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**Deloitte Human Capital
Labour Law and Industrial Relations
Consulting**



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Service Overview

Labour Law and IR Consulting



Deloitte's Labour Law and Industrial Relations Consulting services focus on providing business and management solutions for the Human Resources and Industrial Relations functions within your business.

The members of Deloitte's Labour Law and IR team, are former practicing attorneys, legal graduates and members of the South African Society for Labour Lawyers.

The team has significant experience in complex transactions, in which HR and IR matters are addressed from a local, international and multi-disciplinary perspective.

Although the team members are legally skilled we pride ourselves in providing strategic and practical solutions, aligned to operational needs and strategies.

Labour Law and IR Consulting

We offer:

Contracts, Policies, Procedures and Management Guidelines

In order to regulate individual and collective employee behaviour, employment terms, conditions and processes requires, suitable contracts, policies, processes and codes to apply to the employment relationship. We can assist with drafting :

- *Employment contracts, HR policies, codes and processes.*
- *Confidentiality and restraint of trade agreements.*
- *Trainee / bursary agreements.*
- *Collective and recognition agreements with unions.*
- *Severance and settlement agreements.*
- *Independent contractor, labour broking and service level agreements.*
- *Secondments, Tri -party and dual employment agreements.*
- *Guidelines for effective day - to - day management of employees.*

Incentive Schemes

The key to effective sustainable incentive design lies in finding the architectures and metrics that provide solutions to both operational and long term performance / reward issues. Our team is experienced in assisting you with:

- *Short term or long term (share based) incentives .*
- *Conceptual design & modelling for financial impact .*
- *Implementation, documentation and communication .*
- *On- going administration and target setting.*
- *Advisory/review and reformulation of existing schemes.*

Performance Management and Pay-for Performance

Our team is able to assist with:

- *Performance metrics and scorecards*
- *Linking performance management to remuneration*
- *Incentive scheme review, design and implementation*
- *Poor performance inquiries and process*

Compliance Reviews

Good Corporate Governance requires companies to take the necessary steps in identifying the laws applicable to the company, determining whether it is compliant with such laws and addressing the risks related to non-compliance.

We have developed a comprehensive employment and industrial relations review focussing on compliance with material labour laws and accepted industrial relations best practices.

The review will not only assist companies in identifying non - compliance with labour laws and potential risks due to non – compliance, but will provide recommendations which - if implemented, will improve the quality of people management practices within the company.

The review will also be extremely helpful in gaining a greater understanding of the dynamics at play in an organisation where a broad range of employment or industrial relation problems are perceived to exist.

Labour Law and IR Consulting

We offer:

Changing or Harmonisation of Terms and Conditions of Employment

As the employment relationship continues - it may become necessary for terms and conditions of the contract to change or to be harmonised across the workforce.

*Because of principles of contract law , fair labour practice and legislation, existing terms and conditions of the employment contract, cannot be amended unilaterally - **without risk**.*

Negotiation and mutual agreement to change terms and conditions of employment is always the preferred option. However, should employees refuse to accept the changes, a situation of impasse is reached. We are suitably experienced to assist in designing a strategy and process to break the deadlock in order to affect change.

HR Due Diligence and Transfers of Employment in M&A exercises

In order to ensure that the acquiring employer complies with employment legislation and knows exactly what the HR and IR consequences of a merger or acquisition might be, it is imperative to conduct a comprehensive due diligence investigation prior to concluding a sale of business or shares agreement.

In addition the new employer / shareholder may require assistance to harmonise cultures, organisational designs and terms and conditions post the transaction.

We have developed “The People Dimension Transformation Solution “ to assist acquiring employers with this exercise. The solution draws on an overarching methodology which includes an integrated transition approach.

Restructuring and Retrenchments

Countless unfair retrenchment, and restructuring exercises are reported on a daily basis, simply because employers fail to recognise the complexity of the legislative provisions or fail to follow the required procedures.

Restructuring and or retrenchments as part of a turnaround or survival strategy may in itself be an expensive exercise – However placing a company under additional financial distress because the restructuring or retrenchment is considered unfair or unlawful can be a catastrophe.

*Should a contemplated restructuring or retrenchment be part of a survival strategy we can help navigate the strategy and implementation in compliance with the technicalities of South African Legislation together with sound advice on employee relations best practice. **We are also able to assist with the project management of the entire restructuring or retrenchment process.***

Training

More than ever before employers require their key employees and others responsible for employment matters to be knowledgeable on applicable legislation and best practice. Not only is this essential for compliance purposes - it is critical to ensure effective and harmonious day – to - day management of human resources.

We offer practical and effective training solutions to meet the ever increasing risks and operational needs of HR compliance and IR relations management.

Adjudication and Dispute Resolution

We can assist with:

- *Prosecution of disciplinary enquiries on behalf of employers.*
- *Chairing of disciplinary enquiries.*
- *Alternative dispute resolution by means of private mediation or arbitration.*
- *Litigation assistance.*

Contact Us



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