



Institute of Development & Labour Law

ANNUAL REPORT 2012

UCT Faculty of Law



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MESSAGE FROM THE DIRECTOR

The year under review can best be described as a transitional period. At the end of 2011 we took leave of my predecessor Prof Evance Kalula, who had been the director of the Institute since 1996. I became the director of the Institute during January 2012.

Under Prof Kalula's direction, the Institute established a presence in the SADC region and became involved with many projects focusing on the roll-out of alternative workplace dispute resolution structures in neighbouring countries, similar to the structures established in South Africa after the enactment of the Labour Relations Act 66 of 1995. We wish Prof Kalula well in his new position as Director of the International Academic Programmes Office (IAPO) and trust that we can continue to rely on his wisdom and guidance. However, he still remains a member of the Institute and as is reflected in this report, continues to fly the Institute's flag in the SADC region. During the latter part of Prof Kalula's directorship, he was very ably assisted by Prof Debbie Collier, who, as deputy director, took charge of the administration of the Institute.

I used most of 2012 to renew relationships with stakeholders in the labour market and to establish new ones. I have made promising contacts in this regard which I am hoping will come to fruition during 2013. However, my main focus during 2012 was the revision of the structure of the Institute. Although functioning in terms of a constitution, it became clear that the advisory board established in terms of the constitution, gradually became ineffective and that it was in need of revision. Consequently, a revised constitution was approved by the board of the Faculty of Law as well as the University Research Committee. Unfortunately, due to a number of delays beyond the control of the Institute, this process will only be finalized during 2013 and once this has happened, the new board will convene. It is hoped that a restructured board will assist with some of the new areas that the Institute is hoping to explore.

The Institute consists of a number of fulltime faculty staff members associated with the Institute (such as myself) and a team of fulltime, but soft-funded, researchers who operate autonomously and under the designation of the Labour and Enterprise Research Group (LEP). It is hoped that in years to come a closer alignment between the activities of these two broad groupings can be achieved. The Institute continues to rely heavily on the output of LEP to maintain its research profile. Having said that, the faculty members associated with the Institute have maintained a very high research output, as is reflected in section 3 of this report. In total, all staff associated with the Institute published nine articles in accredited peer reviewed journals and contributed eight chapters to edited books.

Funding remains a challenge. However, LEP has received a contribution to their operational funding for the next three years from the Federatie Nederlandse Vakbeweging (FNV) and have also been able to supplement funding by means of contract research. Nonetheless, FNV funding is very unlikely to be renewed at the end of the current funding cycle and one of the main challenges over the next two years will be to ensure alternative funding resources in order to sustain the LEP activities. In this regard, contact has already been made with a number of international funders and hopefully I am in a position to report good news on this in the next annual report.

The Institute boasts a new website (<http://www.idll.uct.ac.za/>) and there is now free online access to almost all the Institute's publications. However, due to the dated technology and university requirements, the website will again be given a major overhaul during the early part of 2013.

The Institute continues to rely heavily on the proceeds from the Annual Labour Law Conference in order to fund its day-to-day operations not funded by research funding. During 2012 the Institute and its conference partners hosted the 25th edition of the Annual Labour Law Conference at the Sandton Convention Centre attended by almost 1000 delegates. The programme content, which focused on sustainability and decent work, was well received by the audience and we are hopeful, despite pressing economic times that the conference will continue to go from strength to strength. Nonetheless, looking into the future, the Institute, apart from this conference, needs to find alternative ways of supplementing its operational funding. In this regard consideration should be given to involvement with training.

An exciting new development is the Institute's association with a new Masters course, Workplace Discrimination and Equality Law, which will be on offer from 2013 and which will be co-ordinated by IDLL member, Prof Debbie Collier. Prof Collier and another IDLL member, Emma Fergus, will also be undertaking research on anti-discrimination law. More detail is provided later in this report.

Finally, congratulations to Prof Kalula. At the 16th World Congress of the Labour and Employment Association (ILERA) held in Philadelphia during June/July 2012, he was also formally elected as its President.

