



**LABOUR
RELATIONS**

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1. **POLICY OR COMMITMENT STATEMENT ON CHILDREN’S RIGHTS**

The Basic Conditions of Employment Act no 75 of 1997 as amended (“the BCEA”) section 43, makes it a criminal offence to employ a child under 15 years of age or under the minimum school-leaving age, only a person who is 15 years or older who ought to work. Chapter six of the BCEA further explicitly deals with the prohibition of employment of children and forced labour.

2. **POLICY STATEMENT THAT SUPPORTS THE RIGHT TO COLLECTIVE BARGAINING**

The Labour Relations Act no 66 of 1995 as amended, (“the LRA”), chapter 3 governs collective bargaining in South Africa.

All Momentum Metropolitan Holdings (MMH) employees have the right to freedom of association to join or not to join a trade union. As at 30 June 2018, the union membership at MMH stands at 0.06%, with representation on various unions. No industrial action took place in the year under review where MMH incurred any financial expense related to this type of action.

In MMH a trade union will be afforded stop order facilities once it obtains at least 30% representivity in MMH as a single workplace.

In addition to the aforesaid, any trade union with 30% representation will be entitled to entry to all applicable offices twice per annum in order to hold recruitment meetings. These meetings must be held outside normal working hours by prior arrangement with the relevant divisional CEO. This concession is, however, dependent on a union achieving 30% representivity.

Once a union obtains majority representivity nationally in the “workplace”, the following additional rights will be granted:

- election of shop stewards;
- limited leave for shop stewards to attend to union activities; and
- collective bargaining rights for the union on behalf of union members.

Under the LRA a union’s entitlement to organizational and workplace forum rights is for the most part established by reference not to a particular bargaining unit or units, but to its membership across the workplace as a whole in terms of the definition of ‘workplace’ for this purpose in section 213(c) of the LRA. This definition can be divided into two parts, namely:

- ‘the place or places where the employees of an employer work’; and

- 'if an employer carries on or conducts two or more operations that are independent of one another by reason of their size, function or organization, the place or places where employees work in connection with each independent operation, constitutes the workplace for that operation'.

3. **POLICY ADDRESSES THE ELIMINATION OF EXCESSIVE WORKING HOURS**

Working time including overtime is regulated by the BCEA in chapter two. Chapter two of the Act is, however, not applicable to the following employees:

- senior managerial employees;
- employees engaged as sales staff who travel to the premises of customers and who regulate their own hours of work; and
- employees who work less than 24 hours a month for an employer.

Every employer in South Africa must regulate the working time of each employee:

- in accordance with the provisions of any Act governing occupational health and safety;
- with due regard to the health and safety of employees;
- with due regard to the Code of Good Practice on the Regulation of Working Time issued under section 87(1)(a) of the BCEA and;
- with due regard to the family responsibilities of employees.

As per section 9 of the, BCEA, the maximum normal working time for an employee below the earnings threshold¹ is 45 hours per week. This would mean a maximum of nine hours in any day if the employee works for five days or fewer in a week and eight hours in any day if the employee works on more than five days in a week. MMH's policy introduces a maximum of seven and a half hours in any day if the employee works for five days.

4. **COMPANY INVOLVEMENT IN INITIATIVES, AND OR COMMITMENT TO FRAMEWORKS, ON LABOUR STANDARDS**

MMH's endeavor's through their practices to promote sustained economic growth for their clients as well as a stable financial services company that is accessible to all. MMH adheres to the policy document setting out government's proposals emphasizing consumer protection.

¹ R205 433.

Consumer protection: MMH endeavors to enhance consumer protection in its subscription to the structure of the Financial Services Board (FSB).

Underwriting the Financial Sector Charter: Regulatory coordination by being a member of ASISA as it is ASISA's role to ensure that as a collective the industry remains relevant and sustainable by delivering solutions that are in line with the needs of clients.

5. COMPANY POLICY ON LABOUR STANDARDS

South African labour standards are governed by labour legislation influenced internationally through the International Labour Organisation (ILO), a division of the United Nations. South Africa is a member state of this organization and must adhere to certain criteria and uphold its principles.

Since 1994, the employment laws are underpinned by the principles of a non-sexist, non-racial and equality based democratic society. Employment laws impacting the Employer-Employee relationship in South Africa include:

- The Constitution of the Republic of South Africa Act 108 of 1996 (Bill of Rights);
- Labour Relations Act (LRA) 66 Of 1995 as amended;
- Basic Conditions of Employment Act (BCEA) 75 of 1997 as amended;
- Employment Equity Act (EEA) 55 of 1998 as amended;
- Occupational Health and Safety Act (OHSA) 85 of 1993;
- Compensation for Occupational Injuries and Diseases Act (COIDA) 130 of 1993 as amended;
- Unemployment Insurance Fund (UIF)
- South African Qualifications Authority Act (SAQA Act) 58 of 1995 as amended;
- Skills Development Act (SDA) 97 of 1998 as amended;
- Skills Development Levies Act (SDLA) 09 of 1999.

Other sources of law also govern the employer-employee relationship, such as the contract of employment, collective agreements and by operation of law.