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# INDUSTRIAL ACTION REPORT

IAR 2017







# labour

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## **INDUSTRIAL ACTION REPORT**

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# ABBREVIATIONS

<b>AMCU</b>	Association of Mineworkers and Construction Union
<b>APSA</b>	Academic and Professional Staff Association
<b>BAWUSA</b>	Building and Allied Workers Union of South Africa
<b>BCAWU</b>	Building Construction and Allied Workers Union of South Africa
<b>CCRAWUSA</b>	Care Centre, Catering, Retail and Allied Worker's Union of South Africa
<b>CCMA</b>	Commission for Conciliation, Mediation and Arbitration
<b>CEPPWAWU</b>	Chemical, Energy, Paper, Printing, Wood and Allied Workers Union
<b>CPI</b>	Consumer Price Index
<b>CSAAWU</b>	Commercial, Stevedoring, Agricultural and Allied Workers' Union
<b>CWU</b>	Communication Workers Union
<b>DETAWU</b>	Democratised Transport Logistics and Allied Workers' Union
<b>DPSA</b>	Department of Public Service and Administration
<b>FAWU</b>	Food and Allied Workers Union
<b>GIWUSA</b>	General Industries Workers Union of South Africa
<b>HOSPERSA</b>	Health and Other Services Personnel Trade Union of South Africa
<b>ILO</b>	International Labour Organisation
<b>IMATU</b>	Independent Municipal and Allied Trade Union
<b>ITU</b>	Inqubelaphambili Trade Union
<b>KSCWO</b>	Kutama Sinthumule Correctional - Workers Organisation
<b>LMIS</b>	Labour Market Information and Statistics
<b>LRA</b>	Labour Relations Act
<b>MBGWU</b>	Metal Building and General Workers Union of South Africa
<b>NEDLAC</b>	National Economic Development and Labour Council

<b>NEHAWU</b>	National Education Health and Allied Workers' Union
<b>NTM</b>	National Transport Movement
<b>NUMSA</b>	National Union of Metalworkers of South Africa
<b>NUM</b>	National Union of Mineworkers
<b>OECD</b>	Organisation for Economic Cooperation and Development
<b>PAWUSA</b>	Public and Allied Workers Union of South Africa
<b>PSA</b>	Public Servants Association
<b>PSCBC</b>	Public Service Coordinating Bargaining Council
<b>PTWU</b>	Professional Transport Workers' Union
<b>POPCRU</b>	Police and Prisons Civil Rights Union
<b>SABC</b>	South African Broadcasting - Corporation
<b>SACCA</b>	South African Cabin Crew Association
<b>SACTWU</b>	South African Clothing and Textile Workers' Union
<b>SACU</b>	South African Communication Union
<b>SADTU</b>	South African Democratic Teachers Union
<b>SAEWA</b>	South African Equity Workers Association
<b>SALGA</b>	South African Local Government Association
<b>SAMWU</b>	South African Municipal Workers' Union
<b>SANC</b>	South African Nursing Council
<b>SATAWU</b>	South African Transport and Allied Workers' Union
<b>SEIFSA</b>	Steel and Engineering - Industries Federation of South Africa
<b>SOCRAWU</b>	Security Officers Civil Rights and Allied Workers Union
<b>TASWU</b>	Transport and Services Workers Union
<b>TAWUSA</b>	Transport and Allied Workers Union of South Africa
<b>TWU</b>	Transport Workers Union
<b>UASA</b>	United Association of South Africa



# ACKNOWLEDGEMENT

The Department of Labour would like to express its deepest appreciation to all employers and to those workers organisation's for their prompt response to complete the Labour Relations Act (LRA) 9.2 form and provide the Department with strikes information throughout the year. Providing the strikes information enabled us to effectively analyse and produce the annual report for policy makers and other users of the information in a profound manner. Without their support and voluntary response, it would be impossible to cover all aspects of the labour disputes in the country as per the International Labour Organisation (ILO) guidelines.

Furthermore, a special gratitude goes to our Labour Market Information and Statistics (LMIS) officials in the Department who tirelessly contributed to the collection, analysis and development of the annual report and the Chief Director: Labour Market Policy who spend time to read and comment on the document. A special word of appreciation is also extended to the senior management from the Labour Relations Chief Directorate who meaningfully provided inputs with the progress made at National Economic Development and Labour Council (NEDLAC) regarding strike activity in 2017.

Last but not least, we would like to express our gratitude to our users for their support and willingness to engage with us towards the development of this in-depth strike analysis report. This has also enhanced the quality of this report.



# EXECUTIVE SUMMARY

The Department of Labour strike database is one of the key information systems that is consistently being updated and used to monitor labour disputes in the South African labour market. In this report, the annual strike analysis covers their dynamics as well as other characteristics that allow various stakeholders to understand the level and causes of conflict in the sphere of labour relations in the country at a given time.

Within the strategic framework of monitoring the impact of legislation, the three main measures of labour disputes namely working days lost, work stoppages and workers involved by industry, cause, and duration are continuously being monitored and reported by the Department of Labour. Thus the Department of Labour uses the LRA 9.2 form to draw data directly from the employers or trade union federations after the strikes or lock outs have been identified from various sources of media in the country.

In terms of the 2017 strikes monitoring database, the following results are presented:

- The number of work stoppages increased to 132 in 2017 from 122 in 2016. This represents 8% increase in strikes over the last two years. It is the highest recording since the history of our strikes monitoring. However, the work stoppages declined from quarter two to quarter four of 2017 with many strikes recorded during the second quarter of the year
- Most of the strikes in 2017 were protected at 52% unlike in 2016 where many strikes were unprotected at 59%. This might be explained by the compliance with the Labour Relations Act by most companies
- By nature of strikes in workplaces, “strikes in company only” followed by lock-outs in workplaces were the highest
- Most workplace disputes at 89% were resolved internally with the employer
- The duration of most strikes lasted for less than 11 working days
- The number of working days lost increased by 1.5% to 960 889 in 2017 from 946 323 in 2016, however, the number of working hours lost decreased from 7 613 267 in 2016 to 6 054 446 in 2017
- The impact on workers involved in the strike activity was approximately estimated at R251 million in wages lost in 2017 as compared to R161 million in 2016. There were 125 125 workers involved in labour disputes in 2017. This was 38.6% more than in 2016
- More wages lost were recorded in the second quarter of 2017 where the principal causes of work stoppages were still the demand for higher wages, bonus and other compensation benefits
- Unlike in 2016, mining, the industry with potential for economic growth and labour absorption lost more to wages in 2017 at about R137 million. This was followed by the community, manufacturing and transport industries that were also affected with a total wages lost nearly R96 million and 80 935 workers involved in strike in 2017
- The public sector saw more working days lost than the private sector stoppages in 2017, e.g. health and social services strikes. In this spirit, less than 30% of the company affected by strikes used replacement of labour
- In terms of trade union membership participation, NEHAWU and SAMWU recorded the highest membership participants at 29.07% and 10.01% respectively.

## Strike incidents and the National Development Plan (NDP)

With the view of reducing the level of unprotected strikes in the country, the latest national strike statistics in this report illustrate that unprotected strikes have declined by 11% between 2016 and 2017. **This illustrates a positive benefit and compliance rate to labour laws by all parties involved during negotiations for dispute resolutions.**





# INTRODUCTION

Income inequality is a reality in the African continent and affects the ability of workers to maintain a decent standard of living for themselves and their families. In the last five years, the South African economy has also been driven by a combination of international and domestic factors such as low and weak economic growth, continuing high unemployment levels, lower commodity prices, higher consumer prices (especially for energy and food), lower investment levels and greater household dependency on credit. This period has seen the financial health of South African households decline under the weight of these economic pressures and in turn has pulled more households and individuals down into poverty<sup>1</sup>. Failure to harness the challenge of inequality will result in losing the potential gains from the population dividend and also lead to weak economic performance and even more social problems. In the National Development Plan (NDP), some recommendations are made to address the issues of triple challenges in the country where each department is set with some targets, in response to the NDP.

Following this, the burden of industrial action also remains a heavy one on South Africa's labour relations. Wage inequality is commonly viewed as a feature of the South African labour market that contributes to instability in industrial relations. As a result, wage demands are also the most common cause of industrial action in the country. In addressing the challenge of wage inequality, the Department of Labour will in the coming year be preoccupied in ensuring the necessary legislative instruments are put in place to give effect to the recent ground breaking agreement on the modalities of implementing a National Minimum Wage (NMW) in South Africa<sup>2</sup>.

On that account the Department of Labour's LMIS unit annually populate the strikes database with the company details and the content of the strikes information as contained in the LRA 9.2 form in order to provide a picture of the work stoppages across workplaces. The LMIS unit has been analysing and reporting on the strike data based on the number of forms received from the employers, following the calendar year.

The structure of the report is as follows: **the first Chapter** examines the performance of the South African labour disputes with important indicators that form the basis of strike analysis as measured in the number of work stoppages, working days lost, time-loss ratio, working hours lost and wages lost. The relevance of this analysis is based on a comparative trend analysis over the four quarters of 2017 to examine how strike incidents have been changing throughout the year and its impact thereof in the South African economy. To some extent the 2017 is compared to the 2016 quarterly strikes results.

**Chapter two** of the report provides a comparative analysis of some of the key characteristics of working days lost due to strikes during the 2017. To some extent, strike trend results will be compared to the previous years.

The last **Chapter three** of the report sheds light with an updated and comprehensive review of the main features of collective bargaining elements. The chapter covers the median wage settlement and the effectiveness of collective bargaining process in various industries. It further presents detailed results of how wage agreements were reached following strike incidents in South Africa by industry in 2017. This is followed by a brief conclusion.

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1. Statistics South Africa, *Poverty Report*, 13 August 2017

2. Honorable Minister of Labour, M Oliphant, *Annual Report of the Department of Labour 2016/17*





Photo credit: EPA/JIM HOLLAND

# CHAPTER ONE

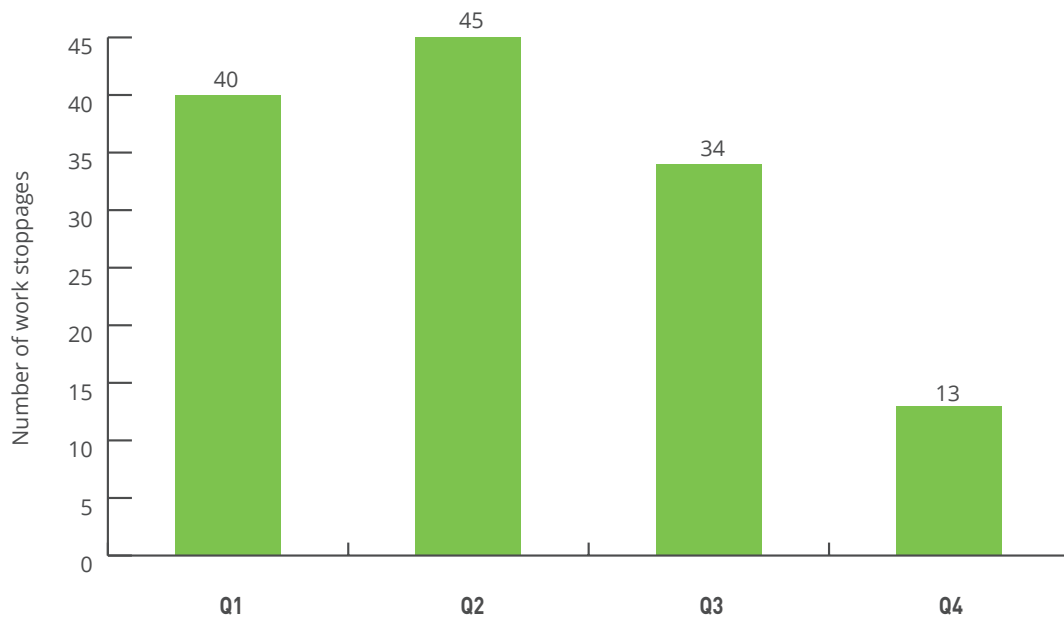
OVERVIEW OF STRIKE INCIDENTS  
IN THE SOUTH AFRICAN LABOUR  
MARKET, 2017

## CHAPTER ONE: OVERVIEW OF STRIKE INCIDENTS IN THE SOUTH AFRICAN LABOUR MARKET, 2017

In line with the International Labour Organisation (ILO) standards, labour disputes are monitored and assessed looking at the number of work stoppages, working days lost, time loss ratio, working hours and wages lost. These are the critical indicators and internationally compared. This chapter gives information on labour disputes in 2017 as well as comparisons with the year earlier.

In 2017, strikes were higher than in the previous year. The public sector was mostly affected than the private sector as a result of the strikes in the community industry. Some of the community industry strikes were from the health and social services strike where employees went to the streets to demand higher wages and economic benefits.

**Figure 1: Trends in the number of work stoppages in South Africa, Q1 to Q4 of 2017**



Source: Department of Labour, Strikes Statistics database

**Figure 1** illustrates the number of work stoppages over the four quarters of 2017. A total of 132 strikes were recorded in 2017 as compared to the 122 strikes recorded in 2016. This represents 8% more strikes than last year and 20% more strikes than in 2015. The trend in strikes during 2017 further shows a decrease of work stoppages from quarter two to quarter four with more strikes occurring during the second quarter of the year at 34.1%. The Commission for Conciliation, Mediation and Arbitration (CCMA) was appraised for the introduction of dispute prevention work streams that has contributed significantly in the reduction of work disputes during this period of the year. In this regard, the Department of Labour stresses that “We must accept also that generally the labour relations environment is not static but dynamic. It is therefore to be expected that from time to time there will be a need to revisit certain aspects of the labour law that may have become redundant or obsolete”.<sup>3</sup>

3. Deputy Minister of Labour, P Holomisa, CCMA Indaba, Idol Issue 1, 2018

**Table 1: Distribution of employee's participation in work stoppage by industry, 2017**

Industry	Number of workforce 2017	Employees involved 2017	Percentage distribution of employees involved
Agriculture	8 704	7 048	80.9%
Mining	42 543	30 439	71.5%
Manufacturing	16 478	8 009	48.6%
Utilities	384	239	62.2%
Construction	1 700	1 674	98.4%
Trade	3 624	2 161	59.6%
Transport	58 024	15 950	27.4%
Finance	3 283	2 629	80.0%
Community	337 707	56 976	16.8%
<b>Total</b>	<b>472 447</b>	<b>125 125</b>	<b>26.4%</b>

Source: Department of Labour, Strikes Statistics database

As reported by employers, the distribution of the total workforce against employees who participated in the work stoppages is presented in **Table 1**. The strike records show that from the total workforce of 472 447 only 125 125 (or 26.4%) employees were involved in strikes across all industries. However, almost the entire total workforce from the construction industry (98.4%) participated in dispute actions in 2017.