Prof Rochelle Le Roux
February 2013

HISTORY OF THE INSTITUTE

The original component of the Institute started as the Labour Law Unit, set up in 1987 with a grant from the Ford Foundation. Its brief then was to assist emerging democratic forces, in particular the labour movement and other NGO's, with capacity-building and applied research in the area of labour rights and labour market reform. In particular, the Unit contributed to the struggle for labour rights through training (mainly of trade union paralegals) and involvement in litigation on behalf of trade unions.

In 1992, when transition to democracy was clearly underway, a Development Law Unit was established as a Human Sciences Research Council project. Its focus was on development law issues such as land, housing, small and medium enterprise, and other socio-economic issues. In 1996 the two Units merged to form the Institute of Development and Labour Law. Since then the Institute has worked to consolidate research, training and education projects in both these areas of work: in labour law and labour rights, and in the area of development law.

In later years the Institute, as a result of the need to re-stimulate academic debate on labour issues and labour market regulation, has taken a leading role in setting up a fora for such debate.

In 2006 the Institute along with other research entities within the Faculty of Law underwent a process of external review under the auspices of the University Research Committee (URC). The report of the external reviewers reflected positively on the work of the Institute and the Institute was extremely encouraged by the outcome.

MISSION AND GOALS OF THE INSTITUTE

The Institute is a policy research, training and extension services centre situated in the Faculty of Law of the University of Cape Town. Its broad mission is to assist with capacity building to enhance democratic governance through applied research, training, and extension services in South Africa and the broader SADC region. It focuses on development, labour law and social policy issues. As part of this mission, it provides educational and advisory services, produces and disseminates publications, and convenes conferences, seminars and workshops. It also fosters links and networks, thus providing a reference point for policy and scholarship. Its work is driven by public interest and human rights considerations. It adopts a 'law-in-context' approach, which reflects the interdisciplinary nature of its work.

Although the Institute is a constituent part of the Faculty of Law at the University of Cape Town, it operates autonomously with its own advisory board but is ultimately accountable to the Faculty's Research and Social

Responsiveness Committee. It is also a research entity of the University Research Committee.

ACTIVITIES IN THE REGION

In 1992, the Labour Law Unit's work extended to most of what is now the Southern African Development Community (SADC) region. Apart from trade union capacity-building work, the scope of its work was expanded to include intervention in social policy issues, in particular to help develop social partnership (of government agencies, trade unions and employer interests) in the formulation of social policy. Since then the Institute has been involved in tripartite training and labour law reform to promote democratic governance in the context of regional integration.

Since the two units merged, and particularly in the last few years, the Institute has become more active in regional activities. We have strengthened our relationship with SADC countries and structures, especially with the then SADC's Employment and Labour Sector (ELS), through research and educational activities in the region. Funding received from the National Research Foundation (NRF) contributed to our research activities on regional labour market regulation, harmonisation of labour laws and social security policy. These projects and other work have allowed us to develop stronger links with other universities, research centres, NGOs, and unions in the region. The most recent work in the region is set out below under *Research and Research Related activities*.

ADVISORY BOARD 2012

Prof PJ Schwikkard (Chair)
Prof R le Roux (Director)
Dr D Collier (Deputy Director)
Prof ER Kalula
Prof L Feris
Prof Judge D Davis
Prof Darcy du Toit
Mr Naleen Jeram
Dr Taki Madima
Prof JGB Maree
Ms T Orleyn-Sekete
Dr M Sienaert
Mr J Theron

STAFF AND ASSOCIATES 2012

Teaching Staff :

Professor Rochelle Le Roux:

Director of the Institute (2012-)

Professor and Deputy Director of the Institute (2002 – 2008)

Employment discrimination; sports law, scope of employment

Professor Evance Kalula:

Director of the Institute (1996 - 2011)

International and comparative labour law; labour market regulation; social security; law and regional integration

