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Newsletter | March 2021



Buying and Selling Property: Nine Important Questions

Buying and selling property can seem to the layperson like a complex process, fraught with arcane legal terminology and risk.

Relax, help is at hand! To ease you into the process in clear and plain language, we ask (and answer) nine common questions asked by both buyers and sellers.

We include a link to a simple but useful Guide from the Law Society of South Africa, with a discussion around why taking legal advice upfront is a no-brainer for both parties, plus we share some thoughts on planning your finances to avoid nasty surprises, and some pointers to common pitfalls.

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Can Employees Resign to Dodge Disciplinary Hearings?

Many employees faced with disciplinary charges will protest their innocence and focus on clearing their names at the enquiry stage.

Others however will decide that the risk of being fired requires a “discretion is the better part of valour” approach and will pre-emptively resign. Their thinking of course is that if there is no longer an employment contract in place, there is no risk of the disciplinary process proceeding, and thus no risk of a career-damaging guilty verdict.

Until recently there were conflicting decisions in our courts as to whether this tactic would work, but now a new Labour Appeal Court decision has settled the matter. Employers should understand both the reasons for the outcome in that case, and the action they should take to put paid to this “employee dodge”.



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Video of the Month

- Click to play -



Are There Benefits Of Buying Property At An Auction?

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Landlords: Can You Cut Electricity to Collect Arrears or Evict?

A landlord battling a problem tenant may be tempted to bypass the delays and cost of legal action with some robust “self-help” action, like cutting electricity or water, or blocking access to the premises with a change of locks or access cards.

The problem is that our law has always frowned on the concept of “taking the law into your own hands”. A landlord doing so acts unlawfully, allowing the tenant a quick and powerful remedy in the form of a “spoliation order”.

We discuss what that entails, what the tenant must prove, and (by referring to a recent High Court decision) whether the landlord can successfully argue that a right to an electricity supply is just a “personal right” and thus not covered by the spoliation remedy.

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New National Minimum Wage and Earnings Thresholds From 1 March 2021

1 March 2021 sees a new National Minimum Wage in place, plus an increase in the “earnings threshold” provided for in the Basic Conditions of Employment Act (BCEA).

Quoting from the Employment and Labour Minister’s formal announcement of the changes, we set out the increases for employees generally, as well as those for each of the main employment sectors (domestic workers, farm workers, contract cleaners, wholesale/retail sector), with notes on the percentage increases in each. For employers of domestic workers we also provide a link to a useful “living wage” calculator.

We also summarise the BCEA protections that will no longer be available to those newly earning above the adjusted earnings threshold.



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Your Website of the Month: From Scenarios to Strategy – Use Business “Wind Tunneling”

Now more than ever before, scenario planning is essential for the success of your business. But of course the next step in the process is just as critical – **you need to create an actual**



business strategy based on your scenario planning.

It's a process that can be both quick and simple. As the author of "From Scenarios to Strategy: Top 3 Methods" on the Medium [website](#) points out, even smaller businesses with limited resources will find the "wind tunneling" method both powerful and flexible.

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