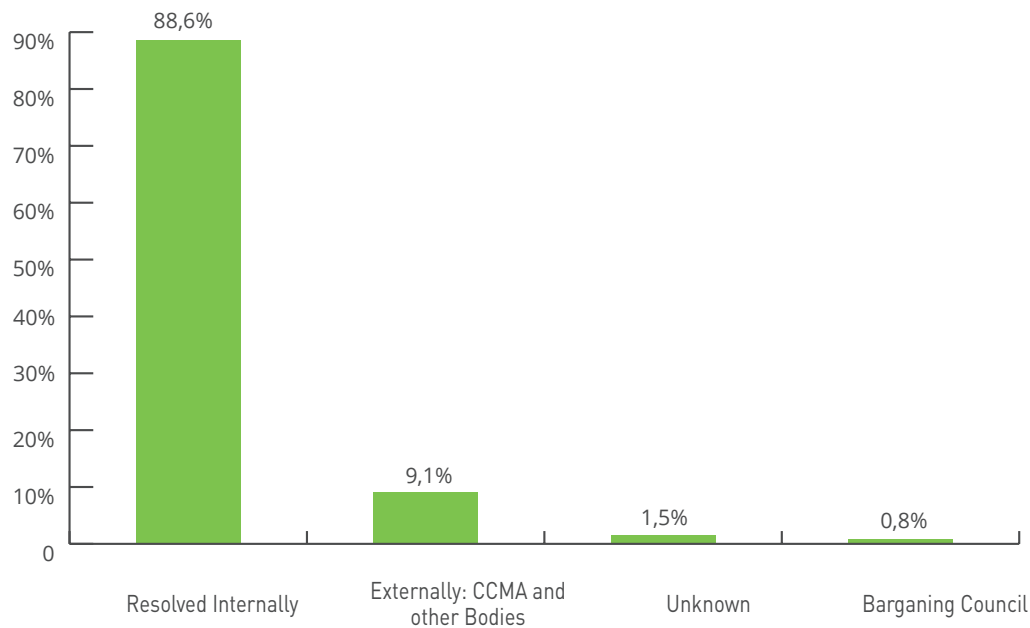
**Figure 2: Distribution of work stoppages by their nature\*\*, Q1 to Q4 of 2017**

Source: Department of Labour, Strikes Statistics database

\*\*Note: No picketing and secondary strike action were identified and recorded in 2017.

**Figure 2** illustrates the distribution in terms of how strikes took place during the year 2017. Strikes in “company only” were mostly reported by employers and continued to be higher followed by lock-outs in most of the quarters of 2017. The results show that 64% of strikes took place in “company only” in 2017 as compared to 56% a year earlier. This was followed by those workers who were locked-out at workplaces by the employer at 23%. There were no picketing and secondary action that were recorded in all quarters of 2017.

**Figure 3: Percentage distribution of how disputes were resolved, 2017**



Source: Department of Labour, Strikes Statistics database

**Figure 3** above represents the manner in which disputes were resolved at the workplace. As shown, it is evident that the majority of the workplace disputes (89%), were resolved internally through employees and employers engagement. This was followed by those disputes resolved through the intervention of external bodies such as the CCMA (9.1%). Only a few workplace disputes (0.8%) were resolved through the bargaining councils in 2017.

**Table 2: Distribution of how annual salary increments were negotiated, 2017**

	Oct-Dec 2016	Jan-March 2017	April-June 2017	July-Sept 2017	Oct-Dec 2017	Year on Year change (%)
Individual and employer	1 137 000	1 128 000	1 069 000	1 149 000	1 032 000	-0.4
Union and employer	2 966 000	3 110 000	3 002 000	3 097 000	3 023 000	1.8
Bargaining council	1 058 000	1 028 000	1 087 000	1 128 000	1 140 000	5.0
<b>Employer only</b>	<b>7 561 000</b>	<b>7 578 000</b>	<b>7 593 000</b>	<b>7 674 000</b>	<b>7 702 000</b>	<b>0.3</b>
No regular increment	684 000	798 000	748 000	786 000	777 000	-2.6
Other	51 000	115 000	113 000	116 000	103 000	28.8

Source: Statistics South Africa, QLFS 2017

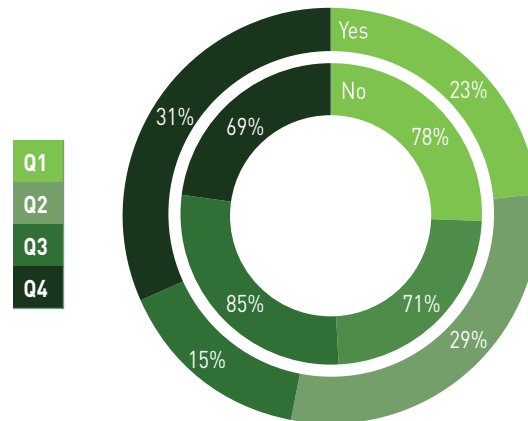
According to the Quarterly Labour Force results (QLFS)<sup>4</sup>, it is noted that salary increments were mostly determined by employers, as shown in **Table 2**. In every quarter of 2017, a large number of employees had reported that their salary increments were negotiated and settled through the employers because they are the key actors of collective bargaining. This was followed by negotiations settled between the union and employer at the workplace. Recent data, on the other hand, shows that membership to business and employer organisations have shown remarkable stability that contrasts with the decline in union density<sup>5</sup>.

4. Statistics South Africa, Quarterly Labour Force Survey, Quarter 4 of 2017, p- 70

5. Employment Outlook, OECD, 10 July 2017



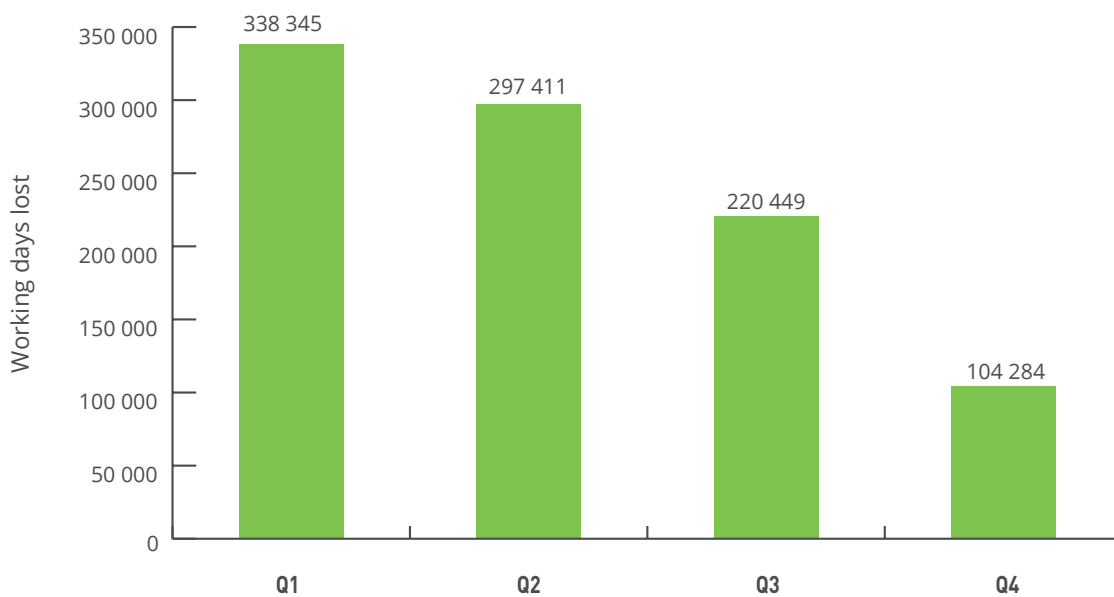
**Figure 4: Percentage distribution of replacement labour used, Q1 to Q4 of 2017**



Source: Department of Labour, Strikes Statistics database

During strikes activities, the employer can either replace or not replace labour. According to the data collected as at end of December 2017, replacement labour was less used by most companies during the strikes activities. Overall, less than 30% of workplaces had reported to use replacement labour during strikes activities whilst more than 70% of employers did not. Of those workplaces that used replacement labour during strikes were the manufacturing, community and agriculture industries. As shown in **Figure 4**, employers mostly used replacement labour during work stoppages in quarter 4 of 2017 at 31% than the national average.

**Figure 5: Trends in working days lost<sup>6</sup> in South Africa, Q1 to Q4 of 2017**

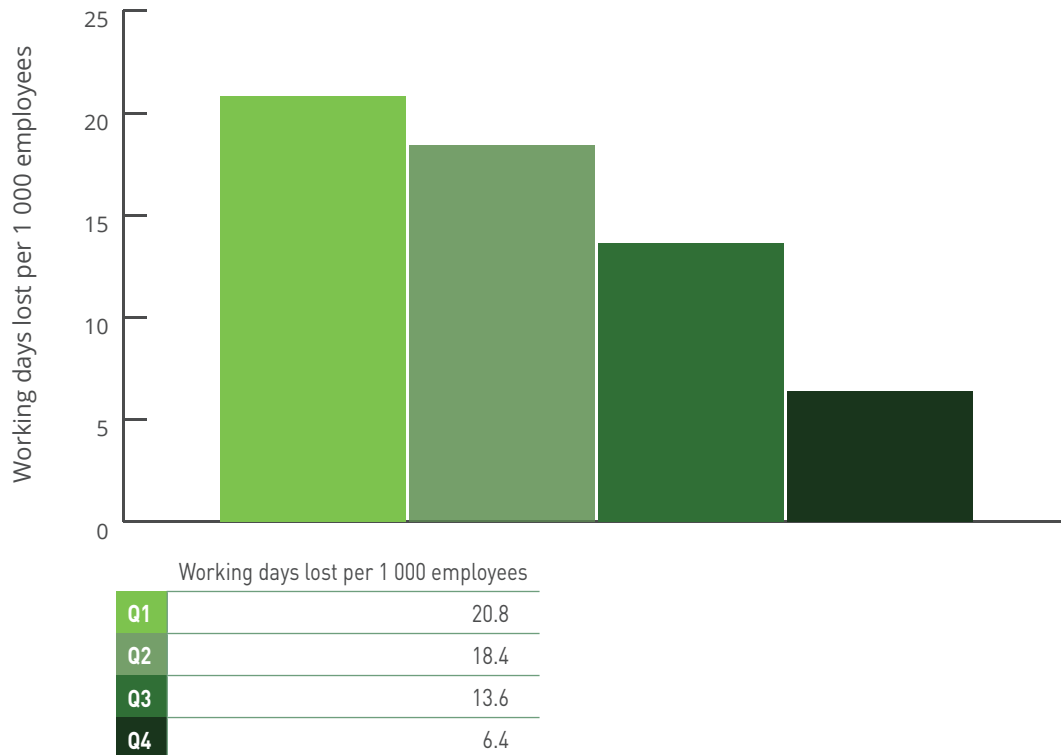


Source: Department of Labour, Strikes Statistics database

**Figure 5** presents the trend in working days lost due to industrial disputes in 2017. As compared to 2016, a total of 960 889 working days lost were estimated in 2017 as a result of 132 work stoppages. This represents 1% increase in the number of working days lost from 946 323 working days lost in 2016 with a total of 122 strikes. The high number of working days lost in the current year compared to the previous year is the result of high number of workers involved in strikes and the duration of the strikes where most workers did partake in. The figure further shows that quarter one and two of 2017 have been more prone to strike action than other quarters.

6. The working days lost due to strike implies the total number of workers involved directly in the strike or lock-outs multiplies by the length of the work stoppage.

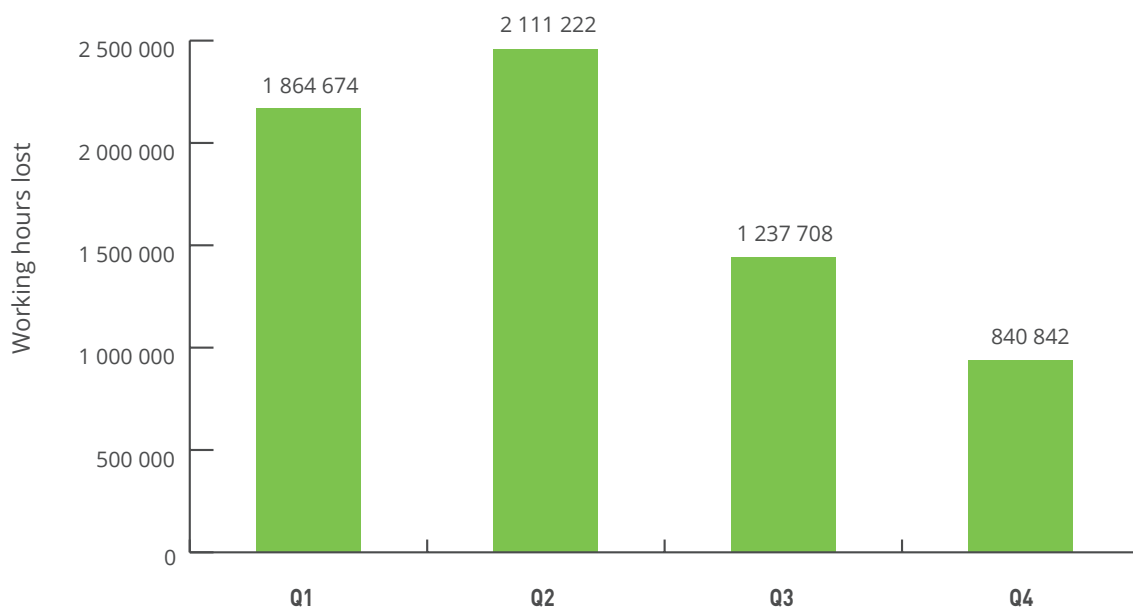
**Figure 6: Working days lost per 1 000<sup>7</sup> employees due to strikes, Q1 to Q4 of 2017**



Source: Department of Labour, Strikes Statistics database

At the national level, the working days lost is estimated at 58.5% per 1 000 employees due to work stoppages as at the end of December 2017<sup>8</sup>. By quarter, the results in **Figure 6** show that for every 1 000 employed person 21 working days were lost during the first quarter of the year followed by 18 working days lost per 1 000 employees in quarter two of 2017.

