

Labour Relations (Employment Codes of Conduct) Regulations, 1990

S.Is 379/1990, 56/1992.

ARRANGEMENT OF REGULATIONS

1. Title
2. Interpretation
3. Registration and amendment of codes
4. Provisions to be included in codes
5. Codes to be accessible

IT is hereby notified that the Minister of Labour, Manpower Planning and Social Welfare, in terms of section 17 of the Labour Relations Act, 1985, has made the following regulations:—

1. Title

These regulations may be cited as the Labour Relations (Employment Codes of Conduct) Regulations, 1990.

2. Interpretation

In these regulations—

“authority” means—

- (a) an employment council; or
- (b)

[Definition repealed by s.i. 56 of 1992.]

(c) a works council as defined in section 2 of the Labour Relations (Workers Committees)(General) Regulations, 1985, published in Statutory Instrument 372 of 1985;

“code” means an employment code of conduct agreed in accordance with these regulations.

3. Registration and amendment of codes

(1) For the purpose of settling any dispute or unfair labour practice at a workplace, undertaking or industry, an authority may apply to the Registrar in the form prescribed in the Schedule for the registration of a code that shall be binding in respect of that workplace, undertaking or industry. Provided that—

- (a) a works council may apply for the registration of a code notwithstanding that an employment council has applied or proposes to apply for the registration of a code governing employers and employees represented on the works council;
- (b) where more than one code is registered pursuant to proviso (a), the code registered on application by the works council shall be binding in respect of the particular workplace, undertaking or industry for which it was registered.

[Proviso inserted by s.i. 56 of 1992.]

(2) An application in terms of subsection (1) shall be accompanied by two copies of the proposed code, and each such copy shall contain a space for the endorsement of the Registrar’s signature thereon.

(3) On application being made in terms of subsection (1) the Registrar shall, if he is satisfied that the code complies with section 4—

- (a) return to the applicant one of the copies of the code endorsed with his signature; and
- (b) issue to the applicant a certificate of registration of the code in the form prescribed in the Schedule.

(4) The Registrar may in writing request such further information from an applicant in terms of this section as may be relevant to his application.

(5) An authority may, at any time after the registration of a code, apply to the Registrar in the form prescribed in the Schedule to register any amendment to the code, and subsections (2), (3) and (4) shall apply, *mutatis mutandis*, in relation to that amendment.

(6) A code or an amendment to a code shall come into operation on the date specified in the certificate of registration relating to it.

(7) The copy of the code or an amendment to it that is endorsed by the Registrar in terms of paragraph (a) of subsection (3) shall be the authentic copy of such code or amendment.

4. Provisions to be included in codes

- (1) A code shall provide the following matters— 1

- (a) rules of conduct to be observed at the workplace, undertaking or industry concerned, including the precise definition of those acts or omissions that shall constitute misconduct, and the categorization of those acts or omissions according to their seriousness; and
- (b) the procedures for settling any grievances that may arise between or against employees, managerial employees or the employer; and
- (c) the procedures to be followed in the event of any breaches of the code, including a requirement that any breach be investigated before any proceedings are commenced against an employee;
- (d) the penalties for any breaches of the rules or procedures of the code, which may include oral or written warnings, fines, reductions in pay for a specified period, demotion, suspension with or without pay or on reduced pay for a specified period, and dismissal from employment; and
- (e) the person, committee or authority which will be responsible for implementing and enforcing the rules, procedures and penalties of the code; and
- (f) the notification in writing to any person who is alleged to have breached any of the rules or procedures of the code of the nature of the misconduct or breach alleged against him and the date when proceedings are to be commenced against him; and
- (g) the right of a person referred to in paragraph (f) to have his case heard by the appropriate person, committee or authority referred to in paragraph (e) before any decision in his case is made; and
- (h) a written record or summary to be made of any proceedings and decisions taken in terms of the code, which record or summary shall be made at the time such proceedings and decisions are taken, and shall be kept for a period of not less than 12 months; and
- (i) a procedure for an appeal within a specified period to such person, committee or authority as may be specified.

(2) No proceedings commenced in terms of a code in respect of any misconduct or breach of the rules and procedures of the code shall continue beyond 14 days from the date of their commencement without a decision being reached.

5. Codes to be accessible

(1) Where a code is registered in terms of section 3 it shall be displayed in a place accessible to all employees at each workplace to which it applies, with a translation provided in Shona and Ndebele.

(2) Every person, committee or authority responsible for enforcing the rules, procedures and penalties of a code shall be furnished with authentic copies of the code and any amendments to it referred to in subsection (7) of section 3.