

Labour Law

Schedule 8 of the Labour Relations Act requires that termination of the services of an employee must take place in accordance with a fair procedure and for a fair reason.

When termination of an employee's services are scrutinised at the CCMA it is required that the Employer presents proof that a fair procedure was followed and the termination was for a valid reason. This process takes place before a Commissioner and the presentation requires skill and experience.

As a member of the Employers' Organisation, our subscribers are entitled to be represented by an experienced professional and it is also allowed in terms of Rule 25 of the CCMA. This representation at the CCMA takes place at no cost to the subscriber.

It is a very explicit condition of the Labour Law Cover that the subscriber will not be entitled to terminate the services of the Domestic Helper without first consulting with the Edomestix Legal Department.

Termination due to services referred to above includes;

- Dismissal for misconduct
- Dismissal for incapacity
- Dismissal for poor performance
- Termination due retirement
- Termination due to operational reasons

The subscriber is required to inform Edomestix through the call centre immediately or email of any incidents of poor performance, misconduct, absenteeism and when the subscriber contemplates to terminate the services of the domestic worker due to operational requirements (usually referred to as retrenchment).

Notification by the subscriber must be submitted to info@edomestix.co.za and a Consultant will contact the subscriber within 2 to 4 hours and if it is a serious matter then the subscriber should contact the Call Centre and ask to speak to a Legal Consultant or via the CHAT facility on the website.

In all the matters above the Legal Department will contact the subscriber and assist in handling the matter in terms of the Labour Relations Act to ensure compliance with CODE OF GOOD PRACTICE.

In the event where the subscriber receives any communication from the CCMA, this must NEVER be ignored and the Legal Department must be informed immediately.

Where the subscriber fails to comply with these requirements the subscriber will forfeit legal assistance.

PLEASE NOTE – Labour Law benefits are limited to one incident per 12 month period.