

# Employment Contracts Update

*Sticky Issues and Changes to Terms & Conditions  
for the New World of Work*

**4–5 AUGUST 2021**

TWO-DAY ONLINE WORKSHOPS (DAILY 09H00 – 15H00)



## WORKSHOP FACILITATORS

**JAN KEMP NEL (SNR.)**

*BA, LLB (UP) and Dip LR (Unisa)*

**JAN KEMP NEL (JNR.)**

*Admitted Attorney of the High Court of South Africa, LL.M degree*



*Skill Indawo in association with KR*

  
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**JAN KEMP NEL**

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SPORTS, LABOUR & COMMERCIAL LAW

**EMPLY**  
CONSULTING

[WWW.SKILLINDAWO.COM](http://WWW.SKILLINDAWO.COM)

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### INTRODUCTION

- In the new world of work, most employers will have to adjust and adapt to fresh demands and realities, and conclude legal agreements with their employees to such effect.
- Contracts and letters of appointment will have to be reworked and amended to incorporate new terms, or to amend existing ones, inclusive of policies and procedures.
- Work from home (WFH) special conditions will require amendments to incorporate working remotely as well as to make provision for new issues that have become prominent since the onset of the pandemic.
- In addition, contentious and difficult issues and contract clauses related to various facets of employment, inclusive of salary reductions, repackaging of benefits, medical testing, vaccinations, penalty clauses, wfh and constitutional privacy, as well as electronic surveillance, will be concisely and professionally dealt with.

### WORKSHOP STRUCTURE

Session	Topics covered
<b>Elements &amp; structure of contracts of employment</b>	<ul style="list-style-type: none"><li>• Commercial basis of the contract</li><li>• Duties and obligations</li><li>• Key performance areas (KPA's)</li><li>• Permanent contracts</li><li>• Temporary contracts</li><li>• WFH contracts</li><li>• Formation &amp; conclusion of contracts</li><li>• BCEA Section 29 requirements</li><li>• Employment Policies and Standard Operating Procedures</li></ul>
<b>Applicable legislation</b>	<ul style="list-style-type: none"><li>• LRA; EAA; BCEA provisions</li><li>• POPI; RICA provisions</li><li>• OHSA; NHA provisions</li><li>• COVID-19 protocols</li></ul>
<b>Contract administration: changes to terms &amp; conditions and/or new contracts</b>	<ul style="list-style-type: none"><li>• Contract of employment revisions &amp; classification standard (non-contentious) clauses from dynamic clauses</li><li>• Assessment of existing employment policies</li><li>• Employee duty to adapt to change</li><li>• What can be changed without agreement &amp; which changes are subject to agreement</li><li>• Introduction of new contracts, amendments, or additions to existing contracts- compliance process and procedures</li><li>• Employee communication and consent documentation</li><li>• Other means of amendment – “ultimatum” changes</li></ul>
<b>Identification of current employment contract issues</b>	<ul style="list-style-type: none"><li>• Some 20 contentious (“sticky”) employment contract situations are dealt with by reference and case studies</li><li>• Correspondingly, an appropriate contract clause is proposed for each situation, sufficiently flexible for customisation</li></ul>
<b>Dispute procedures</b>	<ul style="list-style-type: none"><li>• LRA section 187(1)(c) changes: matters of mutual interest</li><li>• LRA section 64(4) unilateral changes</li><li>• BCEA section 77(3) contractual disputes</li><li>• LRA section 189/189A retrenchment proceedings</li><li>• Internal grievances</li></ul>
<b>Putting it all together</b>	<ul style="list-style-type: none"><li>• Decide on changes and list subject matters for amendment</li><li>• Draft ideal amendment clauses</li><li>• Design implementation strategy</li><li>• Employee consultations and agreements</li><li>• Implementation of amended clauses, or new contracts, policies and procedures</li></ul>

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## WHAT YOU WILL WALK AWAY WITH

- A comprehensive workbook
- Sample contracts and clauses
- Applicable policies and procedures, inclusive of a WFH policy
- 20 ideal contractual clauses for inclusion in new or amended contracts
- Real case studies
- Email responses from the facilitators after the Workshop in order to answer specific delegate questions
- Certificate of competence issued to all delegates that complete the course, inclusive of delegate assessment

## WHO SHOULD ATTEND?

- IR/ER managers and specialists
- Business owners
- Line managers
- HR management
- WFH specialists
- Trade union officials
- Labour and commercial lawyers
- Consultants
- NGO's
- Entrepreneurs

## ABOUT THE FACILITATORS

### **JAN KEMP NEL (SNR.)** BA, LLB (UP) and Dip LR (Unisa)

Jan Kemp Nel (Snr), BA, LLB (UP) and Dip LR (Unisa), has extensive experience of the dynamics and practices of employment and labour relations law and is a specialist in contract of employment law, in which he has been specialising for over the last 35 years. During this time, he was involved in a multitude of both CCMA and Labour Court cases and skirmishes, trials and settlements representing employers, employees and trade unions alike. He has also developed and introduced strategies and systems designed for optimal quality in employment relations generally. He advocates and practices a preventative structured approach, recognising that conflict is inherent but that conflicts can always be resolved. Jan is also the author of *The Dismissal: A Practical and Informative Toolkit to Ensure a Fair and Effective Dismissal*, and *Win at the CCMA: An Easy Step-by-Step Guide*, as well as a book on practical absenteeism strategies *Reduce Absenteeism*.

