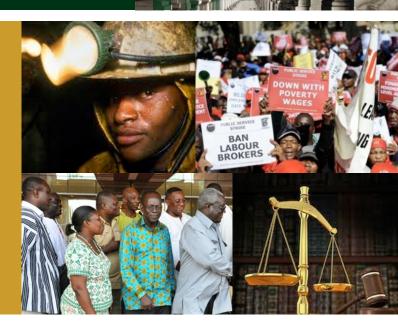
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SOUTH AFRICA HR EMPLOYMENT LAW & LABOUR RELATIONS **CONFERENCE**

Strengthening Labour Relations and Ensuring Full Compliance with HR & Employment Laws

Date: 28 May - 29 May 2013 - Main Conference 30 May 2013 - Post Conference Workshop Location: Hyatt Regency, Johannesburg



BRINGING TOGETHER TOP-TIER EMPLOYMENT LAW PRACTITIONERS WITH EXTENSIVE KNOWLEDGE ON SOUTH AFRICA HR & EMPLOYMENT LAW



Jonathan Goldberg Chief Executive Officer Global Business Solutions



Professor Hugo Pienaar Director, Employment Cliffe Dekker Hofmeyr

2013 CONFERENCE **HIGHLIGHTS**

- 3 Day Dedicated HR & Employment Law Conference
- 18+ Top Tier Employment Law Experts
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- 24+ Hours of Professional Learning & Networking Opportunities
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Johan Olivier Partner Webber Wentzel (in alliance with Linklaters)



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30 MAY 2013, THURSDAY

BOOKABLE POST

Workshop: Recognizing Labour

Legislation Affecting the Employer -

Employee Affiliation in South Africa

Led by Adv James Matshekga, Admitted

Advocate of the North Gauteng High Court

CONFERENCE

WORKSHOPS -



Michael Bagraim Practicing Managing Partner Bagraims Attorneys LLB



Graham Damant Partner Bowman Gilfillan



Anastasia Vatalidis Head of the Labour & Employment Practice area Werksmans Attorneys



Karen Ainslie Director Norton Rose South Africa

HEAR FROM SOUTH AFRICA'S REPUTABLE LAW FIRMS







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- 4. Discover the requirements in Hiring Expatriates in South Africa
- 5. Reviewing Labour Broking Controversy in South Africa
- 6. Revamping the collective bargaining to avoid labour relations failure
- Learn to draft your employment contract in compliance with Employment Act
- Find out ways to avoid wrongful dismissal and termination of employment
- 9. Hear options to deal with unprotective strikes
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Strengthening Labour Relations and Ensuring Full Compliance with HR & Employment Laws

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In recent years, the South African Government has introduced various pieces of labour legislation which employers have had to implement which include the most recent proposed amendments to the Labour Relations Act, the Basic Conditions of Employment Act, the Employment Equity Act, and the Employment Services Bill. Additionally, new legislation and labour laws are being proposed which will eventually have an impact on the overall labour conditions and business situation in South Africa. The continuing and evolving legal landscape of South Africa's Employment Law has made it difficult for HR professionals to maintain continuous update with the labour laws while ensuring full compliance on employment regulations.

On top of the changing legal landscape, a series of strikes that hit mining and farming industries in South Africa has significantly disrupted business performances and created financial losses for many companies. Strengthening labour relations and reconciliation with affirmative action requirements and company growth is one of the biggest HR challenges facing managers in South Africa.

Employment matters can often be both complex and confusing. New policies, regulations and rules in employment law can be confounding even for the most seasoned HR professionals. Failing to adhere to new regulations and proper administration can put an employer in a vulnerable position and open to the risk of unlawful practices, lawsuits and litigations; which contributes to a great deal of stress, lowered productivity and high turnover rate. Thus, an understanding of this key trading jurisdiction legal environment can help parties structure their deals in ways that allow them to take advantage of those areas in which the law can assist and to minimize risks by following the correct procedures where consultation or negotiation is required.

Clariden Global is pleased to present the inaugural **South Africa HR Employment Law & Labour Relations Conference**.

