

Are your HR policies ready for 2020?

It is good practice for employers to review and audit their human resources and labour relations policies and practices annually. This is especially true when there are amendments to labour laws as well as when significant case law that has passed through from the Courts.



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“Over the past months,” says John Botha: HR expert and COO of HR and labour law consulting firm, Global Business Solutions, “we have had amendments to important laws, the introduction of new laws as well as important case law. HR policies need to be aligned with these.”

These legislation additions and changes, as well as new case law, include:

- The Administrative Adjudication of Road Traffic Offences (AARTO) Act
- The Amendments to the National Qualifications Framework (NQF) Act
- B-BBEE Code Amendments which impact skills development, in particular
- The Amendments to the EEA 4 report submission to the Department of Employment and Labour (DEL) read along with the equal pay for work of equal value provisions in the EE Act
- The Constitutional Court and Arbitration judgements around the use of cannabis
- Fixed-term contract protocols under s198B of the LRA

There are a number of key HR policies that need to be overhauled. These include:

- Recruitment and selection, for example in establishing the traffic demerit points of certain categories of staff from NATIS as well as the mandatory verification of full or part qualifications with SAQA on the National Learner’s Record Database.
- Training and development, for example regarding the mandatory verification of full or part qualifications with SAQA on the National Learner’s Record Database, and the BBEE Code amendments around bursaries for higher education and associated work-back agreements.
- The substance abuse policy that needs to address the matter of, among others, cannabis and other substances; if there will be a zero tolerance policy and what the testing and observation protocols are.
- The need for an integrated and holistic remuneration policy that addresses matters of equal pay for work of equal

value, equal treatment and how to deal with, for example, fixed-term contract employees and Temporary Employment Services workers.

- Sexual harassment and bullying at the workplace under s60 of the Employment Equity Act (EEA) to manage employer vicarious liability.

“Although the necessity for policy adjustments may seem onerous,” concludes Botha, “it is necessary to get professional advice as the legislative and case law changes will have a significant impact on both the employee value proposition and the performance of the business.”

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