



Providing businesses with cutting edge insights and developments to stay abreast of the game.

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Compiled by:

SERR Synergy Research Division

Lané Heunis - research@serr.co.za

FROM THE DIRECTOR'S DESK

We entered 2026 with renewed confidence and a promising landscape for South African businesses.

As businesses grow and adapt, trusted guidance becomes increasingly important. SERR Synergy remains your professional partner, delivering practical, compliant and cost-effective solutions tailored to your needs.

We invite you to visit our [Blog page](#) where we regularly share insightful articles covering a wide range of topics, including industry news and legislative updates. Stay informed, stay ahead.

We value your feedback and welcome any suggestions for improving our services. Please feel free to email your recommendations to communications@serr.co.za.

Guided by our values of integrity, fairness, innovation and client-centricity, we look forward to supporting you in navigating the evolving business landscape and contributing to your success this year.

Gideon Gerber | Director

BROAD-BASED BLACK ECONOMIC EMPOWERMENT

In March 2025 the Department of Trade, Industry and Competition (DTIC) released a media statement introducing the *Draft Transformation Fund Concept Document*.

In a DTIC media statement published on 19 March 2025 it indicated that “[a]ccording to the Minister, the aim of the fund is to aggregate especially Enterprise and Supplier Development (ESD) funds in support of transformation and the participation of and sustainability of black-owned enterprises in the economy. [...] The objectives of the fund are as follows:

- Promote economic transformation in order to enable meaningful participation of black people in the economy.
- Improve access to funding for Black owned and controlled enterprises.
- Empower and support Black owned and controlled enterprises participation in value chains across key sectors of the economy.
- Mobilise financial resources from the private and public sector using B-BBEE legislation.”

At the time of publication of this newsletter, the final version of the *Draft Transformation Fund Concept Document* had not yet been published.

The Department of Trade, Industry and Competition (DTIC) released a media statement introducing the *Draft Transformation Fund Concept Document*.



Together with the Transformation Fund developments, the Minister of Trade, Industry and Competition, published Draft Statements and a Schedule of Interpretation and Definitions for public commentary on 29 January 2026 in terms of section 9(5) of the B-BBEE Act 2003 (Act No. 53 of 2003), as amended by the B-BBEE Amendment Act, 2013 (Act No. 46 of 2013):

- Draft Statement 400 of 2026: The General Principles for Measuring Enterprise and Supplier Development
- Draft Statement 000 of 2026: General Principles and the Generic Scorecard
- Draft Statement 004 of 2026: Scorecards for Specialised Enterprises
- Draft Code Series 600 of 2026: Codes of Good Practice for Qualifying Small Enterprises (QSE's)
- Schedule 1: Interpretation and Definitions
- B-BBEE Code Series 100 - Draft Statement 103 of 2026: The Recognition of Equity Equivalent Multinationals.

The Draft Statements are open for public comment until 30 March 2026.

LABOUR RELATIONS

National Minimum Wage for 2026

The new National Minimum Wage (NMW) of R30,23 for each ordinary hour worked shall take effect from 1 March 2026.

The amended wage includes domestic workers and farm workers. Workers employed on expanded public works programmes are entitled to a minimum wage of R16,62 per hour.

Learnership allowances and sectoral determinations for the Contract Cleaning Sector and Wholesale and Retail Sector have also been amended and published in *Government Gazette* No. 54075 dated 3 February 2026.

Labour Law Amendment Bill, 2025

The Minister of Employment and Labour published the Labour Law Amendment Bill, 2025 in *Government Gazette* No. 54220 on 26 February 2026 for public comment. It consists of the Employment Laws Amendment Bill, 2025 and Labour Relations Amendment Bill, 2025, both accompanied by Memorandum of Objects or Guides.

The Bill proposes amendments to the Basic Conditions of Employment Act, 1997 (BCEA), the Employment Equity Act,

The new National Minimum Wage shall take effect from 1 March 2026.

The Minister of Employment and Labour published the Labour Law Amendment Bill, 2025.



1998 (EEA), the National Minimum Wage Act, 2018 (NMWA) and the Labour Relations Act, 1995 (LRA).

The Draft Labour Law Amendment Bill, 2025 is open for public comment for 30 days until 28 March 2026. Once the Bill has been promulgated, the final amendments will be addressed in the *Business Edge Newsletter*.