This South Africa HR Employment Law and Labour Relations Conference will be a holistic platform for HR Practitioners to get up to-date legal insights and upcoming regulations on the HR legal landscape to ensure that their organization and its policies are fair, compliant, and consistent. At the same time, HR leaders will understand the strategies and tactics required to strengthen labour relations in their organization and what to do when there is a strike. HR leaders will also learn latest strategies and tactics on collective bargaining and negotiation to know how to handle when labour situation arises

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SOUTH AFRICA HR EMPLOYMENT LAW & LABOUR RELATIONS CONFERENCE 28 - 29 May 2013 | Johannesburg, South Africa **Top-Tier Employment Law Practitioners**



Jonathan Goldberg Chief Executive Officer Global Business Solutions

Jonathan Goldberg is the CEO of Global Business Solutions, a leading Labour Law and Human Resource consultancy. He is a nationally acclaimed consultancy the is a nationally acclaimed consultant, author, and lecturer on various aspects of Labour law and BBBEE. Jonathan is the co-author of "Broad-Based Black Economic Empowerment: Final Codes and Scorecard". Jonathan is the Master of HR practitioner in the field of Employment Relations for the South A frictor Board for avorance barection for the South African Board for personnel practice. He is the member of the Transkei National Manpower Commission, Independent Mediation and Arbitration Panel of Republic of South Africa. He is also the panelist of Tokiso Dispute Resolution Panel. Jonathan speaks frequently at Resolution Failet. Johanna speaks requestly the the seminars and conferences concerning labour law and legal developments. He has lectured and advised over 3000 companies in implementing employment equity legislation and Broad Based Black Economic Legislation.



Chief Executive Officer Labour Law Management Consulting

Ivan Israelstam is the Chief Executive Officer of Labour Law Management Consulting. He is known as a leading practitioner in labour law and pragmatic labour relations management with many years experience in corporate human resources management. He has an honors degree from The University of the Witwatersrand and an IPM diploma in Personnel Management and in Training. Ivan is a regular labour law columnist for a number of newspapers and journals including Professional Management Review and "The Star" newspaper's 'Workplace". He is also the primary author of the "Labour Law for Managers Practical Handbook". Ivan was appointed in 1996 as a part time commissioner with the Commission for Conciliation, Mediation and Arbitration. He is currently the chairperson of the Labour Affairs Committee of the South African Chamber of Commerce and Industry and therefore on the cutting edge of business decision making on labour issues. Ivan Israelstam speaks frequently on television and radio and is a regular speaker at conferences and seminars on subjects including labour law, Affirmative action, discipline, dismissal, union negotiations and conflict management. In recognition of his contribution in this field Ivan has been featured in the book "Who's Who in Southern Africa"



Michael Bagraim Practicing Managing Partner Bagraims Attorneys LLB

Michael Bagraim is a graduate of Rhodes University where he earned his BA in Political University where he earned his BA in Political Science and his LLB. He was admitted as an advocate in 1982 and as an attorney in 1986. He found his passion within the field of Labour Law and has been practicing in that area exclusively since 1986. In this capacity he has become an acknowledged leader in this precarious field of the law. He has been the litigant on numerous ground-breaking legal disputes and lectures at various institutions on Workplace Management various institutions on Workplace Management and Labour Legislation.Michael opened Michael Bagraim & Associates in (date) as a niche group of attorneys offering specialist services in the field of Labour Law. As such, he has built up an impressive clientele and a reputation for being the 'go to' man on issues pertaining to Labour Law. He is the official legal advisor for the Trade Union Directory and is a former member of the Department of Trade and Industry Task Team that was responsible for assessing labour legislation and the development thereof. Michael is also the President of the Cape Chamber of Commerce. He currently advises nationwide corporations on the restructuring and management of their labour forces.



