

Unilateral Changes (NMWA)

What is a Unilateral Change (NMWA)?

It is an unfair labour practice for an employer to unilaterally alter wages, hours of work or other conditions of employment in connection with the implementation of the national minimum wage and sections 191, 193, 194(4) and 195 of the Labour Relations Act apply, unless the context indicates otherwise.



Legal Framework:

- Governed by:
 - National Minimum Wage Act (Section 4(8))
 - Labour Relations Act (Sections 191, 193, 194, and 195)

Correct Process for Employers:

- 1 Notice to Consult**
 - Provide written notice to affected employees.
 - Must include the date, time, and venue for consultation and details of proposed changes.
 - Changes must be fair, real, and valid.
- 2 Consultation Process**
 - Aim to reach consensus with affected employees.
 - Document agreed changes in writing (e.g., as an annexure to the employment contract).
- 3 If No Agreement is Reached**
 - The employer may initiate retrenchment proceedings under Section 189 of the LRA.

Dispute Resolution Process:

- 1 Step 1: Referral to CCMA**
 - Must be referred within 90 days of the change or awareness thereof (Section 191).
 - Matter is set down for conciliation.
- 2 Step 2: Arbitration**
 - If unresolved, a certificate of non-resolution is issued.
 - Matter proceeds to arbitration for final determination.



Possible Remedies:

- Compensation for financial losses
- Reinstatement to a previous position, or
- Corrective actions to rectify the unfair practice

Compensation Limits:

- Must be just and equitable, up to 12 months' remuneration.
- Can be in addition to contractual entitlements, leading to potential double payment.
- The CCMA can also order the employer to comply with the NMWA and can enforce compliance orders through the Labour Court.



Key Takeaway:

Employers must consult and seek agreement before changing employment terms. Failure to do so may result in costly legal consequences and compensation awards at the CCMA or Labour Court.

Unilateral Changes Labour Guide

B. A. Hepple



Unilateral Changes Labour Guide:

Labor Guide to Labor Law Bruce S. Feldacker, Michael J. Hayes, 2014-08-12 Labor Guide to Labor Law is a comprehensive survey of labor law in the private sector written from the labor perspective for labor relations students and for unions and their members This thoroughly revised and updated fifth edition covers new statutes current issues and the latest developments in labor and employment law The text emphasizes issues of greatest importance to unions and employees Where the law permits a union to make certain tactical choices those choices are pointed out Material is included on internal union matters that tend to be ignored in management texts Bruce S Feldacker and Michael J Hayes cover applicable labor law principles from a union s initial organizing campaign to the mature bargaining relationship including such subjects as the employee right to engage in protected concerted activity the duty to bargain labor arbitration the use of strikes picketing and other economic weapons in resolving a labor dispute the duty of fair representation internal union regulation and employment discrimination This book is also a useful reference and review for full time union officers and representatives who have a working knowledge of labor law but wish to brush up on certain points as needed in their work Both authors have extensive experience in the construction field and they have been careful to include material on those aspects of labor law that are unique to that field Labor Guide to Labor Law is structured to present an unbiased and comprehensive explanation of labor law principles for anyone interested in the field Thus labor relations educators as well as practitioners in the field representing labor management or individual employees should also find the text suitable for their use Each chapter includes a summary review questions and answers a restatement of Basic Legal principles with citations to key cases and a bibliography for additional research

[The Labor Guide to Retirement Plans](#) James W. Russell, 2021-11-22 An essential resource for workers navigating their retirement and pension options from the labor organizer s perspective Researching retirement plans should not take the rest of your life even if deciphering the relevant paperwork seems to have become a full time job Deliberately elaborate legalese is obscuring the efforts of financial elites to seize control of workers collective retirement savings and The Labor Guide to Retirement Plans is here to translate Neoliberal retirement reforms have escalated elites efforts to replace guaranteed workplace retirement plans with weak 401 k like savings accounts and risky stock market investment schemes The result is arguably the largest source of labor value expropriation over the last four decades In light of all this what do workers need to know as they assess their future prospects especially in terms of the security their retirement plans may or may not bring What should union activists keep in mind as they push for the national and workplace reforms needed to produce greater retirement security This nuts and bolts book provides a much needed demystification of the retirement system Even more than that The Labor Guide to Retirement Plans enables us to take charge of our own personal futures as a first step towards taking back what belongs to us all