### **JAN KEMP NEL (JNR.)** Admitted Attorney of the High Court of South Africa, LL.M degree

Jan is a passionate and energetic new generation Attorney. He is also a labour law specialist, and an Admitted Attorney of the High Court of South Africa. He holds an LL.M degree. Having spent the last few years gaining invaluable experience in areas such as litigation, commercial transactions, labour relations, and sports law.



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## REGISTRATION INFORMATION

2021

4-5 AUGUST 2021

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R5 000.00

## HOW TO REGISTER

**SKILL INDAWO WEBSITE**  
www.skillindawo.com

**EMAIL**  
Email completed form to: magdeline@skillindawo.com

**PHONE**  
Magdeline Matlatse: +27 (11) 706 6009

## SPECIAL OFFERS

- **20% DISCOUNT** for **KR HR Think Tank Members** and **KR Communities of Practice Members**. Contact Tina van der Westhuizen for more information on our communities and membership tina@knowres.co.za | +27 (11) 706 6009
- **SPECIAL DISCOUNT** for registered **NPOs, small businesses** (30 / less employees) & **full-time lecturers** at universities – contact our conference department for more information!

## TERMS AND CONDITIONS OF REGISTRATION

Payment must be received before the event takes place. Skills Indawo reserves the right to refuse admission where evidence of payment cannot be shown.

**Confirmation of booking** • If you have not received confirmation, in writing, of your booking before the event, please contact us on +27 (11) 706 6009 to confirm that we have received your registration.

**Something has come up and you can't attend** • If you cannot make it to the event, you have several options (the below options need to be received in writing):

- You may send a substitute delegate in your place, please inform the Customer Care Department of the new name for registration purposes. No additional charges will be applicable for substitutions.
- You may transfer at no extra charge to another event, provided you do so in writing at least 10 working days before the event. Transfers within the 10 working days will be charged an administration fee of 20%
- You may cancel your registration, in writing, up to 10 working days before the event takes place. Cancellations inside of 10 days will be liable for the full fee
- Unfortunately, no refund or credit can be given to delegates who do not attend without giving prior notice
- Registrations received during the 10 working days before the event date, will not be excluded from any terms & conditions

In the event of unforeseen circumstances Skills Indawo reserves the right to change the programme content, the speakers, the venue, the date or the means of delivering the event such as live streaming and/or video recordings. Should the event be postponed, you will have the option to attend the next available date of the relevant event. The registration fee will be credited on delegate accounts, should they opt not to attend the next available date of the relevant event or in the case where an event is cancelled.

## PAYMENT • Payment must be received before the event takes place

- Payments should be made to SKILL INDAWO.
- Electronic Transfer or Direct Deposit into our bank account, validated by email copy of transaction slip: FNB Account No.: 62884042327 | Branch Code: 250655 | Email: magdeline@skillindawo.com

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## REGISTRATION FORM

Once payment has been made please email through proof of payment with the course's name in the subject line.

**PLEASE NOTE** Delegates will not be allowed access to this course if payment has not been received.

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**BOOKING MADE BY (NAME & SURNAME):**

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Company: \_\_\_\_\_

Department: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Postal address: \_\_\_\_\_ Physical address: \_\_\_\_\_

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Postal code: \_\_\_\_\_ Postal code: \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

By signing this registration form, the delegates agree to the enclosed terms and conditions

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<b>DELEGATE 1</b>	<b>DELEGATE 2</b>
Name: _____	Name: _____
Title: Mr / Mrs / Miss / Dr / Prof _____	Title: Mr / Mrs / Miss / Dr / Prof _____
Designation: _____	Designation: _____
Email: _____	Email: _____
Phone: _____	Phone: _____
Cellular: _____	Cellular: _____

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<b>DELEGATE 3</b>	<b>DELEGATE 4</b>
Name: _____	Name: _____
Title: Mr / Mrs / Miss / Dr / Prof _____	Title: Mr / Mrs / Miss / Dr / Prof _____
Designation: _____	Designation: _____
Email: _____	Email: _____
Phone: _____	Phone: _____
Cellular: _____	Cellular: _____

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<b>CREDIT CARD PAYMENT</b> mark appropriate box	VISA	MASTERCARD	AMEX	DINERS
Cardholder: _____	Expiry date: _____	CCV number: _____		
Card number: _____	Amount: _____			
Date: _____	Signature: _____			

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in association with