**Figure 7: Trends in working hours lost in South Africa, Q1 to Q4 of 2017**



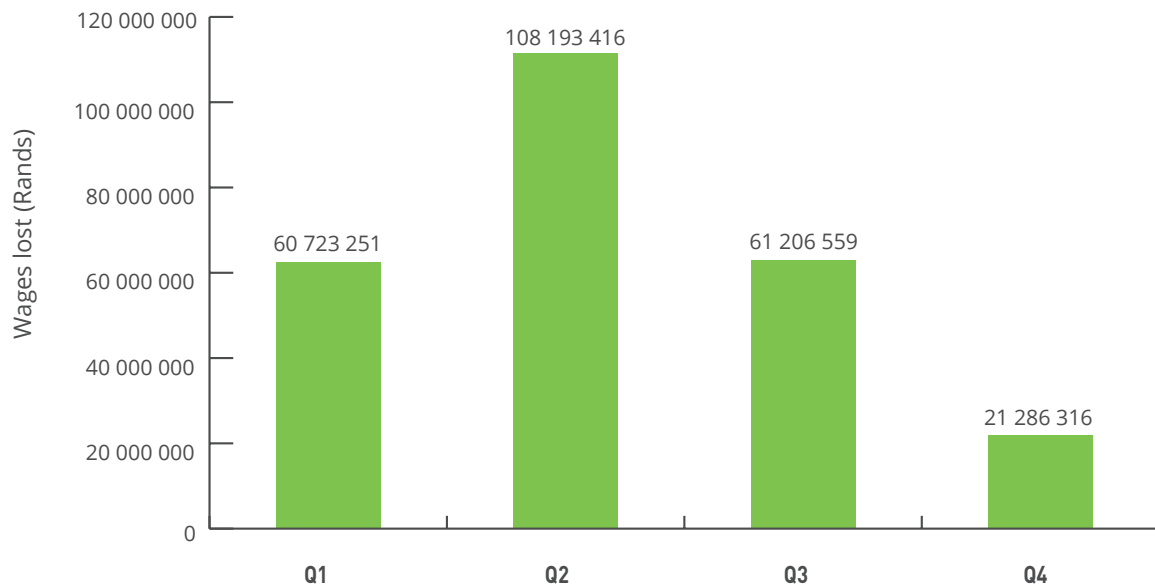
Source: Department of Labour, Strikes Statistics database

7. This indicator allows for international comparison in strike activity. For international comparison, the ratio distinguishes which country is strike prone when compared to another country.

8. Statistics South Africa, Quarterly Labour Force Survey, Quarter 4 of 2017, p- 51. An annual average of 16 168 750 employees was used to estimate an annual working days lost per 1 000 employees in 2017.

In **Figure 7**, changes in the level of working hours lost due to strikes between January and December 2017 are displayed. A total of 6 054 446 working hours lost was recorded in 2017. The working hours lost was 20.4% low compared to working hours lost in 2016. The growth in working hours lost emanated from working days and additional hours lost during all quarters at the workplaces. Thus, **Figure 7** illustrates that more working hours were lost during the second quarter of 2017 as previously shown.

**Figure 8: Wages lost<sup>9</sup> due to work stoppages in South Africa, Q1 to Q4 of 2017**

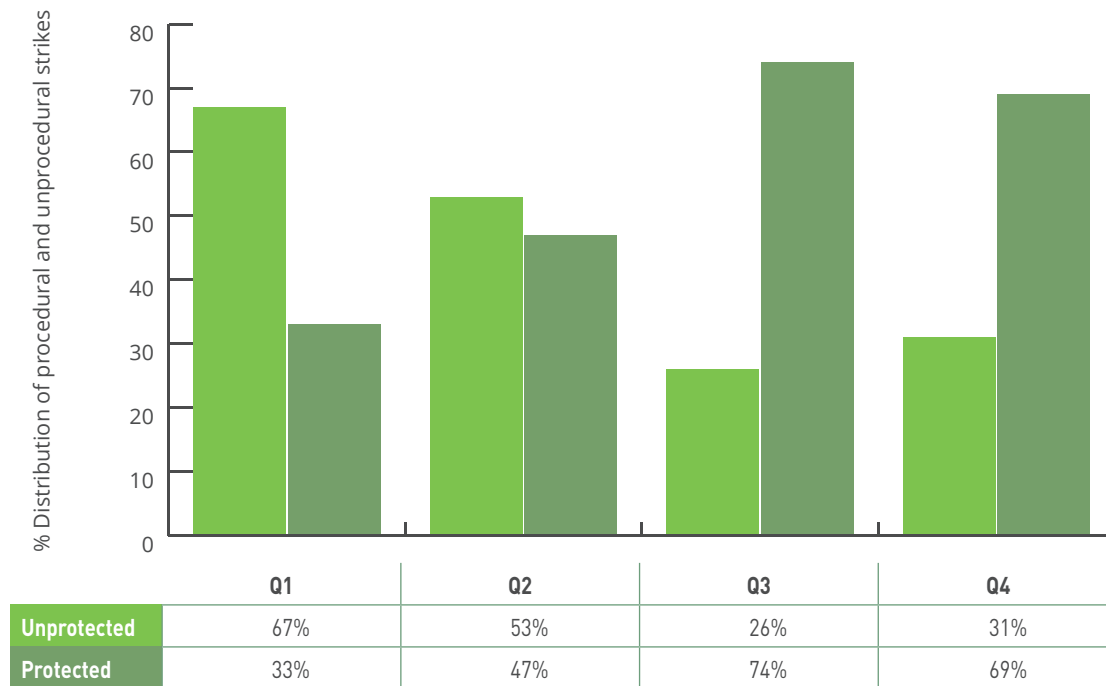


Source: Department of Labour, Strikes Statistics database

The economic impact of work stoppages was estimated at R251 409 542 wages lost in 2017 compared to R161 049 109 in 2016. This is an estimate of 56% increase in wages lost due to strikes in 2017. Emanating from **Figure 8**, more wages R108 193 416 were lost during the second quarter of the year where most strikes and working hours lost were recorded. The wage lost is related to income that household members depend on to meet their daily needs and also a loss on profit that companies depend on to sustain their businesses.

9. There is a need for a case study to gather data from a number of companies that were affected by the strike activity in order to estimate the cost of strike to company. This can be a case study for the Research unit in the future.

**Figure 9: Percentage distribution of the protected and unprotected strikes in South Africa, Q1 to Q4 of 2017**



Source: Department of Labour, Strikes Statistics database

The distinction between procedural and unprocedural strike is important because it underlines the compliance aspect to the Labour Relations Act. As per the National Development Plan (NDP), the share of unprotected strikes must be reduced over time.

As illustrated in **Figure 9**, in general, 52% of the strikes in 2017 were protected leaving 48% of strikes to be unprotected. This reflects a level of progress in regulating the level of protected against unprotected workplace disputes considering that 41% of strikes were protected in 2016. Furthermore, there was an upward trend of protected strikes from quarter one to quarter three of 2017, however with an insignificant drop in quarter four. The figure also demonstrates a steep drop of unprotected strikes in quarter one from 67% to 26% in quarter three of the same year.

**Table 3: Distribution of working days lost by principal cause of dispute, Q1 to Q4 of 2017**

Principal cause	Q1	Q2	Q3	Q4	Total 2017	Total 2016	% change
Wages, bonus and other compensation	184 845	91 466	175 973	88 682	540 966	778 874	<b>-30%</b>
Working conditions	14 785	8 422	27 085	0	50 292	60 747	<b>-17%</b>
Disciplinary matters	0	10 080	40	0	10 120	4 748	<b>113%</b>
Grievances	72 451	74 409	15 143	15 602	177 605	50 882	<b>249%</b>
Socio-economic and political conditions	1 415	22 533	2 208	0	26 156	8 380	<b>212%</b>
Secondary action	0	0	0	0	0	1 385	<b>0%</b>
Retrenchment/redundancy	11 402	1 463	0	0	12 865	2 359	<b>445%</b>
Refusal to bargain	53 447	78 772	0	0	132 219	21 351	<b>519%</b>
Trade union recognition	0	10 266	0	0	10 266	16 462	<b>-37%</b>
Other reasons	0	0	0	0	0	1 135	<b>0%</b>
<b>Total</b>	<b>338 345</b>	<b>297 411</b>	<b>220 449</b>	<b>104 284</b>	<b>960 489</b>	<b>946 323</b>	<b>1%</b>

Source: Department of Labour, Strikes Statistics database

Monitoring strike data allow us to describe the main causes of labour protests. The results are shown in **Table 3**. The year on year principal causes of why workers embarked on work stoppages is due to demand over wages, bonus and other compensation benefits. The pattern has remained consistent over the years although the rate has dropped at 30% in 2017 as compared to the 2016 . According to **Table 3**, other reasons why workers went on strike was due to grievances lodged against employers, refusal to bargain and working conditions at the workplaces.







