

# What are the new 'essential services'?

By [Kenneth Coster and Shane Johnson](#)

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Essential services refer to those services that, if interrupted, would endanger the life, personal safety or health of the whole or any part of the population. Once a service is declared as an essential service, employees working in such services may not engage in strike action. Parliament and the South African Police Service are examples of essential services in South Africa. Industrial action by either of these institutions can only mean social chaos. Collective disputes that fall within an essential service must be referred to the Commission for Conciliation, Mediation and Arbitration for conciliation and arbitration instead of a strike.



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The Essential Services Committee (ESC) is a statutory body created by the Labour Relations Act (LRA). The LRA empowers the ESC to conduct investigations to determine whether the whole or part of any service should be declared as an essential service. From time to time, the ESC conducts investigations into services offered in various sectors to determine if the whole or part of such services should be declared as essential.

The ESC has recently conducted such investigations across various sectors, including education and health. Following these investigations, the services listed below have now been declared as essential:

- the service of road traffic incident management;
- the following services at boarding schools:
  - services provided by House Parents;
  - sanatorium services/dispensing of medicines to learners;
  - security;
- the following services at private and welfare centres:
  - reception, admissions and monitoring and evaluation;
  - pharmaceutical and dispensary;
  - research;

- the detection and reporting of fires; and
- the wholesale and supply of cash in South Africa.

Providers of these services will need to be aware of these changes to the law and ensure that their employees understand the impact that this categorisation will have on their labour rights, specifically their right to strike action.

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