

The EOHCB continuously strives to provide our Members with a full range of services relating to labour matters and endeavour to address the needs of our members with integrity, professionalism and sound business practice.

### PLEASE NOTE:

Effective as of 1 March 2021, South Africa's National Minimum Wage (NMW) will increase by 4.5% from R20.76 to R21.69 per hour. No employee employed within the Hairdressing, Cosmetology, Beauty, and Skincare Industry, may earn less than R21.69 per hour (excluding entry level learners or learners on NQF level 2 & 3).

2020 MINIMUM SALARY (195 hours)	2020 HOURLY RATE	2021 MINIMUM SALARY (195 hours)	2021 HOURLY RATE
R4,048.17	R20.76	R4,229.52	R21.69

### DID YOU KNOW

#### Myth busted COVID-19 vaccine:

- 5G Mobile Network does not spread COVID-19. COVID-19 is spread through respiratory droplets when a person who is COVID-19 positive coughs, sneezes or speaks as well as by touching contaminated surfaces and then touching your eyes, mouth and nose.
- Even if you have tested Positive for COVID-19 you will still benefit from the vaccine, the Centres of Disease Control & Prevention (CDC) recommends that if you have had COVID-19 to still get the vaccine as preliminary evidence shows it offers better protection than having had the virus.
- The vaccine does not contain microchips or any form of tracking device, vaccine manufactures are required to declare their ingredients to South African Health Products Regulatory Authority (SAHPRA) before the vaccine can be approved.
- You cannot test positive for COVID-19 because of the vaccine, there is no live virus in the vaccines. A vaccine stimulates your immune system to produce antibodies which fight the virus when it enters your body.

### IMPORTANT DATES FOR 2021

Please contact your EOHCB Divisional Manager for more information.

### **Annual General Meetings:**

- **Eastern Cape & Border Division:**  
9 March 2021
- **North West Division:**  
10 March 2021
- **Kwazulu-Natal Division:**  
15 March 2021
- **Southern Gauteng Division:**  
15 March 2021
- **Northern Gauteng Division:**  
16 March 2021
- **Western Cape Division:**  
29 March 2021
- **Free State & Kimberley Division:**  
19 April 2021

The Organisation is in the process of finalising our social engagements calendar for 2021, and will communicate dates for seminars and our online competition for 2021 as soon as possible.

### CONSTITUTION OF THE EOHCB

#### Voting at Divisional Annual General Meetings

All EOHCB members, with paid up membership, are invited to attend their Divisional Annual General Meeting. At this meeting, various important factors will be discussed and deliberated, and while the agenda will differ from division to division, the primary focus is to update EOHCB members as well as receive input from members.

The input we need from members, amongst many other important things, will include mandates for wage negotiations, industry input regarding terms and conditions of employment, as well as voting for nominated members onto the Divisional Executive Committees.

It is important to note that all voting members must have paid up membership fees as well as be compliant with the EOHCB constitution. To determine whether you are permitted to vote at your Divisional AGM, please be sure to contact your Divisional Manager.

The EOHCB constitution provides us with some basic guidelines regarding decision making at the Divisional Meetings and, while guidance will be given to meeting attendees, it is important to know some basics:

#### **Determining a Motion**

All motions should be placed in writing and provided to

the Chairperson. This motion should be seconded at the meeting. The vote will then be conducted via a show of hands or via an anonymous ballot, if the meeting decides.

### Decision-Making

Decisions made at the Divisional AGMs will be determined by a simple majority. These decisions will still be subject to resolutions determined by the EOHCB Board or the National Management Committee.

### Proxies

If you are unable to attend your Divisional Annual General Meeting, please remember to contact your Divisional Manager to get a copy of the Proxy form. This can then be given to an attending EOHCB member or one of your staff members to vote on your behalf, as long as there is not a conflict of interest.

Divisional AGMs are massively important and getting input from EOHCB members is the lifeblood of the processes that we follow. Please be sure to contact your Divisional Manager for the details of your AGM, and if you are unable to attend, please ask for assistance with a proxy.

## LABOUR RELATIONS Annual Leave

Q. How do I manage my employee's leave? The staff tend to tell me when they are taking leave but I am so caught up with customers, stock and every day challenges that this just flies passed me. HELP!