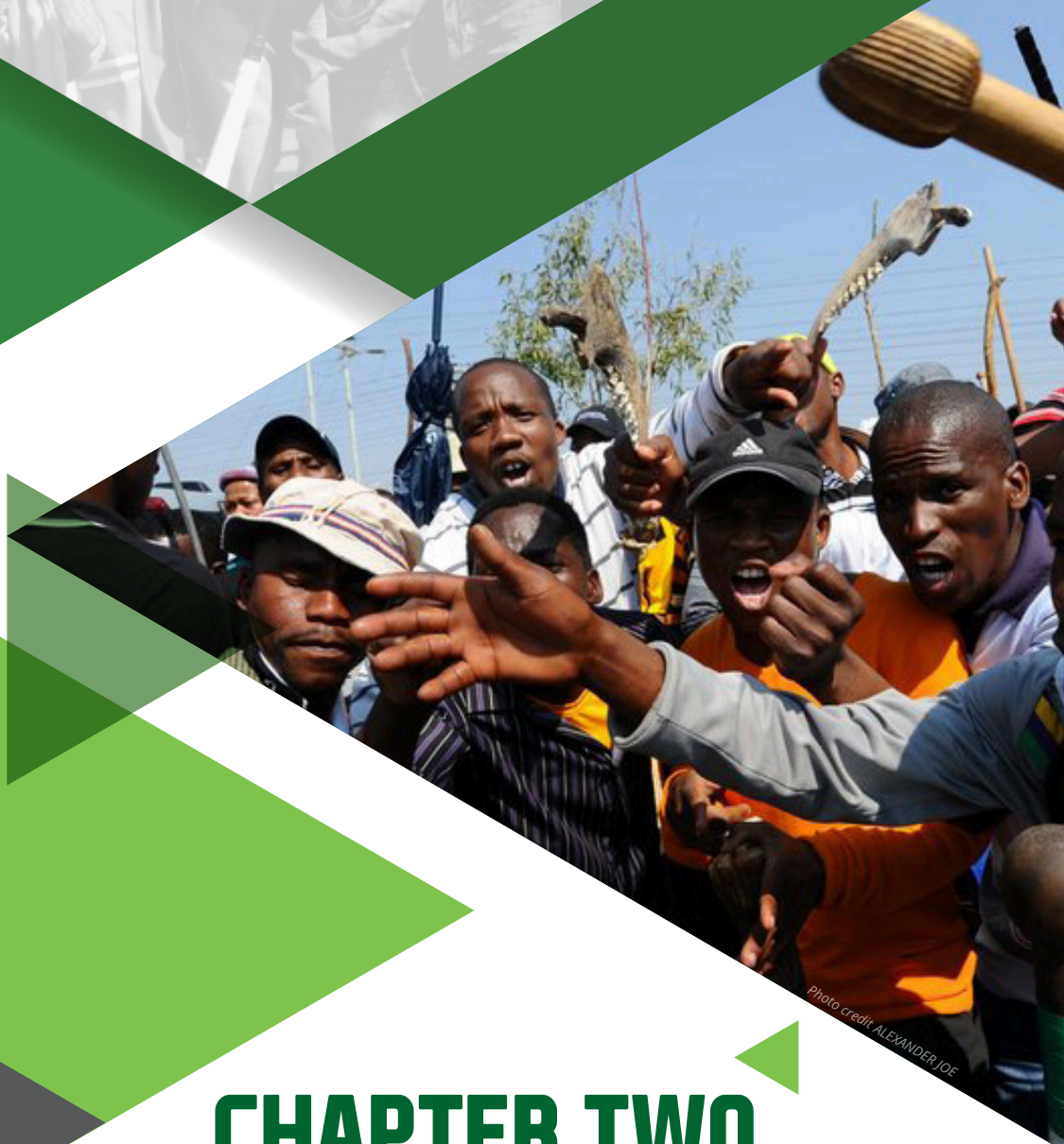


Photo credit: ALEXANDER JOE

## CHAPTER TWO

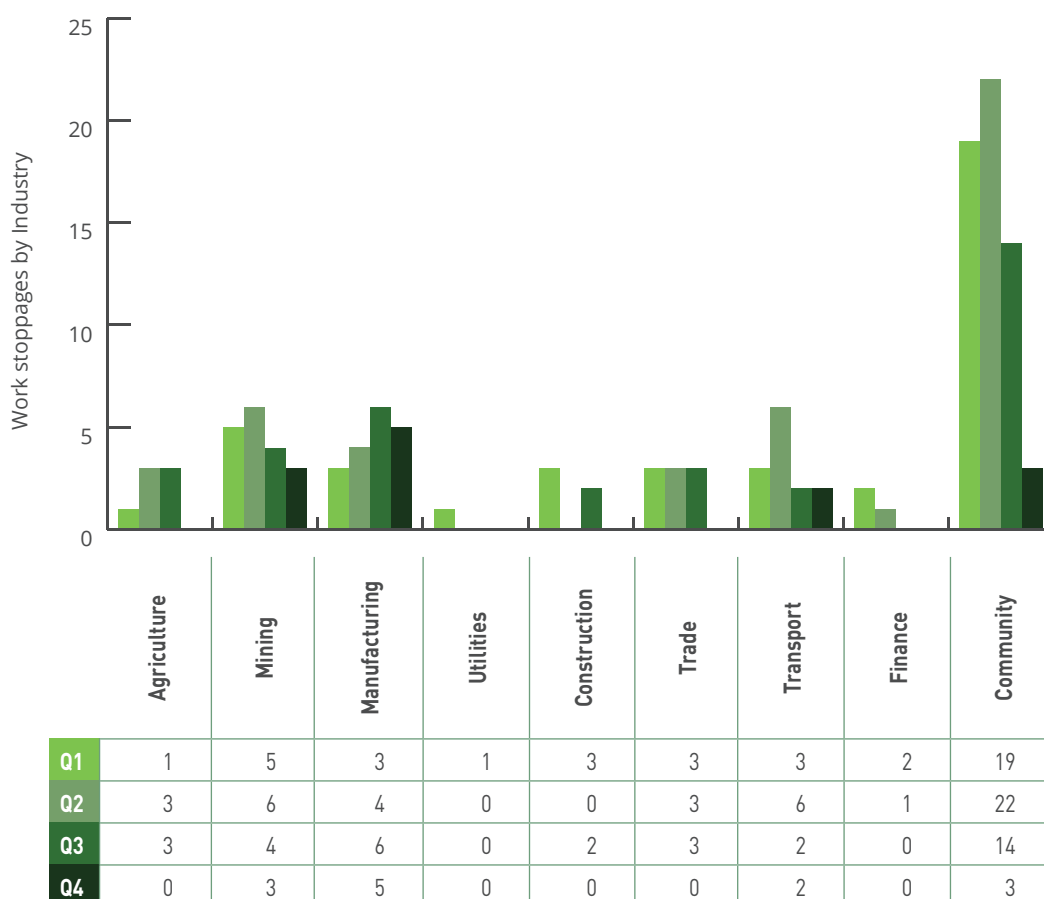
ANALYSIS OF THE KEY  
CHARACTERISTICS OF THE LABOUR  
DISPUTES, 2017

## CHAPTER TWO: ANALYSIS OF THE KEY CHARACTERISTICS OF THE LABOUR DISPUTES, 2017

A comparative analysis of work stoppages with focus by industry, duration and employment size is analysed in four quarters of 2017 calendar year. Data shows that the community, mining and manufacturing industries recorded most strikes with the mining industry highly impacted regarding wages lost.

### 2.1. Industrial distribution of work stoppages, 2017

Figure 10: Distribution of the work stoppage by industry, Q1 to Q4 of 2017



Source: Department of Labour, Strikes Statistics database

The sectoral prevalence of protests allows determining the industrial localization in the economy. It shows how much the work stoppages are smeared in this or that period. In this case, all industries as per the Standard Industrial Classification (SIC), except utilities, finance and construction recorded a lot of strikes during the year of 2017. According to **Figure 10**, the largest industrial disputes were recorded in the community (58 strikes and 477 735 working days lost), mining (18 strikes and 143 808 working days lost) and manufacturing (18 strikes and 125 421 working days lost) industries. The community industry recorded more strikes in all quarters of the year and thus contributed to the increased number of strikes in the labour market in 2017. **Most strikes from the community industries emanated mainly from the health and social services sectors.** Fewer strikes were recorded across industries in quarter four of 2017. Only one strike was recorded from the utilities industry in quarter one of 2017.

## 2.2. Industrial distribution of work stoppages and wages lost by Industry, 2017

**Table 4: Distribution of work stoppages and wages lost by Industry, Q1 to Q4 of 2017**

Industry	Q1	Q2	Q3	Q4	Total 2017 (Rand's)	Total 2016 (Rand's)
Agriculture	1	3	3	0	5 949 706	9 086 480
Mining	5	6	4	3	137 416 148	13 215 157
Manufacturing	3	4	6	5	37 771 505	25 716 133
Utilities	1	0	0	0	240 350	6 950 334
Construction	3	0	2	0	845 961	162 515
Finance	2	1	0	0	5 478 960	2 631 029
Trade	3	3	3	0	5 025 606	40 093 612
Community	19	22	14	3	40 302 939	4 127 008
Transport	3	6	2	2	18 378 367	59 066 841
<b>Total</b>	<b>40</b>	<b>45</b>	<b>34</b>	<b>13</b>	<b>251 409 542</b>	<b>161 049 109</b>

Source: Department of Labour, Strikes Statistics database

**Table 4** reflects on how workers were financially affected by work stoppages in 2017 compared to 2016 by industry. Workers in the mining industry lost more than R137 million in wages although with lesser strike incidents as compared to the community industry (R40 million) that had more strikes in 2017. Mining is the industry which could be creating wealth and driving the economy fast but it is probably affecting a lot of loss in production as a result of work stoppages. Most of the workers who went on strikes from the community industry were in the lower income group brackets.

## 2.3. Industrial distribution of working days lost, 2017

**Table 5: Distribution of working days lost by industry, Q1 to Q4 of 2017**

Industry	Working days lost 2017					Total 2016	% change
	Q1	Q2	Q3	Q4	Total 2017		
Agriculture	1 110	11 734	39 391	0	52 235	41 101	27.1%
Mining	33 437	65 779	37 652	6 940	143 808	207 741	-30.8%
Manufacturing	20 207	44 637	22 457	38 120	125 421	73 659	70.3%
Utilities	239	0	0	0	239	53 702	-99.6%
Construction	4 648	0	679	0	5 327	15 892	-66.5%
Trade	237	19 271	10 738	0	30 246	19 805	52.7%
Transport	2 038	29 425	12 464	43 632	87 559	284 657	-69.2%
Finance	27 839	10 080	0	0	37 919	36 164	5.9%
Community	248 590	116 845	97 068	15 592	477 735	213 602	123.7%
<b>Total</b>	<b>338 345</b>	<b>297 411</b>	<b>220 449</b>	<b>104 284</b>	<b>960 489</b>	<b>946 323</b>	<b>1.5%</b>

Source: Department of Labour, Strikes Statistics database

As shown above, **Table 5** represents the working days lost by industry. Within the South African economy, the impact of many strikes in the community, mining and manufacturing industries have substantially contributed to the number of working days lost within the industries in 2017. Largely working days lost increased in the community, manufacturing and trade between 2016 and 2017. Those industries that experienced the least working days lost were utilities and construction at 239 and 5 327 respectively. Except in quarter four of 2017, the community industry recorded the highest working days lost than other industries. It had also the largest number of employees involved in the work stoppages in 2017.

## 2.4. Industrial distribution of working hours lost, 2017

**Table 6: Distribution of working hours lost by industry, Q1 to Q4 2017**

Industry*	Working hours lost 2017					Total 2016	% change
	Q1	Q2	Q3	Q4	Total 2017		
Agriculture	9 990	104 138	28 998	0	143 126	391 589	-63.4%
Mining	266 378	528 366	330 524	58 313	1 183 581	1 681 922	-29.6%
Manufacturing	161 656	327 541	172 447	357 888	1 019 532	598 570	70.3%
Utilities	1 912	0	0	0	1 912	331 496	-99.4%
Construction	36 425	0	5 211	0	41 636	130 724	68.1%
Trade	1 896	171 547	34 262	0	207 705	72 696	185.7%
Transport	10 700	222 997	105 802	305 815	645 314	2 400 191	-73.1%
Finance	234 232	80 640	0	0	314 872	292 900	7.5%
Community	1 141 485	675 993	560 464	118 826	2 496 768	1 713 179	45.7%
<b>Total</b>	<b>1 864 674</b>	<b>2 111 222</b>	<b>1 237 708</b>	<b>840 842</b>	<b>6 054 446</b>	<b>7 613 267</b>	<b>-20.5%</b>

Source: Department of Labour, Strikes Statistics database

\*Note: The Private household sector is excluded because of zero work stoppages was recorded.

**Table 6** shows an overall year on year decline in the number of working hours lost due to work stoppages by 20.5%. However, the increase in working hours lost was highly observed in the trade industry over the same period. By quarter, more working hours were lost during the second quarter of the year. When interpreting these figures, it is important to bear in mind that the number of employees involved and duration of work stoppages are the major influencing factors on the scale of working hours lost per quarter. This explains the variation of figures by industry.

## 2.5. Working days lost per 1 000 employees by industry, 2017

**Table 7: Time-loss ratio<sup>10</sup> by industry, Q1 to Q4 of 2017**

Industry	Time-loss ratio				Total number of workers*			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Agriculture	1.3	14.1	48.6	0.0	875 000	835 000	810 000	849 000
Mining	74.8	147.2	84.4	16.9	447 000	434 000	446 000	411 000
Manufacturing	11.3	24.8	12.8	21.3	1 790 000	1 799 000	1 749 000	1 791 000
Utilities	1.6	0.0	0.0	0.0	145 000	148 000	153 000	149 000
Construction	3.1	0.0	0.5	0.0	1 505 000	1 395 000	1 365 000	1 390 000
Trade	0.1	5.9	3.2	0.0	3 207 000	326 5000	3 286 000	3 240 000
Transport	2.1	30.8	12.6	43.6	965 000	954 000	988 000	1 001 000
Finance	11.7	4.2	0.0	0.0	2 378 000	2 395 000	2 463 000	2 373 000
Community	69.7	32.8	26.8	4.2	3 569 000	3 560 000	3 616 000	3 691 000

Source: Department of Labour, Strikes Statistics database

Note: \* Statistics South Africa, Quarterly Labour Force Survey, Q4 of 2017 - Total employment (Private households excluded)

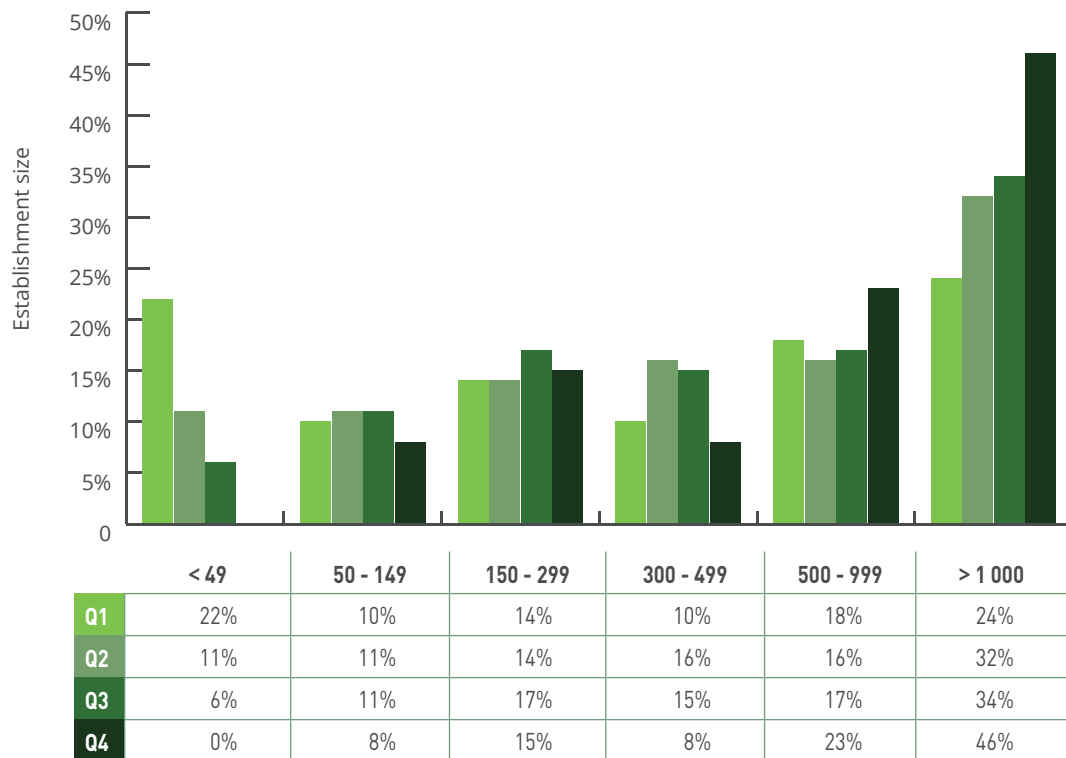
10. This is the measure which best reconciles the number of days lost due to industrial action with the varying sizes of the countries' employed population and provides a reasonable basis for international comparisons. In this report, the Quarterly Labour Force Survey (4) of 2017, were used regarding the number of employed by industry.

In **Table 7**, the rate of working days lost per 1 000 workers are presented by industry. It is noticeable that the time ratios are relatively high in the first three quarters of the year for both the mining and community industries. The mining industry lost 74.8, 147.2 and 84.4 days per 1 000 employees followed by community industry at 69.7, 32.8 and 26.8 per 1 000 employees over quarter one, two and three of the year.

The utilities industry was the least affected by the working days lost per 1 000 employees purely because no workers were reported in strikes during the last three quarters of the year.

