

## CALL FOR INDEPENDENT CONTRACTOR: LABOUR LAW EXPERT

### GOALS FOR ORGANISATIONAL REDESIGN

The goals of the organisational redesign project are to:

- Enhance the ability to deliver on strategy through fit for purpose organisational design
- Ensure operational agility
- Improve operational effectiveness and efficiency
- Contribute to the university's financial sustainability through structures that are responsive to the strategy

### KEY DELIVERABLES & TASKS

#### Overview:

This Scope of Work provides a comprehensive outline of the responsibilities the Labour Law Expert will undertake during the organisational redesign. It ensures that all legal, compliance, communication, and dispute resolution aspects of the redesign are properly handled in a manner that protects both the university and the employees.

**Maximum: R800k; R1500 per hour**

DELIVERABLES	DESCRIPTION, <i>including but not limited to the following:</i>
<b>1. Legal Consultation and Strategy Development</b>	<ul style="list-style-type: none"><li>• <b>Initial Assessment:</b> Review the overall redesign strategy and objectives to identify legal issues and risks.</li><li>• <b>Legal Framework:</b> Advise on the legal and regulatory framework governing redesign processes, including statutory requirements, industry-specific regulations, and relevant collective bargaining agreements (where applicable).</li><li>• <b>Risk Mitigation:</b> Identify potential legal risks, including discrimination, breach of contract, and violation of employee rights, and propose strategies to mitigate these risks.</li><li>• <b>Strategic Guidance:</b> Provide ongoing strategic legal counsel regarding the redesign process including redeployment and voluntary severance.</li></ul>

<p><b>2. Legal Compliance Review</b></p>	<ul style="list-style-type: none"> <li>• <b>Employment Laws:</b> Review all applicable employment laws and regulations (including those governing redeployment, and employee benefits) to ensure the redesign implementation complies with all legal standards. Consultations, expert advice dealing with Section 189 of the Labour Relations Act.</li> <li>• <b>Collective Agreements:</b> Examine existing collective bargaining agreements, union contracts, and employment policies to ensure compliance in implementation.</li> <li>• <b>Due Diligence:</b> Conduct legal due diligence regarding employee-related matters (e.g., existing contracts, benefits, collective bargaining agreements, pension plans) to assess the impact of the redesign, voluntary severance and redeployment on existing obligations.</li> <li>• <b>Employee Protection Laws:</b> Advise on employee protections during redesign and redeployment, such as severance pay and any special protections for vulnerable employees.</li> </ul>
<p><b>3. Redeployment Procedures</b></p>	<ul style="list-style-type: none"> <li>• <b>Redeployment Framework:</b> Advise on the legal framework for redeployment, including the criteria for the redeployment pool, and ensure that the process is fair, transparent, and compliant with all applicable laws and policies.</li> <li>• <b>Voluntary Severance Packages:</b> Review and recommend legally compliant voluntary severance packages and compensation, ensuring they are competitive and in line with statutory entitlements.</li> <li>• <b>Employment Contracts:</b> Review and advise on amendments to employment contracts (e.g., changes in job roles, locations, compensation) resulting from the redesign and/ or redeployment, ensuring all contractual changes comply with labour laws.</li> </ul>
<p><b>4. Consultations</b></p>	<ul style="list-style-type: none"> <li>• <b>Consultations with all relevant stakeholders, including but not limited to:</b> <ul style="list-style-type: none"> <li>○ Organised Labour</li> <li>○ Unisa Bargaining Forum</li> <li>○ Employees</li> <li>○ Management</li> </ul> </li> </ul>