Labour Law Rules! Third Edition Marie Mcgregor, 2017-11-17 Labour Law Rules is a book designed primarily as an introductory text for students encountering

labour law for the first time whether their goal is a law degree or some other discipline involving a basic knowledge of the labour relations regulatory regime in South Africa In the past two years since publication of the first edition of Labour Law Rules some significant events took place which impacted on labour law resulting in a number of changes proposed to reform labour law The new edition of Labour Law Rules aims to lay a sound and up to date foundation of basic labour law rules which will enable students to be empowered to assist in shaping the future working environment and laws of the country The second edition of the bestselling text book Labour Law Rules continues to provide a highly accessible text on labour equity social security skills development and related laws fully updated to include the latest changes and amendments in labour law in South Africa It discusses these laws against the backdrop of South Africa as a member state of the ILO and the economic and socio economic context in the country

Labour Law and the Gig Economy Jo Carby-Hall, Lourdes Mella

Méndez, 2020-03-24 This international book analyses the impact of digitisation in labour markets on labour relationships and also on labour processes The rapid progress of modern disruptive technologies and AIs and their multiple applications to each phase of the labour production system are changing the production rules on a global scale with significant impacts in every aspect of work As new technologies transform work patterns and change the type of jobs available destroying some while creating others and even the nature of the tasks performed numerous legal problems arise which are challenging to legislators and legal scholars who need to find appropriate solutions to them Considering the labour law issues which have been created by technological developments and currently affect the work of millions worldwide this book highlights the full scope of these issues suggesting solutions to emerging problems and ways to mitigate the risks brought about through technological advancement Approaching the present debate with perspectives on legal problems with expertise from a wide range of different countries this book presents informed and scholarly studies which answer the challenges that new technologies present in labour markets private lives and labour processes

Labour Law in Belgium Frank

Hendrickx, 2022-06-20 Derived from the renowned multi volume International Encyclopaedia of Laws this monograph on Belgium not only describes and analyses the legal aspects of labour relations but also examines labour relations practices and developing trends It provides a survey of the subject that is both usefully brief and sufficiently detailed to answer most questions likely to arise in any pertinent legal setting Both individual and collective labour relations are covered in ample detail with attention to such underlying and pervasive factors as employment contracts suspension of the contracts dismissal laws and covenant of non competition as well as international private law The author describes all important details of the law governing hours and wages benefits intellectual property implications trade union activity employers associations workers participation collective bargaining industrial disputes and much more Building on a clear overview of labour law and labour relations the book offers practical guidance on which sound preliminary decisions may be based It will find a ready readership among lawyers representing parties with interests in Belgium and academics and researchers will appreciate its

value in the study of comparative trends in laws affecting labour and labour relations *International Labour Law Reports* Zvi H. Bar-Niv, Sigeman, 1994-12-01 The *International Labour Law Reports* is a series of annual publications of labour law judgements by the highest courts in a number of jurisdictions ILLR is intended primarily for the use of judges labour law practitioners industrial relations specialists and students who need or desire ready access to authoritative information of a comparative nature on problems arising in the field of labour law and industrial relations Each judgement reprinted in ILLR is accompanied by Headnotes and in practically all cases by an Annotation which sets forth among other things the legal issues involved the basic facts of the case if not included in the judgement itself the relevant statutory provisions and judicial precedents the labour law and industrial relations context in which the case arose and the significance of the judgement in the development of the law The ILLR provide the reader with factual information that is not coloured by the personal views of the annotators As a rule judgements are printed in extenso editorial discretion has been relied upon to delete or to summarize portions of judgements that are purely technical or only of marginal interest Volume 13 covers the period 1 October 1992 to 30 September 1993 **An Almanac of Contemporary Characterisation of Judicial Restatements -Annotated with Treaties, Statutes, Rules and Commentaries** 'lai Oshitokunbo Oshisanya, 2025-10-05 JuriScience is an approach through systematic study of the structure of legal phenomena in the law of nature from the perspective of philosophy of science to inform by exploration of formulas relations or order of phenomena as held in the world under stipulated set of conditions either universally or in a stated proportion of formalised categories in this jurisprudential version *Labour Law in the USA* Alvin L. Goldman, Roberto L. Corrada, 2018-04-23 Derived from the renowned multi volume *International Encyclopaedia of Laws* this monograph on the USA not only describes and analyses the legal aspects of labour relations but also examines labour relations practices and developing trends It provides a survey of the subject that is both usefully brief and sufficiently detailed to answer most questions likely to arise in any pertinent legal setting Both individual and collective labour relations are covered in ample detail with attention to such underlying and pervasive factors as employment contracts suspension of the contracts dismissal laws and covenant of non competition as well as international private law The author describes all important details of the law governing hours and wages benefits intellectual property implications trade union activity employers associations workers participation collective bargaining industrial disputes and much more Building on a clear overview of labour law and labour relations the book offers practical guidance on which sound preliminary decisions may be based It will find a ready readership among lawyers representing parties with interests in the USA and academics and researchers will appreciate its value in the study of comparative trends in laws affecting labour and labour relations *The Future of Labour Law* B. A. Hepple, 2004-10 This book by an internationally distinguished group of scholars examines the future of labour law from a wide variety of perspectives *Introduction to Dutch Law* Jeroen Chorus, 2016-04-18 A standard legal resource since its first edition in 1978 this matchless book has proven itself the ideal

