

**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



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# KEY SKILLS YOU WILL GAIN

## From This Program



# 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.

# YOUR FACULTY DIRECTOR



## Douglas Nelson

### Highly Experienced South African Labour Law Specialist

Douglas Nelson is a highly experienced **South African labour law specialist with extensive, hands-on expertise in resolving workplace disputes, particularly within the CCMA and bargaining council environment**. His professional practice is grounded in real-world application, shaped by substantial exposure to conciliation, arbitration, and evidentiary decision-making across organizations ranging from small enterprises to large corporates.

As Chief Operating Officer of Moolla Attorneys, Douglas plays a senior strategic role in supporting and guiding legal practitioners across the full labour law lifecycle. His work encompasses **grievance management, disciplinary and incapacity proceedings, CCMA conciliations and arbitrations, and Labour Court litigation, including review applications, statements of claim, and urgent interdicts**. He has been directly **involved in over 30 Labour Court matters and a significant volume of CCMA cases**, and regularly attends court proceedings in support of attorneys and appointed advocates. Douglas has chaired numerous disciplinary hearings and provides practical, commercially grounded advice to both employers and employees on dispute management, procedural fairness, and effective labour law engagement.

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# 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



By the vested power in the Board of Governors of Chartered Institute of Professional Certifications, the Advisory Board, Faculty and Curriculum Committee, do hereby certify

**Juliana Silva**

Has Earned the Certificate of Completion For

## **South Africa Employment Termination and Retrenchment Law**

This Program Is Developed by Chartered Institute of Professional Certifications and The Content of This Program Has Been Certified by CPD Certification Service as Conforming to Continuing Professional Principles

Chair of the Board



Director

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

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All of Chartered Institute of Professional Certifications programs are fully accredited programs. The professional charters and designations are trademarked credentials that can only be used by professionals who have completed and passed our accredited program. It is also independently accredited by CPD as adhering to the highest standards of continuing professional principles.

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# OUR FACULTY DIRECTORS

We Collaborate With  
Instructors From  
Renowned Institutions



**HARVARD**  
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**LSE** THE LONDON SCHOOL  
OF ECONOMICS AND  
POLITICAL SCIENCE



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# CONTACT US TODAY

We Thank You for Your Ongoing Support  
of Our Programs

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