Associate Professor Debbie Collier:

Deputy Director of the Institute (2008-2011)

Labour market regulation, inequality, intellectual property and development

Professor Paul Benjamin:

Collective bargaining and strike law; health and safety; minimum labour standards; regulatory framework

Professor Alan Rycroft:

Mediation; negotiation,

Marlese von Broembsen:

Social justice

Emma Fergus

Commercial law

Research Staff:

Shane Godfrey:

Senior Researcher, Labour and Enterprise Project bargaining councils; industrial sociology

Jan Theron:

Co-ordinator of the Labour and Enterprise Policy Research Group
(LEP)
labour rights; small and medium enterprise

Ms Margareet Visser:

Researcher (from September 2006)

Administrative Staff:

Ms Faldielah Khan:

Administrative Assistant

Honorary Research Associate:

Professor Neville Rubin:

International labour standards; law and development

Adjunct Professors:

Charles Nupen:

Dispute resolution; social dialogue

Thandi Orleyn:

Dispute resolution

Clive Thompson:

Collective bargaining; international labour law

Naleen Jeram:

Social Security

Taki Madima:

Collective Bargaining

Associates of the Institute:

Ms Rachel Banda

Mr Craig Bosch

Mr Andrew Breetzke

Ms Sarah Christie

Dr Marlea Clarke

Prof Darcy du Toit

Mr Colin Fenwick

Dr Simona Gallo

Mr Graham Giles

Ms Isabel Manley

Prof Bonaventure Rutinwa

Mr David Woolfrey

Research Students:

Mr Ashimizo Afadameh-Adeyemi

Ms Juliana Masabo

Mr Fritz Nghiishililwa

Ms Sylvia Hammond

Ms Rutendo Mudarikwa

PROGRAMMES OF THE INSTITUTE

1. RESEARCH AND RESEARCH RELATED ACTIVITIES

1.1 SADC

Prof Kalula embarked on a number of major research and policy development assignments as part of what can be loosely referred to as the SADC Development, Labour and Social Protection Project.

1.2 Zambia Labour Law Reform

This assignment was undertaken under the auspices of the International Labour Organisation (ILO) and the Zambian Government and was also supported by the Friedrich Ebert Stiftung (FES).

Prof Kalula was the leader of the project and he was assisted by four researchers. The brief was to conduct a review of existing Zambian labour and social legislation, assess it against ILO standards and make recommendations for reform. The review involved both desk top research and interaction with stakeholders in Lusaka.

The project was successfully completed and the report has been accepted by both the ILO and the Zambian Government.

1.3 Country report on South Africa on social security and social protection

This research was undertaken with Professors George Mpedi and Nicola Smit of the University of Johannesburg for a peer reviewed publication of the International Social Security Association (ISSA). The report was successfully completed and published.

1.4 SADC Law Journal

This journal, published by Juta and sponsored by the Konrad Adenauer Stiftung, involved the holding of a research workshop in October 2012. Some of the papers presented were peer reviewed and have been published as part of the 2012 issue of the journal.

2. RESEARCH CONDUCTED BY THE LABOUR AND ENTERPRISE POLICY RESEARCH GROUP (LEP)

LEP, which turned twenty one in 2012, has operated, virtually since inception as a semi-autonomous project loosely associated with the IDLL. Partly this has been because LEP is self-funded. Partly this has been because of its inter-disciplinary nature, as a result of its association with the Department of Sociology.

Throughout 2012 LEP employed three staff members, two of whom are on a part-time basis: Jan Theron (co-ordinator), Shane Godfrey and Margareet Visser. It has also employed research associates, who are often post-graduate students, on specific projects, and did so again in 2012.

2.1 Institutional issues

During the first half of 2012 there were discussions between with IDLL about its relationship with LEP, and the overlap and possible confusion of roles between them. It was agreed to integrate LEP more closely into IDLL, and also that IDLL would be reconstituted as an interdisciplinary project.