Head of the Labour & Employment Practice area Werksmans Attorneys

Anastasia is the Head of the Labour & Employment Practice Area in Werksmans Attorneys. She is the Leading Lawyer in Labour and Employee Benefits by PLC Which Lawyer and Employee Benchits by PLC Which Lawyer and also Recommended Lawyer in Labour and Employment by the Legal 500 for 3 consecutive years (2010 – 2012). She has many years of legal experience advising on a broad spectrum of Employment such as Basic Conditions of

Employment Act, Labour Relations Employment Employment Act, Labour Relations Employment Act, Employment Equity Act, Unemployment Insurance Fund, Compensation for Occupational Injuries and Diseases Act as well as Occupational Health and Safety Act. Anastasia specialized in commercial employment transactions, employment litigation, pension law, and Health and Safety Law



Professor Hugo Pienaar is the Director of Employment at Cliffe Dekker Hofmeyr. He is recommended by PLC Which Lawyer in the area of Labour and Employee Benefits. He is also recommended by the Legal 500 in the area of Dispute Resolution as well as Labour and Employment Professor Huga acted as and Employment. Professor Hugo acted as a judge in the labour court. He lectures part time in employment law subject to post-graduates at various tertiary institutions, the Da Vinci Institute, and similarly, for the Law Society of South Africa. He contributed to textbooks and corred on the acourgment teck tome of the bight served on the government task team established to compile labour legislation for the state. He is also advised on and developing a labour law framework for major institutions in the United Arab Emirates. Professor Hugo specialized in collective bargaining, employment equity, discrimination disputes, strikes related actions handling, retrenchment and redundancies, and also structuring of the companies.



Karen Ainslie is an employment and labour lawyer based in Johannesburg. She specialises in litigation and regularly appears in the Labour and Labour Appeal Courts. She has extensive experience in reviewing arbitration awards and in unfair discrimination claims. Karen has vast experience advising on all employment aspects arising from transfers, mergers and the realignment of from transfers, mergers and the realignment of South African offices with international group offices. She regularly advises on the practical and contractual aspects of Section 197 of the Labour Relations Act, 1995, which regulates the transfer of contracts of employment. Most recently, Karen advised on a number of major transfers in the telecommunications industry. She was on the team involved with Barclays acquiring Absa and represented South Africa's largest airport managing company in its successful application managing company in its successful application before the Commission for Conciliation, Mediation and Arbitration's Essential Services Committee, making her one of only a few practitioners with expertise in this particular field. Karen acts for many of the major local and international banks as well as for a number of South African and African clients in the retail, production, mining and telecommunication sectors



Paul specializes in employment and constitutional law and occupational and mine health and safety. He has special interest and experience in occupational and mine health and safety matters, employee benefits, employment related tax issues and employee share schemes. He also advises on restraint of trade agreements and unlawful competition and leads the firm's employment team in due diligence project. A substantial part of his work relates to restructuring, outsourcing and re-organization of the workplace, employment re-organization of the workplace, employment issues in mergers and acquisitions and collective bargaining. Paul formulates and develops employment contracts, personnel policies and procedures and advises on the implementation of employment equity. He specializes in the resolution of labour disputes such as unfair discrimination, dismissals, unfair labour practices, strike management, and the interpretation and application of employment statutes and labour law generally.



Deirdre is a partner in the Employment and Employee Benefits Practice. She completed her articles at Deneys Reitz. In 2000 Deirdre joined Leppan Beech Incorporated as a professional assistant. Prior to joining Webber Wentzel in March 2010, Deirdre was a partner and shareholder at Leppan Breech Incorporated. She has advised broad range of clients which include: Anglo Platinum, ASA Metals (Pty) Ltd, BHP Billiton Energy Coal SA (Pty) Ltd, Bokoni Platinim; First National Bank ; Gold Fields Mining SA (pty) Ltd; Harmony Gold Mining Ltd; Ivanhoe Nickel and Platinum; Johnson Matthey (Pty) Ltd; Platreef Resources (Pty) Ltd; Rhino Minerals (Pty) Ltd and Samancor Tubatse Ferrochrome.



