

New accord to curb industrial action violence

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Rampant strike violence has necessitated that social partners develop some sort of guideline in order to deal with collective bargaining and industrial action. Employers and employees alike try to rely on our courts to regulate strikes and collective bargaining to no avail. Court orders were sometimes ignored.



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Having regard to the above, an Accord on Collective Bargaining and Industrial Action (Accord) was published simultaneously with the National Minimum Wage agreement. Clause 7 of the Accord states as follows:

“ All parties to this Accord commit:7. In the case of violence, intimidation, and the threat of harm to person or property associated with industrial action, to build capacity; expedite processes and assign sufficient and senior staff to the resolution of issues.” ”

The Accord is thus an undertaking by all relevant role players to desist from violence, intimidation and the like.

The Accord requires the South African Police Service to act in a manner where they are able to quell the violence. Consequently, the South African Police Service would have to empower and staff their ranks so as to assist in monitoring and quelling violence that may erupt during industrial action.

Private security industries too will have to upskill themselves so as to implement the code of good practice (code) in a

manner which enhances the objectives of the code.

A new dawn has thus arisen in South Africa where all parties understand that violence and intimidation do not resolve issues. This is particularly important having regard to the most recent settlement between the National Union of Mineworkers (NUM) and Good Hope Construction where NUM was required to pay an amount of R1.5 million to an employer for damages caused during industrial action.

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