

## UPDATE ABOUT THE LABOUR LAW AMENDMENT BILLS BEFORE PARLIAMENT

### DEPARTMENT OF LABOUR AND DEPARTMENT JUSTICE AND CONSTITUTIONAL DEVELOPMENT

1.1.1 The Portfolio Committee suggested that its legal teams should meet with the Department of Labour, the Department of Justice and Constitutional Development to address the concerns raised by the Portfolio Committee on Justice and Constitutional Development. The meeting with the Parliament Legal Advice Team, and two Government Departments was held on 9 April 2013 to discuss the following:

- **Rules board and the appointment of Labour Court judges to act as judges of the Labour Appeal Court.** At the first session of the meeting, the Department of Justice and Constitutional Development joint the Department of Labour and the Parliament Legal Advice team to address the concerns raised by the Portfolio Committee on Justice.

(a) They were concern about the Labour Relations Amendment Bill clause 31 where it is suggested that the appointment of the rules board should be done by the Minister of Labour.

The Department of Labour indicated that given the concern over the amendment, it does not have a problem if the appointment of the Rules Board remains with the Minister of Justice and Constitutional Development as long as the rules board meets at least once every two years.

*It was agreed that the appointment of the rules board will remain with the Minister of Justice and Constitutional Development acting on the advice of NEDLAC.*

(b) The second concern raised by the Portfolio Committee on Justice was about the constitutionality of the Labour Court judges acting as judges of the Labour Appeal Court as contemplated in clause 33 of the Bill.

The representative of the Department of Justice and Constitutional Development conceded that there are no constitutional issues on the proposal and the

amendment is sound. He further emphasised that Labour Court judges are appointed on stricter terms compared to judges of the other courts.

*There was agreement that the amendment is constitutionally sound and it would remain as it is.*