Sean Snyman is an admitted and practising Sean Signal is an admitted and practising attorney specialising in labour law and labour litigation. Sean holds degrees in BCom Law, LLB and LLM Labour Law and has been qualified as such for over 20 years. He is one of the founding shareholders of and is currently an executive director of LabourNet, the largest industrial solutions and labour law correling husing director of LabourNet, the largest industrial relations and labour law consulting business in South Africa, which currently has in excess of 3000 employer clients in all sectors of the economy. Sean is the proprietor of the specialist labour law attorney firm, Snyman Attorneys, and regularly conducts precedent setting cases in the Labour Court and Labour Appeal Court, and has anneared on several radio and television and has appeared on several radio and television programmes on issues of labour law. Sean is also a regular speaker at seminars on labour law for various organisations across the country. Sean has also been contracted to consult and attend to several collective labour law issues and disputes several collective labour law issues and disputes on behalf of a number of industry organisations and corporates. Sean is also a member of SASLAW, and one of the founding participants in the ground-breaking pro bono Labour Court advice centre.



Johan Botes is a director of the Employment practice specialising in employment law and abour relations. Johan is an internationally labour accredited Change Management practitioner. He has a Masters Degree in Labour Law, and regularly appears in the CCMA, Bargaining Councils, Labour Court and High Court. He has

extensive practical experience in general industrial relations, labour negotiations, labour dispute resolution, negotiation and change management. Johan advised and represented clients that include South African Airways, Comair, South African Express Airways, Qantas, Firmenich SA, AON Re, PSG Konsult and Independent Newspapers.

> Graham Damant Partner Bowman Gilfillan

Graham Damant is a partner in Bowman Gilfillan's Employment Law Department. He practices Graham Damant is a partner in Bowman Gilhillan's Employment Law Department. He practices in all areas of employment law but specialises in employee benefits and in particular issues surrounding pension funds, medical aid and share option schemes. In the pensions field, Graham has been involved in advising a number of employers and pension funds on the surplus legislation. He is dealing with a number of disputes involving alleged improper use of the surplus by employers. He is involved in assisting pension funds to regularize their affairs in circumstances where there has been non-compliance with the Pension there has been non-compliance with the Pension Fund Act. He is involved in relation to all aspects of pension fund law including litigation and the drafting of agreements. On the employee benefits side, Graham has been involved in advising a number of employers on the proper exercise of discretions where such discretions exist in share option schemes and in other benefit funding vehicles. He is currently involved in assisting an employer in pending litigation involving changes to its post retirement medical aid obligations. He has advised on a number of conversions from Defined Benefit to Defined Contribution pension funds. On the labour side, Graham has been involved in a number of high profile dismissal disputes involving senior executives. He has assisted employers in major strike and restructuring litigation. He also provides advice in relation to corporate restructuring and its impact on employees



Rob previously headed up the Employment Law Division at Deneys Reitz Attorneys, a large national law firm. Under his tenure, this division grew to become the preeminent employment law practice in the country catering for corporate clients. Rob has represented Business South Africa in a number of areas, particularly the negotiation and drafting of the Labour Relations Act and Basic Conditions of Employment Acts through NEDLAC and Parliament. He acts for a wide serve of industry heard article and the second se wide range of industry based national employer organisations and has represented major corporate clients internationally and nationally in both Johannesburg and Cape Town, where he has been based for the past ten years



Johan Olivier Partner

Webber Wentzel (in alliance with Linklaters)

Johan is a former Director of Bowman Gilfillan and a co-founder and former Director of Brink Cohen Le Roux Incorporated. He has over Cohen Le Koux incorporated. He has over 25 years of experience in the legal industry with particular expertise in employment and employee benefits law as well as health and safety. He is a fellow of the Association of Arbitrators of South Africa and regularly appears in the Labour Court, employment tribunals and occupational health and safety forums. He also conduct bie own appearances in the Hird Court occupational nearin and sarety forums. He also conducts his own appearances in the High Court in civil litigation matters when appropriate. Johan has extensive experience in corporate restructuring providing advice and dealing with collective bargaining cases, including strikes and lock outs, discrimination law and dealing with direction means of the provider means in the second secon with disciplinary and litigation proceedings concerning all employment issues. Advising clients with issues relating to retirement fund and medical aid also forms part of his practice. Johan was the Principal Officer and a Trustee of his previous firm's Provident Fund. He also has a proven track record in advising leading corporations in respect of the employment issues flowing from mergers and acquisitions, workforce reduction programmes, transfers of undertakings and going concerns, harmonization of employee benefits as well as cross-border arrangements.Johan has been nominated for inclusion in the International Who's Who of Management, Labour and Employer Lawyers since 2007 to date.