The result has been the adoption of a new constitution by IDLL, and a reconstituted board. However some implications of this agreement have not yet been finalised, such as whether LEP should be phased out altogether, and if so, when.

2.2 Research and related activities

2.2.1 Capturing the Gains

This was an international project to research global value chains, managed by the University of Manchester and funded by DFID. LEP was largely responsible for the fieldwork for this project in sub-Saharan Africa. This was completed in early 2012. The main activities that have taken place since have been the workshop in Manchester in May, that Shane and Professor Johann Maree attended, and the finalisation of the papers produced. A high profile “global summit” also took place on 3 and 4 December 2012 at a venue on the Waterfront.

2.2.2 Southern African Trade Hub

Shane and Rutendo Mudarikwa, one of the research associates employed in 2012, undertook a study for this body, funded by US AID. The study entailed comparing labour legislation provisions in three SADC countries (Botswana, Swaziland and Lesotho).

2.2.3 The ILO's Better Work Project

This is a project of the ILO concerning the quality of jobs in clothing manufacture. Shane was commissioned to investigate the attitude of SA manufacturers in Lesotho to being incorporated in the project. It was completed with the production of a report.

2.2.4 Phuhlisani

This is a rural development consultancy that had been engaged by the Winelands District Municipality to work for it. Jan produced a briefing paper for the consultancy, which he presented at a well-attended multi-stakeholder workshop in De Doorns, organised under the auspices of the Municipality.

2.2.5 FNV: Decent work project

FNV has funded LEP's work since its inception. This specific project commenced in November 2011 and ended in December 2012, and set out to examine the complexities of the concept of decent work, and draw up policy proposals, based on case studies in three sectors, namely agriculture (grapes, citrus and vegetables), manufacturing (clothing and food manufacture) and local government (waste management and care work).

It comprised three phases: a preparatory phase, field work during the second phase, and a third phase that includes scoping studies in the same sectors in four countries in the region (Zimbabwe, Zambia, Mozambique and Lesotho).

The three research assistants employed all made useful contributions to the project. They were Rutendo, Teresa Perez and Cebo Taho.

On 19 October 2012 we held a national workshop reports for each of the three sectors were presented and discussed.

The outputs from the project have been:

- A series of six 'op-eds' published sequentially, over six weeks, in the Cape Times
- Three reports on the prospect of decent work in each sector
- A report on 'worker cooperatives' in clothing
- A synthesis report on the case studies in the three sectors
- A report on the role of South African retail and logistics firms in promoting regional integration
- Reports for three countries.

2.2.6 Amnesty International

LEP has contracted with the Amsterdam office of this international human rights organisation to produce a booklet on the right to work and a livelihood. The booklet is intended to be used by organisations in Africa, particularly in Sub-Saharan Africa. With research assistance from Rutendo, Jan produced a concept paper, as well as a draft first chapter of the booklet, during 2012. Two more chapters remain to be written in 2013.

2.2.7 Cooperatives and cooperative law

Jan attended an international symposium organised by FES in Lusaka Zambia, where he presented a paper. Together with Ursula Titus, he has also written a chapter for a book on international Cooperative Law which it to be published by Springer Press.

2.2.8 International workshop on large-scale agriculture

Jan and Margareet submitted a paper to this workshop, which was held in Cape Town in September 2012.

2.3 Finances and salaries

Although our salaries account is perennially overdrawn, LEP was able finish the year without having to draw from its accumulated reserves. On the basis that there was a realistic prospect of further funding from FNV for three or four years, as well as other work, as discussed above, it was also decided to close (for the first time) the gap that has always existed between LEP salaries and UCT's RFJ.

3. PUBLICATIONS 2012

Research Output

3.1 Monographs and Occasional Papers published by the Institute

Bamu, P and Theron, JP 2012. 'Nothing about us without us': A case study of the dynamics of the informal workplace at Mitchell's Plain Town Centre. Cape Town: Institute of Development and Labour Law, Development and Labour Monograph Series, 1-2012, 1 - 40. ISBN 978-0-7992-2486-3.

