



EMPLOYMENT

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Labour Law Amendment and Labour Relations Amendment Bills – call for comments

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by Andre van Heerden – Director

On 26 February 2026, the Minister of Employment and Labour, Nomakhosazana Meth MP, published by way of Government Gazette a copy of the Labour Law Amendment Bill, 2025 ("**Labour Law Amendment Bill**") and Memorandum of Objects well as the Labour Relations Amendment Bill, 2025 ("**Labour Relations Amendment Bill**") and Memorandum of Objects, for public comment.

The Labour Law Amendment Bill proposes to amend the Basic Conditions of Employment Act 75 of 1997 ("**BCEA**"), the Employment Equity Act 55 of 1998 ("**EEA**"), the National Minimum Wage Act 9 of 2018 ("**NMWA**") and the Unemployment Insurance Act 63 of 2001 ("**UI Act**").

In brief, the amendments to –

- the BCEA pertain to, among others, the provision of minimum conditions of employment to employees who are required to be available to work, amendments to parental leave provisions to render it consistent with the Constitution of the Republic of South Africa, to specify the severance pay employees are entitled to, to specify the forums within which to claim severance and / or unpaid contributions to benefit funds, to specify the powers of the Commission for Conciliation, Mediation and Arbitration ("**CCMA**") to enforce compliance

orders, to clarify the powers of Bargaining Council's to arbitrate specific disputes; and to empower the Minister to make regulations concerning the use of fines by the CCMA;

- the UI Act pertain to the provision of parental leave benefits, so as to be consistent with the BCEA and the Constitution of the Republic of South Africa;
- the EEA pertain to, among others, the substitution of a definition of employment law, to enable employees to refer any claim concerning harassment to the CCMA; to specify the capacity of Bargaining Councils to resolve disputes arising under the EEA; and
- the NMWA pertain to, among others, the requirement that representatives on the Commission have the appropriate knowledge and skill and experience to fulfil their duties etc.

The Labour Relations Amendment Bill proposes to amend the Labour Relations Act 66 of 1995 ("**LRA**"). In brief, the amendments include further regulation to ballots for closed shop agreements, to limit the application of Bargaining Council agreements to certain new businesses, to regulate the extension of funding agreements for Bargaining Councils, to specify financial reporting standards for trade unions, employer's organisations and Bargaining Councils, to amend the functioning of the essential services committee and resolution of disputes in essential services, to specify the duration of notices concerning socio-economic protection action, to permit the Minister to regulate the retention of ballot records, to provide for guidelines for the registrar or labour relations in respect of cancelling the registration of trade unions or employer's organisations, to introduce reporting requirements for federations of trade union and employer's organisations, to amend the functions and rule making powers of the CCMA, to amend the powers and functions of the Labour Court and Labour Appeal Court; to further specify the requirements of fair procedure in case of dismissals for misconduct or incapacity, to amend the procedure for holding inquiries by arbitrators, to amend the process of facilitation for large-scale operational requirements dismissals, to permit the CCMA to arbitration certain disputes about discrimination, to limit the remedies available to employees earning above an earning threshold in unfair dismissal and unfair labour practice claims and to empower the Minister to set a threshold, to prevent the duplication of claims, to provide for a limitation of liability of the CCMA and other entities performing statutory functions under employment laws, to provide for the extension of provisions concerning freedom of association and collective bargaining to a broader category of employees etc.

Any comments (for the Labour Law Amendment Bill and/or Labour Relations Amendment Bill) should be addressed, via email, to Hlukani.Mabunda@labour.gov.za and / or Kopano. Kgatlhanye@labour.gov.za. Comments need to reach the Department of Employment and Labour by no later than 30 days from date of publication of the notice in the Government Gazette (i.e., **28 March 2026**). Late submissions may not be considered.

To unpack this further please contact the [Werksmans Employment Practice](#).



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