overview of Dutch law for foreign lawyers This Fifth Edition fully updates its systematic description of the legal sources institutions and concepts in all major fields of law Recent developments covered include the progressive implementation of standards set by international conventions the reorganization of the judiciary the statute on environmental law and the re codification of private international law The continuing influence of European law is evident in many fields perhaps most notably in family law The various chapters are written by experts scholars and lawyers in particular fields and provide an authoritative overview of each field The historical sources of Dutch law are discussed as well as Dutch legal culture judicial organization legal education and the legal profession These chapters are followed by introductions to essential issues of private and public law and labour law The last chapter examines questions of legal philosophy The only resource of its kind available this book is unmatched as a thorough guide to further research It offers practitioners particularly foreign lawyers a quick and reliable way into any area of Dutch law that they may be required to research It will also be of great value to comparatists especially those studying the influence of European law on national legal systems scholars and students Like previous editions the Fifth Edition has been prepared under the auspices of the Netherlands Comparative Law Association

Deakin and Morris' Labour Law Zoe Adams, Catherine Barnard, Simon Deakin, Sarah Fraser Butlin, 2021-07-15 Deakin and Morris Labour Law a work cited as authoritative in the higher appellate courts of several jurisdictions provides a comprehensive analysis of current British labour law which explains the role of different legal and extra legal sources in its evolution including collective bargaining international labour standards and human rights The new edition while following the broad pattern of previous ones highlights important new developments in the content of the law and in its wider social economic and policy context Thus the consequences of Brexit are considered along with the emerging effects of the Covid 19 crisis the increasing digitisation of work and the implications for policy of debates over the role of the law in constituting and regulating the labour market The book examines in detail the law governing individual employment relations with chapters covering the definition of the employment relationship the sources and regulation of terms and conditions of employment discipline and termination of employment and equality of treatment This is followed by an analysis of the elements of collective labour law including the forms of collective organisation freedom of association employee representation internal trade union government and the law relating to industrial action The seventh edition of Deakin and Morris Labour Law is an essential text for students of law and of disciplines related to management and industrial relations for barristers and solicitors working in the field of labour law and for all those with a serious interest in the subject This title is included in Bloomsbury Professional's Employment Law online service

Labour Law in Cyprus Christina Ioannou, Achilles C. Emilianides, 2019-03-26 Derived from the renowned multi volume International Encyclopaedia of Laws this monograph on Cyprus not only describes and analyses the legal aspects of labour relations but also examines labour relations practices and developing trends It provides a survey of the subject that is both usefully brief and sufficiently detailed to answer most

questions likely to arise in any pertinent legal setting Both individual and collective labour relations are covered in ample detail with attention to such underlying and pervasive factors as employment contracts suspension of the contracts dismissal laws and covenant of non competition as well as international private law The author describes all important details of the law governing hours and wages benefits intellectual property implications trade union activity employers associations workers participation collective bargaining industrial disputes and much more Building on a clear overview of labour law and labour relations the book offers practical guidance on which sound preliminary decisions may be based It will find a ready readership among lawyers representing parties with interests in Cyprus and academics and researchers will appreciate its value in the study of comparative trends in laws affecting labour and labour relations

Effective Enforcement of EU Labour Law Zane Rasnaca, Aristeia Koukiadaki, Niklas Bruun, Klaus Lörcher, 2022-08-11 This book by the ETUI Transnational Trade Union Rights Expert Network analyses enforcement as a key element making EU labour law effective or ineffective Enforcement is the key ingredient that makes rights effective and ensures compliance It can make or break a legal system Despite this enforcement of EU labour law has received little scholarly attention in recent decades and has rarely been examined in a comprehensive way This book aims to fill this gap Intended for academics and practitioners alike the book adopts a threefold approach to examine this issue First of all it explores the idea of effective enforcement and sets out the wider context in which EU labour law enforcement takes place Secondly it analyses how enforcement operates in particular areas including non discrimination health and safety information and consultation rights and the rights of migrating workers Thirdly it critically assesses the role of specific actors in particular collective actors like trade unions as well as whistle blowers and the European Labour Authority and settings public procurement economic and monetary policy regulated by EU law Drawing on the insights produced by these analyses the book concludes by proposing a comprehensive Draft for a Model Directive on Effective Enforcement of EU Labour Law as an inspiration for policy development and scholarly debate in this area

