

Unions, workers urged to strike responsibly

Labour Minister Mildred Oliphant has called on unions and workers engaging in strike actions not to abuse their rights - but to embark on protests responsibly.



(Image: GCIS)

She called on trade union leaders and workers to act responsibly and observe the prescripts of the laws of the land when contemplating embarking on a strike or protest action.

Oliphant said government was worried at the proliferation of industrial action that was not in keeping with labour laws and may result in upsetting the already fragile economic outlook. Most of the time, this action was accompanied by intimidation, violence and extensive damage to property.

"Every employee has the right to strike and this right is enshrined in our Constitution, the Supreme Law of the Land. The protection of the right to strike is a necessary and useful right in pursuit of sound Industrial relations in general and industrial peace and stability in particular.

"All that the employees have to do to exercise this right is to comply with the provisions of the Labour Relations. This means that they cannot be fired for striking, sued for damages, nor will they be regarded as having breached their contract of employment," Oliphant said.

In addition, Oliphant said a trade union can authorise striking workers to picket in support of the strike and they can still enjoy the protection of the law.

She said strikers therefore have the right in Law, to demonstrate their plight to the general public and to workers who are not keen to join them in their strike.

"There is therefore no justification for the recent wave of unprocedural strikes when the legal requirements are so clear and straight forward," the minister said.

Oliphant said it was therefore concerning to see unprocedural strikes, accompanied by unlawful behaviour.

"There can be no justification for the distasteful events that the country witnessed in the mining industry recently. There can be no debate that strike, protest action and picket action must be peaceful and those who choose to participate must act lawfully. There can be no excuse for lawlessness.

"Acts of violence, intimidation and damage to property and any other forms of lawlessness has no place in the industrial relations and must be condemned in the strongest terms possible," said Oliphant.

Oliphant said trade union leaders must make sure that their members were made fully aware, not only of their rights when striking, but also their obligations and in addition, to make sure that in the process of exercising this right, they do not violate other citizens' rights.

"Government has also taken note of a number of economic and academic commentators who have taken a broad swipe at it for what they call lack of effective intervention without providing details of what they are proposing should be done," the minister said, adding that government through the Labour Relations Act has set up a number of institutions that are responsible for various labour market related issues.

"I must also remind all the social partners in the Labour Relations world of work that it is undesirable to involve police in the industrial disputes, but if workers and/or participants engage in unlawful acts during protest action, that in itself will be an invitation for the police and other law enforcement agencies to become involved.

"The law enforcement institutions including the South African Police Services must step in to deal with lawlessness," she said.

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