



# Retrenchments

## 1 Day Workshop

### Module 1. Introduction

### Module 2. Operational requirements defined

### Module 3. Three grounds on which a termination of employment might be legitimate

### Module 4. Section 189: Dismissals for operational requirements of the Labour Relations Act

- Voluntary retrenchment
- Who must the employer consult with (section 189{1})
- The purpose of consultation
- Duration and consensus seeking process
- Written notice inviting the other party to consult and disclose all relevant information
- Alternatives to a dismissal to be raised by affected employees
- Duration of consultations

### Module 5. Substantive and procedural fairness

### Module 6. Representations by affected employees and/or their representatives

### Module 7. Selection criteria

### Module 8. Severance pay and other payments

### Module 9. Large scale retrenchments in terms of section 189A

- The appointment of a facilitator
- Time frame in which a facilitator must perform his/her duties
- If parties decide not to make use of a facilitator

### Module 10. Notice of the commencement of a strike

- When may a consulting party not give notice of a strike or refer a dispute to the Labour Court?

### Module 11. The Labour Court

- Application in terms of section 189 A (13) – Fair procedure
- Adjudication of a dispute about procedural fairness
- The employee may refer the dispute to the Labour Court for adjudication s191(5)(b)(ii)

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## Module 12. Notable judgements by the South African Labour Courts

### Who should attend?

Senior Management, HR Managers, Line Managers, Union representatives.

### Course outcome

- After completion of the workshop participants should have a clear understanding on how to deal with retrenchments;
- The workshop will enable delegates to understand the process as well as the reasons for the retrenchments;
- The workshop will guide delegates on how to deal with the difficult and unpleasant retrenchment procedure;
- Delegates should have an understanding with regards to the reasons for the dismissals, consensus-seeking process, alternatives raised by the affected employees, the written notice and possible alternative employment.