3.2 Articles in peer reviewed journals

Benjamin, P. 2012. Labour law beyond employment. *Acta Juridica*, 1(2012): 21-40.

Collier, D. 2012. Technology and law. *Griffith Law Review*, 21(1): 245-287.

Collier, D. and Bamu, P. 2012. Linking trade to labour standards: a promising synergy or a double-edged sword? *Acta Juridica*, 1(2012): 326-347.

Fergus, E. and Rycroft, A.J. 2012. Refining review. *Acta Juridica*, 1(2012): 170-194.

Godfrey, S.D. and Bamu, P. 2012. The state of centralised bargaining and possible future trends. *Acta Juridica*, 1(2012): 219-243.

Le Roux, R. 2012. The new unfair labour practice. *Acta Juridica*, 1(2012): 41-57.

Theron, J.P. 2012. Prisoners of a paradigm: labour broking, the 'new services' and non-standard employment. *Acta Juridica*, 1(2012): 58-83.

Von Broembsen, M. 2012. Legal empowerment of the poor: the re-emergence of a lost strand of human rights? *Rapport Center Working Paper Series*, 1: 1-19.

Von Broembsen, M. 2012. People want to work, yet most have to labour: towards decent work in South African supply chains. *Law, Democracy and Development*, 16: 1-27.

3.3 Edited Books

Le Roux, R and Rycroft, A. (eds) 2012. *Reinventing Labour Law: Reflecting on the first 15 years of the Labour Relations Acts and future challenges*. 392pp. Cape Town, South Africa: Juta & Co Ltd. ISBN 978 07021 9864 9.

Van der Walt, A.J., Le Roux, R. and Govindjee, A. (eds) 2012. Labour Law in Context. 292pp. Cape Town, South Africa: Pearson Education Limited. ISBN 9781775780939.

3.4 Chapters in Books

Benjamin, P.S. 2012. To regulate or to ban? Controversies over temporary employment agencies in South Africa and Namibia. In K. Malherbe and J. Sloth-Nielsen (eds), Labour Law into the Future: Essays in Honour of D'Arcy Du Toit, pp. 189-209. Cape Town, RSA: Juta Law. ISBN 9780702194238.

Collier, D. and Glazewski, J.I. 2012. Climate change and possible legal liability: implications for the City of Cape Town. In A. Cartwright, S. Parnell, G. Oelofse and S. Ward (eds), Climate Change at the City Scale: Impacts, Mitigation and Adaptation in Cape Town, pp.147-162. Abingdon, Oxon: Routledge. ISBN 9780415 527583.

Collier, D., Ncube, C.B. and Schonwetter, T. 2012. Intellectual property. In M.A. Fouche (ed.), Legal Principles of Contracts and Commercial Law, pp. 289-306. 7th edition. Cape Town, South Africa: LexisNexis. ISBN 9780409049459.

Fergus, E. 2012. Dismissal for incapacity. In A.J. Van der Walt, R. Le Roux and A. Govindjee (eds), Labour Law in Context, pp. 123-139. Cape Town, South Africa: Pearson Education Limited. ISBN 9781775780939.

Jeram, N. 2012. Allocation of death benefits. In K. Hanekom (ed), The Manual on South African Retirement Funds and Other Employee Benefits, pp. 188-280. South Africa: Lexis Nexis Butterworths. ISBN 9780409115468.

Le Roux, R. 2012. Dismissal. In A.J. Van der Walt, R. Le Roux and A. Govindjee (eds), Labour Law in Context, pp. 85-99. Cape Town, South Africa: Pearson Education Limited. ISBN 9781775780939.

Le Roux, R. 2012. Dismissal for conduct. In A.J. Van der Walt, R. Le Roux and A. Govindjee (ed), Labour Law in Context, pp. 111-122. Cape Town, South Africa: Pearson Education Limited. ISBN 9781775780939.