## 2.6. Work stoppages by employment size of establishments, 2017

**Figure 11: Percentage distribution of work stoppages by employment size, Q1 to Q4 of 2017**

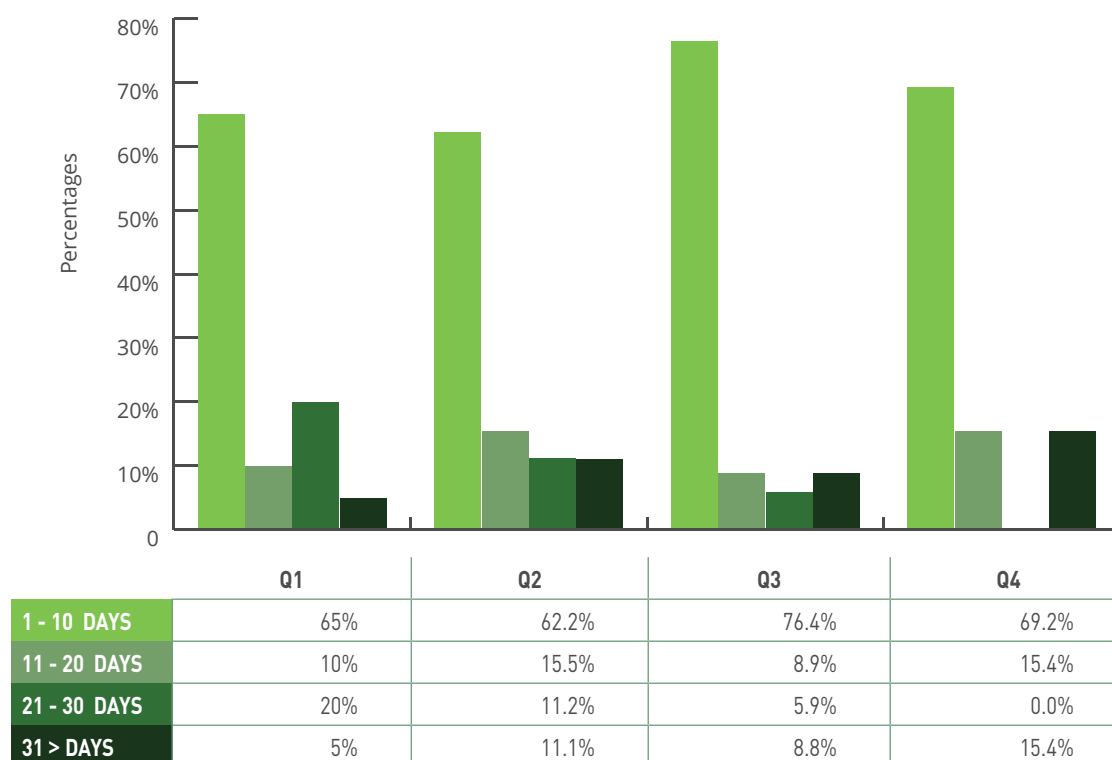


Source: Department of Labour, Strikes Statistics database

Establishments with employees less than 149 had fewer participants in strikes activities except in quarter one of 2017. The establishments with more than 1 000 employees were mainly affected by work stoppages in the workplace in all quarters. On a year on year basis, the pattern remains unchanged following the 2016 strikes data. According to **Figure 11**, most striking members in establishments above 1 000 employees participated in strikes during the fourth quarter of the year, e.g., the thousands of the South African Post office officials who downed tools over wage demands.

## 2.7. Duration of work stoppages, 2017

Figure 12: Percentage distribution of work stoppages by duration, Q1 to Q4 of 2017



Source: Department of Labour, Strikes Statistics database

The duration of strikes action that took place in 2017 is illustrated in **Figure 12**. Relatively more than three fifth (60%) of the work stoppages lasted between 1 and 10 days with the most strikes from the community and the mining industries. During quarter three 76% of work stoppages lasted between 1 and 10 working days. However, some of the strikes, e.g., Midvaal Local Municipality, lasted for longer than 20 working days over grievances and wage demands. The impact on this trend is reflected in the estimate of the number of working days lost in the country.



## 2.8. Trade union involvement in work stoppages, 2017

**Table 8: Distribution of work days lost by trade union, 2016 and 2017**

Union	2016 work days lost per union	%	2017 work days lost per union	%
AMCU	39 117	4.13	47 963	4.99
APSA-UNISA	0	0.00	3 567	0.37
AWU	5310	0.56	0	0.00
BAWUSA	0	0.00	1 110	0.12
BCAWU	54	0.01	0	0.00
CEPPWAWU	27 721	2.93	22 800	2.37
CSAAWU	14 652	1.55	1 000	0.10
CWAWU	0	0.00	1 590	0.17
CWU	10 978	1.16	44 412	4.62
DENOSA	40	0.00	157	0.02
DETAWU	0	0.00	10 476	1.09
DUSWO	0	0.00	740	0.08
FAWU	11 208	1.18	9 221	0.96
FEDCRAW	1 100	0.12	0	0.00
GIWUSA	5 217	0.55	13 873	1.44
HOSPERSA	0	0.00	2 940	0.31
ICAWU	0	0.00	255	0.03
IMATU	3 839	0.41	3 498	0.36
ISA	0	0.00	966	0.10
KAWU	3 432	0.36	0	0.00
KSCWO	1 332	0.14	0	0.00
MBGW	0	0.00	1 892	0.20
MWASA	0	0.00	88	0.01
NCFAWU	5 600	0.59	704	0.07
<b>NEHAWU</b>	<b>4 833</b>	<b>0.51</b>	<b>279 199</b>	<b>29.07</b>
NONE unionized	20 457	2.16	16 555	1.72
NTM	3 696	0.39	2 906	0.30
NTUC	0	0.00	1 331	0.14
NUM	40 587	4.29	44 853	4.67
NUMSA	4 860	0.51	25 478	2.65
POPCRU	0	0.00	90	0.01
PRISAWU	0	0.00	1 672	0.17
PSA	138	0.01	2 448	0.25
SACCA	0	0.00	241	0.03
SACCAWU	1 774	0.19	0	0.00
SACTWU	948	0.10	62	0.01
SACU	8 761	0.93	1	0.00
SACWU	0	0.00	1 695	0.18
SADTU	0	0.00	18 879	1.97
SALIPSWU	0	0.00	756	0.08
<b>SAMWU</b>	<b>147 808</b>	<b>15.62</b>	<b>96 156</b>	<b>10.01</b>

Union	2016 work days lost per union	%	2017 work days lost per union	%
SATAWU	10 526	1.11	16 103	1.68
SATU	0	0.00	1 065	0.11
SCMAWU	0	0.00	7 788	0.81
SOCRAWU	0	0.00	9 177	0.96
SOLIDARITY	0	0.00	401	0.04
TASWU	0	0.00	2 260	0.24
TAWU	0	0.00	807	0.08
TAWUSA	45	0.00	4 913	0.51
TIWU	0	0.00	501	0.05
TWU	0	0.00	3 562	0.37
UASA	1 914	0.20	141	0.01

Source: Department of Labour, Strikes Statistics database

As demonstrated in **Table 8**, the distribution of trade union membership involvement from NEHAWU and SAMWU recorded the highest working days lost at 29% and 10% respectively. In some instances member participation to trade unions across workplaces is far less than the other. During the Commission for CCMA Indaba, the Deputy Minister of Labour has also “alluded that there was no one who would disagree with the fact that unionisation was in decline and workers are queuing at its CCMA doors for help because they have no union or proper union to represent them”.





# CHAPTER THREE

## COLLECTIVE BARGAINING AND WAGE SETTLEMENTS

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The process of collective representation, negotiation and decision making is a key labour market element and together with the “right to organise”, is a “fundamental principle and right at work” set by the ILO Convention No. 98 and a key pillar of social dialogue. Collective bargaining process is therefore effective in ensuring that the labour market function more efficient by correcting market failures between workers and employers and reducing transactions costs involved in individual bargaining. For instance, it can ensure that worker’s requests for pay to increase productivity are heard, prevent excessive turnover of staff and limit the extent of costly procedures in case of grievances and complaints. The process also improves the quality of the employment relationship between workers and employers leading to more efficient allocation of resources, greater motivation and ultimately higher productivity.

This section documents cases where various parties reached agreements and agreed on multi-year wage increments, cases with and without workers embarking on industrial actions. Lastly, it provides a brief summary of such cases where agreements were not reached but workers returned back to work nonetheless.

### 3.1. Wage settlements concluded with strikes in various industries, 2017

**Table 9: Median<sup>11</sup> wage settlement in various industries, 2016-2017**

Industry	2016 (%)	2017 (%)
Agriculture	7.0%	7.0%
Construction	6.0%	6.0%
Mining	9.0%	8.0%
Manufacturing	9.0%	6.0%
Utilities	10.0%	8.0%
Finance	6.0%	8.0%
Transport	8.0%	11.0%
Trade	7.0%	8.0%
Community services	8.0%	8.0%

Source: Labour Research Service, *Wage settlements Trends*, December 2017

The median wage settlement differed in all industries for 2017 as shown in **Table 9**. The table presents that wage settlements were higher in the mining, transport, utilities and manufacturing industries. The average wage settlement rate in all industries amounted to 7.7% in 2017 same as in 2016. Looking ahead, the biggest challenge for collective bargaining is to remain relevant in a rapidly changing world of work e.g. the 4th Industrial Revolution. The bargaining coverage rates presented here are obviously not the only elements needed to gauge the continuing influence and legitimacy of unions and employer organisations<sup>12</sup>.

11. The median is the number which found in the middle of a range of numbers. For example: if the range of numbers is 2, 4, 6, 8, 10, 12, 14, 16, 18 then the median is 10

12. *Employment Outlook*, Organisation for Economic Cooperation and Development (OECD ), 10 July 2017

**Table 10: Distribution of final wage settlement in various industries, 2017**

Industry	Sector/ Employer	Agreement date in 2017	Initial Request	Employer's Offer	Settlement	Protected/ Unprotected
<b>Agriculture</b>	Bonataba Farm Safe Commercial PTY LTD	February	R150 per day	R200 once off bonus plus R900	R1 200 once off bonus plus R900	Protected
<b>Community</b>	University of Pretoria	May	8% with 100% 13 <sup>th</sup> cheque	7% with an additional R3 000 gratuity payment	7% plus R3 000 once off payment	Unprotected
	Rhodes University	May	7%	6.9%	6.9%	Unprotected
	University of South Africa	February	14%	4.5% – 6%	6.5% – 8% for permanent staff	Unprotected
	Parliament	June	10.4%	0%	7.5%	Protected
	National Health Laboratory	August	13%	3%	7.5%	Protected
<b>Mining</b>	Central Rand Gold	May	16%	7%	7%	Protected
	Geomechanics	January	15%	10%	10%	Unprotected
	PPC Cement	October	8.5%	6%	6%	Protected
<b>Transport</b>	Commuters Bus Employer Organisation	April	30%	7%	9%	Protected
	Zastrovect Investment	January	R1 000 per month	6%	6%	Unprotected
	Bakery Assist	April	300%	7.5%	7.5%	Protected
<b>Manufacturing</b>	Hillside Aluminium	October	7.5%	3.1%	5.1%	Protected
	Char Technology	November	20%	8%	8%	Protected
	Coca Cola Fortune	November	10%	7%	7%	Protected
<b>Trade</b>	Famous Brands	May	R2 500 per month	6.5%	R900 per month	Protected
	Pick n Pay Family	May	26%	8.8%	8.8%	Protected
	Masstores T/A Makro SA	October	20% / R1 500	6% / R300	8.0 – 9%	Protected

Source: Department of Labour, Strikes Statistics database

Despite the fact that employers were able to settle wage increment demands, **Table 10** shows that employers were unable to settle the initial wage demands tabled by the workers and the unions. Over the past years, none of a single employer was able to meet the initial wage demand of the unions. Showing from the table above, only a few employers were close to meet the workers initial wage demand e.g. Rhodes University and PPC Cement Company almost settled employee's initial wage demands.

### 3.2. Wage settlements concluded without strike incidents

- SATAWU and NUMSA unions managed to call off a strike during 2017 wage negotiations at Road Accident Fund (RAF). The parties reached an agreement on the 16 May 2017 with effective from 1 April 2017. The unions were demanding 15% salary increment and later demanded 6.9%. Parties finally settled for 8% wage increment.
- The Sugar Industry Bargaining Council and UASA agreed to 7.5% increase effectively from 1 April after hitting a deadlock in May 2017 with 6.5% offer on the table. The wage dispute was finally settled on 4 July 2017.
- The Company, Vital Health Foods and UASA have agreed to plant conditions of employment relative to employees within the defined bargaining unit. The signatories to this agreement have agreed to the terms of a Collective Bargaining Agreement to operate for a period of two years from 1 March 2017 to 28 February 2019. It was agreed that the salaries would be increased by 8% from effective from 1 March 2017. Negotiated rates from 1 March 2018 to 28 February 2019 are to be increased by 8% with effect from 1 March 2018. All new employees joining the company after 1 March 2017 would only be entitled to a pro-rata increase based on the amount of months that they have been with the employment of the company.
- On the 28 August 2017, all parties including of CEPPWAWU, SOLIDARITY, GIWUSA, SACWU and The Glass Industry Employers Association avoided a strike and reached a two year agreement commencing from 01 July 2017 to 30 June 2019. The parties agreed to increase salaries by 7.5% in year 2017 and year 2018 or CPI plus 1.5% only in year two.

### 3.3. Averted strike incidents

- The coal sector averted a strike after the National Union of Mineworkers (NUM) agreed to take a new offer from coal employers to its members. The agreed increase for 2017-18 ranges from 5 to 7.5% depending on the wage category and from 5 to 8.5% in 2019. The wage agreement was effective from 1 June 2017. The agreement on 22 November came after discussions since February 2017 after NUM tabled a wage increases demand of between 8 and 10% a year over three years as well as increases in other allowances.
- South African Transport and Allied Workers' Union decided to call off the strike at SA Air link which was due to take place on the 17 October. The union accepted the 10% salary increase the company offer coupled with an additional R2 000 per month on salaries of employees and other benefits. Workers were initially demanding a 32% salary increase after the company had increased pilots' salaries by 32%.
- Trade union Solidarity reached an agreement with Mango management on behalf of its members on the 19 October. This came subsequent to the pilot's intent to strike since 16 May. Mango agreed to grant the union members 7% salary increase. Over 100 pilots and other flight crew affiliated to the union were demanding 8.5% wage hike whilst the employer was offering 6%.
- Food and Allied Workers Union (FAWU) and the management of Illovo came to an amicable agreement on 4 July after weeks of negotiations. The two parties managed to narrowly avert a full-blown strike of about 100 members employed on the sugar cane fields. The parties agreed to increase salaries by 7.5% effectively from 01 April 2017. The union initially demanded 10% and later dropped it to 8%.
- The unions and employer organisations reached consensus to a three-year wage deal for metal and engineering sector workers on the 23 August, effective from 1 July 2017 to 30 June 2020. Employers' body (South African Engineers and Founders Association), which is a former affiliate of the Steel and Engineering Industries Federation of South Africa represented employers with SEIFSA in the talks. It was agreed that workers would receive 7% wage increase in 2017, 6.75% in 2018 and 6.5% in 2019 across the board. The unions were demanding from 10 – 15% wage increase across the board while the employers were offering a 5.3% wage increment.



