

GROGAN, J. (2010) *WORKPLACE LAW*, CAPE TOWN, JUTA AND CO LIMITED, ISBN: 13-978-0-7021-8185-6

Reviewed by:

Nyanga Takupiwa

Great Zimbabwe University, Faculty of Social Sciences, Department of Human Resource Management

The book *Workplace Law* is made for the South African market, specifically for labour law students, Human Resource Management students and practitioners, legal practitioners and union officials. The book focuses on workplace law that governs employers and employees in South Africa. The book's objective is to serve the best interests of the people and reflect their highest aspiration. The text also aims to consolidate developments in the law governing the work place, from the contractual statutory rights and duties of employees and individual employees to the more complex relations between organized business and labour. The author managed to realize the purpose of the book by making it comprehensive without being superficial. The author linked discussion of rules, regulations and principles to practical examples which brings the subject to life. The approach made the author reach to all its intended clientele with ease. The limited use of highly technical terms also made the book reach both legal and non-legal practitioners easily. The book comprises of (26) twenty six chapters which are divided into (7) seven parts, (A to G). The ideas and concepts are chronological and coherently presented with each chapter feeding into the preceding one. The chronological arrangement of ideas and concepts suits well the intended readers. The chapters also demonstrated high levels of originality of the work which is presented with clarity. The correct use of technical terms also makes readers grasp and comprehend concepts easily. The author uses explanations and analysis to present and clarify concepts and ideas which makes the book fascinating and interesting. The author also presents word by word giving specific details that appeal to the reader's imagination.

The text provided readers with the main labour statutes such as the Labour Relations Act (LRA) 66 of 1995, the Basic Condition of Employment Act (BCEA) 75 of 1997, the Unemployment Insurance Act 30 of 1966, the Compensation for Occupational Injuries and Diseases Act 130 of 1993. The author is applauded for providing detailed information about the acts since they are key to the management of the employment relationship. All the parties to an employment relationship need to be fully appraised of the provisions of the major labour law instruments so as to make their functioning easy. The author should have however considered treating all the Acts equitable as some were not discussed in full hence leave some readers with unanswered questions.

The book is also applauded for managing to unbundle the concepts of employment of service (*locatio-conductio- operarum*) and contract for service (*location- conductio- operis*) which is generally regarded among the Human Resources Management circles as difficult to understand and differentiate. Clear and conscience explanations with the backing of relevant illustrative examples were given. Throughout the text, the author made reference to the South African statutory instruments and case

law authorities, which is highly commendable since it operationalizes the legal doctrines such as vicarious liability. For instance, the case of Jele versus the Premier of the KwaZulu Natal and Steers (pvt) ltd (page 25), Sekgobela versus State Information Technology Agency (pvt) Ltd (page 198). The use of case laws makes readers get a full understanding of how law is applied in a real work situation.

The book also provided the statutory definition of the two parties to employment contract, that is the employer and the employee, and went on to further explain the concepts in simplified terms which makes the understanding of the concept quite easy. The roles and responsibilities of each part to the employment relationship were clearly explained. The basic conditions of employment which are usually the major sources of employer-employee conflict were also satisfactorily covered. Various basic conditions of employment such as types of leave, termination of employment, and remuneration were extensively covered. The author also explained the consequences of breaching and violating an employment contract and also went on to give readers remedies that are available to the injured part. This is quite good since it equips readers with skills and techniques of properly managing the employment relationship. The forms of unfair labour practices were also unbundled (page 79), which is good since it has become perennial problem in the labour courts of South Africa. Issues to do with direct and indirect discrimination were also satisfactorily covered though they lacked detail.

Unlike many other workplace law authors, the author managed to explain the role of whistle blowers in the employment relationship. He did this by citing the Protected Disclosure Act 26 of 2000, which is designed to protect whistle blowers. Most books do not usually address the role of whistle blowers in organizations and how they should be treated in an employment relationship. The few writers who addressed the issue of whistle blowers viewed them as destructive. Citing case law authorities and the Labour Relations Act, Grogan clearly explained the role of whistle blowers in the employment relationship.

The author is also applauded for providing readers with pertinent legal information in almost all key Human Resource Management functions such as recruitment, training and development, remuneration and employee harassment. Most scholars and authors usually unbundle the country's legal instruments without making a clear cut reference to the human resource management functions. The link which this text has addressed helps non-legal specialists such as trade unionists, human resources management practitioners and students to easily understand and apply the concepts.

Chapter 12 dealt with the concept of automatically unfair dismissal and misconducts. The issue of dismissal is one of the key aspects that has made regular appearance in the labour courts; hence addressing it in detail becomes paramount. The issue of dismissal was further dealt with in chapter 13 which probably serves as clear demonstration of the importance that is attached to it. Whilst that is appreciated, the author could have considered combining the two chapters as to enable ideas and views continue to flow smoothly.

The author also did well to provide a list of case laws which can serve as useful tools for reference in determining a solution to current cases. He should have, however, considered giving a reference list after every chapter which readers can refer to for further reading and consolidation of ideas.

In a nutshell, the book managed to realize its purpose of equipping readers with South African labour regulations. The book compares well with other workplace law books. In general, it is only a re-working of earlier books, but provides the South African perspective of labour law which is not provided for in other books.

Reference

Machingambi, I. (2007) *A Guide to Labour Law in Zimbabwe*, Harare, Beta Printers.

Madhuku, L. (2010) *An Introduction to Zimbabwean Law*, Harare, Friedrich-Ebert-Stiftung.