Le Roux, R. 2012. The purpose of labour law: can it turn green? In K. Malherbe and J. Sloth-Nielsen (ed), Labour Law into the Future: Essays in Honour of D'Arcy Du Toit, pp. 230-249. Cape Town, RSA: Juta Law. ISBN 9780702194238.

3.5 PhD / LLM / Post Graduate Diploma Dissertations Passed for Higher Degrees

3.5.1 PhD

Masabo, J. 2012. The protection of the rights of migrant workers in Tanzania. Supervised by E.R. Kalula and co-supervised by B. Rutinwa (University of Dar es Salaam).

3.5.2 LLM and Post Graduate Diploma Dissertations

Abrahams, Stacey 'Dismissal for incompatibility' (2012).

Bassuday, Kerswyn 'When a continued employment relationship becomes intolerable' (2012).

Biney, Elizabeth 'Safe guarding the illegal: rethinking the interface between labour and immigration laws' (2012).

Heeger, Megan 'Workers with care responsibilities: a critical analysis of the relevant South African Labour Law provisions' (2012).

Hermanus, Enoch 'Worker participation in decision making in employment establishments in South Africa' (2012).

Inggs, Stella 'A heightened awareness on the part of the mediator of the cognitive(perception), emotional(feeling) and behavioural(action) factors of disputants can be pivotal in changing the perceptual reality of a mediation and lead to more favourable settlement outcomes' (2012).

Kichao, Beatrice 'Towards the realisation of the African Economic Community: a critical legal assessment of the anticipated COMESA, EAC and SADC Tripartite free trade area' (2012).

Lilelo, Andile 'The protection of plants and agriculture - between Plant Variety legislation and Patent Laws: a fine balance between access, benefit sharing and IPR protection' (2012).

Massie, Kaylan 'For safety's sake: the interaction of the law of dismissal and occupational health and safety' (2012).

Shirley, Liam 'Is a domesticated version of the Court of Arbitration for Sport in South Africa a possibility?' (2012).

Weber, Eckhardt 'Transfer of undertaking - protection of employment in South Africa' (2012).

Weich, Danielle 'An analysis of insubordination under South African Labour Law' (2012).

4. MISCELLANEOUS ACTIVITIES AND EVENTS NOT CAPTURED ELSEWHERE

4.1 Marikana Panel discussion – 30 August 2012

The Institute hosted a panel discussion on the Marika massacre. The discussion was led by Professor Steven Friedman (general assessment) with panellists Associate Professor Elrena van der Spuy (criminologist) and Tony Ehrenreich (the union perspective). The discussion was facilitated by Mr Randall van Voore. Funding for the event was provided by the dean's office and it was attended by approximately 100 persons.

4.2 Labour Law Certificate Courses

This course, initiated in 1999, continues to attract many students, trade unionists, staff from the Department of Labour, and a range of practitioners. The focus is on core labour legislation: the Labour Relations Act, Basic Conditions of Employment Act, Employment Equity Act and the Skills Development Act. The course also covers various aspects of practical labour law application in the workplace, including dismissal, unfair labour practices, collective bargaining, industrial action, CCMA and Labour Court procedures, and drafting an employment equity plan.

In 2007 a decision was taken to run the certificate course in association with the Law Faculty's Law@work: Professional Development Project in order to take advantage of the administrative functions offered by the project. Since 2011, this also includes an online offering which has been very popular. However, the residential certificate course was not offered in 2012 and a new marketing strategy will be embarked upon in 2013.

4.3 Sports Law

The Institute maintains an interest in Sports Law through the Sports Law Certificate Course offered by the Law Faculty's Law@work: Professional Development Project and through publication of relevant articles by Rochelle le Roux. During the year under review the Institute also undertook a research and capacity building contract in collaboration with the South African Institute for Drug-Free Sport.