LABOUR RELATIONS *(continues)*

Restraint of Trade Agreement case law

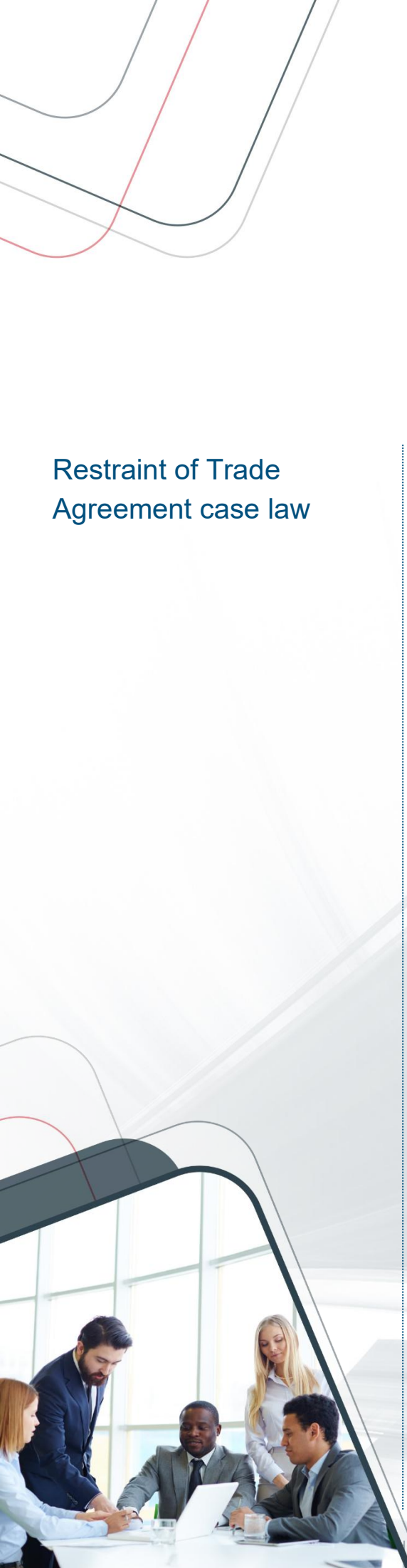
Restraint of Trade Agreement case law

It is common practice for companies to include Confidentiality and Restraint of Trade Agreements or clauses in the employment contract of their employees.

A restraint of trade sets out the way a company protects its interests, including but not limited to intellectual property, trade secrets, confidential information, customer base information, business strategies, fee or salary structures, etc. The practicality of such an agreement is that an employee agrees that he/she would not unfairly or unlawfully compete with the company/employer for a specified time period and within a kilometre (km) radius, with boundaries or limitation on how the employee can conduct business after the employment relationship ended. The restraint can also include a provision that employees or clients may not be persuaded or used as a springboard by a former employee to leave the company and/or join his/her ventures, or can prohibit an employee from planning to compete with his/her employer within the specified timeframe and location limitations.

In *HR and Skills Market v Strydom and Another* (J143/2025) [2025] ZALCCT 77 (11 September 2025) the Court established the existence of the restraint of trade in the employment contract of the employee and set out the elements reaffirmed in *Venter and Others v Twenty Four Motors CC t/a Ford Ermelo* (JA34/2024) [2024] ZALAC 32 (28 June 2024) that must be present when determining the reasonability of enforcing the restraint of trade agreement:

"[9] As stated in Basson v Chilwan and Others, the test for determining the reasonableness of a restraint of trade agreement turns on the following: (a) whether one party has an interest that deserves protection or being prejudiced by the other party; (c) if so, whether that interest weighs qualitatively and quantitatively against the interest of the other party not to be economically inactive and unproductive; and (d) whether there is an aspect of public policy having nothing to do with the relationship between the parties that requires that the restraint be maintained or rejected. A fifth consideration, identified in Reddy v Siemens Telecommunications (Pty) Ltd, is whether the restraint goes further than necessary to protect that interest. This consideration has been found to correspond with s 36(1)(e) of the Constitution. It requires that it be considered whether less restrictive measures exist which can achieve the purpose of the limitation by determining whether the restraint



or limitation is 'reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom'."

In *Backsports (Pty) Limited v Motlhanke and Another (Reasons)* unreported (JA2025/091548) [2025] ZALAC 50 (27 October 2025), the case illustrated that the company proved the elements for the enforceability of a restraint of trade and that an employee is still bound to act in accordance with the restraint of trade agreement or clauses even though the employment relationship ended through dismissal.

The cases show the importance of a well-structured contract of employment governing the employment relationship. In the *HR and Skills Market* case it was held that whilst in the employment of a company, the employee is bound by a common law duty to perform his/her duties in the best interest of the company.

Lastly, as seen in the *Backsports* case, after satisfying all the required elements of the reasonability of enforcing a restraint of trade agreement as set out in the above *Venter* case extract, a company can enforce a restraint and maintain its enforceability regardless of the employment relationship ending on good terms or by means of dismissal.

