

New Code of Good Practice on Dismissals Slammed

By Casual Workers Advice Office and Simunye Workers Forum

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The Campaign to Scrap the Labour Law Amendment Bills notes that the Minister of Employment and Labour published, on 4 September 2025, the new Code of Good Practice on Dismissal.

The Minister promulgated the Code despite the objections from 30 (thirty) organisations.

In January this year, the Minister called for written submissions on the draft Code. The 30 organisations that are part of the Campaign to Scrap the Labour Law Amendment Bills made a joint written submission within the stipulated timeframe, and staged demonstrations at NEDLAC objecting to the draft Code.

The Minister never responded to our objections, and never even acknowledged receipt of the Joint Submission before promulgating the new Code. The Campaign is not surprised by these actions of the Minister because what we have here is a government that is firmly committed to the interests of the capitalist class.

The Campaign rejects the new Code because it makes it easier for capitalists to fire workers. The new Code fundamentally shifts the balance of power in favour of the employers. The power and control of employers over labour is strengthened. The hiring and firing of workers will become much easier for employers.

In a nutshell, the Draft Code:

- * Gives employers more flexibility in dealing with dismissals, which degrades workers' rights to a fair disciplinary hearing.
- * Removes so-called "rigid" procedural requirements for dismissals, especially a fair hearing for workers.
- * Introduces a more flexible approach for the benefit of employers to workers' rights during probation
- * Provides greater procedural flexibility for employers, which undermines procedural fairness at work
- * Expands the grounds for incapacity dismissals
- * Deliberately understates workers' rights in relation to dismissals
- * Simplifies retrenchment procedures for employers, to the detriment of workers.

The Campaign is meeting on 10 September 2025 to plan the next step, including seeking possible legal action. We believe the new Code actually changes the law on dismissals. This should not be happening because a Code must give expression to the law - it cannot be that a Code changes the law.

As the new Code is changing the law on dismissal, it should have been subjected to parliamentary processes, i.e. public and parliamentary hearings.

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