- The union UASA and Ushaka Marine avoided a strike and reached a wage agreement on the 15 September 2017. This came after the workers wanted to call on a strike over wage increment. The employees were demanding 15% salary increase meanwhile the employer was offering 5%. The parties finally agreed to increase salaries by 7%.
- The Parliament's management and the National Education Health and Allied Workers Union managed to agree to increase employees' salaries by 7.5% for the 2017/18 financial year after workers threatened to strike. The increase took effect retrospectively from 1 April 2017. It was agreed that the agreement was covering employees in both inside and outside of the bargaining unit but excluding executive management which would not be getting any salary increase for the 2017/18 financial year. The NEHAWU union was demanding 10.4% salary increment whilst the employer was offering zero% salary increase.
- The parties, Rand water and the unions avoided a strike and reached a three year wage agreement on the 24 August 2017, with effective from 1 July 2017 to 30 June 2019. The parties agreed to increase salaries by 8.5% in 2017 across the board and as follows in 2018, H-J bands would receive 8.5% and 8% to the K-N bands. The unions were demanding a 10% wage hike for its lowest-paid workers, 9% increase for the middle-income workers and 8% increase for the supervisors.
- CEPPWAWU, SOLIDARITY, UASA and Franklin SAW Mills reached a one year wage agreement on the 27 July 2017. All parties agreed to increase salaries by 19% to the employees who were earning R2 610 a month and 17% salary increment to the employees who were earning R2 850 a month and 7% to those employees who were earning R3 100 a month.
- The parties, CEPPWAWU, GIWUSA & SACWU and Labour Affairs Association of the Pharmaceutical Industry avoided the strike and reached a two year wage agreement. The parties reached a two year agreement on the 31 August 2017 to increase salaries by 7.5% in both 2017 and 2018. The effectiveness of the agreement was agreed to be 1 July 2017 to 30 June 2019.

### 3.4. Abandoned strike incidents

- Solidarity union members from the Perishable Products Export Control went on strike for two days between 3 to 4 May demanding an 8.5% salary increase whilst the employer was offering 7%. The parties could not reach consensus and decided to end the strike and ask workers to return to work.
- About 16 employees associated with FAWU vs. EYSBOS (Pty) LTD Wimpy Pretorius Loop participated in the strike that commenced 9 to 10 February. The union was demanding 25% salary increment whereas the employer was offering 8%. No agreement was reached on the salary increment demand. The employees who participated in the strike were all dismissed because they did not adhere to the striking rules.



# CONCLUSION

The analysis presented in this industrial action 2017 report shows that the South African labour market is still faced with higher wage demands from workers because of the existence of wage disparities and inequality in the workplaces. As a result, the number of work stoppages rose by 8% in 2017 as compared to the previous year. The increase was also noticeable in both the number of strike incidents and working days lost during the period under review.

The implementation of the National Minimum Wage (NMW) is expected to increase the earnings of more than six million working South Africans and improve living conditions of households across all industries. In so doing, it is envisaged to reduce the level of industrial disputes due to wage increase demands<sup>13</sup>. The Department of Labour believes there is value in bringing South Africa into the company of countries around the world that have adopted caring economic strategies to address the same crises facing their citizens. However, much more needs to be done beyond the minimum wage to transform South Africa into a fair and equitable society with decent work for all.

Work stoppages and working days were more during the first six months of the year but however dropped from quarter two to quarter four of the same year. "The collective intervention of the CCMA played a major role in ensuring that disputes are also reduced in that period of the year" even though the majority of disputes were resolved internally through employees and employers engagement.

The report further has shown that more strikes in 2017 were protected compared to high number of unprotected strikes in 2016. Emanating from what was proposed in the last year's report, it is clear that union leaders at the collective bargaining made efforts to address the effect of un-procedural actions in the labour market. Overall, less than 30% of workplaces had reported to use replacement labour during strikes activities whilst more than 70% of employers did not.

The year on year principal causes of why workers embarked on work stoppages is still due to demands over wages, bonus and other compensation benefits. Upon this, the economic impact of work stoppages due to loss of wages was estimated around R251 million in 2017 as compared to almost R161 million in 2016. The distribution of trade union membership involvement shows that NEHAWU and SAMWU had more member participants to strikes activities over grievances against the employer and salary increments for the workers. Most strikes lasted for less than eleven (11) working days in all quarters of the year. It was further observed that strikes affected establishments that employ more than 1 000 employees in quarter four of 2017.

## Progress made at Nedlac to improve on labour disputes:

The Labour Law Amendment Bills was agreed upon between the social parties and thus:

- The first National Minimum Wages (NMW) of South African will probably be implemented and enforced in 2018. The NMW base will be R20 an hour and this was agreed by NEDLAC social partners. Amongst others, the intention of this NMW will be to improve the lives of the lowest paid workers and begin to address the challenge of wage inequality in the South African labour market. The NMW will provide for exemption procedures for entities that are facing financial distress on the basis of affordability so as to avoid retrenchment of workers when companies face difficult times.
- The Basic Conditions of Employment Amendments (BCEA) will seek to strengthen the enforcement of the National Minimum Wage (NMW) as well as to introduce the penalties for non-compliance with the law. The core of the Labour Relations Amendments (LRA) are to:
  - Ensure orderly collective bargaining. A picket will be prohibited unless there are picketing rules in place. Furthermore, a secret ballot is required prior to any strike action and,
  - Resolve strikes or lock outs that are intractable, violent or may cause a local or national crisis, amendments provides for the establishment of an advisory arbitration panel to investigate the circumstances of a strike or lockout and make an advisory award to assist the parties to resolve the dispute.

## Limitations of the strike data coverage

The following limitations are acknowledged in this report:

- It is somehow difficult to send or reach some employers in order to complete LRA 9.2 forms upon end of the strikes due to unregistered contact details on the internet or telephone directories.

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<sup>13</sup>. The honorable President of South Africa, C. Ramaphosa 'State of Nation Address, 16 February 2018



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Photo credit: ELBI DIPPENHAR

# ANNEXURES

## ANNEXURE A

### Profile of work stoppages, 2017

Below, the report profiles strike incidents from January to December 2017. This is an attempt to show the readers how the Department monitors labour disputes through the media on daily basis.

### JANUARY 2017

- Close to 1 700 miners brought production at Kusasalethu to a standstill on Wednesday 11 January demanding a special bonus, removal of the general manager and guarantees that disciplinary action would not be pursued against the miners on strike. Kusasalethu is located about 90 kilometres from Johannesburg and currently employs about 4 500 people (Source: **Mining News**)
- Vaal Sebokeng Rand Water sanitation plant workers downed tools on Tuesday 17 January. The workers claim that half of their workforce has been retrenched unfairly. Workers also claimed that since December 2016 they have been short with their bonuses and leave days because they went on strike. The Department's spokesperson indicated that work that the workers do is on a contract basis and that at the beginning of any work project there will be a large work force and as the work load reduces less people are required hence the retrenchment. (Source: **Twitter Labour**)
- On 18 January, striking meter-reading workers in the Tshwane municipality went on protest to demand permanent employment as well as a danger allowance. The demonstration left scores of residents who wanted to pay their accounts or buy electricity stranded. (Source: **The Citizen News**)
- On 20 January workers in the City of Tshwane's electricity department in Centurion offices went on an unprotected strike after an official allegedly called workers in racist names. According to the South African Municipal Workers Union (SAMWU), this particular official does not allow them to speak in their home language in front of supervisors. Due to members being on strike the municipality went and make use of contractors and employees from other regions to ensure that service delivery was uninterrupted (Source: **The Citizen News**)
- On 23 January, thousands of Unisa's National Education Health and Allied Workers Union (Nehawu) members braved the pouring rain outside the Sunnyside campus in Pretoria to protest against the 6% salary increase offered by the institution. The majority of members were demanding a 10% increase. Their initial demand was 14% increase across the board with backdates to November. It is alleged what angered workers were the reduced offer from 6% to 4.5% upon the matter been referred to the CCMA for facilitation (Source: **Twitter Labour**)
- The South African Municipal Workers Union's Ba-Phalaborwa leaders and municipal workers went up in arms on Thursday 26 January to submit a memo to the mayor outlining their work related concerns. Their concerns included, abuse of authority by certain officials, appointment of certain employees to act in positions for duration exceeding the period approved by law without council resolution. They also alleged that the municipality has contravened the provisions of the amended Labour Relation Act by making members to work on senior positions without compensation.(Source: **Sabc News**)
- Disgruntled Goseame Wholesalers associated with the National Union of Public Service and Allied Workers (Nupsaw), in Polokwane protested outside the store on 25 and 26 January over bonus pay. The union's Provincial Organiser reported that employees were unhappy after not receiving bonuses. As a result the matter was referred for a meeting with the Commission for Conciliation, Mediation and Arbitration (CCMA) for intervention. (Source: **News24**)



## FEBRUARY 2017

- Up to 40 employees of the Blue Ribbon bakery in Port Elizabeth went on protest on Monday 10 February over lay-offs. The management of Premier Foods which owns Blue Ribbon confirmed that the strike came after a decision to close the bakery and use it instead as a depot and thus led to 61 retrenchments. The CCMA facilitation process led to 13 workers being transferred to other bakeries whilst the other 48 employees received notice at the beginning of February of their dismissals. (Source: **News24**)

## MARCH 2017

- Workers associated with South African Municipal Workers' Union at Kouga Local Municipality embarked on a strike action on Monday 6 March. SAMWU called on its members to strike after its employees whose temporary contracts ended on 28 February. The strike went violent where some of the strikers broke the two access control gates, windows and also damaged cars at the Municipality. (Source: **Twitter Labour**)
- Close to 1 500 members of the National Union of Metalworkers South Africa (Numsa) at Road Accident Fund went on a country wide strike on 16 March. This comes after the Sheriffs of the court attached the RAF bank account because it was in debt and could not afford to implement "salary scales. Road Accident Fund's spokesperson indicated that a "no work no pay" principle would apply while no overtime would be granted to employees who go on strike. (Source: **The Citizen News**)

## APRIL 2017

- UGU District Municipality workers went on strike just at the beginning of the Easter season. The angry workers belonging to the South African Municipal Workers' Union (SAMWU) were demanding answers from municipal manager for not fulfilling his promise to 'pay back' the full sum of life insurance policy contributions owed to them. Workers indicated that the only way they could get management to pay attention to their grievances was through strikes. (Source: **Twitter Labour**)
- Workers at the BB Auto Body Rebuilds panel beating situated at the Bela-Bela's Industrial side downed tools to voice their unattended demands. Striking workers alleged harassment and poor working conditions at the workplace and a deserved salary increment. The workers told the BEAT news reporter that they were demanding their deserved increment of 7% which was supposed to have been added from September 2016. Giving her side of the story, the boss told the reporters that all the allegations levelled against her and De Meyer were not true. (Source: **The Beat News**)
- Employees from Huawei took to the streets in demonstration on Grayston Drive in Sandton over possible retrenchments. Demonstrators brought traffic to a standstill on the 28 April and Metro police were present to monitor the situation and help to direct traffic. One of the protesters said that, "We are fighting for our rights. The company keeps changing labour contractors and we want permanent employment and not be contractors workers". (Source: **Sandton Chronicles News**)



## MAY 2017

- Operations at the Richards Bay Transnet Port Terminal (TPT) where contract workers employed by materials handling company Radds went disrupted after workers embarked on an illegal strike on 9 May. The strike went chaotic after protesters bulldoze police vans at Richards Bay harbour. (Source: **IOL News**)
- The University of Cape Town's catering staff went on protest against the University on 9 May. Protestors sighted "unpleasant working conditions" as their reason to strike. It is alleged the workers were insourced by the university the previous year however some say that their conditions were worse still. It was reported that the executive was "committed" to address the issues raised by the workers through the existing labour relations framework and protocols. (Source: **IOL News**)
- Johannesburg based Central Rand Gold ran with skeleton staff at its operation as the company grappled with a wage strike on 10 May. The troubled JSE-listed gold and Exploration Company lost five days of production due to the strike after a deadlock in wage talks. Union officials called for Commission for Conciliation, Mediation and Arbitration (CCMA) to resolve issues. (Source: **Mining Week News**)
- Workers affiliated to the South African Municipal Workers Union in the Mangaung Municipality, in Free State downed tools on 15 May making a variety of demands to the municipal metro. The union was demanding that outsourcing and privatisation of municipal services be halted. Among the issues raised by the union were:
  - » Problems with illegal termination of employment contracts of temporary workers which the union say is contrary to a legal labour forum agreement around absorption of all temporary workers who have been in the system for more than three months;
  - » Non implementation of the labour forum agreements;
  - » Temporary workers not being paid;
  - » Non provision of personnel protective equipment;
  - » Shortage of fleet and other administration resources and
  - » Non implementation of equal pay for workers in law enforcement division and other departments. (Source: **Time Live**)
- Approximately 37 employees affiliated with Health and Other Service Personnel Trade Union of South Africa (Hospersa) at the two centres, the Jean Webber Home in Park Road and the Emalia Care Centre in Bochabela, Bloemfontein, embarked on the wage demand strike. The employees downed tools on Tuesday 16 May demanding a wage increase for the 2017-18 financial years and the outstanding increase for the 2016-17 financial year. Both centres accommodate persons with disabilities, including children. The employees demand that the APD management pay the outstanding increase for the past financial year 2016-17 and improve the conditions at the centres. Acting director at the APD reported that a meeting was held with union representatives to address their grievances. (Source: **Cosatu News**)
- Striking municipal refuse workers at Nelson Mandela Bay returned back to work on 29 May following a crippling week-long stay away that saw garbage bags piled up in suburbs across the metro. The workers downed tools over what they said were "long hours without overtime pay, unpalatable working conditions and the continuous failure by the employer to address their grievances". The city manager's office and representative from the aggrieved directorate [waste management] had an engagement aimed at addressing the impasse between the employee and employer. (Source: **The Herald News**)