A. Leave is one of those matters in business that sneaks up on you if you do not give it enough attention.

Our first suggestion is to establish a simple but effective leave application process for the staff. The EOHCB has a standard leave application form, which should be completed by the employee. This form should then be issued to the Employer/Manager.

This process must provide the Employer/Manager enough time to prepare for the employee's absence, and to develop the monthly roster, if necessary. For example, we recommend that staff should apply for leave no later than two (2) months prior to the intended period of leave; this would allow the Employer/Manager to book clients and develop a roster that is ready for the employee's absence.

It is important for staff to remember that the nature of the employment relationship is that the employee is needed within the business, and that the business must be given an opportunity to prepare for their absence, either in the form of customer communication or by simply changing the natural order of productivity.

Secondly, if the business is not capable of allowing the employee to take leave at the requested time, we strongly suggest that this be communicated to the employee and alternative dates be given to the employee. The Employer should keep this leave application form and record the reasons as to why the leave application was denied.

Thirdly, while the terms and conditions of annual leave may differ from division to division, it should still be regarded as an expense that accumulates; and it should be recorded as such.

Contact your payroll practitioner or EOHCB Representative on guidance regarding effective record keeping of annual leave.

### MANDATORY VACCINATION POLICY:

With the comprehensive vaccination strategy beginning in South Africa and while there is still uncertainty to when the COVID-19 vaccine will be available it is important for employers to start educating and informing all employees about the COVID-19 vaccine.

There is currently no legal restriction on mandatory vaccination policies and the implementation of such policy will need to be measured against the principle of reasonableness.

When an employer contemplates a mandatory vaccination policy in the workplace the following considerations should be taken into account:

1. Mandatory vaccination policies will inform all employees of the employer's point of view regarding vaccination/inoculation and the reasoning behind the mandatory vaccination policy.
2. Mandatory vaccination policies also increase the health and safety of employees in the workplace and is in line with the obligation and responsibility of employers to protect their employees and maintain a healthy and safe working environment.

3. Employee's refusal to be inoculated without reasonable justification, may result in possible termination of employment on the basis of operational requirements, potential incapacity or even misconduct. Mandatory vaccination policies present an intricate balance of rights between:

- Employee's religious, cultural or philosophical objections against vaccinations. This includes superstitious and the interpretation of religious text beliefs as well as refusal to be vaccinated because of substances in the vaccine prohibited for religious reasons, beliefs pertaining to consumption of animal products and/or the way in which these vaccines were tested.

If an employee objects to be vaccinated all objections must be considered and must then be weighed up against the risk of COVID-19 and the right of a safe working environment.

- Employee's Medical objection and safety concerns when an employee is deemed as high-risk and may have unfavourable effects due to COVID-19 vaccine, a medical objection needs to be thoroughly assessed together with the recommendation of a medical practitioner.
  - The rights of Vulnerable employees who are more susceptible to severe effects or even death should they be infected with COVID-19.
4. When considering whether to implement a mandatory vaccination policy, employers' must evaluate their individual workplaces and determine whether such a policy is truly necessary and/or whether the purpose of the policy can be achieved by implementing alternative measures. An employer may consider the following when determining a mandatory vaccine policy:
- The effectiveness of social distancing in the workplace;
  - Employees whose work require them to travel domestically and internationally for work related purposes, especially if the COVID-19 vaccine is made compulsory for employees to travel internationally;

When an employee objects to being vaccinated the following needs to be considered, the nature of the objection, the importance of travel and suitable alternatives. If the employee cannot continue with their job responsibilities due to their objection to be vaccinated and all other alternatives are unattainable the employer may be in a position to dismiss such an employee on the following grounds:

- Operational requirements;
  - Possibly Incapacity;
  - Possibly insubordination.
- Vulnerable employees in the workplace;
  - Additional PPE and its effectiveness;
  - Temporary alternative placements for vulnerable employees;
  - Employees exposure to the members of the public;
  - Employees who are directly/ indirectly exposed to persons with COVID-19;
  - The number of employees who were infected with COVID-19 and had to take time off and/ or fatalities in the workplace due to COVID-19;
  - Employees with religious, cultural and/ or medical objections to inoculation;
  - Alternative measures and the efficacy to limit the risk of the spread of COVID-19 in the workplace;
  - Whether the employer will fund the employees COVID-19 vaccination if the employee is unable to afford the COVID-19 vaccine when the employer contemplates a mandatory vaccine policy.