5. SOCIAL RESPONSIVENESS AND CONSULTATION SERVICES

5.1 Institute Conferences, Seminars and Workshops

5.1.1 25th Annual Labour Law Conference

The conference titled 'Decent Work in a Sustainable Workplace' was hosted by the Institute in conjunction with the University of KwaZulu-Natal and the Centre of Applied Legal Studies, University of Witwatersrand at the Sandton Convention Centre, 1 - 3 August 2012. LexisNexis continue to manage and administer the conference.

5.2 Social Responsiveness of IDLL Staff and Associates

5.2.1 Benjamin, Paul

- Extensive ILO activities including resource person in ILO workshops in Beijing, China on changes to Chinese labour law.
- Involved in legislative development and drafting in Lesotho.
- Drafter: Regulations on Child Labour under Basic Conditions of Employment Act and Occupational Health and Safety Act
- Advisor: Commission for Conciliation, Mediation and Arbitration (CCMA) on enhancing quality of decision –making in arbitration processes
- Facilitator: National Economic, Development and Labour Council (NEDLAC): Restructuring of Labour Courts and changes to Cooperatives Act.
- Consultant (labour rights in SA) to UN Commission for Legal Empowerment of the Poor
- Member of Editorial Board *Industrial Law Journal (ILJ)*.

5.2.3 Christie, Sarah

- Member European Bank for Reconstruction and Development Administrative Tribunal (2008 to date).
- Past member of the World Bank Administrative Tribunal (2002 – 2009).
- Deputy Member - EUMETSAT Appeals Board (European Organisation for the Exploitation of Meteorological Satellites) 2007 to date.
- Part time senior commissioner CCMA
- Conducts training for CCMA and bargaining council conciliators and arbitrators.
- Conducts training in employment law and dispute resolution practice for LexisNexis Butterworths clients
- Member Tokiso and IR Change private dispute resolution agencies.

- Member of the dispute resolution panels of the following bargaining councils
 - Public Service Co-ordinating Bargaining Council
 - Education Labour Relations Council
 - Motor Industry Bargaining Council
 - Metal and Engineering Industries Bargaining Council
- Presentation to the national annual conference of the South African Society of Labour Law (SASLAW) "What do Arbitrators expect of Practitioners?" Johannesburg, October 2009
- Committee member Alliance Française

5.2.4 Collier, Debbie

- Associate of the Labour and Enterprise Project
- Co-convenor, Annual Labour Law Conference Editorial board of the IDLL Monograph Series
- Engaged on Project 25 for the purposes of statutory law revision of the legislation administered by the Department of Agriculture.
- Advisory Board member, Abalimi Bezekhaya
- Advisory Board member, Entrust Management Academy

5.2.5 Godfrey, Shane

- Member, Editorial Committee, *Law, Democracy & Development Journal*.

5.2.6 Kalula, Evance

- Elected as a member of the Academy of Science of South Africa (ASSAf);
- Continues to serve as a member of the Ministerial Advisory Panel of the Economic Development Department (EDD);
- Editor-in-Chief, *SADC Law Journal*;
- Member, Editorial Committee of Social Dynamics;
- Member, Reviewers Panel, South African Journal of Labour Relations;
- Member, Editorial Advisory Board, *Law, Democracy & Development Journal*;
- Appointed Chair of the University of Lusaka Council, Zambia;
- Chair, Advisory Board, ENTRUST Academy;
- President-Elect, International Labour and Employment Relations Association (ILERA);
- Member, Executive Committee of the Industrial Relations Association of South Africa (IRASA);
- Member, Editorial Advisory Board, *Malawi Law Journal*;
- Member, Editorial Advisory Board, *European Labour Law Journal*;
- Member, Editorial Board, *International Journal of Discrimination and the Law*;

- Member, Editorial Advisory Board, *Zambia Law Journal*;
- External Examinerships: Brunel University (UK), University of Botswana, University of Namibia, University of Zambia, University of Johannesburg, University of the Free State, University of South Africa, Andhra University (India), University of the Western Cape, University of Limpopo, North-West University; University of Dar Es Salaam.

