Workers have a right to strike, and employers have a right to lock out workers, if a dispute cannot be resolved. Certain procedures and certain limitations apply under certain conditions. Secondary strikes and pickets may also be held.

**Application**

The Labour Relations Act applies to all employers, workers, trade unions and employers’ organisations, but does not apply to -

- members of the:
  - National Defence Force;
  - National Intelligence Agency; or

**See**

- [Labour Relations Act](#)

Applies to all workers and employers and aims to advance economic development, social justice, labour peace and the democracy of the workplace.

**Legal Strikes and Lockouts**

Every worker has the right to strike, and every employer has the option to lock out workers, if –

1. a dispute has been referred to a council or the Commission for Conciliation, Mediation and Arbitration (CCMA);
2. a certificate that a dispute remains unresolved has been issued;
3. 30 days have elapsed since the referral; and
4. 48 hours’ written notice of a strike is given to
   a. the employer; or
   b. a council (if the dispute relates to a collective agreement to be concluded in a council); or
   c. to an employers’ organisation (if the employer is a member of an organisation
that is a party to the dispute); or
5. 48 hours’ written notice of a lockout is given to
   a. the trade union; or
   b. to the workers (if they are not trade union members); or
   c. a council (if the dispute relates to a collective agreement to be concluded in a
council).

Workers’ Rights

During legal strikes workers may not –

- be dismissed; or
- have civil legal proceedings brought against them.

Employers’ Rights

During legal strikes employers –

- do not have to pay workers, unless workers ask that payment in kind
  (accommodation, food, basic amenities) be continued; and
- may fairly dismiss a worker for misconduct or for operational needs.

After a strike has ended, an employer may recover the monetary value of payment in kind
through civil proceedings in the Labour Court.
During legal lockouts, employers may –

- not have civil legal proceedings brought against them during legal lockouts; and
- recover the monetary value of payment in kind through civil proceedings in the
  Labour Court after legal lockouts.

Special Procedure for Refusal to Bargain

When a party refuses to bargain, an advisory award must be obtained before a strike can
be held. An award cannot force a party to bargain.

When Strike or Lockout Procedures Do Not Apply

Strike or Lockout Procedures do not apply if –

- members follow the procedure in a council’s constitution;
  · a strike or lockout follows a collective agreement procedure;
- workers strike in response to an illegal lockout;
  · employers lock workers out in response to an illegal strike; and
- employers one-sidedly change workers’ working conditions and refuse to restore
them.

**Illegal Strikes and Lockouts**

Strikes and lockouts will be illegal if –

- a collective agreement or arbitration award binds the parties;
- an agreement must be referred for arbitration or to the Labour Court;
- a wage determination binds the parties and it is less than 1 year old; or
- the parties are providing an essential or maintenance service.

**Labour Court Action**

If a strike or lockout is illegal, the matter must be referred to the Labour Court, which may grant an interdict or a restraining order.

**Secondary Strikes**

When workers strike in support of a legal strike held by other workers, it is called a secondary strike. Secondary strikers must give their employers or employers’ organisation 7 days’ notice of their intention to strike. A secondary strike cannot be held if –

- the dispute has been referred to a council;
- the workers work within the registered scope of the council; and
- they have a material interest in the dispute.

**Picketing**

A registered trade union may authorise its members and supporters to picket. The aim of picketing is to peacefully support a legal strike or to oppose a lockout. Pickets may be held –

- in public access areas outside an employer’s premises; or
- inside an employer’s premises (with the employer’s permission).

The parties or the CCMA must agree on the picketing rules.

**Disputes**

Any disputes on picketing rights may be referred to the CCMA.
Records to be Kept by Employer

All employers must keep records of the details of strikes, lockouts or protest actions according to the requirements of –

- collective agreements
- arbitration awards
- Wage Act determinations

All employers must keep the original or reproduced records –

- for 3 years from the date of an event; or
- from the date of an event; or
- from the end of a specified period.

All employers must submit records when requested by –

- a bargaining council; or
- commissioner; or
- any dispute resolution agent.

Related Links

- Basic Guide to Bargaining Councils
  
  Under the Labour Relations Act, bargaining councils conclude agreements, resolve labour disputes, make proposals on labour policies, etc.

