

**CHARTERED**   
INSTITUTE OF PROFESSIONAL CERTIFICATIONS

# SOUTH AFRICA LAWS ON EMPLOYMENT TERMINATION, DISMISSAL AND RETRENCHMENT

**Fully Accredited  
By:**

Chartered Institute of  
Professional Certifications

CPD  
Certification Service



# PROGRAM OVERVIEW

Each year, **over 180,000 employment disputes** are referred to **South Africa's Commission for Conciliation, Mediation and Arbitration (CCMA)**, with the majority stemming from claims of unfair dismissal or termination. This high volume reflects the complexity of South Africa's termination laws, which impose stringent procedural and substantive requirements on employers, making it exceptionally difficult for HR leaders to navigate terminations without triggering disputes or legal challenges.

This certified program will equip you with comprehensive legal framework governing employment termination, dismissal, and retrenchment in South Africa. You will gain a deep understanding of the **critical procedural steps required for lawful dismissals**, including distinctions between dismissals for misconduct, incapacity, and operational requirements. Additionally, you will explore how to **conduct legally sound retrenchment processes** in line with Section 189, including consultation obligations, selection criteria, severance pay requirements, and alternatives to retrenchment.

## ACCREDITATIONS



4.8



4.6







# PROGRAM OVERVIEW

Through real-world case studies and landmark decisions from the CCMA and Labour Courts, you will develop strategies to **minimize legal exposure and strengthen organizational compliance**. You'll learn to draft **defensible termination policies, manage legal risks** during disciplinary hearings and investigations, and effectively document processes to withstand legal scrutiny. Additionally, this program will help you gain practical guidance on **aligning termination practices with constitutional and legislative mandates**, especially in unionized environments where collective bargaining agreements and trade union consultation requirements must be rigorously observed. By the end of this program, you will be equipped to structure robust exit strategies, implement proactive compliance frameworks, and enable your organization to avoid costly litigation while upholding fair labour practices.

Upon successful completion of the program, you will be awarded the **Certification in South Africa Employment Termination and Retrenchment Law**, enhancing your professional credentials and strengthening your expertise in the critical area of employment termination and labour law compliance. This industry-recognized certification holds lifelong validity and will distinguish you as a trusted expert in managing dismissals, retrenchments, and workforce exits in accordance with South Africa's legal and ethical standards.

## ACCREDITATIONS



4.8



4.6





# KEY SKILLS YOU WILL GAIN

## From This Program



**SOUTH AFRICAN LABOUR LAW COMPLIANCE  
LABOUR RELATIONS ACT (LRA) APPLICATION  
BASIC CONDITIONS OF EMPLOYMENT ACT  
(BCEA) INTERPRETATION**

**CONSTITUTIONAL RIGHTS  
IN EMPLOYMENT TERMINATION  
CLASSIFICATION OF TERMINATION TYPES  
SUBSTANTIVE AND PROCEDURAL FAIRNESS**

**MISCONDUCT DISMISSAL PROCEDURES  
INCAPACITY AND ILL-HEALTH TERMINATION  
POOR PERFORMANCE MANAGEMENT  
CONDUCTING DISCIPLINARY HEARINGS**

**SECTION 189 AND 189A  
RETRENCHMENT PROCEDURES  
RETRENCHMENT CONSULTATION  
AND SELECTION CRITERIA  
DISGUISED DISMISSALS IDENTIFICATION**

**LEGALLY SOUND TERMINATION NOTICES  
RETRENCHMENT AND DISMISSAL LETTERS**



# YOUR FACULTY DIRECTOR



## Aslam Moolla

### Highly Distinguished Employment and Labour Law Specialist

Aslam Moolla is a highly regarded Labour Law specialist with over 13 years of experience, dedicated to promoting fair workplace practices and advocating for employees' rights. He holds a Master's in International Trade Law and is licensed by the Legal Practice Council of South Africa. With expertise in employment litigation and legal compliance, **Aslam has represented clients before the Labour Court, High Court, and CCMA.**

He has also conducted legal **compliance audits and developed HR policies for major organizations, including Durban ICC and Gift of the Givers. Aslam's insights are shared with over 600,000 social media followers**, and he regularly appears in media outlets to provide expert advice on labour law and workplace rights.



# OUR PARTICIPANTS

Over 70% of FORTUNE 500 Companies Have Attended Our Accredited Programs Before







# PROGRAM AGENDA

## **MODULE 1 - UNDERSTANDING THE LEGAL FRAMEWORK**

Overview of the Labour Relations Act (LRA), BCEA, and Constitution  
Key definitions: Dismissal, Retrenchment, Mutual Separation, Fixed-Term Contract Expiry

## **MODULE 2 - TYPES OF TERMINATION**

Dismissal vs Retrenchment vs Resignation vs Retirement  
Understand when a “Dismissal” Legally Occurs

## **MODULE 3 - DISMISSAL FOR MISCONDUCT**

Substantive and Procedural Fairness (Schedule 8)  
Disciplinary Hearings and Sanctions

## **MODULE 4 - DISMISSAL FOR INCAPACITY OR POOR PERFORMANCE**

Differentiating Misconduct vs Incapacity  
Process for Managing Ill-Health or Performance Issues

## **MODULE 5 - RETRENCHMENTS AND OPERATIONAL REQUIREMENTS**

Section 189 and 189A of the LRA  
Selection Criteria and Consultation

## **MODULE 6 - PROBATION, FIXED-TERM CONTRACTS & TEMPORARY EMPLOYMENT**

Terminating Probation Fairly  
Ending Fixed-Term Contracts Lawfully

## **MODULE 7 - MUTUAL SEPARATION AGREEMENTS (MSA)**

When and How to Use MSAs  
Ensuring Voluntariness and Enforceability

## **MODULE 8 - DRAFTING LEGALLY COMPLIANT TERMINATION DOCUMENTS**

Notices, Hearing Outcomes, Retrenchment Letters  
Common Drafting Mistakes

## **MODULE 9 - DEFENDING DISMISSALS AT THE CCMA OR LABOUR COURT**

The CCMA Process: Conciliation, Arbitration, Evidence  
Employer Preparation and Representation

## **MODULE 10 - ETHICAL OFFBOARDING AND LEADERSHIP DURING EXITS**

Preserving Morale and Employer Brand  
Employee Dignity and Communication



# YOUR CHARTER DESIGNATION



Chartered Institute of Professional Certifications' programs are unique as they provide you with professional charter designations and marks that can be used across your lifetime once you have completed our programs.

Upon successfully attending this program, you will be awarded with the **Certification in South Africa Employment Termination and Retrenchment Law** that can be used in your resume, CV and other professional credentials. This certification is industry-recognized with lifelong validity.

Globally recognized and highly regarded, this certification will elevate your professional profile and validate your expertise in navigating the complexities of employment termination, dismissal, and retrenchment compliance under South African labour law. Developed by the **Chartered Institute of Professional Certifications**, this program has been independently accredited by the **CPD Certification Service**, ensuring it meets the highest standards of continuing professional development principles.

# ABOUT US

49,525

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390

Certified and Fully  
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# CONTACT US TODAY

We Thank You for Your Ongoing Support  
of Our Programs

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