SCHEDULE 8 OF THE LABOUR RELATIONS ACT (LRA): CODE OF GOOD PRACTICE ON DISMISSAL

Key Guidelines for Dismissals

Pending 2025 Draft Code Amendments



Fair Resson for Diaminast:

Must be based on misconduct, incapacity, or operational requirements. Automatically unlair dismissalls (e.g., discrimination, protected strikes) are prohibited.



Employers should use warnings, counselling, and training before dramitsal unless the resconduct is severe enough to justify termination.

Probation & Performance Management

Engloyers must give reasonable time for improvement and provide counseling and retraining before dismissing for poor performance. Incompetibility is also recognised as a form of incepacity.

Operational Requirements (Retrenchments)

Dismissals must result from valid economic or structural needs and tollow a flar consultation process with objective selection criteria.

Industrial Action & Unprotected Strikes:

Unprotected strikes are resconduct but don't always justify dismissal. Employers must issue uttensturns and allow time for compliance.

Annexum A - Retrenchment Hotics:

Standard template for severance pay, affected employees, and re-employment options.







Consistency in Disciplinary Actions:

Minor inconsistencies don't automatically make a dismissal unfair.

Flexibility in Disciplinary Processes:

Small businesses may use simplified procedures, like verbal warrings, instead of formal hearings.

Expanded Fair Sanction Considerations:

Employers must assess the home caused, rule importance, and employee acknowledgement before deciding on penalties.

Fairness in Misconduct Dismissals

The process should allow employees to respond and seek assistance without being everly formal.

Recognition of Other Forms of Incapacity

Factors like impreoratent require afternative considerations before decrease.



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