<p><b>5. Employee Communication and Documentation</b></p>	<ul style="list-style-type: none"> <li>• <b>Internal Communication Strategy:</b> Advise on the legal aspects of communicating the redesign, redeployment and voluntary severance packages to employees, including consultations, and meetings.</li> <li>• <b>Employee Notifications:</b> Draft and review legal documents such as redeployment letters and communications regarding changes to employment terms, ensuring compliance with relevant laws.</li> <li>• <b>Consultation Process:</b> Assist in the legal management of the consultation process, including preparing written communications to employees and handling responses.</li> <li>• <b>Documentation:</b> Ensure all required documentation for redeployment, voluntary severance, and changes to employment terms is legally sound and in compliance with applicable regulations.</li> </ul>
<p><b>6. Dispute Resolution and Employee Claims</b></p>	<ul style="list-style-type: none"> <li>• <b>Dispute Prevention:</b> Provide advice on proactive measures to prevent disputes, grievances, or lawsuits during the redesign, redeployment and voluntary severance processes.</li> <li>• <b>Internal Grievances:</b> Assist in addressing any internal employee grievances related to the redesign, including unfair treatment, discrimination, or breach of contract claims.</li> </ul>

	<ul style="list-style-type: none"> <li>• <b>Claims and Litigation:</b> Provide advice to the university in case of legal claims or lawsuits filed by employees or unions, including claims related to discrimination, or non-compliance with labour laws.</li> <li>• <b>Arbitration and Mediation:</b> Advise and assist in the resolution of disputes through arbitration or mediation, where applicable.</li> </ul>
<b>7. Union and Employee Representative Relations</b>	<ul style="list-style-type: none"> <li>• <b>Union Consultation:</b> Where applicable, represent the university in consultations with recognised trade unions and employee representatives, ensuring compliance with collective agreements and legal requirements.</li> <li>• <b>Negotiation:</b> Assist in negotiations with unions, including handling disputes and facilitating agreements on behalf of the university related to voluntary severance, redeployment terms, employee protection measures, and any other organisational redesign matters. Provide expertise in dealing with Section 189 of the Labour Relations Act.</li> <li>• <b>Employee Representation:</b> Advise on how to appropriately handle employee representatives and the consultation requirements for voluntary severance, redesign and redeployment.</li> </ul>
<b>8. Post-Redesign Support</b>	<ul style="list-style-type: none"> <li>• <b>Post-Redesign Employee Relations:</b> Advise on managing employee relations post-restructuring, including handling any residual issues such as disputes over voluntary severance, redeployment, or any other changes.</li> <li>• <b>Ongoing Legal Support:</b> Offer ongoing support to ensure that the university continues to comply with any new or updated legal requirements post-redesign, and address any emerging legal issues related to the changes.</li> </ul>
<b>9. Advice</b>	<ul style="list-style-type: none"> <li>• <b>Tax Implications:</b> Provide advice on the tax implications of voluntary severance.</li> <li>• <b>Data Privacy:</b> Advise on data protection and privacy concerns related to employee data during the redesign process, particularly when handling personal and sensitive information.</li> </ul>
<b>10. Report Writing</b>	<ul style="list-style-type: none"> <li>• Compilation of regular reports as required.</li> </ul>

**ACCOUNTABLE TO:**

Director: Organisation Development and HRIS (Department Human Resources)

## **QUALIFICATIONS AND EXPERIENCE**

Minimum qualification: A relevant 4-year qualification or equivalent. Admitted as an attorney by the High Court under the Legal Practice Act.

### **AND**

Minimum five (5) years' experience in labour law including implementation of Section 189 of the Labour Relations Act. Experience as a Senior Commissioner at the CCMA.

## **KEY SKILLS AND COMPETENCIES**

**To perform effectively in the role, the incumbent will at least need the following:**

- Conflict handling
- Accuracy and detail oriented
- Ability to work under pressure
- Deadline driven
- Ability to work with others and takes initiative
- Problem solving skills
- Logical, critical and innovative thinking
- Objectivity
- High ethical standards
- Purpose and values driven work ethic
- Ability to maintain high confidentiality

**Closing date: 10 March 2026**

Should you be interested, please send your comprehensive CV to Ms M Nkoane at [ncubemp@unisa.ac.za](mailto:ncubemp@unisa.ac.za).

**//ENDS.**