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Training should fit the individual and the business

***“An investment in knowledge pays
the best interest” – Benjamin
Franklin***

We couldn't agree with you more, Mr. Franklin. Ongoing development for every individual and organization is of vital importance. Employees need to constantly evolve in order to keep pace with the ever-changing rules, laws and technology. A growing number of organizations spend huge amounts on external training, which might improve skills in the general population, but isn't always the best thing for the enterprise itself.

We believe companies should rather opt to spend on training their people in-house,

thereby improving the organization itself and the quality of its people. In-house training is also often a more cost-effective solution.

Through **Invictus Training Solutions**, we provide businesses with training solutions across various platforms. We also look at specific lines of business within the organization and the people needed to run these, performing a gap analysis to understand what training is needed for them to perform their roles more effectively. This means understanding the company's business processes, and the technologies they run on, and then mapping their people to this.

Moreover, the training we offer covers the full spectrum from employee relations and requirements through to understanding what Artificial Intelligence is including training related to the new legislation like PoPI.

For more information on our training courses please do not hesitate to contact us.

PROPOSED CHANGES TO B-BBEE

Once again the Broad-Based Black Economic Empowerment [B-BBEE] Codes of Good Practice [Codes] have been brought under the spotlight.

On the 29th March 2018, Draft Statement 000, Code Series 000 of 2018 for 60 Day Public Commentary was published by the Minister of Trade and Industry.

Four key amendments to the Codes were proposed:

1. The introduction of the Youth Employment Service [YES] Initiative and B-BBEE Recognition for company participation in it.
2. Principles for Unincorporated Joint Ventures.
3. Exempted Micro Enterprises [EME] and Qualifying Small Enterprises [QSE] – Enhanced Recognition.
4. The Enhanced B-BBEE Recognition Level for Generic Enterprises.

1. YES

This is an initiative to benefit black youth between the ages of 18 and 35 by creating work opportunities and providing experience for them within corporate and business environments. Once companies fully achieve the 40% sub-minimum in each of the B-BBEE priority elements of the scorecard - Ownership, Skills, and Enterprise & Supplier Development [ESD], or alternatively a 50% average across the three priority elements; they can then boost their recognition levels by up to two levels by meeting YES targets, which will score additional B-BBEE points under Skills Development and ESD.

2. UNINCORPORATED JOINT VENTURES

Unincorporated Joint Ventures [UJV] companies will be required to compile a consolidated verification certificate from each partner's verified compliance data. This means that joint venture partners will have to be measured as if they were a single entity. Each partner entity will be weighted proportionately according to their share in the joint venture so that when combined together they will result in a score of 100.

B-BBEE certificates will be valid for 12 months and will only be applicable to the particular project for which the joint venture has been formed.

3. EME AND QSE - ENHANCED RECOGNITION

4. GENERIC ENTERPRISES - ENHANCED RECOGNITION

The changes to both points 3 and 4 give indication towards a more aggressive drive of transformation through the enforcement of more black ownership and control whilst point 1 shows a drive to reward meaningful contribution to education and reduced unemployment.

The most significant proposed changes to the B-BBEE Codes would be:

- EME and QSE businesses would no longer qualify for enhanced B-BBEE recognition levels if their Black ownership is measured on the application of the modification flow-through principle.
- Generic enterprises (large businesses with an annual turnover of R50 million or more) with at least 51% Black ownership, would automatically qualify for a Level 2 B-BBEE rating without having to comply with the remaining elements of the B-BBEE Codes.

- Generic enterprises with 100% Black ownership, would automatically qualify for a Level 1 B-BBEE rating without having to comply with the remaining elements of the B-BBEE Codes.

- Generic enterprises would not qualify for enhanced B-BBEE recognition levels if they use any of the following to calculate their Black ownership:

- The modified flow-through principle
- The exclusion of ownership by organs of state or public entities
- The exclusion of any B-BBEE facilitators
- Private equity funds as contemplated in the B-BBEE Codes
- The exclusion of mandated investments
- The sale of assets, equity instruments and other instruments
- Ownership following the sale/exit by black shareholders

Companies that have relied on the modified flow-through principle to gain points on their Ownership may now have to look to the other elements for additional points in order to retain or enhance their scores.

Have you considered the impact on your business? Contact us on **0861 737 263** today to set up a meeting to discuss your B-BBEE.

Sleeping on duty



Sleeping while on duty can be a ground for dismissing an employee from his/her position. Sleeping on duty can be defined as falling asleep by an employee during his/her duty hours. In some workplaces, this is considered an act of gross misconduct and may result in disciplinary action which could lead to termination of employment. Sleeping while on duty can be intentional or accidental.

Sleeping while on duty is given importance and should be mentioned in the company's employee code of conduct. Sleeping on duty may adversely affect productivity, it may also be dangerous in cases where an employee's duty is to watch and prevent a hazardous situation or safeguard people or property. It also projects an unprofessional

appearance and therefore leads to the disrepute of the company name.

Employers have different views on sleeping while on duty. Some employers are lenient and allow employees through a policy to take napping breaks during their workday/shift in order to improve productivity. Other employers are stricter and use high-tech means, such as video surveillance, motion sensors, GPS clocking or by taking pictures to catch employees who may be sleeping while on duty.

That being said, there is a growing trend among some organizations, that have allowed a nap time for their employees, so as to help them cope with stress and lethargy. A power-nap seems to help employees become more alert, energetic, and productive, while working. If due to the nature of the workplace or the employee's capacity such allotted office "siestas" are not permitted by the employer, then certain steps must be taken by management.

[Here are some guidelines on handling an employee sleeping on duty:](#)

The first time you notice or are made aware of an employee nodding off, you must not jump to any conclusions. Do not label the employee as irresponsible or use harsh language. Merely request the employee to

meet you at your office to discuss the matter. Thereafter, broach the issue by asking the employee the reason for having fallen asleep while at work. Make a record of this conversation and the reason behind breaking the company policy.

Take the employee's past misconducts into consideration and whether the sleeping on duty was intentional or accidental, evaluate whether he/she is likely to repeat the offence and if the trust relationship is still intact.

A defaulting employee is entitled to a disciplinary inquiry and if found guilty may be served with a warning or even dismissed if the incident was found to be severe.

Therefore, present your findings to the chairman of the inquiry after having found out the exact cause. It will also be in the company's best interest to mention the consequences of a repeat of this inappropriate behaviour.

In *Tanker Services (Pty) Ltd v Magudulela*, the employee was dismissed for being under the influence of alcohol. The court held that an employee is 'under the influence of alcohol' if he is unable to perform the task entrusted to him with the skill expected of a sober person. If employees are charged with being 'under the influence', evidence must be led to prove that their faculties were impaired to the extent that they were incapable of working properly.¹

¹ Grogan J *Workplace Law* (9th ed) Juta 182-183.