

POLICY : MANAGEMENT OF INDUSTRIAL ACTION

Item HR 28-2002 POLICY ON MANAGEMENT OF INDUSTRIAL ACTION
MC 07.03.2002

BEST 6/5
BEST 22/8

RESOLVED:

- (1) **That** the contents of the report **BE NOTED**.
- (2) **That** the policy on the Management of Industrial Action for the Ekurhuleni Metropolitan Municipality **BE APPROVED** and **IMPLEMENTED** immediately after adoption by the Council.
- (3) **That** existing policies of the disestablished Councils on the Management of Industrial Action **BE** and **ARE HEREBY RESCINDED**.

ANNEXURE "A"

MANAGEMENT OF INDUSTRIAL ACTION POLICY

PURPOSE

To regulate the management of Industrial Action during Strike Action in the workplace with the objective of restoring labour peace.

SCOPE OF APPLICATION

This policy applies in the event of a Strike Action within the Ekurhuleni Metropolitan Municipality.

PREAMBLE

The Ekurhuleni Metropolitan Municipality recognises the employees' right to strike and the employers' recourse to lockout. The Ekurhuleni Metropolitan Municipality undertakes to promote fair labour practices in its relationship with employees. However, certain functions within Local Government Sector are considered to be essential services. The Ekurhuleni Metropolitan Municipality shall in no way recognise the prohibited strike.

In the event of a strike action, the "**No Work, No Pay**" principle shall apply.

4. DEFINITION

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| STRIKE :- | means - "The partial or complete concerted refusal to work, or the retardation or obstruction of work, by persons who are or have been employed by the same employer or by different employers, for the purpose of remedying a grievance or resolving a dispute in respect of any matter of mutual interest between employer and employee, and every reference to "work" in this definition includes overtime work, whether it is voluntary or compulsory". |
| PICKET :- | means - "A peaceful demonstration in support of a protected strike or in opposition to any lock-out". |
| LOCK-OUT :- | means - "Exclusion by an employer of employees from the employer's workplace, for the purpose of compelling the employees to accept a demand in respect of any matter of mutual interest between employer and employee, whether or not the employer breaches those employees' contracts of employment in the course of or for the purpose of that exclusion" |
| PROTECTED STRIKE: | mean "a strike that complies with the provisions of Labour Relations Act (No 66 of 1995). |
| UNPROTECTED STRIKE: | means - "a strike that does not comply with the provisions of the Labour Relations Act (No 66 of 1995). |
| PROHIBITED STRIKE: | means - "a strike that is absolutely prohibited by the Labour Relations Act (No 66 of 1995) and/or collective agreement". |
| ESSENTIAL SERVICES: | means - "a service the interruption of which endangers the life, personal safety or health of the whole or any part of the population. |
| EMPLOYER :- | means - "Ekurhuleni Metropolitan Municipality" |
| MUNICIPAL MANAGER:- | means - "the Head of Administration and also Accounting Officer for the Municipality. |
| MAYORAL COMMITTEE : | means - "a Committee of 10 Councillors appointed by the Executive Mayor, assigned specific responsibilities, to assist the Mayor in running the Council". |

PROCEDURE

In the event of an industrial action the following shall apply:

- Sectional Head gather information (+ data) relating to :-
 - Reasons / cause of the Strike
 - Number of employees involved
 - Nature of Strike Action :- Peaceful / Violent
- Sectional Head informs the Head of Department about the strike action.

3. Head of Department informs Municipal Manager who shall activate the Strike Management Team and determine the Strike Control Centre.
4. Strike Management Team contacts Union Office about the Strike Action and its intention to establish line of communication.
5. Strike Management Team shall put into place the following processes:-
 - Production / Services
 - Security
 - Human Resources
 - Communication
 - Negotiation
6. The Composition of the Strike Management Team
 - 6.1 Operation Sub Team : - Line Managers Primarily concerned with the provision of services.
 - 6.2 Negotiation Sub Team: - Municipal Manager, Human Resources Director and Legal Advisor: Maintenance of Communications with Trade Unions.
 - 6.3 Co-ordinating Sub Team :- Mayoral Committee and Head of Legal and Corporate Services (or relevant Head of Department). Principals who determine the negotiating mandate.
 - 6.4 Security Sub Team :- Head of Protection Services : concerned with the protection of property and personnel

GENERAL

The Strike Management Team may inter-alia consider the following:

- Lockout in the event of failure to heed an ultimatum, vandalism of property and threats to personnel
- Replacement labour shall be considered in accordance with the relevant legislation.
- Disciplinary action in the event of misconduct.

DISPUTE RESOLUTION

Any dispute arising from the application of this policy shall be referred to the Bargaining Council for conciliation and arbitration.