

17 FEBRUARY 2020

EMPLOYMENT ALERT

IN THIS ISSUE >

What's an Oscar without employment rights?

On 11 December 2019 the Department of Employment and Labour published a notice in the Government Gazette informing the public of its intention to deem individuals working in the Film and Television industry as employees. Such workers are currently classified as independent contractors. If passed, the effect would be to vest these individuals with various rights in terms of certain employment-related legislation.

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The proposal would see the likes of actors, crew members and so on enjoy, amongst others, the following employee rights:

- Under Compensation for Occupational Injuries and Diseases Act 30 of 1993 (COIDA), which deals with the compensation claims by employees who are injured or become diagnosed with an occupational disease, individuals in the Film and Television industry will be entitled apply to the Compensation Fund if injured or fall ill due to work.
- Under the National Minimum Wage Act 9 of 2018, persons in the Film and Television industry will be entitled to be paid a minimum wage.
- Under certain sections of the Basic Conditions of Employment Act 75 of 1997 (BCEA), persons in the Film and

Television industry will be entitled to certain minimum terms and conditions of employment, including:

- annual leave;
- sick leave;
- proof of incapacity;
- maternity leave; and
- severance pay.
- Under the Labour Relations Act 66 of 1995 (LRA), persons in the Film and Television industry who work on a project with a limited or defined duration – such as a television series – for more than 24 months will be entitled to be paid one week's remuneration for each completed year of the contract, on expiry of that contract.

Despite the above, it should be noted that the Department's proposal does not include the full scope of protections afforded under employment legislation.

The Minister of Employment and Labour provided stakeholders until the 9 February 2020 to submit representations.

The spotlight now shifts from the actors to the Minister as we wait to receive further updates. CDH will publish an updated alert once further developments take place.

*Sean Jamieson and
Joshua Geldenhuys*

CDH is a Level 1 BEE contributor – our clients will benefit by virtue of the recognition of 135% of their legal services spend with our firm for purposes of their own BEE scorecards.

EMPLOYMENT

CASE LAW UPDATE 2019

CLICK HERE
to access CDH's
Employment Law
booklet to assist
you in navigating
the employment
relationship during
the current economic
uncertainty.



STOP SEXUAL HARASSMENT

E-learning Offering

Our Employment practice recently launched an e-learning module:

A better place to work

The module will empower your organisation with a greater appreciation and understanding of what constitutes sexual harassment, how to identify it and what to do if it occurs.

CLICK HERE FOR MORE INFORMATION 

CHAMBERS GLOBAL 2014 - 2020 ranked our Employment practice in Band 2: Employment.

Aadil Patel ranked by CHAMBERS GLOBAL 2015 - 2020 in Band 2: Employment.

Fiona Leppan ranked by CHAMBERS GLOBAL 2018 - 2020 in Band 2: Employment.

Gillian Lumb ranked by CHAMBERS GLOBAL 2020 in Band 3: Employment.

Hugo Pienaar ranked by CHAMBERS GLOBAL 2014 - 2020 in Band 2: Employment.

Michael Yeates ranked by CHAMBERS GLOBAL 2020 as an up and coming employment lawyer.

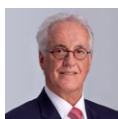


OUR TEAM

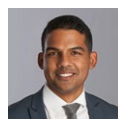
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BBBEE STATUS: LEVEL ONE CONTRIBUTOR

Cliffe Dekker Hofmeyr is very pleased to have achieved a Level 1 BBBEE verification under the new BBBEE Codes of Good Practice. Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

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