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MAY AN EMPLOYER CHANGE ITS POLICIES?

Question: May an employer change a policy without the agreement of employees?

Answer: Yes, a policy may be changed without the agreement of employees, unless it involves a change to basic or agreed terms or conditions of employment.

Brief explanation: A policy is normally a broad statement of an employer's approach to a particular subject (for example a "Training and development policy", "Communications policy", "HIV and AIDS policy", "Smoking policy"). In these cases the employer may change the policy without first obtaining the agreement of employees. Consultation with employees would, nevertheless, be advisable for the sake of communication and good employer-employee relations.

However, where a policy pertains to terms and conditions of employment that are founded in law or agreement (for example, policies regarding annual or other leave, working hours, allowances, social benefits), it is a different matter. The provisions of such policies could be a confirmation of, or be more favourable than, what employees are entitled to in terms of the Basic Conditions of Employment Act (BCEA), a sectoral determination or bargaining council. Changes to such policies have to be agreed upon between the employer and its employees.

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www.labourwise.co.za is an on-line labour relations service aimed at assisting employers with the implementation of effective labour relations. They can be contacted via the website or info@labourwise.co.za.