Michael Maeso Partner, Head of Employment & Pension Law Devartment Shepstone & Wylie Attorneys

Michael concentrates on all aspects of industrial relations and employment law litigation. He spent a year practicing employment law with a prominent London-based international law firm where he was involved in the employment aspects of a number of multi-jurisdictional transactions and claims to the Employment Tribunal. At Shepstone & Wylie he concentrates on employment law issues that arise from the sale and purchase of companies, the restructuring of companies, executive dismissals, sex and race discrimination claims and restraints of trade.



Routledge Modise Inc

Lavery is one of the top labour lawyers in the country, who has represented trade unions and several large employers. As a litigation attorney, he has represented clients in all our courts up to the Supreme Court of Appeal and the Constitutional Court. He acts as arbitrator and mediator in labour related matters and has lose acted as a index of the Labour Court from and mediator in labour related matters and has also acted as a judge of the Labour Court from time to time.Lavery has advised a number of prominent companies and boards such as SARS, SABC, Multichoice, Nozala Investments, Nersa, Department of Science and Technology CIDA City Campus, University of Johannesburg, Eastern Cape Gambling Board, Gauteng Tourism Authority and the National Prosecution Authority on executive employee exits He Authority on executive employee exits He has chaired various disciplinary enquiries relating to misconduct committed by senior management at entities such as the Mpumalanga management at entities such as the Mpumalanga Provincial Legislature, Department of Labour, Department of Home Affairs, Wits University, Mbombela Municipality and the Limpopo Provincial Transport Department. At present he is the chairperson of the General Public Service Sectoral Bargaining Council. He also serves as board member of the Gauteng Gambling Board and is a member of the South African Society for Labour Law (SASLAW). Lavery has a monthly employment law column in the Soweth and has written articles for Business Law & Tax Review written articles for Business Law & Tax Review and other publications. He has been featured in Financial Mail's Little Black Book every year since 2005.







Conference Agenda

DAY 1, 28 MAY 2013, TUESDAY

- 08.15 Registration and Morning Coffee
- 09.00 Chairman's Welcome and Opening Remarks Ronnie Pather, Senior Manager - Employee Relations, National Prosecuting Authority
- 09.10 Opening Key Note Address "The Legal Landscape in Relation to the Human Resource in South Africa Beyond 2013"
- 09.40 Employee Relations: Working Effectively With Your Union and Employee Representatives Lavery Modise, Chairman, Routledge Modise Inc
- 10.40 Morning Networking Refreshment
- 11.10 Understanding the Requirements of Hiring Expatriates in South Africa

BROILING ISSUES FACING SOUTH AFRICA HR LEGAL LANDSCAPE

- 11.55 Latest Update on the Amendments of South African Labour Relations Act (LRA) and Basic Conditions of Employment Act BCEA) Anastasia Vatalidis, Head of Labour & Employment Practice Area, Werksmans Attorneys
- 12.40 Networking Lunch
- 13.40 PANEL: The Intricacy of Labour Landscape With the Looming Enactment of Amendment to the Labour Legislation

Moderator:

Michael Bagraim, Partner, Bagraims Attorneys Panelists:

Jonathan Goldberg, CEO, Global Business Solutions

Rob Perrott, Director, Perrott. Van Niekerk. Woodhouse. Matyolo Inc. Ivan Israelstam, Chief Executive Management Consulting

- 14.40 Reviewing Labour Broking Controversy in South Africa
 - Johan Botes, Director, Cliffe Dekker Hofmeyr
- 16.00 Afternoon Networking Refreshment
- 16.30 Revamping Collective Bargaining to Avoid Labour Relations Failure Sean Snyman, Director, Snyman Attorneys
- 17.50 Chairperson Closing Remarks
- 18.00 End of Day 1

DAY 2, 29 MAY 2013, WEDNESDAY

- 08.30 Morning Coffee
- 09.00 Chairperson's Welcome and Opening Remarks
- 09.10 Drafting and Negotiating Employment Contract in Compliance with Employment Act Mohammed Chavoos, Director, Norton Rose South Africa
- 10.30 Morning Networking Refreshment
- 11.00 Avoid Wrongful Dismissal and Termination of Employment
 - Karen Ainslie, Director, Norton Rose South Africa
- 12.20 Networking Lunch

