

LERASA NEWSLETTER



LABOUR AND EMPLOYMENT RELATIONS ASSOCIATION OF SOUTH AFRICA

LERASA SEMINAR

LERASA is an association used to promote interaction and networking between individuals as well as institutions involved in Labour and Employment Relations Nationally, Regionally and Internationally.

On the 16th of July 2019 the Labour and Employment Relations Association of South Africa (LERASA) held it's first seminar for 2019 at the prestigious Shereton Hotel in Pretoria. The session was well attended by various organisations within the labour relations fraternity.

LERASA's President, Mr Frikkie De Bruin officially opened the session, he expressed his gratitude to the delegates for their continuous support and for attending the seminar. Ms Natasha Moni who is a practising labour law attorney, acting judge and provides legal advice on radio 702, presented the seminar.



MESSAGE FROM THE PRESIDENT, MR FRIKKIE DE BRUIN

Welcome to the first issue of the LERASA Newsletter for 2019, a publication that includes information highlighting important information relevant to LERASA

We are really excited to share details of our recent seminar on social media which is really topical at the moment. Relevant case law is also included which further elaborates on dismissals related to social media. We hope that you enjoy reading our newsletter.

Please feel free to share this newsletter within your organisations. This publication is for you, if you have any suggestions please forward it to admin@lerasa.org.za or info@lerasa.org.za.



Natasha urged Employers to guide and prepare their staff for the worst case scenario. Whilst employees have privacy and dignity rights and should not be told what to do when they are not at work; so too do employers have a right to jealously guard their reputation and brand. With the correct employment policy on social media, employees will be made aware of the repercussions should their social media ranting be seen to impinge upon employers' rights.

"All too frequently employees fail to consider the implications or consequences of their statements on social media. Unfortunately, careless, irresponsible, nasty or derogatory messages run the risk of going viral and causing untold damage to an organisation's good name and reputation and to workplace relationships" Davey, Dahms-Jansen—Social Media in the Workplace.

The interactive session was really enjoyed by the delegates as Natasha provided many practices examples of where people err when using social media and this results in dismissal. The session was closed by Mrs Sharlaine Oodit, LERASA EXCO member. In closing she urged members to be cautious when using social media, to follow LERASA on social media and to join LERASA.



Photos taken at the Seminar



CASE LAW

AMITU v Clover SA

Employee posted racist comment on face-book after hours calling for all white people to be killed. He was subsequently charged with misconduct and dismissed. Referred the matter to the CCMA arguing that his comment was political, was made after hours and that dismissal was too harsh a sanction.

Employer argued that it had direct interest in the conduct of the employee as it employs people of all races and cannot be expected to continue employing an employee who publicly called for the killing of members of one race group.

Employer also argued that, the fact that the employee made the comment at home was irrelevant and that an employer has a right to institute disciplinary action against an employee when it has some interest in the conduct of the employee. The arbitrator found that there was legitimate interest from the employer in the employee's conduct. Dismissal was found to be procedurally and substantively fair.



CASE LAW

CEPPAWU v Penny Pinchers

Employee posted remarks on his face-book page in which he alleged that management of the company had acted in a racist manner towards two long service award recipients during the company service award ceremony, one black and another white.

Employee accused the company boss of giving a white employee a kiss on the cheek and a black employee a hug. He alleged that the boss deliberately avoided to kiss a black employee. The employer took offence and pointed that the employee perception of racism was incorrect.

Employee was charged with misconduct arising from the face-book posting, found guilty and dismissed. He referred an unfair dismissal dispute to the CCMA.

Employer conceded that it had no social media policy but argued that it was commonly known rule that one could not make such allegation of racism without foundation. Commissioner accepted that accusing a superior of racism was a serious an offence as racism itself.

The commissioner held that there was no basis for the employee's claim of racism in the workplace and had he indeed experienced this, the employee had legal recourse through his union in his capacity as shop steward.

Dismissal was found to be substantively fair.



4IR IS A PATH TO PROSPERITY FOR AFRICA

We're hurtling headlong into The Fourth Industrial Revolution (4IR), which has the potential to turbo-charge the socio-economic development of the entire African continent.