5. THE PROTECTION OF PERSONAL INFORMATION ACT 4 of 2013 (POPI), the provisions of POPI will apply when requesting employees to disclose personal information such as medical and/or vaccination history.
6. Liability of the Employer should the employer implement a mandatory vaccination policy and the employee experience unfavourable effects after being vaccinated for COVID-19, provided that the employee can prove the element of wrongfulness.
7. THE OCCUPATIONAL HEALTH AND SAFETY ACT 85 OF 1993 (OHSA), it is the obligation and responsibility an employer to protect their employees and maintain a healthy and safe working environment, whether that constitutes

the implementation of a mandatory vaccination policy will depend on:

- The objections of the employees to get the COVID-19 vaccine;
- The availability of the COVID-19 vaccine;
- The cost of the COVID-19 vaccine;
- Alternative measures and the efficacy to limit the risk of the spread of COVID-19 in the workplace.

8. THE NATIONAL HEALTH ACT 61 OF 2003 (NHA), all health care services and/or medical care must be administered with the consent of the user, the employee. Employees may only be vaccinated in conformity with a Mandatory Vaccination Policy and when consented to do so. In terms of the NHA consent has three requirements:

- Consent must be informed;
- Consent must be specific to the health care services and/or medical care in this case the COVID-19 vaccine;
- Consent must be voluntary, free from duress or coercion.

Health care related services and/or medical care may be administered without consent when:

- A Competent Court and/or the law has ordered administration of health care services and/or medical care;
- Instances where failure to administer health care services and/or medical care would present a "serious public health risk".

9. THE EMPLOYMENT EQUITY ACT 55 OF 1998 (EEA)

9.1 Section 5 refers to elimination of unfair discrimination;

Every employer must take steps to promote equal opportunity in the workplace by eliminating unfair discrimination in any employment policy or practice.

9.2 Section 6 refers to prohibition of unfair discrimination;

9.2.1 No person may unfairly discriminate, directly or indirectly, against an employee, in any employment policy or practice, on one or more grounds, including race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status,

conscience, belief, political opinion, culture, language and birth.

9.2.2 It is not unfair discrimination to --

- take affirmative action measures consistent with the purpose of this Act; or
- Distinguish, exclude or prefer any person on the basis of an inherent requirement of a job.

9.2.3 Harassment of an employee is a form of unfair discrimination and is prohibited on any one, or a combination of grounds of unfair discrimination listed in subsection (1).

9.3 Section 7 refers to prohibition on medical testing of employees unless:

- legislation permits or requires the testing; or
- It is justifiable in the light of medical facts, employment conditions, social policy, the fair distribution of employee benefits or the inherent requirements of the job.

Medical testing includes any test, question, inquiry or other means to ascertain, or which has the effect of enabling the employer to ascertain, whether an employee has any medical condition.

Therefore Section 7 of the EEA does not prohibit a mandatory workplace vaccination policy.

10. Prior to implementation of a mandatory vaccination policy there needs to be consulted with all employees as it's a change to the conditions of employment.

11. Constructive dismissal claims due to mandatory vaccination policy, the employee can claim constructive dismissal and must prove that they had no other option but to terminate their contract of employment because the employer made continued employment intolerable for the employee.

12. The employer should appoint employees who will be responsible for the processing, storage and maintain the privacy and confidentiality of the employee's medical information.

The Employer must ensure that strong technological measures are in place to limit the risk of access to the information or a security breach.

Employers should obtain legal advice before formulating and implementing a mandatory vaccine policy.

Employers should inform and educate their employees on the COVID-19 vaccine and engage in consultation before making changes to their conditions of employment.

### **BUSINESS SUPPORT** **THE SUCCESSION PLAN**

What is your retirement plan?

Do you want to work actively within the business forever? Do you want to take the leap from self-employed to business-owner? What about becoming a silent investor, relaxing on a beach, and reaping the rewards of your years of service on the business that you've created? All of these require a succession plan.