SCRUTINIZING AND OVERCOMING SOUTH AFRICA STRIKES WAVE

13.20	PANEL: Dealing with Un-Protective Strikes - Case
	Study of Lonmin's Marikana Platinum Mine
	Moderator:
	Johan Olivier, Partner, Webber Wentzel (in alliance
	with Linklaters)
	Panelists:
	Graham Damant, Partner, Bowman Gilfillan
	Prof Hugo Pienaar, Director – Employment Law,
	Cliffe Dekker Hofmeyr
	St Elmo Wilken, Director, Tabacks
14.20	Notification of Intention to Strike on Behalf of
	Non-Union Members
	Deirdre Venter, Partner, Webber Wentzel (in alliance
	with Linklaters)
15.20	Afternoon Networking Refreshment
15.50	The Relevance of an Ultimatum in Mass
	Dismissals
	Michael Maeso, Partner / Head of Employment $\&$
	Pension Law Department, Shepstone & Wylie
	Attorneys
16.50	Winning Conflict Resolution and Negotiation
	Skills to Achieve Industrial Peace
	Paul Fouche, Partner, Fasken Martineau
17.50	Chairperson Closing Remarks
18.00	End of Day 2



<u>Workshop Timetable</u>: Workshops will run from 9.00am to 5.00pm with morning refreshment, luncheon, afternoon refreshment included. Registration starts at 8.30am.

WORKSHOP: RECOGNIZING LABOUR LEGISLATION AFFECTING THE EMPLOYER - EMPLOYEE AFFILIATION IN SOUTH AFRICA

Workshop Outline

Morning Session:

- Bill of Rights
- Main principles
 - Essence
- Guidelines with regards to Employment relations
- Labour Relations Act (LRA)
- Purpose
- Objectives
- Scope
- Major issue address by LRA
- Basic Conditions of Employment Act (BCEA)
 - Purpose
 - Objectives
 - Major issue address by BCEA

Afternoon Session:

- Employment Equity Act (EEA)
 - Purpose
 - Designated groups
 - Designated employers
 - Duties of designated employers
 - Definition of affirmative action
 - Preparing an employment equity plan
- Occupational Health Safety Act (OHSA)
 - Purpose
 - Employees obligation
- Unemployment Insurance Fund (UIF)
 - Insurance scheme under UIF
 - Benefits
 - Restrictions for claim
 - UIF contributor's Act

About the Workshop Leader



Adv James Matshekga Admitted Advocate, North Gauteng High Court

James is an admitted advocate of the North Gauteng High Court (formerly the Transvaal Provisional Division). James is an established scholar who has taught various legal subjects at leading universities in South Africa, including University of Cape Town, University of South Africa, Tshwane University of Technology, and University of Johannesburg.

James is currently a part-time commissioner of the Commission for Conciliation, Mediation and Arbitration (CCMA) and a panelist of various bargaining councils in both the private and public sector, including Metal and Engineering Industries Bargaining Council (MEIBC), South African Local Government Bargaining Council (SALGBC), Public Service Co-ordinating Bargaining Council (PSCBC), General Public Service Sectoral Bargaining Council (GPSSBC) and a resident part-time panelist of the Public Health and Social Development Sectoral Bargaining Council (PHSDSBC).

James has vast experience and expertise in the field and area of Alternative Dispute Resolution (ADR) and serves as a panelist of private dispute resolution bodies including Tokiso Dispute Settlement (Pty) Ltd and IR Change. James also serves as an advisory committee member of the South African Law Reform Commission (SALRC)'s Project 25, which is responsible for legislative review of all legislations administered by the Department of Labour.

James is a senior trainer and consultant on employment law issues for Lexisnexis (Pty) Ltd and regularly provides legal opinions to various institutions in both the private and public sector. James is also the founder and MD of Matshekga Labour Consultants and Training (Pty) Ltd, a private company specializing in targeted employment and human resources interventions.

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