

EMPLOYMENT

Temporary Employment Service – Judgement

26 July 2018 1 min read

On 26 July 2018, the Constitutional Court upheld the decision of the Labour Appeal Court in *National Union of Metalworkers of SA v Assign Services & others*. In so doing, section 198A(3)(b) of the Labour Relations Act (“LRA”) was confirmed to mean that employees, earning below the prescribed earnings threshold of R205,433.30 per annum, who are placed with a client by a temporary employment service (“TES”) for a period exceeding three months are solely employed by the client, and the TES is no longer the employer of that employee.

The effect of the judgment is that the TES client becomes responsible for all the obligations of an employer with regards to the TES employee.

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