Succession planning is the process of determining which individuals, within a business, will be promoted to a leadership role, should one become vacant, or the business grows and there is a need for leadership development.

Succession plans should not be cemented into existence as should be adaptable; especially an employee leaves the business or stops applying the effort they once did.

There are 5 basic steps to succession planning:

#### **1. Determine the long-term and mid-term goals for the business**

This part has no short cuts.

You will have to determine what it is that you wish to have achieved in the long-term and mid-term. Long-term goals should be on a 5–10-year structure while mid-term goals should be focuses from 1-5 years, depending on the rate of staff turnover.

Do you still want to be participating in the business? If so, at what level? What can you do over the next 5 years to limit the amount of pressure on your staff member with the highest sales? What do we want to achieve every single month in 2026?

Once you have your goals determined, you can also determine the perfect team that will help the business get there.

#### **2. Pinpoint successful candidates (or characteristics of a successful candidate)**

After the goals have been established and the leadership positions determined, it is vital to also determine who will be replacing those individuals, should they leave or have personal obligations that prevent them from taking on the role efficiently.

Human Resources Management is all about finding the right individual in the right position, and part of EOHCB's services is to provide assistance and guidance with regards to staff management and growth.

#### **3. Let them know**

A key aspect in motivational theory is Expectancy Theory. In layman's terms, Expectancy Theory focuses on the nature of an individual's behaviour to change in line with expectations.

If you tell someone that they're being prepped to fill a leader position, they will change their behaviour and actions accordingly.

#### **4. Integrate the succession plan into hiring strategies**

Staffing decisions should not be based solely on the immediate issues. Staffing and developing a team should be a long-term focus.

Long-term focus should prioritize different factors in the interviewing and staffing process.

Skills and technical ability can be improved over time, but that requires potential and aptitude. Loyalty and a healthy predisposition towards work are important long-term factors in a long-term working relationship.

Once a team has been developed effectively, then filling leadership positions will be far easier.

#### **5. Keep the long-term goal in mind**

As challenges change from day to day and week to week, it might be easier to change staffing and leadership positions to make the current situation easier.

In light of this, it is easy to lose track of the long-term goals and future business structures when the current moment is chaotic and unbearable.

At times like these, it is important to remember the reasons that we have made the difficult decisions. Whether it is losing potential profits to maintain a new business structure, or investing in staff training or new stock management processes.

Business management requires a dual-view system. We have one eye on the current tasks and another on the tasks with long-term rewards, and in order to meet long-term rewards we must have a future business structure that will fall in line.

What do you want from your business and what future do you want for the business?

What structure does the business have in the future? Will you be there?

Staffing and succession planning requires various human resource management processes, such as interviews, contracts of employment, training agreements and even staff counselling or disciplinary action.

Contact your EOHCB representative to find out more on improving your staffing processes, and adding value to your business.

### WELLBEING

#### **5 Stress Busters**

##### Easy Steps to Stress Management

#### **1. Exercise**

- Taking part in enjoyable physical activity increases dopamine levels (feel-good hormones) and drops cortisol levels (stress hormones)
- Exercise improves goal-setting habits and raises self-esteem

#### **2. Control**

- Take an active role in challenges and tasks. A passive attitude will result in problems not being resolved and a general feeling of helplessness.
- A feeling of loss of control can result in increased stress and a lack of wellbeing and mental acuity

#### **3. Learn**

- Take time to learn better ways of achieving things.
- Increasing skills can also improve self-confidence as well as improving on your sense of purpose
- Work smarter, not harder

#### **4. Connect**

- The burden of everyday challenges can make you feel alone.

- Partners, friends and family can provide productivity and emotional support.
- Ask for assistance from your team, advisors, as well as your EOHCB Representative.

#### **5. Play**

- Maintain a positive outlook towards the challenges that are ahead of you.
- Don't forget to balance business and pleasure.
- Wherever possible, do something that feeds your happiness, as well as the happiness of those you care about

### MOTIVATION

“What you get by achieving your goals is not as important as what you become by achieving your goals.”

– Henry David Thoreau

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MARCH 2021

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