## JUNE 2017

- The South African Transport and Allied Workers' Union members responsible for managing the Administrative Adjudication of Road Traffic Offences (AARTO) at Gauteng's Road Traffic Infringement Agency downed tools on Monday 12 June over working hours. The employees included adjudicators, call centre agents, revenue service staff, administrators and general workers. The trouble started when workers noticed a discrepancy in the stipulated hours of work in their letter of appointment as opposed to what was stated in the original Conditions of Service Policy. The policy stated 40 hours of work per week, including lunch and tea breaks, while the letter of appointment put total hours of work at 45 hours per week. It is alleged talks with management on the work hours yielded no success hence the strike. The matter was then referred to the CCMA and a certificate of non-resolution was issued, granting Satawu permission to strike. (Source: **Pretoria News**)
- The National Union of Mineworkers union embarked on a strike at Msobo Coal mine after the company withdrew the Chamber of Mines. The National Union of Mineworkers (NUM) members went on a protected strike at Msobo Coal mine in Mpumalanga on Tuesday 20 June. The strike came after the company withdrew from the centralised bargaining forum by the Chamber of Mines. Coal companies including Anglo American Coal, Msobo Coal, Delmas Coal, Exxaro Coal Mpumalanga, Kangra Coal, Koorfontein Mines and Glencore indicated in 2016 that they intended to negotiate wages, and terms and conditions of employment on a decentralised basis with effect 2017. The purpose of the NUM members strike was to compel Msobo Coal and its management to comply with the recommendations of the advisory award and to align itself with the process of wage negotiations that is currently ongoing at the Chamber. (Source: **News24**)

## JULY 2017

- On Monday 3 July, all 55 workers associated with United Association of South Africa (Uasa) from ATKV's Hartenbos resort commenced on a wage-related strike. Later that day, talks took place but consensus could not be reached. Union workers were apparently unhappy with their salary increases and wanted all members to get the same increase. At the CCMA, Uasa agreed to a 6% wage increase as well as R160 extra per month per employee for transport and general expenses (Source: **Sabc News**)
- SANParks with workers at the Kruger National Park went on strike on 13 July after wage negotiation deadlock. The union Hospersa rejected a 6% wage increase offer from a 9% wage demand. The industrial action came at a worse time for SANParks' tourism harbour. The strike commenced during the time when the Kruger Park was searching for the four lions that were reported missing for two days. Workers on strike included field rangers, field guides and petrol attendants who form part of the critical functions for visitors' experience. (Source: **News24**)
- On Monday 17 July an illegal protest by South African Municipal Worker's Union (Samwu) workers continued unchanged in Thabazimbi Municipality Limpopo. The union was demanding protective clothing for workers in the electrical and traffic departments. Samwu spokesperson alleged, "We don't see the municipality trying something in order to address the issue of lack of vehicles or fleet in relation to that we don't have protective clothing in the institution and that's making us to work under unsafe conditions".(Source: **Sabc news**)
- Close to 5 000 National Health Laboratory workers indefinitely downed tools nationally on 26 July after wage negotiations with the employer failed. The NHLS provides laboratory services to all healthcare service providers. Nehawu's demands include a salary adjustment of 7.3%, a housing allowance of R2 000 per month and a shift allowance of R50 or 45% of their hourly rate. (Source: **Sowetan News**)
- On 27 July, about 30 miners went on a 31-hour underground sit-in at Chamotte Holdings (Pty) Ltd, formerly known as Scotia Talc Mine. The mine is located on the road between Barberton and Low's Creek, near the Barberton Bible School in the Sheba Siding area. The workers were protesting over the company's proposal to implement a lay-off system until its financial situation has changed for the better. (Source: **Twitter Labour**)

## AUGUST 2017

- City of Mbombela Municipal workers went on strike and littered garbage around the city on Tuesday morning of 1 August. Employees from different sectors such as garbage collection, electrical, community services and public works were complaining about the grading of their salaries after the amalgamation of the Umjindini and Mbombela municipalities, working conditions and placement. The municipality spokesperson said the municipality was aware of the issues and that they were working to find amicable solutions to all the problems (Source: **Sabc News**)
- On 2 August about 192 workers of Kulani Timber at Modjadjiskloof in Limpopo went on a protest to demand better wages. It is alleged workers had gone on strike demanding a R300 wage increase as it was agreed with the employer in the bargaining council earlier this year. (Source: **The Mirror**)
- Striking security guards from the Ladysmith Municipality blocked off Ladysmith Public Safety entrance with garbage truck on 16 August. The guards claimed that they and some of the job creation workers did not receive an increase in July when other municipal workers got their increase. (Source: **Daily news**)

## SEPTEMBER 2017

- On 4 September about 150 workers in the Gauteng Provincial Legislature downed tools over wages and salary increment. Workers affiliated to the National Education Health and Allied Workers Union (Nehawu) was demanding a 9.5% salary increase whilst the employer was offering a 7.4% increase.(Source: **Times Live News**)
- Star Line workers protested outside the bus service operator's depot in Mabopane, Pretoria. Commuters using the North West Star bus service in and out of Pretoria had to look for alternative transport after employees embarked on an indefinite strike on 20 September. All four North West Star bus depots; Waltloo, Babelegi, Mabopane and Pretoria West were closed as a result of the strikers. The grievances were due to shortage of buses. (Source: **IOL News**)

- The National Union of Mineworkers (NUM) confirmed that 67 NUM members staged **a sit-in underground** at Petra Diamonds Finsch Mine in Northern Cape on 21 September. The workers claimed that the employer did not show interest in their demands as tabled hence the stage in underground. (Source: **The New Age News**)
- Failure by the South African Post Office (Sapo) to back pay R7.6-million to employees has led to the Communication Workers' Union (CWU) embarking on a national and protected two-day strike on 26 and 27 September. South African Post Office conceded its financial situation would not allow it to pay fund salary increases. (Source: **Twitter Labour**)

## OCTOBER 2017

- The labourers at Barberton Mines Consortium Management downed tools on Monday 16 October over workers wage demand and employment conditions. The strike extended over in Fairview, Sheba and New Consorton mines on Tuesday 17 October. It is alleged workers demanded a salary increase of R1 000 across the board and a living-out allowance of R3 000. The strike was called off after management offered a salary increment of R 750 and an increased living-out allowance of R2 350. The workers accepted an increase of R 850, while their living out allowance will remain at R2 250 per month. (Source: **Twitter Labour**)
- Members of the National Union of Mineworkers (NUM) downed tools at PPC Cement in Mahikeng over wages on 16 October. The NUM was demanding a 12% wage increase across the board while the company was offering workers an offer of 6% across the board. The union also demanded a R1 000 a month housing allowance, a pool car so that the union leadership can attend union activities and meetings to service members, time off to visit union members when they are hospitalized and that the position of a health and safety officer should be full-time. (Source: **Times Live News**)
- On 30 October, the prison warders at the Kutama Sentumule prison in Limpopo went on strike over working conditions. The strike led to the escape of six prisoners. (Source: **The Mirror News**)
- At least 150 National Union of Metalworkers of South Africa (Numsa) workers had been on strike at Venk-Pac Plastics in Verulam, KwaZulu-Natal following "harsh working conditions". The matter was reported to the provincial Department of Labour. It is alleged there were also allegations of racism and discrimination against African workers. The Venk-Pac management and the unions managed to resolve the strike and operations were resumed (Source: **Cosatu News**)

## NOVEMBER 2017

- On 8 November, the South African Municipal Workers Union (Samwu) members at the Nelson Mandela Bay Municipality marched to the City Hall in Port Elizabeth in protest against a new overtime policy that came into effect in October. As a result of the protest power and water outages in the city were interrupted. (Source: **The Herald News**)

## DECEMBER 2017

- North West province's Rustenburg municipality workers went on **an illegal strike** on 6 December over various demands. Amongst the demands, workers demanded the municipality to be elevated to metro status, to work overtime and also refused to use rented vehicles. Municipal workers at the water and sanitation unit claimed that they had been attacked while using rented trucks which were not branded. (Source: **Times Live News**)
- With thousands of fans and tourists to watch the Cape Town Sevens rugby tournament, Southern Sun Waterfront hotel workers took the opportunity to strike over demands of discrimination and exploitation, inequality and for contract workers to be made permanent. Contingency measures were put in place by leveraging staff from other hotels to ensure guests stay enjoyable as ever. (Source: **Cape Argus News**)

## DATA APPENDIX

The following two supplementary tables contain data not included in the main report:

**Table A. 1: Distribution of work stoppages and wages lost by province<sup>14</sup>, Q1 to Q4 of 2017**

Province	Work stoppages 2017				Total 2017	Wages lost (Rand's) 2017				2017 Total (R)	2016 Total (R)
	Q1	Q2	Q3	Q4		Q1	Q2	Q3	Q4		
Gauteng	21	23	15	2	61	58 297 509	78 828 529	43 541 215	1 963 476	182 630 729	109 511 328
Western Cape	5	7	9	1	22	191 176	4 512 325	2 744 717	239 889	7 688 107	12 186 628
Mpumalanga	7	5	4	2	18	1 204 845	1 487 221	2 095 256	2 973 414	7 760 736	13 504 835
KwaZulu-Natal	3	11	6	3	23	186 156	3 448 164	585 473	5 524 696	9 744 489	9 941 938
Eastern Cape	5	6	2	0	13	0	1 288 684	207 101	0	1 495 785	8 275 133
Limpopo	4	5	10	3	22	0	9 450 019	9 286 704	10 416 632	29 153 355	2 534 407
North West	1	3	1	1	6	0	516 828	143 493	168 209	828 530	4 966 832
Northern Cape	1	0	2	0	3	103 215	0	1 847 683	0	1 950 898	0
Free State	2	4	4	1	11	500 000	8 661 646	754 917	0	9 916 563	128 008
<b>Total</b>	<b>49</b>	<b>64</b>	<b>53</b>	<b>13</b>	<b>179</b>	<b>60 482 901</b>	<b>108 193 416</b>	<b>61 206 559</b>	<b>21 286 316</b>	<b>251 169 192</b>	<b>161 049 109</b>

Source: Department of Labour, Strikes Statistics database

14. The total number of work stoppages 179 differs from the total of strikes at the national level. This is due to national work stoppages that may affect a number of branches or establishments in the nine provinces, being counted as one in the national but according to workplaces affected in several provinces being counted more than once.

**Table A.2: Distribution of employees involved in work stoppages by industry, Q1 to Q4 of 2017**

Industry	Employees involved 2017						
	Q1	Q2	Q3	Q4	Total 2017	Total 2016	% change
Agriculture	370	605	6 073	0	7 048	3 291	114%
Mining	9 921	9 376	4 894	6 248	30 439	19 083	59%
Manufacturing	842	1 685	3 577	1 905	8 009	6 180	29%
Utilities	239	0	0	0	239	11 682	-97%
Construction	995	0	679	0	1 674	2 341	-28%
Trade	133	1 513	515	0	2 161	4 989	-56%
Transport	269	10 617	1 886	3 178	15 950	12 178	30%
Finance	2 461	168	0	0	2 629	1 370	91%
Community	35 534	8 228	11 468	1 746	56 976	29 114	95%
<b>Total</b>	<b>50 764</b>	<b>32 192</b>	<b>29 092</b>	<b>13 077</b>	<b>125 125</b>	<b>90 228</b>	<b>38%</b>

Source: Department of Labour, Strikes Statistics database

## ANNEXURE B

The following two supplementary tables contain data not included in the main report:

**Table B.1: Number of workers involved, working days lost and working hours lost by industry/sector, 2017**

Industry/Sector	Workers involved	Working days lost	Working hours lost
<b>Utilities</b>	<b>239</b>	<b>239</b>	<b>1 912</b>
Collection, purification and distribution of water	239	239	1 912
<b>Wholesale and retail, repair of motor vehicles</b>	<b>2 161</b>	<b>30 246</b>	<b>207 705</b>
Hotel and restaurants	93	157	1 256
Sale, maintenance and repair of motor vehicles and motor cycles; retail trade in automotive fuel	16	436	3 924
Pharmaceutical Company	45	45	365
Wholesale and commission trade, except of motor vehicles and motor cycles	1 426	16 958	152 622
Wholesale trade in agricultural raw & materials & livestock	495	10 758	34 402
Wholesale trade in food, beverages & tobacco	86	1 892	15 136
<b>Finance</b>	<b>2 629</b>	<b>37 919</b>	<b>314 872</b>
Financial intermediation, except insurance and pension funding	2 269	24 959	199 672
Other business activities	168	10 080	80 640
Security Services	192	2 880	34 560
<b>Manufacturing</b>	<b>8 009</b>	<b>125 421</b>	<b>1 019 532</b>
Basic metals, fabricated metal products, machinery and equipment	2 058	14 930	131 045
Coke, refined petroleum products and nuclear fuel	2 026	51 558	400 657
Construction of buildings	179	11 277	101 493
Food products, beverages and tobacco products	2 343	28 926	232 818
Furniture; manufacturing n.e.c. ; recycling	49	245	2 254
Textiles, clothing and leather goods	62	62	717
Wood and Products of wood and cork	1 179	17 971	143 768
Publishing, Printing & Reproduction of Recorded Media	113	452	6 780
<b>Community, social and personal services</b>	<b>56 976</b>	<b>477 735</b>	<b>2 496 768</b>
Education	25 599	73 736	315 123
Health and social work	16 357	258 366	1 045 115
Public administration and defence activities	1 088	3 449	28 028
Local Authority	11 802	121 412	923 112
Recreation, cultural and sporting activities	107	1 177	9 416
Recruitment Agency	63	504	4 536
Other community, social and personal services activities	74	74	494
Security Services	1 729	16 926	153 792
Other services activities	157	2 091	17 152
<b>Mining and quarrying</b>	<b>30 439</b>	<b>143 808</b>	<b>1 183 581</b>
Coal and lignite	5 642	28 229	246 770
Gold and uranium ore	17 689	79 855	640 440
Metal ores, except gold and uranium	6 545	24 835	209 231
Manufacture of other non-metallic mineral products	173	865	6 920
Other mining and quarrying	390	10 024	80 220
<b>Transport, storage and communication</b>	<b>15 950</b>	<b>87 559</b>	<b>645 314</b>
Renting of machinery and equipment, without operator, and of personal and household goods	295	1 890	7 740