LABOUR RELATIONS *(continues)*

Registration of Trade Unions and Employers' Organisations

The Department of Employment and Labour announced the registration of the following employers' organisation and trade unions:

Employers' Organisation	Registration date
The Cleaning Association of South Africa	28-Nov-25
Trade Unions	Registration date
National Union for Transport, Retail and Allied Workers	19-Dec-25
South African Domestic Service and Allied Workers Union	06-Nov-25
South African Taxi Drivers Workers Union	03-Nov-25
Lichtenburg Union of Workers	31-Oct-25
National United Gambling, Retail, Cleaning and Security Workers Union	31-Oct-25

LABOUR RELATIONS *(continues)*

Bargaining Council Collective Agreement Information

Listed below are the Bargaining Council *Collective Agreements* that have been extended to Non-Parties:

Bargaining Council	Collective Agreements	Date on which Collective Agreements were extended to Non-Parties
National Bargaining Council of the Leather Industry of South Africa	The <i>Supplementary Sick Benefit Fund Collective Agreement</i> shall be binding on the other employers employing members of the trade unions in the Footwear Sector of the Leather Industry	30-May-28
	The <i>Agency Shop Amending Collective Agreement for Employees</i>	30-Jun-27
	The <i>Footwear Sector and General Goods and Handbag Sector Amending Collective Agreements</i>	30-Jun-26
National Bargaining Council for the Chemical Industry	The <i>Glass Sector Collective Agreement</i>	30-Jun-27
	The <i>Petroleum Sector Collective Agreement</i>	30-Jun-28
Motor Industry Bargaining Council	The <i>Administrative Collective Agreement</i>	31-Aug-30
	The <i>Autoworkers Provident Fund and Motor Industry Provident Fund Collective Agreements</i>	31-Aug-30
	The <i>Main Collective Agreement</i>	31-Aug-28
Bargaining Council for the Civil Engineering Industry	The <i>Conditions of Employment Collective Agreement</i>	31-Aug-28
Bargaining Council of the Food, Retail, Restaurant, Catering and Allied Trades	The operation period of the <i>Main Amending Collective Agreement</i>	28-Feb-27

Building Bargaining Council, North and West Boland	The <i>Main Amending Collective Agreement</i>	31-Dec-28
Furniture Bargaining Council	The <i>Main Collective Amending Agreement</i>	30-Apr-28
National Bargaining Council for the Clothing Manufacturing Industry	The <i>Main Amending Collective Agreement</i>	31-Aug-28
National Textile Bargaining Council	The <i>Main Collective Amending Agreement</i>	Effective from 21 November 2025 and shall remain in force until such time it is amended by the parties to the Council from time to time

The extension of the various Bargaining Council *Collective Agreements* to Non-Parties means that other employers and employees working in the same or a similar industry are also bound by the provisions of the applicable *Collective Agreement* until the date specified in the *Government Gazette*.

RECENTLY PUBLISHED ARTICLES

For ease of reference, please find below a summary with links to our recently published blogs.

- [COIDA Amendment Act: Key Changes to Workplace Injury Compensation](#) (13 March 2026)
- [Return of Earnings Submission – Simplified and Compliant](#) (9 March 2026)
- [Annual increase to the National Minimum Wage](#) (23 February 2026)
- [What is a BEE Certificate and how does the BEE process work in South Africa?](#) (19 February 2026)
- [Code of Good Practice 2025: Dismissal – A Guide for Employers](#) (16 February 2026)
- [Hazardous Goods Management in SA: One Spark, Big Consequences](#) (27 January 2026)

CONTACT US

For more information on our range of business legal compliance services, please contact us.

■ PRETORIA

Alenti Office Park, Block E
457 Witherite Road
The Willows Ext 82, Pretoria

t +27 (0) 10 025 0682
f +27 (0) 86 502 7607
e marketingpta@serr.co.za

■ JOHANNESBURG

1st Floor, Precision House
Cnr New Road/6th Road
International Business Gateway, Midrand

t +27 (0) 10 025 0970
f +27 (0) 86 563 1474
e marketingjhb@serr.co.za

■ CAPE TOWN

78 On Edward
78 Edward Street
Bellville, Cape Town

t +27 (0) 21 020 1050
f +27 (0) 21 910 2117
e marketingcpt@serr.co.za

■ SOMERSET WEST

Unit G-04
Triangle Point
13 Urtel Crescent
Somerset West

t +27 (0) 10 025 8131
e marketing-SW@serr.co.za

■ UPINGTON

Office 1
De Drift Plaza, Plot 1070
Louisvale Road, Upington

t +27 (0) 54 010 1020
f +27 (0) 86 502 7607
e marketingupt@serr.co.za

■ DURBAN

166 Rodger Sishi Road
Westville
Durban

t +27 (0) 31 020 2100
f +27 (0) 86 461 4928
e marketingdbn@serr.co.za

■ BLOEMFONTEIN

Unit 1, 1st Floor Offices
10 Barnes Street
Arboretum, Bloemfontein

t +27 (0) 51 010 5030
f +27 (0) 86 502 7607
e marketingbfm@serr.co.za

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