

A CLOSER LOOK: LABOUR LAW AMENDMENT BILL, 2025

Proposed Minimum Conditions For “On Call” Employees

With only a few days remaining in the public comment period, we provide the final note in our series on the proposed amendments.

This note considers the minimum conditions of employment applicable to employees who are required to be available for work when the employer calls.

Minimum Conditions

The BCEA does not currently contain a comprehensive framework regulating employees who are required to be available for work without guaranteed hours, often referred to as “on call”, “flexitime” or “zero hour” employees.

This may result in:

- unpredictable working hours; and
- last-minute scheduling or cancellation of work.

In practice, such arrangements are used in sectors requiring flexibility, including retail, hospitality and logistics. The Bill proposes introducing minimum conditions of employment applicable to employees who are required to be available for work. In terms of the proposal, employers may be required to specify in writing:

- the maximum hours of work within a given period;
- the period during which the employee must be available for work; and
- the required notice period for reporting to work and for cancellation of work.

Where work is cancelled without the required notice, the employer will be required to remunerate employees for the cancelled hours. Accordingly, the proposed amendment introduces a more structured regulatory framework for on call work arrangements. Employers who rely on flexible staffing models may be required to:

- formalise working arrangements in writing;
- provide predictable scheduling practices; and
- manage the financial implications of late cancellations.

This may reduce flexibility in workforce management and increase administrative and wage-related costs.

Possible submissions during the public comment process may focus on ensuring that the proposed framework strikes an appropriate balance between:

- protecting employees from unpredictable working arrangements; and
- preserving operational flexibility for employers.

Employers may also seek clarity on what constitutes “reasonable notice” for scheduling and cancellation, particularly in industries where demand fluctuates unpredictably.

Conclusion

These proposed amendments signal a move toward expanding protections for employees in non-standard and flexible working arrangements.

While the proposals may enhance certainty and protection for vulnerable workers, they may also increase compliance obligations and reduce flexibility for employers which is contrary to the international trend that suggests that greater flexibility creates the opportunity for more employment.

As with the other proposed amendments, these provisions remain subject to the public comment process and may change before the Bill is introduced to Parliament.



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