

REPUBLIC OF SOUTH AFRICA

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**PORTFOLIO COMMITTEE AMENDMENTS  
TO  
PROTECTED DISCLOSURES BILL**

[B 30—2000]

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*(As agreed to by the Portfolio Committee on Justice and Constitutional Development  
(National Assembly), upon consideration of proposed amendments by National Council of  
Provinces)*

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[B 30A—2000]

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REPUBLIEK VAN SUID-AFRIKA

**PORTEFEULJEKOMITEE-AMENDEMENTE**

**WETSONTWERP OP BESKERMDE  
BEKENDMAKINGS**

[W 30—2000]

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*(Soos goedgekeur deur die Portefeuljekomitee oor Justisie en Staatkundige Ontwikkeling  
(Nasionale Vergadering), na oorweging van voorgestelde amendemente van Nasionale  
Raad van Provinsies)*

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[W 30A—2000]

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## AMENDMENTS AGREED TO

### PROTECTED DISCLOSURES BILL [B 30-2000]

#### CLAUSE 4

1. On page 6, from line 47, to omit subsection (1) and to substitute:

(1) Any *employee* who has been ~~subjected~~, is subject or may be subjected, to an *occupational detriment* in breach of section 3, ~~may—~~

(a) approach any court having jurisdiction, including the Labour Court established by section 151 of the Labour Relations Act, 1995 (Act No. 66 of 1995), for ~~appropriate~~ relief; or

(b) pursue any other process ~~allowed~~ or prescribed by any law.

(2) For the purposes of the Labour Relations Act, 1995, including the consideration of any matter emanating from this Act by the Labour Court—

(a) any dismissal in breach of section 3 is deemed to be an automatically unfair dismissal as contemplated in section 187 of that Act, and the dispute about such a dismissal must follow the procedure set out in Chapter VIII of that Act; and

(b) any other *occupational detriment* in breach of section 3 is deemed to be an unfair ~~labour~~ practice as contemplated in Part B of Schedule 7 to that Act, and the dispute about such an unfair ~~labour~~ practice must follow the procedure set out in that Part: Provided that if the matter fails to be resolved through conciliation, it may be referred to the Labour Court for adjudication.

#### CLAUSE 10

1. On page 12, in line 10, to omit “subsection (1 )” and to substitute “paragraph (a)”.