- Basic Guide to Collective Agreements
  
  The Labour Relations Act provides for agreements that alter conditions of employment

- Basic Guide to Trade Unions
  
  Trade unions are necessary for bargaining for workers' rights and benefits and they regulate industrial relations.

- The Commission for Conciliation, Mediation and Arbitration (CCMA)
  
MEIBC strike turns violent: Solidarity may withdraw members due to safety concerns

By michelle on July 4, 2011

Trade union Solidarity today announced it may withdraw its members at certain employers in the Metal and Engineering Industries Bargaining Council (MEIBC) owing to safety concerns, after various other trade unions embarked on a national strike today. The strike turned violent at several employers and Solidarity members are consequently fearing for their safety. The trade union also said today it would announce its final decision on the employers’ final wage offer and the possibility of a strike after its industry council meeting next week.

According to Gideon du Plessis, Deputy General Secretary of Solidarity, the trade union is still in the process of obtaining mandates on the final wage offer and the possibility of a strike from its approximately 27 000 members and a final decision on these issues will be reached next week at its industry council meeting. “The possibility of a strike is not excluded and Solidarity will announce its members’ decision next week,” said Du Plessis. “However, other trade unions embarked on a strike today, which turned violent in some instances. Solidarity is concerned that the relevant employers cannot guarantee the safety of Solidarity members who are still working,” said Du Plessis.

“We will contact employers where violence has erupted to determine whether their non-striking employees’ safety can be guaranteed. If not, we will seriously consider withdrawing our members at those workplaces,” according to Du Plessis.

Meanwhile, the trade union has also expressed its dissatisfaction with various employers who sent lock-out notices to Solidarity, although Solidarity members are currently not striking. “Even though Solidarity members are not striking, they were at first also penalised by the ‘no work, no pay’ principle,” explained Du Plessis. The trade union has already cleared up this issue with the relevant employers.

Gideon Du Plessis

Deputy General Secretary:

Five unions to join national strike

ECONOMIC NEWS

Fin24 - Jul 5th, 06:36

Johannesburg - An engineering workers strike for better wages supported by several trade unions was set to continue on Tuesday, the National Union of Metal Workers of SA (Numsa) said.

Spokesperson Castro Ngobese confirmed that the strike would continue. He said a march would take place at Welkom in the Free State on Tuesday, starting in Constantia Road at 10:00.

Numsa, which represents about 120 000 workers, would be joined by five other trade unions, jointly representing at least another 50 000 workers.

United Association of SA (Uasa) senior manager Johan van Niekerk said Uasa and the SA Equity Workers' Association (Saewa), would also participate.

At the weekend, Numsa announced that its members would embark on rolling mass action in demand of a 13% salary increase. Employers in the sector were offering seven percent.

The strike started on Monday after the Labour Court's weekend dismissal of an application for an interdict to stop the strike, brought by the Plastic Converters' Association.

Several trade unions, representing about 170 000 workers, embarked on the countrywide strike, with a protest march in Johannesburg.

Striking workers handed a memorandum to the Steel and Engineering Industries Federation of SA (Seifsa).

Mpumalanga and KwaZulu-Natal workers also held demonstrations, while workers in the Free State and Northern Cape were scheduled to start their work stoppage on Tuesday.

Workers would strike "until employers come back to us with something to put on the table," Ngobese said.

Trade unions can strike in industrial chemicals sector (SA Labour News)

WRITTEN BY EDITOR

Solidarity reports that wage negotiations in the industrial chemicals sector of the National Bargaining Council for the Chemical Industry reached a deadlock yesterday during the dispute round and the unions concerned are now able to give 48 hours’ notice to strike should their members not accept the employers’ final wage offer. The unions are demanding a wage increase of 8% to commence on 1 July this year, plus an additional 1% increase in January 2012. The employers’ offer stands at 7%.

2011-07-08 - High food chain inflation puts wage demands in fairer light (Business Report)
2011-07-08 - Metal strike turns ugly as unions dig in heels (Business Day)
2011-07-08 - Metalworker union to meet with employers (Eyewitness News)