We're the youngest continent in the world, with 60percent of our population being youth. If we make the right decisions in the next few years, we could pave a bold new path of African prosperity.

There's no doubt that the 4IR's technologies, like artificial intelligence (AI) and the internet of things (IoT), can drive a new vision for economic growth, innovation, development and human well-being.

Our governments and institutions have a massive opportunity to start using AI and digital platforms to do life-changing things: help us deliver safe drinking water to our people, change education systems, even give people the ability to identify themselves to be able to access government grants, open bank accounts and vote in elections.

We know Africa suffers from a massive infrastructure deficit. But the beauty of 4IR's technologies is that you don't need big legacy systems and programmes in place to start rolling them out

We're already seeing numerous case studies and examples of how developing countries can move quickly to new digital approaches that can transform public service delivery in critical areas like farming, healthcare and education.

Take agriculture as an example. Today, small-scale agriculture accounts for about 80percent of today's food production, and nearly 70percent of all jobs in Africa.

Imagine what can be achieved if we use data to help small-scale farmers to improve their production: better use of land and water, less food being imported, improved food security - and the ability for farmers to start generating revenues for themselves by selling surplus produce, and breaking free from subsistence.

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4IR IS A PATH TO PROSPERITY FOR AFRICA

In healthcare, we can use technologies like AI to make diagnoses in rural areas, where there are precious few doctors. And we're already seeing technology changing the face of education in countries like India, where they've launched a national teacher platform that builds teacher capacity by allowing teachers to provide richer content, while giving administrators access to data about student study patterns. Digital platforms are not only transforming teaching, but changing the way we think about learning.

Another relatively quick win would be digital identification systems, which can play a major role in driving financial inclusion and reducing corruption through reduced fraud and leakages in social benefits payment systems. Once people have digital identities, they can do anything from getting a SIM card to arranging a bank account or pension.

If you empower people with their personal information and data, they can use this data to get better loans, get better skills, and ultimately earn better salaries. On a continent like ours, developing a high-performing digital ecosystem will provide a unique chance to stimulate the economy and create jobs.

But the real promise of 4IR is to unlock a new future for Africa's estimated 700million young people. We're going to have to move quickly, though. Today, fewer than 1percent of African children leave school with basic coding knowledge. We - big business, governments, NGOs and civil society - must do more to give our youthful workforce the skills they need to participate in the digital economy.

Hopefully, this imperative will get some impetus later this year, at the World Economic Forum (WEF) Africa in Cape Town in early September.

With a theme of "Shaping Inclusive Growth and Shared Futures in the Fourth Industrial Revolution", this edition of WEF could be a watershed moment for Africa. It's up to us to grab the opportunity.

- Written by Cathy Smith, Managing Director SAP Africa.



Join LERASA

LERASA Membership Application Form

Organisation and Job Title		
Title		
Initials, Surname		
First Name		
Physical Address		
Postal Address		
City or Town		
Province/ Country		Postal Code:
Email		
Contact numbers	Work:	Cell:
Fax		
Previous IRASA member?	☐ Yes ☐ No	
Category of membership and fees	☐ Corporate (including trade unions, employer organisations, tertiary institutions) R1, 600 ☐ Individual R330 ☐ Full-time unionist R180 ☐ Full-time learner R180 <i>Please provide student number and institution</i>	
Method of payment	☐ Direct deposit into Standard Bank, Centurion Branch (Branch Code 012645), Current Account No: 310332826 <i>Please print your name as deposit reference and email the deposit slip to us</i> ☐ Cheque (to be made out to LERASA)	



VISION

To become a vibrant Organisation enhancing Employment Relations through debate and dialogue.

MISSION

- To facilitate an ongoing forum for constructive relationship building
- To deal with themes of relevance to the South African Employment Relations community
- To enhance the understanding, knowledge and practices of Employment Relations at National, Regional and branch levels in South Africa



Thank you for your continued support to the Association. We look forward to all future endeavors LERASA has in store.