5.2.7 Le Roux, Rochelle

- Convenor, Annual Labour Law Conference
- Non-Executive Director of the South African Reserve Bank.
- Member of the Board of the South African Institute for Drug-free Sport.

5.2.8 Theron, Jan

- Board member, Cooperative Banks Development Agency
- Consultant to WIEGO, an international research network on labour law and the informal economy.

5.2.9 Visser, Margareet

- Ethical trade auditor for the NGO Fairtrade, who aims to promote equitable trade and compliance with labour, health and safety and environmental legislation in agriculture.

6. GRADUATE TEACHING

6.1 LLB teaching

The Institute was responsible for convening and teaching a number of courses in 2012.

Institute courses offered in the LLB programme include:

- CML 4202H – Labour Law (LLB)
- CML 5429H – Research Focus Group: Law and Regional Integration in Africa

6.2 Postgraduate Courses (School for Advanced Legal Studies)

The Institute is responsible for teaching and administering numerous courses (see § 6.1 above) offered by the School for Advanced Legal Studies as credits toward the Masters in Law, Masters in Philosophy and Postgraduate Diploma in Law. The courses (depending on the combination of courses selected by the candidate) may lead to a degree / diploma without specialisation or to a degree with a specialisation in Labour Law.

Institute courses offered by the School for Advanced Legal Studies (SALS) in 2012 include:

- CML 5613S – Collective Labour Law
- CML 5616F – International and Comparative Labour Law
- CML 5631S – Mediation
- CML 5651F – Individual Employment Law
- CML 5664F – Law and Regional Integration in Africa: Comparative Perspectives
- CML 5671F - Negotiation

In addition, the Institute is key in offering the following specialist Diplomas:

- Postgraduate Diploma in Law (Employment Law)
- Postgraduate Diploma in Law (Conciliation and Arbitration)
- Postgraduate Diploma in Law (Dispute resolution)

The Institute intends to ensure the relevance of its postgraduate offerings by engaging in a rigorous internal review process of its courses in the coming year.

It was agreed that a new Masters course, Workplace Discrimination and Equality Law would be offered from 2013, and in preparation for this a website with access to teaching and learning materials was set up at <http://equalitylaw.uct.ac.za/>. The course will examine the

constitutionally embedded concept of substantive equality in the context of the South African labour market and workplace. More specifically, the regulation of employment discrimination and affirmative action, which pivots around the provisions of the Employment Equity Act of 1998, will be explored in the course through the lens of South African case law, alongside an examination of selected theoretical and sociological perspectives, and comparative developments, on equality and discrimination. The course will provide students with the necessary skills to deal with discrimination problems that may arise in the workplace, including harassment and discrimination on the basis of race, sex and gender.

In addition to the new course, IDLL associates Debbie Collier and Emma Fergus will be undertaking research in anti-discrimination law, and more specifically will focus on deficits in the current regulatory framework and judicial decision-making, and will be looking at the possible role of corporate governance in addressing some of these deficits. Debbie and Emma will be presenting papers on these topics at the Labour Law Research Network Inaugural Conference in Barcelona in June 2013 and the Regulating for Decent Work conference at the ILO in Geneva in July 2013.

7. FUNDING AND FINANCES

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Friedrich Ebert Stiftung (FES)
National Research Foundation (NRF)
University Research Committee (UCT)
Department of Labour
International Labour Organisation (ILO)

Despite the above funding, the Institute remains responsible for raising its own operational capital. In this regard the Annual Labour Law Conference is the major source. An account of IDLL income and expenditure for the 2012 will be presented at the Board Meeting in 2013.

8. HOW TO CONTACT US:

Institute of Development and Labour Law
Kramer Law School, Middle Campus
University of Cape Town
Private Bag X3, Rondebosch
7701

Telephone: (27-21) 650-5634

Fax: (27-21) 650-5660

E-mail: faldielah.khan@uct.ac.za

Website: <http://www.idll.uct.ac.za>