Industry/Sector	Workers involved	Working days lost	Working hours lost
Water transport	104	208	1 560
Passenger transport	11 846	39 848	311 940
Public transport	56	168	1 226
Air transport	327	585	5 691
Other services activities	133	1 463	13 167
Supporting and auxiliary; Transport Activities; Activities of Travel Agencies	83	95	856
Post and telecommunications	3 106	43 302	303 134
<b>Construction</b>	<b>1 674</b>	<b>5 327</b>	<b>41 636</b>
Construction of buildings	168	1 176	5 177
Construction of civil engineering structures	1 506	4 151	36 459
<b>Agriculture, hunting, forestry and fishing</b>	<b>7 048</b>	<b>52 235</b>	<b>143 126</b>
Agriculture, hunting and related services	6 260	50 479	130 728
Fishing, operation of fish hatcheries and fish farms	450	450	3 600
Forestry, logging and related services	210	1 050	6 750
Other services activities	128	256	2 048
<b>Grand Total</b>	<b>125 125</b>	<b>960 489</b>	<b>6 054 446</b>

**Table B.2: Number of working days lost by nature of Organisation, 2017**

Nature of Organisation	Working days lost 2017			
	Q1	Q2	Q3	Q4
Central Government General	414	0	0	0
Government Enterprise	0	6 723	14	43 288
Local Government General	21 131	50 390	23 113	850
Private Sector	101 369	237 237	194 766	60 146
Provincial Government General	215 431	3 061	2 556	0
<b>Total</b>	<b>338 345</b>	<b>297 411</b>	<b>220 449</b>	<b>104 284</b>



## ANNEXURE C

### TECHNICAL NOTE:

#### C1. METHODOLOGY FOR MONITORING INDUSTRIAL ACTION

The collection and analysis of industrial action statistics is guided by the guidelines and practices that have been developed by the International Labour Organisation (ILO). The point of departure can be found in the ILO Resolution adopted by the Fourteenth International Conference of Labour Statisticians in January 1993, concerning statistics of strikes, lockouts and other action due to labour disputes. This resolution is accommodative rather than prescriptive in its approach. It states that; "Each country should aim at developing a comprehensive programme of statistics of strikes, lockouts and where relevant other action due to labour disputes in order to provide an adequate statistical base for the various users, taking into account the specific national needs and circumstances" (ILO Bulletin of Labour Statistics, 1993-2, Annex I, XI). The Department has been provided with a legislated instrument (LRA 9.2 Form) to collect data on labour disputes.

#### C2. DEFINITIONS

**Section 213 of the Labour Relations Act, 1995 provides the following definitions:**

##### **A strike:**

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 worker, and every reference to work in this definition includes overtime work, whether it is voluntary or compulsory (s 213).

##### **A lockout:**

The exclusion by an employer of workers from the employer's workplace, for the purpose of compelling the workers to accept a demand in respect of any matter of mutual interest between employer and worker, whether or not the employer breaches those workers' contracts of employment in the course of or for the purpose of that exclusion.

##### **A protest action:**

The partial or complete concerted refusal to work, or the retardation or obstruction of work, for the purpose of promoting or defending the socio-economic interests of workers, but not for a purpose referred to in the definition of strike".

Barker, F et al (1996) in "South African Labour Glossary" defined the following concepts as follows:

##### **Picketing:**

Action by employees or other persons to publicize the existence of a labour dispute by patrolling or standing outside or near the location where the dispute is taking place, usually with placards indicating the nature of the dispute. The aim of picketing might simply be to communicate the grievance to the public or it might be to persuade other employees in that workplace not to work and to take their side in the dispute, to deter scab labour, to persuade or pressurize customers not to enter the workplace, to disrupt deliveries or drum up public support.

##### **A secondary strike:**

This refers to a strike in support of a strike by other employees against their employer. The strikers have no issue with their employer, but that employer might be in a strong position (due to there being a close business relationship as either an important customer or supplier) to pressurize the employer who is in dispute.

### Stay away action:

This is an industrial action by a group of employees in the form of absenting themselves from work without permission in support of some socio-political or socio-economic issue which does not relate to their employment situation.

### Work stoppage:

A work stoppage is made up of a series of events, all relating to the same issue. Work stoppages have two characteristics, type and degree. The type of action is either a strike (action initiated by an employee), or a lockout (action initiated by an employer). The statutory definitions of strikes and lockouts are given in the Labour Relations Act, 1995.

### Industrial action:

This is an action by unions, employees to pressurize the other party in the furtherance of an industrial dispute. It usually refers to strikes and lockouts but could also include picketing, product boycotts, sit-ins, go-slow strikes and other actions which disrupt the production process.

### Work hours:

It refers to those hours during which an employee is obliged to work.

## C3. COVERAGE

Data collection attempts to cover the entire country, all economic activity and all sectors of the economy, legal and illegal industrial action. The system attempts to cover all industrial action due to labour disputes. The figures in this report are inclusive of all industrial actions which come to the knowledge of the Department, and the methods taken to secure information practically preclude probability of omissions of a serious nature. **This is a painstaking exercise, and it is believed that the statistics indicates the conditions of labour disputes in the country with “reasonable precision”.** Since LRA 9.2 Form has been redesigned, the Department is now in a position to cover employees both directly and indirectly involved in industrial actions separately, that is, those who participate directly or indirectly by stopping work. Workers absent from their normal place of work at the time of a strike or stoppage, for reasons such as sick-leave, vacation, business or personal reasons, whether authorized or unauthorized, are excluded from participation in industrial actions and are therefore not counted.

The LRA excludes independent contractors from the definition of employee. The LRA further excludes from the scope of coverage certain categories of workers, namely members of the National Defense Force, National Intelligence Agency and South African Secret Service. The coverage by the Department of industrial action, however, includes all of the above, provided they embarked on an industrial action in the period under consideration.

## C4. DATA COLLECTION

In addition to the legal obligation on employers to report industrial action, the Department has introduced an active media monitoring programme. Through this system, media information on industrial action is used to make contact with employers and to encourage voluntary compliance with reporting requirements. Telephone and telefax communication with affected employers ensure a reasonably accurate coverage of all industrial action.

The cooperation of private sector employers also speeds up the process of data collection. After completing the form, most employers send it to the Head Office of the Department. Some employers keep blank forms with them to complete and when a strike arises they voluntarily complete the forms and send them to the Department.

After receiving the form either directly from the employer or from the provincial office, Head Office staff members check the form to assess if the information provided is sufficient. If the information is insufficient, Department of Labour staff contact employers with the aim of getting relevant information, after which the data is captured on a database specifically designed for monitoring industrial action. The form is designed for workers who are both directly and indirectly involved in the industrial action, excluding all those who are on leave. The method of data collection and processing has remained the same ever since. The Department has to rely on the employers affected by disputes for detailed information on such matters as size, length, reason given for striking, etc., which it requires for its records as required by the 1995 Labour Relations Act. No attempt is made to contact other parties to disputes, e.g., unions to verify the information that has been supplied by employers. Hence at this level, employers constitute a principal source of strikes data.

## C5. CALCULATIONS

### Working days lost

All calculations are made on the basis of information recorded on the LRA 9.2 Form. After capturing the data, the loss of working days is calculated by multiplying the number of workers involved in each stoppage by the duration of the stoppage in days lost and adding the totals for all stoppages during the reference period. For example, if during the reference period there is one stoppage, involving 4 000 workers and lasting four days, working days lost would be computed as follows:

- 4 000 workers x 4 days = 16 000 working days lost

### Working hours lost

Working hours lost is the aggregate number of working hours lost stemming from all work stoppages during the reference period. The statistic is calculated by multiplying the number of workers involved in each stoppage by the number of hours of the stoppage and summing the products thus obtained for all stoppages during the period. For example, if during the reference period there is one stoppage, involving 4 000 workers and lasting four hours and four days working hours lost would be computed as follows:

- 4 000 workers x 4 hours lost x 4 days worked = 64 000 working hours lost

Estimated working time is computed by multiplying the employment for the period by the number of days typically worked by most employed workers during that period. In some cases, Saturdays (when customarily not worked), Sundays, and established holidays are excluded. It is also to determine the normal hours of work for groups of workers since LRA 9.2 Form provides for this. An average eight hour day is used to represent the normal working day in the country.

### Time- loss ratio

- This is the number of working days lost due to industrial action per 1 000 employees. It is the standard method that has been used to convert working days lost into a strike rate that takes account of the size of total employment. This also enables comparisons to be made across industries and provinces that differ in employment size. For example, a country with 16 069 000 employees in December 2016 and losing 946 323 working days will have a ratio of 58.9 arrived at as follows:  $946\,323/16\,069\,000 \times 1\,000$

### Measurement

The criterion used to identify a single strike, lockout, stoppage or protest action, is the industrial action in question. The Department of Labour has adopted the following ILO recommendations used to denote one industrial action:

- A temporary work stoppage, due to one industrial action, occurring among workers in one establishment at one time;
- Temporary work stoppages, due to one industrial action, occurring among workers in several establishments at the same time;
- Temporary work stoppages, due to one industrial action, occurring among workers in one establishment at different times, in which the period between stoppages is not more than two months; and
- Temporary work stoppages, due to one industrial action, occurring among workers in several establishments at different times, in which the period between stoppages is not more than two months.

While attempts to satisfy the ILO requirements are made, the instrument of data collection (LRA 9.2 Form) served as the point of departure, in order to meet the specific needs of the Department.

**LRA FORM 9.2  
LABOUR RELATIONS ACT, 1995**

**READ THIS FIRST**



**WHAT IS THE PURPOSE OF THIS FORM?**

An employer must keep a record of any strike, lock-out or protest action involving its employees.

**WHO FILLS IN THIS FORM?**

The employer/or relevant employer organisation.

**WHERE DOES THIS FORM GO?**

**ENQUIRIES:**

The Director-General,  
Department of Labour  
Private Bag X117  
Pretoria  
0001

Tel: (012) 309 4004

Fax: (012) 309 4406

E-mail: [strikes@labour.gov.za](mailto:strikes@labour.gov.za)

**OTHER INSTRUCTIONS**

The employer must submit this form within seven days of the completion of the strike, lockout or protest action.

If a strike, lockout or protest action occurs in more than one workplace of single employer then a separate form must

**RECORD OF STRIKE, LOCKOUT OR PROTEST ACTION**

**RECORD OF DETAILS OF STRIKE, LOCKOUT OR PROTEST ACTION  
TO BE KEPT BY EMPLOYER IN TERMS OF SECTION 205(3)(a)**

**1. EMPLOYER DETAILS**

Name:.....

Physical address:.....

Province: .....

Tel: ..... Fax: .....

E-mail address: .....

Industry: .....

Sector/ Nature of business: .....

.....

**2. EMPLOYEE DETAILS**

2.1 Total number of workforce: .....

2.2 Working time **(Please complete where applicable)**

Number of ordinary hours worked per day/shift: .....

Number of ordinary days worked per day/shift .....

**3. DETAILS OF THE ACTION**

**3.1 Nature of action**

- ☐ Strike in company only
- ☐ Multi-employer strike
- ☐ Lockout
- ☐ Stay-away, protest action
- ☐ Secondary strike
- ☐ Picketing
- ☐ Other industrial action, please specify .....

.....

.....

*please go to the next page →*

If the action was a strike did the employer lockout the strikers? (defensive lockout)

☐ Yes ☐ No

How was the industrial action resolved? .....

Was replacement labour used? .....

Was a replacement labour used? ☐ Yes ☐ No

3.2 Strike duration

Began: ..... Ended: .....  
(Date) (Time) (Date) (Time)

Duration in workdays (or hours if relevant) .....

3.3 Employees involved

Number of employees participating<sup>1</sup>: .....

Number of female employees affected<sup>2</sup>: .....

Total work-hours lost: .....

Total wages not paid (in Rands): .....

3.4 Unions involved

NAME OF TRADE UNION	NUMBER OF EMPLOYEES INVOLVED PER UNION
Total	

*please go to the next page →*

3.5 Compliance with the Act

Was the action in compliance with the Act? (e.g., procedural or un-procedural)

☐ Yes ☐ No ☐ Don't know

If no, or don't know, please explain .....

### 3.6 Strike reasons

Provide reasons for the action:

☐ Wages only (if the action was a wage strike, kindly indicate the following

Percentage demanded by union: .....

Percentage demanded by employer: .....

Percentage demanded by both parties: .....

☐ Bonuses and other compensation

☐ Disciplinary matters

☐ Grievances

☐ Retrenchments/Dismissals

☐ Refusal to bargain

☐ Socio-economic/political conditions

☐ Secondary action from another dispute

☐ Organisational rights

☐ Working conditions

☐ Any other reason, please specify .....

1: Workers directly involve are those who went on strike or were locked out as a result of a dispute.

2: Workers indirectly involve are those not working as a consequence of the initial stoppage of work because necessary supplies or orders are no longer available.

Name of employer (In full): .....

Signature of employer.....Date.....

[illegible]







# INDUSTRIAL ACTION REPORT



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**labour**

Department:  
Labour  
REPUBLIC OF SOUTH AFRICA

