



MANDELA INSTITUTE

PENSION FUNDS

LAW I

Postgraduate Certificate Course

R14 750
INCLUDING VAT

12
WEEKS

EVENING
LECTURES
17:30 – 19:00

8 MARCH –
17 JUNE

UNIVERSITY OF THE
WITWATERSRAND,
JOHANNESBURG



WITS
SCHOOL OF LAW

PENSION FUNDS LAW I

Description The **Pension Funds Law I** postgraduate certificate course will focus primarily on the legal nature of occupational retirement funds, the relationships between members of retirement funds, those funds and the members' employers and the rights and obligations of each toward the others.

Outcomes The general objectives of the course are to enable students to:

- Gain an in-depth understanding of the history and current context in which the pension fund laws operate
- To gain an appreciation of the issues arising within the functioning of pension funds focusing on contentious issues such as:
 - a) the nature of an occupational retirement fund
 - b) the legal nature of the relationships between such a fund and its members and employers which contribute to it
 - c) restrictions on changes to the rules of the fund, and thus address some of the deficiencies that arise from the contentious issues.
- Encourage research that contributes to the development of pension fund law.

Content Specific topics to be covered include:

- Introduction to the course
- Pension funds in South Africa – Why have pension funds at all? (the origins of pension funds including social, political, economic background)
- The advent of black unions, the BD/DC shift and its effect on fund surpluses, and the impact of political changes in early 1990s on the funding of defined benefit funds
- Overview of the relevant legislation
- Changes to the statutory governance requirements
- Death benefits
- Disability benefits
- Withdrawal benefits
- Transfer of benefits
- Divorce benefits
- The tripartite relationship, and the duties owed by the fund, the employer and the employee/member
- The enforcement of s197 of the Labour Relations Act in relation to the occupational retirement funding rights and obligations of transferring employees
- Discrimination and occupational retirement funding
- The Office of the Pension Fund Adjudicator.

Assessment Research assignment and examination.

Certificate Criteria One of the following certificates can be obtained:

- *Certificate of Attendance*: To obtain a certificate of attendance, students are required to attend and participate in 75% of the lectures.
- *Certificate of Competence*: To obtain a certificate of competence, students are required to attend and participate in 75% of the lectures and to complete the assessments as required in the course.

Accreditation This course is regarded as NQF Level 8 equivalent and may be credited, subject to university policies, towards the PG Dip in Law or LLM degrees.

Course Dates This is a semester-long course where participants attend evening lectures from 17:30 to 19:00 once a week during the period 8 March to 17 June 2021.

Venue Chalsty Teaching and Conference Centre, Oliver Schreiner School of Law, University of the Witwatersrand, Johannesburg, West Campus, Wits.

Cost R14 750 including VAT

Covid-19 Arrangements Courses will be delivered through online lecturing should lockdown regulations prevent contact classes. Students are required to have basic computer skills and stable internet connection.

