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# EMPLOYMENT ALERT

Our programme on Conducting a Disciplinary Enquiry has been accredited by the Services SETA.

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### A NEW DAWN FOR INDUSTRIAL ACTION IN SOUTH AFRICA

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[CLICK HERE](#) to view our NEW Employment Strike Guideline

# A NEW DAWN FOR INDUSTRIAL ACTION IN SOUTH AFRICA

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Rampant strike violence has necessitated that social partners develop some sort of guideline in order to deal with collective bargaining and industrial action. Employers and employees alike try to rely on our courts to regulate strikes and collective bargaining to no avail. Court orders were sometimes ignored.

Having regard to the above, an Accord on Collective Bargaining and Industrial Action (Accord) was published simultaneously with the National Minimum Wage agreement. Clause 7 of the Accord states as follows:

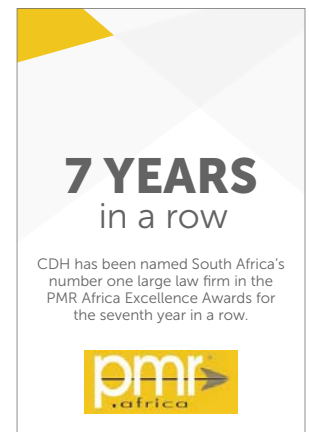
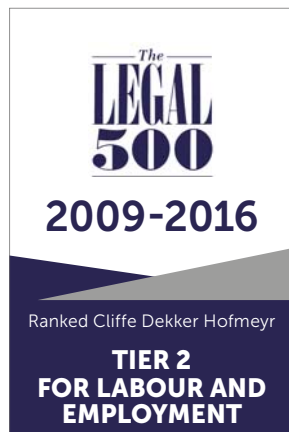
“All parties to this Accord commit:

7. In the case of violence, intimidation, and the threat of harm to person or property associated with industrial action, to build capacity; expedite processes and assign sufficient and senior staff to the resolution of issues.”

The Accord is thus an undertaking by all relevant role players to desist from violence, intimidation and the like. The Accord requires the South African Police Service to act in a manner where they are

able to quell the violence. Consequently, the South African Police Service would have to empower and staff their ranks so as to assist in monitoring and quelling violence that may erupt during industrial action. Private security industries too will have to upskill themselves so as to implement the code of good practice (code) in a manner which enhances the objectives of the code. A new dawn has thus arisen in South Africa where all parties understand that violence and intimidation do not resolve issues. This is particularly important having regard to the most recent settlement between the National Union of Mineworkers (NUM) and Good Hope Construction where NUM was required to pay an amount of R1.5 million to an employer for damages caused during industrial action.

*Aadil Patel, Thabang Rapuleng and Andile Khumalo*



# Employment STRIKE GUIDELINE

Our Employment practice's new  
EMPLOYMENT STRIKE GUIDELINE  
answers our clients' FAQs.

Topics discussed include strikes, lock-outs and picketing.

 [CLICK HERE TO FIND OUT MORE](#)

CHAMBERS GLOBAL 2014 - 2016 ranks our Employment practice in Band 2: Employment.

Aadil Patel ranked by CHAMBERS GLOBAL 2015 - 2016 in Band 2: Employment.

Hugo Pienaar ranked by CHAMBERS GLOBAL 2014 - 2016 in Band 2: Employment.

Fiona Leppan ranked by CHAMBERS GLOBAL 2016 in Band 3: Employment.



Michael Yeates named winner in the **2015** and **2016 ILO Client Choice International Awards** in the category 'Employment and Benefits, South Africa'.



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### BBBEE STATUS: LEVEL THREE CONTRIBUTOR

Cliffe Dekker Hofmeyr is very pleased to have achieved a Level 3 BBBEE verification under the new BBBEE Codes of Good Practice. Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

This information is published for general information purposes and is not intended to constitute legal advice. Specialist legal advice should always be sought in relation to any particular situation. Cliffe Dekker Hofmeyr will accept no responsibility for any actions taken or not taken on the basis of this publication.

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