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Labour, Employment,  
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could also fall under

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another article. It seems that sometimes employers bring about these unilateral changes in an effort to upset the employee to the extent where he will resign, and some of the tactics employed include setting unattainable and unrealistic sales targets, and things of that nature.

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Guide. A complaint  
that often arises from  
employees is that the  
employer has made  
some or other  
unilateral change to  
the original terms and  
conditions of  
employment. The  
change made may be

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in the form of a sudden reduction in salary for some or other reason, changes to commission structure or a reduction in the amount of commission paid, the removal of or reduction in some other benefits such as a bonus, or something of that nature.

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Terms & Conditions  
of Employment. By  
Neil Coetzer, Senior  
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the recent case of  
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CCMA & Others (case C308/13, 29 July 2015), the Labour Court was faced with a situation which it summarised as follows:-

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unilaterally to change the terms of an employment contract



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with an employee,  
and if it does so  
without agreement  
the employee would  
have the right to  
either abandon the  
contract or to sue for  
damages in terms of  
the contract. The  
prohibition on  
variation includes a  
lowering of the status  
of the employee and a  
change in the nature

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retirement age may  
constitute an  
automatically unfair  
dismissal in terms of  
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employee's ...~~

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in the form of a  
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salary for some or

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Other reason, changes to commission structure or a reduction in the amount of commission paid, the removal of or reduction in some other benefits such as a bonus, or something of that nature.

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Neil Coetzer, Senior  
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2015), the Labour Court was faced with a situation which it summarised as follows:-

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Unfair labour practices. Nicolene Erasmus In terms of section 185(b) of the LRA every employee

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has the right not to be subjected to unfair labour practices.

According to the first statutory definition, an unfair labour practice was

“ anything the industrial court deemed to be an unfair labour practice ” .

~~Unfair labour~~

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The Labour Relations

Act – section 200A

and the BCEA –

section 83A - were

amended in 2002,

and these

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amendments  
introduced a  
rebuttable  
presumption as to  
whether a person is  
an employee and  
therefore covered by  
the act.

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Amendments When

attempting to  
unilaterally amend

the fundamental

terms of an

employment

agreement, employers

must be wary of their

employees ' legal

rights, as well as the

associated legal

repercussions. In the

seminal decision of

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The unilateral variation or change also constitutes a breach of contract which constitutes civil action. If the terms and conditions of the original employment contract are to be changed because of operational

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Changes of the

requirements of the  
employer, it is  
possible that, upon

refusal by the

employees to accept

the changes, the

employer may, under  
certain

circumstances, be

entitled to embark on

retrenchment

procedures.

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The Labour Office

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will give you Form UF128, which needs to be filled in by the deceased's last employer and then submitted at the Labour Centre. The death benefit is the amount that the worker could have claimed if they were unemployed. This is paid out in one payment.

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