

POLICY : PICKETING

Item HR 46-2001

MC 1.6.2001

Item HR 58-2002(C) PICKETING POLICY (ITEM HR 76-2002[MC] - MC 23.5.2002)

SPC 25.6.2002

RESOLVED:

1. That the contents of the report **BE NOTED**.
2. That the Picketing Policy attached as Annexure "A" to the report **BE ADOPTED** and **IMPLEMENTED** immediately, subject to the following amendments:
 - (i) That the following definition under (4) be amended to read as follows:-

"Recognised Trade Union: means a Trade Union recognized in terms of the Organisational Rights Agreement."
 - (ii) That wherever reference is made to "Ekurhuleni Metropolitan Municipality", it be amended to read "**Ekurhuleni Metropolitan Municipality**".
 - (iii) That the following be inserted in 6.14 after the word "premises":-

"nor interfere with the work of the employer".
3. That all existing Policies of the erstwhile Councils dealing with picketing **BE** and **ARE HEREBY RESCINDED**.

ANNEXURE "A"

PICKETING POLICY

1. PURPOSE

To regulate picketing activities in support of a protected strike or in opposition to lock out within the Ekurhuleni Metropolitan Municipality.

2. SCOPE OF APPLICATION

This policy shall apply to all recognised registered Trade Unions and their supporters and members operating within the area of jurisdiction of the Ekurhuleni Metropolitan Municipality..

3. PREAMBLE

The Ekurhuleni Metropolitan Municipality recognises the right of employees to picket. The picketing process must be :-

- peaceful and non disruptive;
- in support of a protected strike or in opposition to a lockout;
- authorised by a recognised registered Trade Unions;

- based on an agreement between the recognised Trade Unions and the employer regarding picketing rules.

4. DEFINITION

**RECOGNISED TRADE UNION:	means a Trade Union recognized in terms of the Organisational Rights Agreement.
EMPLOYER:	means the Ekurhuleni Metropolitan Municipality.
PICKETING:	means a peaceful demonstration in support of a protected strike or in opposition to a lockout, based on agreed upon picketing rules.
PROTECTED STRIKE	means a strike that complies with provisions of the Labour Relations Act.(NO 66 of 1995)
UNPROTECTED STRIKE :	means a strike that does not comply with the provision 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) or any Collective Agreement.
PROTECTED LOCKOUT:	means a lockout that complies with the provisions of the Labour Relations Act (No 66 of 1995).
UNPROTECTED LOCKOUT:	means a lockout that does not comply with the provisions of the Labour Relations Act. (Act 66 of 1995).

**AMENDED

5. PROCEDURE

- 5.1 The registered Trade Union serves the employer with the picketing notification seven (7) working days prior to the picketing action;
- 5.2 The employer acknowledges receipt of the picketing notification;
- 5.3 The employer convenes a meeting with the union/s in which picketing rules will be discussed and agreed upon.

6. PICKETING RULES

- 6.1 Picketing should be held in a public place outside the premises of the employer or;
- 6.2 With the permission of the employer inside the employer's premises;
- 6.3 The permission to picket inside the premises should not be unreasonably withheld;
- 6.4 Demarcated areas for picketing must be agreed upon
- 6.5 Only members and supporters of the trade union may participate in the picket;

- 6.6 The purpose of the picket must be to peacefully demonstrate in support of any protected strike or in opposition to any lock-out;
- 6.7 The picket must be authorised by a recognised registered Trade Union;
- 6.8 A picket with purposes other than to demonstrate in support of a protected strike or in opposition of a lock-out is not protected by this policy;
- 6.9 The notice of the commencement of the picket must include the place, time, extent of the picket, number of picketers and their location;
- 6.10 Access to the employer's premises for purposes other than picketing (e.g. access to toilets, the use of telephones, etc.) should be agreed upon;
- 6.11 The trade union must undertake to exercise control over the conduct and movement of picketers;
- 6.12 The employer may not take disciplinary action against an employee for participating in a lawful picket;
- 6.13 Where the employee's conduct during a picket constitutes misconduct, the employer may take disciplinary action;
- 6.14 Picketers may not physically prevent members of the public including customers, other employees and service providers from gaining access to or leaving the employer's premises **nor interfere with the work of the employer;
- 6.15 No picketer shall be allowed to carry any weapon.

**AMENDED

7. DISPUTE RESOLUTION

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