Labour Law in Iceland Elín Blöndal, 2022-10-20 Derived from the renowned multi volume International Encyclopaedia of Laws this monograph on Iceland not only describes and analyses the legal aspects of labour relations but also examines labour relations practices and developing trends It provides a survey of the subject that is both usefully brief and sufficiently detailed to answer most questions likely to arise in any pertinent legal setting Both individual and collective labour relations are covered in ample detail with attention to such underlying and pervasive factors as employment contracts suspension of the contracts dismissal laws and covenant of non competition as well as international private law The author describes all important details of the law governing hours and wages benefits intellectual property implications trade union activity employers associations workers participation collective bargaining industrial disputes and much more Building on a clear overview of labour law and labour relations the book offers practical guidance on which sound preliminary decisions may be based It will find a ready readership among lawyers representing parties with interests in Iceland and academics and

researchers will appreciate its value in the study of comparative trends in laws affecting labour and labour relations

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Labour Law and Climate Change Tiziano Treu, Adalberto Perulli, 2023-09-14 Although the existential threat of climate change has at last been generally acknowledged its influence on the labour market and the regulation of labour relations remains ambivalent at best This supremely important volume with contributions by thirteen prominent labour law practitioners and academics shows how labour law not only can but absolutely must assume a greater role in the debate on the climate crisis and move towards a new eco friendly labour paradigm Committed to the proposition that employment must come to terms with the natural environment and open a new chapter in the relationship between human work and the Earth the authors examine critical issues and perspectives on the role of labour law in a just ecological transition focusing on such aspects as the following negative externalities associated with the value chains production model in effectiveness of corporate social responsibility and sustainability initiatives protection of human rights from violations attributable to private sector activities protection of whistleblowers need for professional training in new occupations environmental migrants reskilling and active inclusion of workers and jobseekers role of remote work and flexible working time and evaluation and reward of employees The impact of the green transition on industrial activities is already creating strong tensions among the social parties leading inevitably to massive restructuring of enterprises and relocation of thousands of workers This detailed analysis of the implications of climate change for the labour contract and the industrial relations system provides appropriate tools to understand trends and possible solutions for the future It will be welcomed by managers consultants corporate lawyers judges human rights experts trade unionists researchers and professors placed at the nexus of labour industrial relations and social rights in Europe and worldwide

International Labour Law Reports

Wedderburn, 1990-11-01 The International Labour Law Reports is a series of annual publications of labour law judgements by

the highest courts in a number of jurisdictions I L L R is intended primarily for the use of judges labour law practitioners industrial relations specialists editorial discretion has been relied upon to delete or to summarize portions of judgements that are purely technical or only of marginal interest

A Casebook on Labour Law Ewan McGaughey,2018-11-29 A Casebook on Labour Law supports every university labour or employment law course in the UK set within European Union and international law It covers history and theory contract and rights participation equality and job security It also has chapters on essential topics for modern labour policy the right to vote for company boards in work councils and pension funds and laws to achieve full employment by ending underpaid underemployment Each chapter summarises further reading from noteworthy books and journals and follows a unified conceptual structure This aims to transcend historic divisions between common law or statute private or public and national or international law The book invites the reader to engage in the economic and social evidence about labour law s empirical consequences and political principles

Guide for Romanian and German Labour Law Ilona Zenker,Carmina Popescu,Carmen Nenu,2014-11-24 Guide for Romanian and German Labour Law Basics of the Employment Relationship For Employers Employees and other People interested in the Matter

Restatement of Labour Law in Europe Bernd Waas,Guus Heerma van Voss,2020-01-09 This book is part of a series which sets out a restatement of labour law in Europe Its second volume looks at atypical employment relationships in Europe Opening with a restatement the book provides comparative commentary on the question of how fixed term employment relationships part time employment relationships and temporary agency work is regulated by law in the individual states which case law of the courts must be observed in this respect and which possibilities exist for shaping such relationships on the basis of collective bargaining agreements The book goes on to systematically explore the national regulatory framework of Austria Belgium Bulgaria Croatia Cyprus Czech Republic Denmark Estonia Finland France Germany Greece Hungary Iceland Ireland Italy Latvia Lithuania Luxembourg Malta Montenegro Netherlands North Macedonia Norway Poland Portugal Romania Russia Serbia Slovakia Slovenia Spain Sweden Switzerland Turkey and the United Kingdom In this area which is largely shaped by EU law in many countries the commonalities and differences with regard to the relevant regulatory issues are examined This important new project provides the definitive survey of labour law in Europe today

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